

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



2013

New Jersey State Library

CHAPTER 121

AN ACT authorizing the State Treasurer to sell certain surplus real property owned by the State in the Township of Fairfield in Cumberland County.

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

1. a. The Department of the Treasury, on behalf of the Department of Environmental Protection, is authorized to sell and convey to Eagle Manor LLC, as surplus property, all of the State's right, title, and interest in the parcel of land of 11.7 + acres, and all improvements thereon, situated on Block 51, Part of Lot 1 of the tax map of Fairfield Township, Cumberland County, also known as Eagle Manor. The property to be sold and conveyed has been declared surplus to the needs of the State. The consideration to be paid by Eagle Manor LLC for the sale and conveyance of the property shall be the sum of \$612,001.

b. The sale and conveyance authorized by subsection a. of this section shall be executed in accordance with the terms and conditions approved by the State House Commission at its meeting on March 16, 2009 including the imposition of certain historic preservation restrictions on the property. The provisions of P.L.1993, c.38 (C.13:1D-51 et seq.) shall apply to the conveyance.

2. This act shall take effect immediately.

Approved August 9, 2013.

CHAPTER 122

AN ACT exempting certain veterinary students from compliance with veterinary practice licensure laws, and amending R.S.45:16-8.1 and R.S.45:16-9.

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

1. R.S.45:16-8.1 is amended to read as follows:

Practice defined.

45:16-8.1. Any person shall be regarded as practicing veterinary medicine within the meaning of this chapter, who, either directly or indirectly, diagnoses, prognoses, treats, administers, prescribes, operates on, manipulates, or applies any apparatus or appliance for any disease, pain, deformity, defect, injury, wound or physical condition of any animal, including poultry and fish, or who prevents or tests for the presence of any disease in animals, or who performs embryo transfers and related reproductive techniques, or who holds himself out as being able or legally authorized to do so.

The term "practice of veterinary medicine, surgery, and dentistry" does not include:

(1) The calling into this State for consultation of a duly licensed veterinarian of any other state with respect to any case under treatment by a veterinarian registered under the provisions of this act;

(2) The practice of veterinary medicine by any veterinarian in the performance of his official duties in the service of the State of New Jersey or the United States Government, either civil or military;

(3) The experimentation and scientific research activities of physiologists, bacteriologists, biologists, pathologists, biological chemists, chemists, or persons under the direct supervision thereof, when engaged in the study and development of methods and techniques directly or indirectly applicable to the problems of veterinary medical practice;

(4) The administration to the ills and injuries to their own animals by persons owning such animals; provided, however, that they otherwise comply with all laws, rules and regulations relative to the use of medicines and biologics used in so doing;

(5) Persons gratuitously giving aid, assistance or relief in emergency or accident cases, if they do not represent themselves to be veterinarians or use any title or degree appertaining to the practice of veterinary medicine, surgery or dentistry;

(6) Any properly trained animal health technician or other properly trained assistant, who is under the responsible supervision and direction of a licensed veterinarian in his practice of veterinary medicine, if the technician or assistant does not represent himself as a veterinarian or use any title or degree appertaining to the practice of veterinary medicine, surgery or dentistry, and does not diagnose, prescribe, or perform surgery;

(7) Emergency paramedical services rendered during the transportation of an animal to an animal or veterinary facility, when the transportation is provided by any person providing the service for hire as a business;

(8) The care, repair and rehabilitation of wildlife species by wildlife rehabilitators under the responsible supervision of a licensed veterinarian;

(9) The undertaking of duties and actions, in accordance with the provisions of subparagraph (2) of subsection a. of R.S.45:16-9, by a student at an accredited veterinary school, if the student does not represent himself as a veterinarian or use any title or degree appertaining to the practice of veterinary medicine, surgery or dentistry; and

(10) Artificial insemination.

2. R.S.45:16-9 is amended to read as follows:

License required.

45:16-9. a. (1) Except as otherwise provided in paragraph (2) of this subsection, no person shall enter into, or continue, the practice of veterinary medicine, surgery, or dentistry in any of their branches, unless the person has complied with the provisions of this chapter and has been licensed by the board.

(2) Any student in good standing at an accredited veterinary school may, during a school vacation, preceptorship, or intern or extern program, perform duties or actions that otherwise could be considered to constitute the practice of veterinary medicine, surgery, or dentistry, provided that those duties or actions are assigned by a qualified instructor at that accredited veterinary school, and are undertaken by the student under the direct supervision of a licensed veterinarian. A student applicant shall be associated with a licensed veterinarian in the practice and the student applicant's labors shall be limited to the practice of that licensed veterinarian.

b. No person shall use any title or degree appertaining to the veterinary profession or the practicing of veterinary medicine, surgery, or dentistry in any of their branches without being licensed and registered in conformity with the provisions of this chapter.

3. This act shall take effect immediately.

Approved August 9, 2013.

CHAPTER 123

AN ACT concerning performance guarantees under the "Municipal Land Use Law," amending and supplementing P.L.1975, c.291.

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

1. Section 29 of P.L.1975, c.291 (C.40:55D-38) is amended to read as follows:

C.40:55D-38 Contents of ordinance.

29. Contents of ordinance. An ordinance requiring approval by the planning board of either subdivisions or site plans, or both, shall include the following:

a. Provisions, not inconsistent with other provisions of this act, for submission and processing of applications for development, including standards for preliminary and final approval and provisions for processing of final approval by stages or sections of development;

b. Provisions ensuring:

(1) Consistency of the layout or arrangement of the subdivision or land development with the requirements of the zoning ordinance;

(2) Streets in the subdivision or land development of sufficient width and suitable grade and suitably located to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings and coordinated so as to compose a convenient system consistent with the official map, if any, and the circulation element of the master plan, if any, and so oriented as to permit, consistent with the reasonable utilization of land, the buildings constructed thereon to maximize solar gain; provided that no street of a width greater than 50 feet within the right-of-way lines shall be required unless said street constitutes an extension of an existing street of the greater width, or already has been shown on the master plan at the greater width, or already has been shown in greater width on the official map;

(3) Adequate water supply, drainage, shade trees, sewerage facilities and other utilities necessary for essential services to residents and occupants;

(4) Suitable size, shape and location for any area reserved for public use pursuant to section 32 of this act;

(5) Reservation pursuant to section 31 of P.L.1975, c.291 (C.40:55D-53) of any open space to be set aside for use and benefit of the residents of a cluster development or a planned development, resulting from the application of standards of density or intensity of land use, contained in the zoning ordinance, pursuant to section 52 of P.L.1975, c.291 (C.40:55D-65);

(6) Regulation of land designated as subject to flooding, pursuant to subsection e. of section 52 of P.L.1975, c.291 (C.40:55D-65), to avoid danger to life or property;

(7) Protection and conservation of soil from erosion by wind or water or from excavation or grading;

(8) Conformity with standards promulgated by the Commissioner of Transportation, pursuant to the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et seq.), for any airport hazard areas delineated under that act;

(9) Conformity with a municipal recycling ordinance required pursuant to section 6 of P.L.1987, c.102 (C.13:1E-99.16);

(10) Conformity with the State highway access management code adopted by the Commissioner of Transportation under section 3 of the "State Highway Access Management Act," P.L.1989, c.32 (C.27:7-91), with respect to any State highways within the municipality;

(11) Conformity with any access management code adopted by the county under R.S.27:16-1, with respect to any county roads within the municipality;

(12) Conformity with any municipal access management code adopted under R.S.40:67-1, with respect to municipal streets;

(13) Protection of potable water supply reservoirs from pollution or other degradation of water quality resulting from the development or other uses of surrounding land areas, which provisions shall be in accordance with any siting, performance, or other standards or guidelines adopted therefor by the Department of Environmental Protection;

(14) Conformity with the public safety regulations concerning storm water detention facilities adopted pursuant to section 5 of P.L.1991, c.194 (C.40:55D-95.1) and reflected in storm water management plans and storm water management ordinances adopted pursuant to P.L.1981, c.32 (C.40:55D-93 et al.); and

(15) Conformity with the model ordinance promulgated by the Department of Environmental Protection and Department of Community Affairs pursuant to section 2 of P.L.1993, c.81 (C.13:1E-99.13a) regarding the inclusion of facilities for the collection or storage of source separated recyclable materials in any new multifamily housing development.

c. Provisions governing the standards for grading, improvement and construction of streets or drives and for any required walkways, curbs, gutters, streetlights, shade trees, fire hydrants and water, and drainage and sewerage facilities and other improvements as shall be found necessary, and provisions ensuring that such facilities shall be completed either prior to or

subsequent to final approval of the subdivision or site plan by allowing the posting of performance guarantees by the developer;

d. Provisions ensuring that when a municipal zoning ordinance is in effect, a subdivision or site plan shall conform to the applicable provisions of the zoning ordinance, and where there is no zoning ordinance, appropriate standards shall be specified in an ordinance pursuant to this article; and

e. Provisions ensuring performance in substantial accordance with the final development plan; provided that the planning board may permit a deviation from the final plan, if caused by change of conditions beyond the control of the developer since the date of final approval, and the deviation would not substantially alter the character of the development or substantially impair the intent and purpose of the master plan and zoning ordinance.

2. Section 29.1 of P.L.1975, c.291 (C.40:55D-39) is amended to read as follows:

C.40:55D-39 Discretionary contents of ordinance.

29.1. Discretionary contents of ordinance. An ordinance requiring approval by the planning board of either subdivisions or site plans or both may include the following:

a. Provisions for off-tract water, sewer, drainage, and street improvements which are necessitated by a subdivision or land development, subject to the provisions of section 30 of P.L.1975, c.291 (C.40:55D-42);

b. Provisions for standards encouraging and promoting flexibility, and economy in layout and design through the use of planned development, cluster development or both; provided that such standards shall be appropriate to the type of development permitted; and provided further that the ordinance shall set forth the limits and extent of any special provisions applicable to planned developments and to cluster developments, considering the availability of existing and proposed infrastructure and the environmental characteristics of any area proposed for development and any area proposed for protection as open space, agricultural land, or historic site, so that the manner in which such special provisions differ from the standards otherwise applicable to subdivisions or site plans can be determined;

c. Provisions for planned development:

(1) Authorizing the planning board to grant general development plan approval to provide the increased flexibility desirable to promote mutual agreement between the applicant and the planning board on the basic scheme of a planned development and setting forth any variations from the ordinary standards for preliminary and final approval;

(2) Requiring that any common open space resulting from the application of standards for density, or intensity of land use, be set aside for the use and benefit of the owners or residents in such development subject to section 31 of P.L.1975, c.291 (C.40:55D-43);

(3) Setting forth how the amount and location of any common open space shall be determined and how its improvement and maintenance for common open space use shall be secured subject to section 31 of P.L.1975, c.291 (C.40:55D-43);

(4) Authorizing the planning board to allow for a greater concentration of density, or intensity of land use, within a section or sections of development, whether it be earlier, later or simultaneous in the development, than in others, in order to realize the preservation of agricultural lands, open space, and historic sites, or otherwise advance the purposes of P.L.1975, c.291 (C.40:55D-1 et seq.);

(5) Setting forth any requirement that the approval by the planning board of a greater concentration of density or intensity of land use for any section to be developed be offset by a smaller concentration in any completed prior stage or by an appropriate reservation of public open space or common open space on the remaining land, or preservation of land for historic or agricultural purposes, by grant of development restriction, easement, or by covenant in favor of the municipality; provided that such reservation shall, as far as practicable, defer the precise location of common open space until an application for final approval is filed, so that flexibility of development can be maintained;

(6) Setting forth any requirements for timing of development among the various types of uses and subgroups thereunder and, in the case of planned unit development and planned unit residential development, whether some nonresidential uses are required to be built before, after or at the same time as the residential uses.

d. Provisions ensuring in the case of a development which proposes construction over a period of years, the protection of the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development.

e. Provisions that require as a condition for local municipal approval the submission of proof that no taxes or assessments for local improvements are due or delinquent on the property for which any subdivision, site plan, or planned development application is made.

f. Provisions for the creation of a Site Plan Review Advisory Board for the purpose of reviewing all site plan applications and making recommendations to the planning board in regard thereto.

g. Provisions for standards governing outdoor advertising signs required to be permitted pursuant to P.L.1991, c.413 (C.27:5-5 et seq.) including, but not limited to, the location, placement, size and design thereof.

h. Provisions for cluster development:

(1) Authorizing the planning board flexibility to approve a subdivision or site plan or both through mutual agreement with an applicant to allow for the clustering of development within a section or sections of development at a greater concentration of density or intensity of land use than established for the zoning district, in order to achieve the goal of permanently protecting land as public open space or common open space, or for historic or agricultural purposes.

(2) Requiring the placement of a development restriction on any land identified for preservation in accordance with section 9 of P.L.2013, c.104 (C.40:55D-39.1).

i. Provisions requiring a successor developer to furnish a performance guarantee as a replacement for a performance guarantee that was previously accepted in accordance with standards adopted by ordinance and regulations adopted pursuant to section 1 of P.L.1999, c.68 (C.40:55D-53a) and section 41 of P.L.1975, c.291 (C.40:55D-53), or this subsection, for the purpose of assuring the installation and maintenance of on-tract improvements, and releasing the predecessor obligor and surety, if any, from liability pursuant to its performance guarantee.

3. Section 41 of P.L.1975, c.291 (C.40:55D-53) is amended to read as follows:

C.40:55D-53 Guarantees required; surety; release.

41. Guarantees required; surety; release. a. Before recording of final subdivision plats or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to subsection d. of section 52 of P.L.1975, c.291 (C.40:55D-65), the approving authority may require and shall accept in accordance with the standards adopted by ordinance and regulations adopted pursuant to section 1 of P.L.1999, c.68 (C.40:55D-53a) for the purpose of assuring the installation and maintenance of on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee in accordance with paragraphs (1) and (2) of this subsection. If a municipality has adopted an ordinance requiring a successor developer to furnish a replacement performance guarantee, as a condition to the approval of a permit update under the State Uniform Construction Code, for the purpose of updating the name and address of the owner of property

on a construction permit, the governing body may require and shall accept in accordance with the standards adopted by ordinance and regulations adopted pursuant to section 1 of P.L.1999, c.68 (C.40:55D-53a) for the purpose of assuring the installation and maintenance of on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee, in accordance with paragraphs (1) and (2) of this subsection.

(1) The furnishing of a performance guarantee in favor of the municipality in an amount not to exceed 120% of the cost of installation, which cost shall be determined by the municipal engineer according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4), for improvements which the approving authority may deem necessary or appropriate including: streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, as shown on the final map and required by "the map filing law," P.L.1960, c.141 (C.46:23-9.9 et seq.), water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping.

The municipal engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

(2) Provision for a maintenance guarantee to be posted with the governing body for a period not to exceed two years after final acceptance of the improvement, in an amount not to exceed 15% of the cost of the improvement, which cost shall be determined by the municipal engineer according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4). In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the municipality for such utilities or improvements.

b. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the municipal engineer according

to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4) as of the time of the passage of the resolution.

c. If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the municipality for the reasonable cost of the improvements not completed or corrected and the municipality may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

d. (1) Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the governing body in writing, by certified mail addressed in care of the municipal clerk, that the municipal engineer prepare, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section, a list of all uncompleted or unsatisfactory completed improvements. If such a request is made, the obligor shall send a copy of the request to the municipal engineer. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgment of the obligor. Thereupon the municipal engineer shall inspect all improvements covered by obligor's request and shall file a detailed list and report, in writing, with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

(2) The list prepared by the municipal engineer shall state, in detail, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report prepared by the municipal engineer shall identify each improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory improvement, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section.

e. (1) The governing body, by resolution, shall either approve the improvements determined to be complete and satisfactory by the municipal engineer, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the

amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the municipal engineer. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee posted may be retained to ensure completion and acceptability of all improvements.

For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section, including any contingency factor applied to the cost of installation. If the sum of the approved improvements would exceed 70 percent of the total amount of the performance guarantee, then the municipality may retain 30 percent of the amount of the total performance guarantee to ensure completion and acceptability of all improvements, as provided above.

(2) If the municipal engineer fails to send or provide the list and report as requested by the obligor pursuant to subsection d. of this section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the municipal engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

If the governing body fails to approve or reject the improvements determined by the municipal engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the municipal engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this

section; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

(3) In the event that the obligor has made a cash deposit with the municipality or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee.

f. If any portion of the required improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.

g. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the municipal engineer.

h. The obligor shall reimburse the municipality for all reasonable inspection fees paid to the municipal engineer for the foregoing inspection of improvements; provided that the municipality may require of the developer a deposit for the inspection fees in an amount not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of improvements, which cost shall be determined pursuant to section 15 of P.L.1991, c.256 (C.40:55D-53.4). For those developments for which the inspection fees are less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the municipal engineer for inspection, the developer shall deposit the remaining 50% of the inspection fees. For those developments for which the inspection fees are \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the municipal engineer for inspection, the developer shall make additional deposits of 25% of the inspection fees. The municipal engineer shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit.

i. In the event that final approval is by stages or sections of development pursuant to subsection a. of section 29 of P.L.1975, c.291 (C.40:55D-38), the provisions of this section shall be applied by stage or section.

j. To the extent that any of the improvements have been dedicated to the municipality on the subdivision plat or site plan, the municipal governing body shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the municipal engineer.

C.40:55D-53c Acceptance of performance guarantee from successor developer.

4. a. The governing body or an approving authority may accept a performance guarantee in favor of the municipality from a successor developer as a replacement for a performance guarantee that was previously furnished, pursuant to section 41 of P.L.1975, c.291 (C.40:55D-53), for the purpose of assuring the installation of improvements. Except as otherwise provided by an ordinance requiring a successor developer to furnish a replacement performance guarantee, the governing body or approving authority shall not accept a replacement performance guarantee without securing:

(1) written confirmation from the new obligor that the intent of the new obligor is to furnish a replacement performance guarantee, relieving the predecessor obligor and surety, if any, of any obligation to install improvements, and

(2) written verification from the municipal engineer that the replacement performance guarantee is of an amount sufficient to cover the cost of the installation of improvements, but not to exceed 120% of the cost of the installation, which verification shall be determined consistent with section 41 of P.L.1975, c.291 (C.40:55D-53).

b. An approving authority shall notify the governing body whenever it accepts a replacement performance guarantee. Notice shall contain a copy of the written confirmation of the new obligor's intent to furnish a replacement performance guarantee and the municipal engineer's written verification of the sufficiency of the amount of that replacement performance guarantee.

c. Within 30 days after receiving notice from the approving authority of its acceptance of a replacement performance guarantee, the governing body, by resolution, shall release the predecessor obligor from liability pursuant to its performance guarantee.

5. Section 12 of P.L.1975, c.217 (C.52:27D-130) is amended to read as follows:

C.52:27D-130 Permit required; application; contents; issuance; transfer.

12. Except as otherwise provided by this act or in the code, before construction or alteration of any building or structure, the owner, or his agent, engineer or architect, shall submit an application in writing, including signed and sealed drawings and specifications, to the enforcing agency as defined in this act. The application shall be in accordance with regulations established by the commissioner and on a form prescribed by the commissioner and shall be accompanied by payment of the fee to be established by the municipal governing body by ordinance in accordance with standards established by the commissioner. The application for a construction permit shall be filed with the enforcing agency and shall be a public record; and no application for a construction permit shall be removed from the custody of the enforcing agency after a construction permit has been issued. Nothing contained in this paragraph shall be interpreted as preventing the imposition of requirements in the code, for additional permits for particular kinds of work, including but not limited to plumbing, electrical, elevator, fire prevention equipment or boiler installation or repair work, or in other defined situations.

Upon the transfer of ownership of property that is the subject of a construction permit, and prior to beginning or continuing work authorized by the construction permit, the new owner shall file with the enforcing agency an application for a permit update to notify the enforcing agency of the name and address of the new owner and of all other changes to information previously submitted to the enforcing agency. If the municipality has adopted an ordinance requiring a successor developer to furnish a replacement performance guarantee, and a performance guarantee has previously been furnished in favor of the municipality to assure the installation of on-tract improvements on the property that is the subject of an application for a permit update for the purpose of notifying the enforcing agency of the name and address of a new owner, the enforcing agency shall not approve the application for a permit update until it receives notification from the governing body or its designee that the new owner has furnished an adequate replacement performance guarantee.

No permit shall be issued for a public school facility unless the final plans and specifications have been first approved by the Bureau of Facility Planning Services in the Department of Education or a municipal code official who is appropriately licensed by the Commissioner of Community Affairs for the type and level of plans being reviewed. Approval by the Bureau of Facility Planning Services in the Department of Education shall only be required when a review for educational adequacy is necessary. Requirements determining when a review for educational adequacy is necessary

shall be established jointly by the Department of Community Affairs and the Department of Education. The standards shall thereafter be adopted as part of the Uniform Construction Code regulations by the Department of Community Affairs. After the final plans and specifications have been approved for educational adequacy by the Bureau of Facility Planning Services in the Department of Education, a local board of education may submit the final plans and specifications for code approval to either the Bureau of Facility Planning Services in the Department of Education or a municipal code official who is appropriately licensed by the Commissioner of Community Affairs for the type and level of plans being reviewed. The Bureau of Facility Planning Services in the Department of Education when approving final plans and specifications shall be responsible for insuring that the final plans and specifications conform to the requirements of the code as well as for insuring that they provide for an educationally adequate facility. In carrying out its responsibility pursuant to the provisions of this section the Department of Education shall employ persons licensed by the Commissioner of Community Affairs for the type and level of plans being reviewed.

C.52:27D-130.8 Adoption of ordinance requiring replacement for performance guarantee.

6. The governing body of a municipality may adopt an ordinance requiring a successor developer to furnish a performance guarantee as a replacement for a performance guarantee that was previously accepted in accordance with standards adopted by ordinance and regulations adopted pursuant to section 1 of P.L.1999, c.68 (C.40:55D-53a) and section 41 of P.L.1975, c.291 (C.40:55D-53) for the purpose of assuring the installation and maintenance of on-tract improvements, and releasing the predecessor obligor and surety, if any, from liability pursuant to its performance guarantee.

7. This act shall take effect immediately.

Approved August 9, 2013.

CHAPTER 124

AN ACT concerning the assessment of penalties for fraudulently obtained unemployment benefits and amending R.S.43:21-16.

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

1. R.S.43:21-16 is amended to read as follows:

Unemployment compensation offenses and penalties.

43:21-16. (a) (1) Whoever makes a false statement or representation, knowing it to be false, or knowingly fails to disclose a material fact, to obtain or increase or attempts to obtain or increase any benefit or other payment under this chapter (R.S.43:21-1 et seq.), or under an employment security law of any other state or of the federal government, either for himself or for any other person, shall be liable to a fine of 25% of the amount fraudulently obtained, to be recovered in an action at law in the name of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey or as provided in subsection (e) of R.S.43:21-14, said fine when recovered shall be immediately deposited in the following manner: 10 percent of the amount fraudulently obtained deposited into the unemployment compensation auxiliary fund for the use of said fund, and 15 percent of the amount fraudulently obtained deposited into the unemployment compensation fund; and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense. Any penalties imposed by this subsection shall be in addition to those otherwise prescribed in this chapter (R.S.43:21-1 et seq.).

(2) For purposes of any unemployment compensation program of the United States, if the department determines that any benefit amount is obtained by an individual due to fraud committed by the individual, the department shall assess a fine on the individual and deposit the recovered fine in the same manner as provided in paragraph (1) of subsection (a) of this section. As used in this paragraph, "unemployment compensation program of the United States" means:

- (A) Unemployment compensation for federal civilian employees pursuant to 5 U.S.C. 8501 et seq.;
- (B) Unemployment compensation for ex-service members pursuant to 5 U.S.C. 8521 et seq.;
- (C) Trade readjustment allowances pursuant to 19 U.S.C. 2291-2294;
- (D) Disaster unemployment assistance pursuant to 42 U.S.C.5177(a);
- (E) Any federal temporary extension of unemployment compensation;
- (F) Any federal program that increases the weekly amount of unemployment compensation payable to individuals; and

(G) Any other federal program providing for the payment of unemployment compensation.

(b) (1) An employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation, knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of benefits to any individual entitled thereto or to avoid becoming or remaining subject hereto or to avoid or reduce any contribution or other payment required from an employing unit under this chapter (R.S.43:21-1 et seq.), or under an employment security law of any other state or of the federal government, or who willfully fails or refuses to furnish any reports required hereunder (except for such reports as may be required under subsection (b) of R.S.43:21-6) or to produce or permit the inspection or copying of records, as required hereunder, shall be liable to a fine of \$100.00, or 25% of the amount fraudulently withheld, whichever is greater, to be recovered in an action at law in the name of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey or as provided in subsection (e) of R.S.43:21-14, said fine when recovered to be paid to the unemployment compensation auxiliary fund for the use of said fund; and each such false statement or representation or failure to disclose a material fact, and each day of such failure or refusal shall constitute a separate offense. Any penalties imposed by this paragraph shall be in addition to those otherwise prescribed in this chapter (R.S.43:21-1 et seq.).

(2) Any employing unit or any officer or agent of an employing unit or any other person who fails to submit any report required under subsection (b) of R.S.43:21-6 shall be subject to a penalty of \$25.00 for the first report not submitted within 10 days after the mailing of a request for such report, and an additional \$25.00 penalty may be assessed for the next 10-day period, which may elapse after the end of the initial 10-day period and before the report is filed; provided that when such report or reports are not filed within the prescribed time but it is shown to the satisfaction of the director that the failure was due to a reasonable cause, no such penalty shall be imposed. Any penalties imposed by this paragraph shall be recovered as provided in subsection (e) of R.S.43:21-14, and when recovered shall be paid to the unemployment compensation auxiliary fund for the use of said fund.

(3) Any employing unit, officer or agent of the employing unit, or any other person, determined by the controller to have knowingly violated, or attempted to violate, or advised another person to violate the transfer of employment experience provisions found at R.S.43:21-7 (c)(7), or who otherwise knowingly attempts to obtain a lower rate of contributions by

failing to disclose material information, or by making a false statement, or by a misrepresentation of fact, shall be subject to a fine of \$5,000 or 25% of the contributions under-reported or attempted to be under-reported, whichever is greater, to be recovered as provided in subsection (e) of R.S.43:21-14, and when recovered to be paid to the unemployment compensation auxiliary fund for the use of said fund. For the purposes of this subsection, "knowingly" means having actual knowledge of, or acting with deliberate ignorance or reckless disregard for the prohibition involved.

(c) Any person who shall willfully violate any provision of this chapter (R.S.43:21-1 et seq.) or any rule or regulation thereunder, the violation of which is made unlawful or the observance of which is required under the terms of this chapter (R.S.43:21-1 et seq.), and for which a penalty is neither prescribed herein nor provided by any other applicable statute, shall be liable to a fine of \$50.00, to be recovered in an action at law in the name of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey or as provided in subsection (e) of R.S.43:21-14, said fine when recovered to be paid to the unemployment compensation auxiliary fund for the use of said fund; and each day such violation continues shall be deemed to be a separate offense.

(d) (1) When it is determined by a representative or representatives designated by the Director of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey that any person, whether (i) by reason of the nondisclosure or misrepresentation by him or by another of a material fact (whether or not such nondisclosure or misrepresentation was known or fraudulent), or (ii) for any other reason, has received any sum as benefits under this chapter (R.S.43:21-1 et seq.) while any conditions for the receipt of benefits imposed by this chapter (R.S.43:21-1 et seq.) were not fulfilled in his case, or while he was disqualified from receiving benefits, or while otherwise not entitled to receive such sum as benefits, such person, unless the director (with the concurrence of the controller) directs otherwise by regulation, shall be liable to repay those benefits in full. The employer's account shall not be charged for the amount of an overpayment of benefits if the overpayment was caused by an error of the division and not by any error of the employer. The sum shall be deducted from any future benefits payable to the individual under this chapter (R.S.43:21-1 et seq.) or shall be paid by the individual to the division for the unemployment compensation fund, and such sum shall be collectible in the manner provided for by law, including, but not limited to, the filing of a certificate of debt with the Clerk of the Superior Court of New Jersey; provided, how-

ever, that, except in the event of fraud, no person shall be liable for any such refunds or deductions against future benefits unless so notified before four years have elapsed from the time the benefits in question were paid. Such person shall be promptly notified of the determination and the reasons therefor. The determination shall be final unless the person files an appeal of the determination within seven calendar days after the delivery of the determination, or within 10 calendar days after such notification was mailed to his last-known address, for any determination made on or before December 1, 2010, and any initial determination made pursuant to paragraph (1) of subsection (b) of R.S.43:21-6 after December 1, 2010, or within 20 calendar days after the delivery of such determination, or within 20 calendar days after such notification was mailed to his last-known address, for any determination other than an initial determination made after December 1, 2010.

(2) Interstate and cross-offset of state and federal unemployment benefits. To the extent permissible under the laws and Constitution of the United States, the commissioner is authorized to enter into or cooperate in arrangements or reciprocal agreements with appropriate and duly authorized agencies of other states or the United States Secretary of Labor, or both, whereby:

(A) Overpayments of unemployment benefits as determined under subsection (d) of R.S.43:21-16 shall be recovered by offset from unemployment benefits otherwise payable under the unemployment compensation law of another state, and overpayments of unemployment benefits as determined under the unemployment compensation law of another state shall be recovered by offset from unemployment benefits otherwise payable under R.S.43:21-1 et seq.; and

(B) Overpayments of unemployment benefits as determined under applicable federal law, with respect to benefits or allowances for unemployment provided under a federal program administered by this State under an agreement with the United States Secretary of Labor, shall be recovered by offset from unemployment benefits otherwise payable under R.S.43:21-1 et seq., or any federal program administered by this State, or under the unemployment compensation law of another state or any federal unemployment benefit or allowance program administered by another state under an agreement with the United States Secretary of Labor, if the other state has in effect a reciprocal agreement with the United States Secretary of Labor as authorized by subsection (g) of 42 U.S.C.s.503, and if the United States agrees, as provided in the reciprocal agreement with this State entered into under subsection (g) of 42 U.S.C.s.503, that overpayments of unemploy-

ment benefits as determined under subsection (d) of R.S.43:21-16 and overpayments as determined under the unemployment compensation law of another state which has in effect a reciprocal agreement with the United States Secretary of Labor as authorized by subsection (g) of 42 U.S.C.s.503, shall be recovered by offset from benefits or allowances otherwise payable under a federal program administered by this State or another state under an agreement with the United States Secretary of Labor.

(e) (1) Any employing unit, or any officer or agent of an employing unit, which officer or agent is directly or indirectly responsible for collecting, truthfully accounting for, remitting when payable any contribution, or filing or causing to be filed any report or statement required by this chapter, or employer, or person failing to remit, when payable, any employer contributions, or worker contributions (if withheld or deducted), or the amount of such worker contributions (if not withheld or deducted), or filing or causing to be filed with the controller or the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey, any false or fraudulent report or statement, and any person who aids or abets an employing unit, employer, or any person in the preparation or filing of any false or fraudulent report or statement with intent to defraud the State of New Jersey or an employment security agency of any other state or of the federal government, or with intent to evade the payment of any contributions, interest or penalties, or any part thereof, which shall be due under the provisions of this chapter (R.S.43:21-1 et seq.), shall be liable for each offense upon conviction before any Superior Court or municipal court, to a fine not to exceed \$1,000.00 or by imprisonment for a term not to exceed 90 days, or both, at the discretion of the court. The fine upon conviction shall be payable to the unemployment compensation auxiliary fund. Any penalties imposed by this subsection shall be in addition to those otherwise prescribed in this chapter (R.S.43:21-1 et seq.).

(2) Any employing unit, officer or agent of the employing unit, or any other person, who knowingly violates, or attempts to violate, or advise another person to violate the transfer of employment experience provisions found at R.S.43:21-7 (c)(7) shall be, upon conviction before any Superior Court or municipal court, guilty of a crime of the fourth degree. For the purposes of this subsection, "knowingly" means having actual knowledge of, or acting with deliberate ignorance or reckless disregard for the prohibition involved.

(f) Any employing unit or any officer or agent of an employing unit or any other person who aids and abets any person to obtain any sum of benefits under this chapter to which he is not entitled, or a larger amount as

benefits than that to which he is justly entitled, shall be liable for each offense upon conviction before any Superior Court or municipal court, to a fine not to exceed \$1,000.00 or by imprisonment for a term not to exceed 90 days, or both, at the discretion of the court. The fine upon conviction shall be payable to the unemployment compensation auxiliary fund. Any penalties imposed by this subsection shall be in addition to those otherwise prescribed in this chapter (R.S.43:21-1 et seq.).

(g) There shall be created in the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey an investigative staff for the purpose of investigating violations referred to in this section and enforcing the provisions thereof.

(h) An employing unit or any officer or agent of an employing unit who makes a false statement or representation, knowing it to be false, or who knowingly fails to disclose a material fact, to reduce benefit charges to the employing unit pursuant to paragraph (1) of subsection (c) of R.S.43:21-7, shall be liable to a fine of \$1,000, to be recovered in an action at law in the name of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey or as provided in subsection (e) of R.S.43:21-14. The fine when recovered shall be paid to the unemployment compensation auxiliary fund for the use of the fund. Each false statement or representation or failure to disclose a material fact, and each day of that failure or refusal shall constitute a separate offense. Any penalties imposed by this subsection shall be in addition to those otherwise prescribed in R.S.43:21-1 et seq.

2. This act shall take effect immediately.

Approved August 9, 2013.

CHAPTER 125

AN ACT designating a portion of U.S. Highway Route No. 40 in Buena Borough, Atlantic County as the "Peter 'Pete' Dandrea Section of the Harding Highway."

WHEREAS, Throughout his life, Peter 'Pete' Dandrea has made numerous contributions to the community of Buena Borough and the surrounding neighborhoods in Atlantic County, New Jersey; and

WHEREAS, Mr. Dandrea was born one of eleven children to Frank and Angelina Dandrea and later graduated from Vineland High School; and

WHEREAS, Mr. Dandrea bravely served his country in the United States Army during the Korean War; and

WHEREAS, Mr. Dandrea married Marie Lepore in 1953 and started a family together with Marie and their sons Frank, Steven, and Ronald, and now Mr. Dandrea is the proud grandfather to seven grandchildren; and

WHEREAS, Mr. Dandrea has given generously of his time and effort to various sports programs in Atlantic County; namely, he has been instrumental in establishing the Buena Braves football program and has been a basketball coach at Our Lady of Victories and a coach and the president of Buena Borough Little League Baseball; and

WHEREAS, In addition to his contributions to community sports programs, Mr. Dandrea has made other contributions to political affairs and the Republican party through the years, serving as President of the Buena Borough G.O.P., the Republican Municipal Leader of Buena Borough, and the Chairman of Atlantic County Republicans for Nixon in 1966; and

WHEREAS, Mr. Dandrea has served as Chairman of the Atlantic County Republicans for Governor for both Jim Courter in 1989 and Christine Todd Whitman in 1993; and

WHEREAS, Peter Dandrea was honored for his many contributions by the Buena Borough Republican Club on June 3, 2005; and

WHEREAS, It is altogether fitting and proper that the State of New Jersey recognize and honor the contributions Peter 'Pete' Dandrea has made to the community of Buena Borough, Atlantic County, and this State by designating a portion of U.S. Route No. 40 in Buena Borough, Atlantic County as the "Peter 'Pete' Dandrea Section of the Harding 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 that portion of U.S. Highway Route No. 40 in Buena Borough, Atlantic County between mile markers 33 and 34 as the "Peter 'Pete' Dandrea Section of the Harding 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 this act. The Commissioner of Transportation is authorized to re-

ceive gifts, grants, or other financial assistance from private sources for the purpose of funding or reimbursing the Department of Transportation for the costs associated with producing, purchasing, and erecting signs bearing the designation established pursuant to section 1 of this act and entering into agreements related thereto, with such private sources, including but not limited to non-governmental non-profit, educational, or charitable entities or institutions. No work shall proceed, and no funding shall be accepted by the Department of Transportation until an agreement has been reached with a responsible party for paying the costs associated with producing, purchasing, erecting, and maintaining the signs.

3. This act shall take effect immediately.

Approved August 9, 2013.

CHAPTER 126

AN ACT concerning weights and measures, amending and supplementing P.L.1981, c.96 (C.51:6A-1 et seq.) and amending R.S.51:1-86.

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

1. Section 3 of P.L.1981, c.96 (C.51:6A-3) is amended to read as follows:

C.51:6A-3 Penalties.

3. Any person who violates any provision of this act shall be liable to a mandatory penalty of not less than \$500 nor more than \$1,000 recoverable by the Superintendent of Weights and Measures pursuant to the provisions of the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). An action for the recovery of a civil penalty for violation of this act shall be within the jurisdiction of and may be brought before the Superior Court or municipal court in the municipality where the offense is committed or where the defendant resides or where the defendant may be apprehended.

A summons or warrant against any foreign business entity doing business in this State shall be processed as provided by law.

2. R.S.51:1-86 is amended to read as follows:

Tests; defective weights, etc.; additional penalty.

51:1-86. Upon the first official inspection of any weight or measure, except where the inspection is made upon the request of the owner thereof, if the deviation from the legal standard shall be of such nature as not to be easily ascertained by the owner thereof, the owner may correct it. Upon his failure to do so within 2 days after such inspection, the superintendent shall take possession of and destroy such weight or measure, unless, in the sole discretion of the superintendent, good cause exists to allow additional time to correct the deviation or take possession of and destroy the weight or measure. If the said deviation, or the causes thereof, shall be patent or easily ascertainable by the owner thereof, the superintendent or assistant superintendent shall immediately take possession of and destroy such weight or measure, and the owner thereof shall be liable to a penalty of not less than \$500 nor more than \$1,000 in addition to any other penalties and punishments herein provided.

C.51:6A-9 Certification of weight or measure used by precious metals buyer.

3. a. Upon the first official inspection of any weight or measure used by a precious metals buyer not subject to the provisions of section 2 of P.L.1981, c.96 (C.51:6A-2) that has not been certified as required pursuant to subsection c. of section 1 of P.L.1981, c.96 (C.51:6A-1), the owner of the weight or measure may be afforded two days to have the weight or measure certified. If an owner fails to have the weight or measure certified within two days after the inspection, the weights and measures officer shall immediately take possession of and destroy the weight or measure, unless, in the sole discretion of the superintendent, good cause exists to allow additional time to obtain the certification or take possession of and destroy the weight or measure.

b. A weights and measures officer shall immediately take possession of and destroy any weight or measure used by a transient buyer of precious metals as defined by section 5 of P.L.1981, c.96 (C.51:6A-5) that has not been certified as required pursuant to subsection c. of section 1 of P.L.1981, c.96 (C.51:6A-1).

No action for damages shall lie or be maintained against a weights and measures officer for the seizure.

4. This act shall take effect immediately.

Approved August 9, 2013.

CHAPTER 127

AN ACT concerning the access to information indicating the location of law enforcement vehicles 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:33-23.3 Offense relative to access of information indicating the location of law enforcement vehicles.

1. a. (1) A person commits a disorderly persons offense if, without license or privilege to do so, he knowingly intercepts a signal transmitted by an automatic vehicle location system which identifies the current location of a law enforcement vehicle.

(2) A person commits a disorderly persons offense if, without license or privilege to do so, he knowingly discloses information provided by a signal transmitted by an automatic vehicle location system which identifies the current or prior location of a law enforcement vehicle to a person who is not authorized to receive or access such information.

(3) A person commits a crime of the fourth degree if he uses information provided by a signal transmitted by an automatic vehicle location system which identifies the current or prior location of a law enforcement vehicle for an unlawful purpose.

b. (1) This section shall not in any way limit the authority of any law enforcement officer acting within the scope of his official duties.

(2) It shall not be deemed an unlawful purpose for any person to use information provided by a signal transmitted by an automatic vehicle location system which identifies the prior location of a law enforcement vehicle to evaluate or examine the operations of a law enforcement agency; provided, however, that nothing in this act shall be deemed to authorize any person to receive or access information provided by a signal transmitted by an automatic vehicle location system which identifies the location of a law enforcement vehicle if such receipt or access could reasonably jeopardize the safety of a law enforcement officer or the public, or compromise the integrity of any ongoing investigation.

c. Nothing in this act shall preclude an indictment and conviction for any other offense defined by the laws of this State.

d. For purposes of this section:

“Automatic vehicle location system” means an automated system, such as a global positioning system, for tracking the geographic location of a

motor vehicle and transmitting that location information to an authorized receiving entity; and

“Global positioning system” means a reporting technology that is monitored by a network of electronic navigation components in which a vehicle may be identified and tracked via satellite.

2. This act shall take effect immediately.

Approved August 9, 2013.

CHAPTER 128

AN ACT concerning self-service storage facilities and amending and supplementing P.L.1983, c.136.

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

1. Section 2 of P.L.1983, c.136 (C.2A:44-188) is amended to read as follows:

C.2A:44-188 Definitions.

2. As used in this act:

"Electronic mail" means an electronic message or an executable program or computer file that contains an image of a message that is transmitted between two or more computers or electronic terminals. The term includes electronic messages that are transmitted within or between computer networks.

"Last known address" means that postal address or electronic mailing address provided by the occupant in the latest rental agreement, or the postal address or electronic mailing address provided by the occupant in a subsequent written notice of a change of address.

"Occupant" means a person, the person's sublessee, successor, or assignee, entitled to the use of the storage space at a self-service storage facility under a rental agreement, to the exclusion of others.

"Owner" means the proprietor, operator, lessor, or sublessor of a self-service storage facility, the owner's agent, or any other person authorized by

the owner to manage the facility, or to receive rent from an occupant under a rental agreement.

"Personal property" means movable property not affixed to land, and includes, but is not limited to, goods, merchandise, and household items.

"Rental agreement" means any written agreement or lease, that establishes or modifies the terms, conditions, rules or any other provisions concerning the use and occupancy of a self-service storage facility.

"Self-service storage facility" means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access for the purpose of storing and removing personal property. No occupant shall use a self-service storage facility for residential purposes. A self-service storage facility is not a warehouse as used in chapter 7 of Title 12A of the New Jersey Statutes.

"Verified mail" means any method of mailing that is offered by the United States Postal Service or private delivery service that provides evidence of mailing.

2. Section 5 of P.L.1983, c.136 (C.2A:44-191) is amended to read as follows:

C.2A:44-191 Satisfaction of lien.

5. An owner's lien for a claim which is more than 30 days overdue may be satisfied as follows:

- a. The occupant shall be notified;
- b. The notice shall be delivered in person or sent by verified mail or electronic mail to the last known address of the occupant;
- c. The notice shall include:
 - (1) An itemized statement of the owner's claim showing the sum due at the time of the notice and the date when the sum became due;
 - (2) A brief and general description of the personal property subject to the lien. The description shall be reasonably adequate to permit the person notified to identify it, except that any container including, but not limited to a trunk, valise, or box that is locked, fastened, sealed, or tied in a manner which deters immediate access to its contents may be described without listing its contents;
 - (3) A notice of denial of access to the personal property, if this denial is permitted under the terms of the rental agreement, which provides the name, street address, and telephone number of the owner, or the owner's designated agent, whom the occupant may contact to respond to this notice;

(4) A demand for payment within a specified time not less than 14 days after delivery of the notice; and

(5) A conspicuous statement that unless the claim is paid within the time stated in the notice, the personal property will be advertised for sale. The notice shall specify time and place of the sale;

d. Any notice made pursuant to this section shall be presumed delivered when it is deposited with the United States Postal Service or private delivery service, and properly addressed with postage prepaid or sent by electronic mail to the occupant's last known address; if the owner sends notice to the occupant's last known e-mail address and does not receive an electronic receipt that establishes delivery of the notice to the occupant's e-mail address, the notice shall be presumed delivered when it is sent to the occupant by verified mail to the occupant's last known address;

e. After the expiration of the time given in the notice, an advertisement of the sale shall be published once a week for two consecutive weeks in a newspaper of general circulation where the self-service storage facility is located. The advertisement shall include:

(1) A brief and general description of the personal property reasonably adequate to permit its identification as provided for in subsection c. (2) of this section;

(2) The address of the self-service storage facility and the number, if any, of the space where the personal property is located and the name of the occupant; and

(3) The time, place, and manner of the sale. The sale shall take place not sooner than 15 days after the final publication. If there is no newspaper of general circulation where the self-service storage facility is located, the advertisement shall be posted at least 10 days before the date of sale in not less than six conspicuous places in the neighborhood where the self-service storage facility is located;

f. A sale of the personal property shall conform to the terms of the notification;

g. A sale of the personal property shall be public and shall be held at the self-service storage facility, or at the nearest suitable place to where the personal property is held or stored;

h. Notwithstanding any law, rule or regulation to the contrary, if the property upon which the lien is claimed is a motor vehicle or watercraft and rent and other charges related to the property are in default for 60 consecutive days, the owner may have the property towed. If a motor vehicle or watercraft is towed as authorized in this subsection, the owner shall: (1)

send, by verified or electronic mail to the occupant's last known address, the name, address, and telephone number of the towing company that will perform the towing and the street address of the storage facility where the towed property can be redeemed; and (2) not be liable for the motor vehicle or watercraft or any damages to the motor vehicle or watercraft once the tower takes possession of the property;

i. Before a sale of personal property the occupant may pay the amount necessary to satisfy the lien, and the reasonable expenses incurred by the owner to redeem the personal property. Upon receipt of this payment, the owner shall return the personal property, and the owner shall have no liability to any person with respect to the personal property;

j. A purchaser in good faith of the personal property sold to satisfy a lien, as provided for in section 3 of this act, takes the property free of any rights of persons against whom the lien is valid, despite noncompliance by the owner with the requirements of this section;

k. The owner may satisfy his lien from the proceeds of the sale, but shall deposit the balance, if any, in an interest-bearing account with notice given to the occupant of the amount and place of the deposit and of his right to secure the funds; and

l. The owner's liability arising from the sale of personal property under this section is limited to the net proceeds received from the sale of that property. The owner shall not be liable for identity theft or other harm resulting from the misuse of information contained in documents or electronic storage media that are part of the occupant's property sold or otherwise disposed of and of which the owner did not have actual knowledge.

C.2A:44-193 Maximum value of stored property; civil actions.

3. a. If a rental agreement entered into pursuant to the "Self-Service Storage Facility Act," P.L.1983, c.136 (C.2A:44-187 et seq.) contains a provision placing a limit on the value of property that may be stored in the occupant's space, this limit shall be deemed to be the maximum value of the stored property, provided that the provision is printed in bold type or underlined in the rental agreement.

b. In addition to the remedies otherwise provided by law, only an occupant listed on the last known rental agreement injured by a violation of the "Self-Service Storage Facility Act," P.L.1983, c.136 (C.2A:44-187 et seq.) may bring a civil action to recover damages.

4. This act shall take effect immediately.

Approved August 9, 2013.

CHAPTER 129

AN ACT concerning vehicle spot lamps and amending R.S.39:3-53.

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

1. R.S.39:3-53 is amended to read as follows:

Spot lamps; terms defined.

39:3-53. A motor vehicle may be equipped with no more than one spot lamp, but the use of any such spot lamp for driving purposes is prohibited and every lighted spot lamp shall be so aimed and used so as not to be distracting or glaring to any person. The provisions of this section shall not apply to authorized emergency vehicles, or to incident management response team vehicles or safety service patrol vehicles.

For the purposes of this section:

“Incident management response team vehicle” means a vehicle operated by the Department of Transportation or by a private entity under contract with the department which is equipped to respond at any time to assist the State Police with highway incidents.

“Safety service patrol vehicle” means a vehicle operated by the department or by a private entity under contract with the department consistent with the provisions of subsection (m) of section 5 of P.L.1966, c.301 (C.27:1A-5), which is equipped to respond to highway incidents and provide assistance to motorists in disabled vehicles during designated hours in designated coverage areas in the State.

2. This act shall take effect immediately.

Approved August 9, 2013.

CHAPTER 130

AN ACT concerning highway-related sponsorship programs and supplementing Title 27 of the Revised Statutes.

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

C.27:7-44.18 Definitions.

1. As used in sections 1 through 3 of P.L.2013, c.130 (C.27:7-44.18 through C.27:7-44.20):

“Acknowledgement sign” means a sign that is intended to inform the traveling public that a highway-related service, product, or monetary contribution has been sponsored by a person, firm, or entity and which meets all design and placement guidelines for acknowledgement signs as established pursuant to the provisions of the Manual on Uniform Traffic Control Devices for Streets and Highways and all sign design principles provided in the federal Standard Highway Signs and Markings Book.

“Advertising sign” means a sign that is intended to promote commercial products or services through the use of slogans and information and informs the public on where to obtain the products or services.

“Department” means the Department of Transportation.

“Highway” means any street or roadway that is open to public travel and includes, but is not limited to, the street or roadway, shoulders, and sidewalks; the airspace above and below the street or roadway; areas for drainage, utilities, landscaping, berms, and fencing; and rest areas and service areas.

“Sponsorship agreement” means an agreement or contract between the department and a person, firm, or entity to be acknowledged for a highway-related service, product, or monetary contribution provided.

“Sponsorship program” means a program administered by the department, that complies with pertinent federal laws, rules, regulations, and orders, and allows a person, firm, or entity to sponsor department operational activities or other highway-related services or programs through the provision of a highway-related service, product, or monetary contribution.

C.27:7-44.19 Establishment of sponsorship program.

2. a. There is established in the department a sponsorship program to allow for private sponsorship of department operational activities or other highway-related services or programs.

b. The department shall adopt a policy on sponsorship agreements that is applicable to all highways within the State as is required by pertinent federal laws, rules, regulations, or orders to administer the program established pursuant to this section. The policy shall:

(1) include language requiring the department to terminate a sponsorship agreement if it determines the sponsorship agreement or acknowledgement sign present a safety concern, interferes with the free and safe flow of traffic, or is not in the public interest;

(2) describe the sponsors and sponsorship agreements that are acceptable and consistent with applicable State and federal laws;

(3) require that any monetary contribution received through the program be used solely for highway purposes;

(4) include a requirement that a person, firm, or entity shall comply with the State's "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.) to be eligible to participate in the program; and

(5) be approved by the Federal Highway Administration's New Jersey Division Office.

c. Under the sponsorship program established pursuant to this section, the department may enter into a sponsorship agreement with a person, firm, or entity to receive a highway-related service, product, or monetary contribution in exchange for acknowledging the person, firm, or entity on an acknowledgement sign. A sponsorship agreement concerning any portion of the interstate highway system shall be subject to approval by the Federal Highway Administration.

d. Nothing in this section shall permit the use of or erection of any advertising sign as part of a sponsorship program authorized pursuant to P.L.2013, c.130 (C.27:7-44.18 et al.).

C.27:7-44.20 Rules or regulations.

3. The department shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules or regulations necessary to effectuate the purposes of sections 1 and 2 of P.L.2013, c.130 (C.27:7-44.18 and C.27:7-44.19).

C.27:23-55 Definitions.

4. As used in sections 4 through 6 of P.L.2013, c.130 (C.27:23-55 through C.27:23-57):

"Acknowledgement sign" means a sign that is intended to inform the traveling public that a highway-related service, product, or monetary contribution has been sponsored by a person, firm, or entity and which meets all design and placement guidelines for acknowledgement signs as established pursuant to the provisions of the Manual on Uniform Traffic Control Devices for Streets and Highways and all sign design principles provided in the federal Standard Highway Signs and Markings Book.

“Advertising sign” means a sign that is intended to promote commercial products or services through the use of slogans and information and informs the public on where to obtain the products or services.

“Authority” means the New Jersey Turnpike Authority established pursuant to P.L.1948, c.454 (C.27:23-1 et seq.).

“Highway” means the Garden State Parkway and the New Jersey Turnpike; their shoulders and sidewalks; the airspace above and below the Garden State Parkway and New Jersey Turnpike; areas for drainage, utilities, landscaping, berms, and fencing along the Garden State Parkway and New Jersey Turnpike; and any highway project as defined in section 4 of P.L.1948, c.454 (C.27:23-4).

“Sponsorship agreement” means an agreement or contract between the authority and a person, firm, or entity to be acknowledged for a highway-related service, product, or monetary contribution provided.

“Sponsorship program” means a program administered by the authority, that complies with pertinent federal laws, rules, regulations, and orders, and allows a person, firm, or entity to sponsor authority operational activities or other highway-related services or programs through the provision of a highway-related service, product, or monetary contribution.

C.27:23-56 Establishment of sponsorship program.

5. a. There is established in the authority a sponsorship program to allow for private sponsorship of authority operational activities or other highway-related services or programs.

b. The authority shall adopt a policy on sponsorship agreements consistent with pertinent federal laws, rules, regulations, and orders to administer the program established pursuant to this section. The policy shall:

(1) include language requiring the authority to terminate a sponsorship agreement if it determines the sponsorship agreement or acknowledgement sign present a safety concern, interferes with the free and safe flow of traffic, or is not in the public interest;

(2) describe the sponsors and sponsorship agreements that are acceptable and consistent with applicable State and federal laws;

(3) require that any monetary contribution received through the program be used solely for highway purposes;

(4) include a requirement that a person, firm, or entity shall comply with the State's "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.) to be eligible to participate in the program; and

(5) be approved by the Federal Highway Administration's New Jersey Division Office.

c. Under the sponsorship program established pursuant to this section, the authority may enter into a sponsorship agreement with a person, firm, or entity to receive a highway-related service, product, or monetary contribution in exchange for acknowledging the person, firm, or entity on an acknowledgement sign. A sponsorship agreement concerning any portion of the interstate highway system shall be subject to approval by the Federal Highway Administration.

d. Nothing in this section shall permit the use of or erection of any advertising sign as part of a sponsorship program authorized pursuant to P.L.2013, c.130 (C.27:7-44.18 et al.).

C.27:23-57 Rules or regulations.

6. The authority shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules or regulations necessary to effectuate the purposes of sections 4 and 5 of P.L.2013, c.130 (C.27:23-55 and C.27:23-56).

C.27:25A-46 Definitions.

7. As used in sections 7 through 9 of P.L.2013, c.130 (C.27:25A-46 through C.27:25A-48):

"Acknowledgement sign" means a sign that is intended to inform the traveling public that a highway-related service, product, or monetary contribution has been sponsored by a person, firm, or entity and which meets all design and placement guidelines for acknowledgement signs as established pursuant to the provisions of the Manual on Uniform Traffic Control Devices for Streets and Highways and all sign design principles provided in the federal Standard Highway Signs and Markings Book.

"Advertising sign" means a sign that is intended to promote commercial products or services through the use of slogans and information and informs the public on where to obtain the products or services.

"Authority" means the South Jersey Transportation Authority established pursuant to P.L.1991, c.252 (C.27:25A-1 et seq.).

"Highway" means the Atlantic City Expressway; its shoulders and sidewalks; the airspace above and below the Expressway; areas for drainage, utilities, landscaping, berms, and fencing along the Expressway; and any expressway project as defined in section 3 of P.L.1991, c.252 (C.27:25A-3).

"Sponsorship agreement" means an agreement or contract between the authority and a person, firm, or entity to be acknowledged for a highway-related service, product, or monetary contribution provided.

“Sponsorship program” means a program administered by the authority, that complies with pertinent federal laws, rules, regulations, and orders, and allows a person, firm, or entity to sponsor authority operational activities or other highway-related services or programs through the provision of a highway-related service, product, or monetary contribution.

C.27:25A-47 Establishment of sponsorship program.

8. a. There is established in the authority a sponsorship program to allow for private sponsorship of authority operational activities or other highway-related services or programs.

b. The authority shall adopt a policy on sponsorship agreements consistent with pertinent federal laws, rules, regulations, and orders to administer the program established pursuant to this section. The policy shall:

(1) include language requiring the authority to terminate a sponsorship agreement if it determines the sponsorship agreement or acknowledgement sign present a safety concern, interferes with the free and safe flow of traffic, or is not in the public interest;

(2) describe the sponsors and sponsorship agreements that are acceptable and consistent with applicable State and federal laws;

(3) require that any monetary contribution received through the program be used solely for highway purposes;

(4) include a requirement that a person, firm, or entity shall comply with the State’s “Law Against Discrimination,” P.L.1945, c.169 (C.10:5-1 et seq.) to be eligible to participate in the program; and

(5) be approved by the Federal Highway Administration’s New Jersey Division Office.

c. Under the sponsorship program established pursuant to this section, the authority may enter into a sponsorship agreement with a person, firm, or entity to receive a highway-related service, product, or monetary contribution in exchange for acknowledging the person, firm, or entity on an acknowledgement sign. A sponsorship agreement concerning any portion of the interstate highway system shall be subject to approval by the Federal Highway Administration.

d. Nothing in this section shall permit the use of or erection of any advertising sign as part of a sponsorship program authorized pursuant to P.L.2013, c.130 (C.27:7-44.18 et al.).

C.27:25A-48 Rules or regulations.

9. The authority shall adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules or regulations neces-

sary to effectuate the purposes of sections 7 and 8 of P.L.2013, c.130 (C.27:25A-46 and C.27:25A-47).

10. The provisions of P.L.2013, c.130 (C.27:7-44.18 et al.) shall not apply to any contract entered into prior to the effective date of P.L.2013, c.130 (C.27:7-44.18 et al.).

11. This act shall take effect on the first day of the 18th month next following the date of enactment except the Commissioner of Transportation, the New Jersey Turnpike Authority, and the South Jersey Transportation Authority may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved August 9, 2013.

CHAPTER 131

AN ACT concerning special education and supplementing chapter 46 of Title 18A of the New Jersey Statutes.

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

C.18A:46-55 Regulations incorporating definition of dyslexia.

1. The State Board of Education shall promulgate regulations that incorporate the International Dyslexia Association's definition of dyslexia into chapter 14 of Title 6A of the New Jersey Administrative Code.

2. This act shall take effect immediately.

Approved August 9, 2013.

CHAPTER 132

AN ACT concerning certain electronic transactions and amending P.L.2001, c.116.

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

1. Section 2 of P.L.2001, c.116 (C.12A:12-2) is amended to read as follows:

C.12A:12-2 Definitions relative to electronic transactions.

2. As used in this act:

"Agreement" means the bargain of the parties in fact, as found in their language or inferred from other circumstances, and from rules, regulations and procedures given the effect of agreements under laws otherwise applicable to a particular transaction.

"Automated transaction" means a transaction conducted or performed, in whole or in part, by electronic means or electronic records, in which the acts or records of one or both parties are not reviewed by an individual in the ordinary course in forming a contract, performing under an existing contract or fulfilling an obligation required by the transaction.

"Computer program" means a set of statements or instructions to be used directly or indirectly in an information processing system in order to bring about a certain result.

"Contract" means the total legal obligation resulting from the parties' agreement as affected by this act and other applicable law.

"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

"Electronic agent" means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances in whole or in part, without review or action by an individual.

"Electronic record" means a record created, generated, sent, communicated, received or stored by electronic means.

"Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

"Governmental agency" means an executive, legislative or judicial agency, department, board, commission, authority, institution or instrumentality of the federal government or of a state or of a county, municipality, or other political subdivision of a state.

"Information" means data, text, images, sounds, codes, computer programs, software, databases or the like.

"Information processing system" means an electronic system for creating, generating, sending, receiving, storing, displaying or processing information.

"Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

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

"Security procedure" means a procedure employed for the purpose of verifying that an electronic signature, record or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, call-back or other acknowledgment procedures.

"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.

"Transaction" means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial or governmental affairs, including the sale, lease, exchange or other disposition of any interest in real property, or any combination thereof.

2. This act shall take effect immediately.

Approved August 9, 2013.

CHAPTER 133

AN ACT concerning standardbred horse breeding and racing, and supplementing P.L.1971, c.85 (C.5:5-91).

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

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 stands at a New Jersey breeding farm for at least 150 consecutive calendar days between the date of conception and the date of birth and the foal is born in New Jersey.

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 August 9, 2013.

CHAPTER 134

AN ACT appropriating \$1,393,084 from the “2009 Historic Preservation Fund” for the purpose of making historic site management grants, as awarded by the New Jersey Historic Trust, for certain historic preservation projects.

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

1. a. There is appropriated \$1,393,084 to the New Jersey Historic Trust from the “2009 Historic Preservation Fund,” established pursuant to section 20 of the “Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009,” P.L.2009, c.117, for the purpose of providing historic site management grants as listed in subsection b. of this section, as awarded by the New Jersey Historic Trust, for historic preservation projects approved as eligible for such funding.

b. The following historic preservation projects are eligible for funding in the form of historic site management grants with the moneys appropriated pursuant to subsection a. of this section:

County	Municipality	Name of Organization	Project Name	Grant Award
Burlington	Bordentown City	Christ Church	Christ Church Cemetery, Bordentown	\$7,500
Burlington	Burlington City	St. Mary's Episcopal Church	St. Mary's Episcopal Church, Burlington	50,000
Burlington	Chesterfield Twp	Crosswicks Community Association	Crosswicks Community House	21,525
Burlington	Moorestown Twp	Perkins Center for the Arts	Perkins Center for the Arts	34,500
Burlington	Mt Laurel Twp	Jacob's Chapel AME Church	Jacob's Chapel AME Church	50,000

CHAPTER 134, LAWS OF 2013

1149

Camden	Camden City	Cooper's Ferry Partnership	Benjamin Cooper House	15,000
Camden	Camden City	St. Paul's Church	St. Paul's Church, Camden	49,669
Camden	Gibbsboro Boro	Gibbsboro Boro	John Lucas House	50,000
Camden	Haddon Heights Boro	Haddon Heights Boro	Glover Fulling Mill	50,000
Camden	Haddonfield Boro	NJ Department of Environmental Protection	Indian King Tavern	50,000
Cape May	Lower Twp	Cape May County Historical and Genealogical Society	Nathaniel Foster House	15,000
Cumberland	Commercial Twp	Bayshore Discovery Project	Bivalve Shipping Sheds and Wharves	46,125
Essex	Montclair Twp	Montclair Historical Society	Israel Crane House	28,500
Essex	Newark City	Clinton Memorial AME Zion Church	Bellevue Avenue Congregational Church	41,074
Hudson	Hoboken City	Hoboken City	Hoboken City Hall	37,500
Hudson	Jersey City	Barrow Mansion Development Corporation	Barrow Mansion	50,000
Hunterdon	Clinton Town	Red Mill Museum Village	Hunt's Mill and M.C.Mulligan & Sons Quarry	13,309
Hunterdon	Raritan Twp	Hunterdon Land Trust	Case/Dvoor Farmstead	45,000
Mercer	Ewing Twp	Preservation New Jersey	First Presbyterian Church, Ewing	37,125
Middlesex	New Brunswick City	First Reformed Church of New Brunswick	Dutch Reformed Church of New Brunswick	50,000
Middlesex	New Brunswick City	Greater New Brunswick Daycare Council, Inc	Livingston Avenue United Church of Christ	50,000
Middlesex	Spotswood Boro	St. Peter's Episcopal Church	St. Peter's Episcopal Church, Spotswood	39,377
Middlesex	Woodbridge Twp	Woodbridge Twp	Barron Arts Center	50,000
Monmouth	Asbury Park City	Trinity Episcopal Church	Trinity Episcopal Church	49,350
Monmouth	Atlantic Highlands Boro	Atlantic Highlands Historical Society	Strauss Mansion	33,660
Monmouth	Middletown Twp	The AIDS Resource Foundation for Children	Lieutenant's Quarters Building #2, Fort Hancock	50,000

Monmouth	Wall Twp	Information Age Learning Center	Camp Evans Historic District	50,000
Morris	Madison Boro	Museum of Early Trades and Crafts	James Library Building	21,375
Morris	Morris Twp	Morris County Park Commission	Fosterfields Living Historical Farm	40,930
Passaic	Paterson City	Passaic County	Passaic County Courthouse and Annex	20,000
Passaic	Wayne Twp	Wayne Historical Commission	Van Riper-Hopper House, Van Duyne House	9,487
Union	Kenilworth Boro	Kenilworth Historical Society	Oswald J. Nitschke House	20,813
Union	Plainfield City	Grace Episcopal Church	Grace Episcopal Church	33,900
Union	Scotch Plains Twp	Fanwood and Scotch Plains Rotary Frazee House, Inc	Elizabeth and Gershom Frazee House	50,000
Union	Springfield Twp	First Presbyterian Church of Springfield	First Presbyterian Church of Springfield	47,265
Union	Summit City	Reeves-Reed Arboretum	The Clearing	35,100
Warren	Allamuchy Twp	Allamuchy Twp Board of Education	Rutherfurd Hall	50,000

TOTAL **\$1,393,084**

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

d. To the extent that moneys remain available after the projects listed in subsection b. of this section are offered funding pursuant thereto, any project of a local government unit or qualifying tax exempt nonprofit organization that previously received funding for historic preservation purposes appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Historic Preservation Trust Fund established pursuant to section 21 of P.L.1999, c.152 (C.13:8C-21), or that receives funding pursuant to this act, shall be eligible to receive additional funding, as determined by the New Jersey Historic Trust, subject to the approval of the Joint Budget Oversight Committee or its successor.

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

2. This act shall take effect immediately.

Approved August 9, 2013.

CHAPTER 135

AN ACT concerning the use of all-terrain vehicles and amending 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.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 rubber tires and powered by a gasoline engine not exceeding 760 cubic centimeters, 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.

2. This act shall take effect immediately.

Approved August 9, 2013.

CHAPTER 136

AN ACT concerning the sexual exploitation or abuse of a child and amending various parts of the statutory law.

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

1. N.J.S.2C:24-4 is amended to read as follows:

Endangering welfare of children.

2C:24-4. Endangering Welfare of Children.

a. (1) Any person having a legal duty for the care of a child or who has assumed responsibility for the care of a child who engages in sexual conduct which would impair or debauch the morals of the child is guilty of a crime of the second degree. Any other person who engages in conduct or who causes harm as described in this paragraph to a child is guilty of a crime of the third degree.

(2) Any person having a legal duty for the care of a child or who has assumed responsibility for the care of a child who causes the child harm that would make the child an abused or neglected child as defined in R.S.9:6-1, R.S.9:6-3 and P.L.1974, c.119, s.1 (C.9:6-8.21) is guilty of a crime of the second degree. Any other person who engages in conduct or who causes harm as described in this paragraph to a child is guilty of a crime of the third degree.

b. (1) As used in this subsection:

"Child" means any person under 18 years of age.

"Distribute" means to sell, or to manufacture, give, provide, lend, trade, mail, deliver, publish, circulate, disseminate, present, exhibit, display, share, advertise, offer, or make available via the Internet or by any other means, whether for pecuniary gain or not. The term also includes an agreement or attempt to distribute.

"File-sharing program" means a computer program, application, software or operating system that allows the user of a computer on which such program, application, software or operating system is installed to designate files as available for searching by and copying to one or more other computers, to transmit such designated files directly to one or more other computers, and to request the transmission of such designated files directly from one or more other computers. The term "file-sharing program" includes but is not limited to a computer program, application or software that enables a computer user to participate in a peer-to-peer network.

"Internet" means the international computer network of both federal and non-federal interoperable packet switched data networks.

"Item depicting the sexual exploitation or abuse of a child" means a photograph, film, video, an electronic, electromagnetic or digital recording,

an image stored or maintained in a computer program or file or in a portion of a file, or any other reproduction or reconstruction which depicts a child engaging in a prohibited sexual act or in the simulation of such an act.

“Peer-to-peer network” means a connection of computer systems through which files are shared directly between the systems on a network without the need of a central server.

"Prohibited sexual act" means

- (a) Sexual intercourse; or
- (b) Anal intercourse; or
- (c) Masturbation; or
- (d) Bestiality; or
- (e) Sadism; or
- (f) Masochism; or
- (g) Fellatio; or
- (h) Cunnilingus; or
- (i) Nudity, if depicted for the purpose of sexual stimulation or gratification of any person who may view such depiction; or
- (j) Any act of sexual penetration or sexual contact as defined in N.J.S.2C:14-1.

"Reproduction" means, but is not limited to, computer generated images.

(2) (Deleted by amendment, P.L.2001, c.291).

(3) A person commits a crime of the first degree if he causes or permits a child to engage in a prohibited sexual act or in the simulation of such an act if the person knows, has reason to know or intends that the prohibited act may be photographed, filmed, reproduced, or reconstructed in any manner, including on the Internet, or may be part of an exhibition or performance.

(4) A person commits a crime of the second degree if he photographs or films a child in a prohibited sexual act or in the simulation of such an act or who uses any device, including a computer, to reproduce or reconstruct the image of a child in a prohibited sexual act or in the simulation of such an act.

(5) (a) A person commits a crime of the second degree if, by any means, including but not limited to the Internet, he:

(i) knowingly distributes an item depicting the sexual exploitation or abuse of a child;

(ii) knowingly possesses an item depicting the sexual exploitation or abuse of a child with the intent to distribute that item; or

(iii) knowingly stores or maintains an item depicting the sexual exploitation or abuse of a child using a file-sharing program which is designated as available for searching by or copying to one or more other computers.

In a prosecution under sub-subparagraph (iii) of this subparagraph, the State shall not be required to offer proof that an item depicting the sexual exploitation or abuse of a child had actually been searched, copied, transmitted or viewed by another user of the file-sharing program, or by any other person, and it shall be no defense that the defendant did not intend to distribute the item to another user of the file-sharing program or to any other person. Nor shall the State be required to prove that the defendant was aware that the item depicting the sexual exploitation or abuse of a child was available for searching or copying to one or more other computers, and the defendant shall be strictly liable for failing to designate the item as not available for searching or copying by one or more other computers.

Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6, a person whose offense under this subparagraph involved 25 or more items depicting the sexual exploitation or abuse of a child shall be sentenced to a mandatory minimum term of imprisonment, which shall be fixed at, or between, one-third and one-half of the sentence imposed by the court or five years, whichever is greater, during which the defendant shall be ineligible for parole.

Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6, a person convicted of a second or subsequent offense under this subparagraph shall be sentenced to an extended term of imprisonment as set forth in N.J.S.2C:43-7. For the purposes of this subparagraph, an offense is considered a second or subsequent offense if the actor has at any time been convicted pursuant to paragraph (3), (4) or (5) of this subsection, or under any similar statute of the United States, this State or any other state for an offense that is substantially equivalent to paragraph (3), (4) or (5) of this subsection.

For purposes of this subparagraph, the term "possess" includes receiving, viewing, or having under one's control, through any means, including the Internet.

(b) A person commits a crime of the third degree if he knowingly possesses, knowingly views, or knowingly has under his control, through any means, including the Internet, an item depicting the sexual exploitation or abuse of a child.

Notwithstanding the provisions of subsection e. of N.J.S.2C:44-1, in any instance where a person was convicted of an offense under this subparagraph that involved 100 or more items depicting the sexual exploitation or abuse of a child, the court shall impose a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that imprisonment would be a serious injustice which overrides the need to deter such conduct by others.

Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6, a person convicted of a second or subsequent offense under this subparagraph shall be sentenced to an extended term of imprisonment as set forth in N.J.S.2C:43-7. For the purposes of this subparagraph, an offense is considered a second or subsequent offense if the actor has at any time been convicted pursuant to paragraph (3), (4) or (5) of this subsection, or under any similar statute of the United States, this State or any other state for an offense that is substantially equivalent to paragraph (3), (4) or (5) of this subsection.

Nothing in this subparagraph shall be construed to preclude or limit any prosecution or conviction for the offense set forth in subparagraph (a) of this paragraph.

(6) For purposes of this subsection, a person who is depicted as or presents the appearance of being under the age of 18 in any photograph, film, videotape, computer program or file, video game or any other reproduction or reconstruction shall be rebuttably presumed to be under the age of 18. If the child who is depicted as engaging in, or who is caused to engage in, a prohibited sexual act or simulation of a prohibited sexual act is under the age of 18, the actor shall be strictly liable and it shall not be a defense that the actor did not know that the child was under the age of 18, nor shall it be a defense that the actor believed that the child was 18 years of age or older, even if such a mistaken belief was reasonable.

(7) For aggregation purposes, each depiction of the sexual exploitation or abuse of a child shall be considered a separate item, and each individual act of distribution of an item depicting the sexual exploitation or abuse of a child shall be considered a separate item. For purposes of determining the number of items depicting the sexual exploitation or abuse of a child for purposes of sentencing pursuant to subparagraph (a) of paragraph (5) of this subsection, the court shall aggregate all items involved, whether the act or acts constituting the violation occurred at the same time or at different times and, with respect to distribution, whether the act or acts of distribution were to the same person or several persons or occurred at different times, provided that each individual act was committed within the applicable statute of limitations. For purposes of determining the number of items depicting the sexual exploitation or abuse of a child for purposes of sentencing pursuant to subparagraph (b) of paragraph (5) of this subsection, the court shall aggregate all items involved, whether the possession of such items occurred at the same time or at different times, provided that each individual act was committed within the applicable statute of limitations.

2. Section 2 of P.L.1994, c.130 (C.2C:43-6.4) is amended to read as follows:

C.2C:43-6.4 Special sentence of parole supervision for life.

2. a. Notwithstanding any provision of law to the contrary, a judge imposing sentence on a person who has been convicted of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1, endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:24-4, endangering the welfare of a child pursuant to paragraph (3) of subsection b. of N.J.S.2C:24-4, luring or an attempt to commit any of these offenses shall include, in addition to any sentence authorized by this Code, a special sentence of parole supervision for life. Notwithstanding any provision of law to the contrary, a court imposing sentence on a person who has been convicted of endangering the welfare of a child pursuant to paragraph (4) or (5) of subsection b. of N.J.S.2C:24-4, or an attempt to commit either of these offenses shall include, upon motion of the prosecutor, a special sentence of parole supervision for life in addition to any sentence authorized by Title 2C of the New Jersey Statutes, unless the court finds on the record that the special sentence is not needed to protect the community or deter the defendant from future criminal activity.

b. The special sentence of parole supervision for life required by this section shall commence immediately upon the defendant's release from incarceration. If the defendant is serving a sentence of incarceration for another offense at the time he completes the custodial portion of the sentence imposed on the present offense, the special sentence of parole supervision for life shall not commence until the defendant is actually released from incarceration for the other offense. Persons serving a special sentence of parole supervision for life shall remain in the legal custody of the Commissioner of Corrections, shall be supervised by the Division of Parole of the State Parole Board, shall be subject to the provisions and conditions set forth in subsection c. of section 3 of P.L.1997, c.117 (C.30:4-123.51b) and sections 15 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.59 through 30:4-123.63 and 30:4-123.65), and shall be subject to conditions appropriate to protect the public and foster rehabilitation. Such conditions may include the requirement that the person comply with the conditions set forth in subsection f. of this section concerning use of a computer or other device with access to the Internet. If the defendant violates a condition of a special sentence of parole supervision for life, the defendant shall be subject to the

provisions of sections 16 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63 and 30:4-123.65), and for the purpose of calculating the limitation on time served pursuant to section 21 of P.L.1979, c.441 (C.30:4-123.65) the custodial term imposed upon the defendant related to the special sentence of parole supervision for life shall be deemed to be a term of life imprisonment. When the court suspends the imposition of sentence on a defendant who has been convicted of any offense enumerated in subsection a. of this section, the court may not suspend imposition of the special sentence of parole supervision for life, which shall commence immediately, with the Division of Parole of the State Parole Board maintaining supervision over that defendant, including the defendant's compliance with any conditions imposed by the court pursuant to N.J.S.2C:45-1, in accordance with the provisions of this subsection. Nothing contained in this subsection shall prevent the court from at any time proceeding under the provisions of N.J.S.2C:45-1 through 2C:45-4 against any such defendant for a violation of any conditions imposed by the court when it suspended imposition of sentence, or prevent the Division of Parole from proceeding under the provisions of sections 16 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63 and C.30:4-123.65) against any such defendant for a violation of any conditions of the special sentence of parole supervision for life, including the conditions imposed by the court pursuant to N.J.S.2C:45-1. In any such proceeding by the Division of Parole, the provisions of subsection c. of section 3 of P.L.1997, c.117 (C.30:4-123.51b) authorizing revocation and return to prison shall be applicable to such a defendant, notwithstanding that the defendant may not have been sentenced to or served any portion of a custodial term for conviction of an offense enumerated in subsection a. of this section.

c. A person sentenced to a term of parole supervision for life may petition the Superior Court for release from that parole supervision. The judge may grant a petition for release from a special sentence of parole supervision for life only upon proof by clear and convincing evidence that the person has not committed a crime for 15 years since the last conviction or release from incarceration, whichever is later, and that the person is not likely to pose a threat to the safety of others if released from parole supervision. Notwithstanding the provisions of section 22 of P.L.1979, c.441 (C.30:4-123.66), a person sentenced to a term of parole supervision for life may be released from that parole supervision term only by court order as provided in this subsection.

d. A person who violates a condition of a special sentence imposed pursuant to this section without good cause is guilty of a crime of the fourth

degree. Notwithstanding any other law to the contrary, a person sentenced pursuant to this subsection shall be sentenced to a term of imprisonment, unless the court is clearly convinced that the interests of justice so far outweigh the need to deter this conduct and the interest in public safety that a sentence to imprisonment would be a manifest injustice. Nothing in this subsection shall preclude subjecting a person who violates any condition of a special sentence of parole supervision for life to the provisions of sections 16 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63 and C.30:4-123.65) pursuant to the provisions of subsection c. of section 3 of P.L.1997, c.117 (C.30:4-123.51b).

e. A person who, while serving a special sentence of parole supervision for life imposed pursuant to this section, commits a violation of N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:11-5, subsection b. of N.J.S.2C:12-1, N.J.S.2C:13-1, section 1 of P.L.1993, c.291 (C.2C:13-6), N.J.S.2C:14-2, N.J.S.2C:14-3, N.J.S.2C:24-4, N.J.S.2C:18-2 when the offense is a crime of the second degree, or subsection a. of N.J.S.2C:39-4 shall be sentenced to an extended term of imprisonment as set forth in N.J.S.2C:43-7, which term shall, notwithstanding the provisions of N.J.S.2C:43-7 or any other law, be served in its entirety prior to the person's resumption of the term of parole supervision for life.

f. The special sentence of parole supervision for life required by this section may include any of the following Internet access conditions:

(1) Prohibit the person from accessing or using a computer or any other device with Internet capability without the prior written approval of the court except the person may use a computer or any other device with Internet capability in connection with that person's employment or search for employment with the prior approval of the person's parole officer;

(2) Require the person to submit to periodic unannounced examinations of the person's computer or any other device with Internet capability by a parole officer, law enforcement officer or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment or device to conduct a more thorough inspection;

(3) Require the person to submit to the installation on the person's computer or device with Internet capability, at the person's expense, one or more hardware or software systems to monitor the Internet use;

(4) Require the person to submit to any other appropriate restrictions concerning the person's use or access of a computer or any other device with Internet capability; and

(5) Require the person to disclose all passwords used by the person to access any data, information, image, program, signal or file on the person's computer or any other device with Internet capability.

3. 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 adjudged a disorderly person or petty disorderly person on more than two occasions may, after the expiration of a period of 10 years from the date of his conviction, payment of fine, satisfactory completion of probation or parole, or release from incarceration, whichever is later, present a duly verified petition as provided in N.J.S.2C:52-7 to the Superior Court in the county in which the conviction was entered praying that such conviction and all records and information pertaining thereto be expunged.

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 10-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 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); N.J.S.2C:14-3a (Aggravated Criminal Sexual Contact); if the victim is a minor, N.J.S.2C:14-3b (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); N.J.S.2C:24-4a. (Endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child); N.J.S.2C:24-4b(4) (Endangering the welfare of a child); N.J.S.2C:24-4b. (3) (Causing or permitting a child to engage in a prohibited sexual act); N.J.S.2C:24-4b.(5)(a) (Distributing, possessing with intent to distribute or using a file-sharing program to store items depicting the sexual exploitation or abuse of a child); N.J.S.2C:24-4b.(5)(b) (Possessing 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); N.J.S.2C:34-1b.(4) (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.

4. Section 2 of P.L.1997, c.117 (C.2C:43-7.2) is amended to read as follows:

C.2C:43-7.2 Mandatory service of 85 percent of sentence for certain offenses.

2. a. A court imposing a sentence of incarceration for a crime of the first or second degree enumerated in subsection d. of this section shall fix a minimum term of 85% of the sentence imposed, during which the defendant shall not be eligible for parole.

b. The minimum term required by subsection a. of this section shall be fixed as a part of every sentence of incarceration imposed upon every conviction of a crime enumerated in subsection d. of this section, whether the sentence of incarceration is determined pursuant to N.J.S.2C:43-6, N.J.S.2C:43-7, N.J.S.2C:11-3 or any other provision of law, and shall be calculated based upon the sentence of incarceration actually imposed. The provisions of subsection a. of this section shall not be construed or applied to reduce the time that must be served before eligibility for parole by an inmate sentenced to a mandatory minimum period of incarceration. Solely for the purpose of calculating the minimum term of parole ineligibility pursuant to subsection a. of this section, a sentence of life imprisonment shall be deemed to be 75 years.

c. Notwithstanding any other provision of law to the contrary and in addition to any other sentence imposed, a court imposing a minimum period of parole ineligibility of 85 percent of the sentence pursuant to this section shall also impose a five-year term of parole supervision if the defendant is being sentenced for a crime of the first degree, or a three-year term of parole supervision if the defendant is being sentenced for a crime of the second degree. The term of parole supervision shall commence upon the completion of the sentence of incarceration imposed by the court pursuant to subsection a. of this section unless the defendant is serving a sentence of incarceration for another crime at the time he completes the sentence of incarceration imposed pursuant to subsection a., in which case the term of parole supervision shall commence immediately upon the defendant's release from incarceration. During the term of parole supervision the defendant shall remain in release status in the community in the legal custody of the Commissioner of the Department of Corrections and shall be supervised by the State Parole Board as if on parole and shall be subject to the provisions and conditions of section 3 of P.L.1997, c.117 (C.30:4-123.51b).

d. The court shall impose sentence pursuant to subsection a. of this section upon conviction of the following crimes or an attempt or conspiracy to commit any of these crimes:

- (1) N.J.S.2C:11-3, murder;
- (2) N.J.S.2C:11-4, aggravated manslaughter or manslaughter;
- (3) N.J.S.2C:11-5, vehicular homicide;
- (4) subsection b. of N.J.S.2C:12-1, aggravated assault;
- (5) subsection b. of section 1 of P.L.1996, c.14 (C.2C:12-11), disarming a law enforcement officer;
- (6) N.J.S.2C:13-1, kidnapping;
- (7) subsection a. of N.J.S.2C:14-2, aggravated sexual assault;
- (8) subsection b. of N.J.S.2C:14-2 and paragraph (1) of subsection c. of N.J.S.2C:14-2, sexual assault;
- (9) N.J.S.2C:15-1, robbery;
- (10) section 1 of P.L.1993, c.221 (C.2C:15-2), carjacking;
- (11) paragraph (1) of subsection a. of N.J.S.2C:17-1, aggravated arson;
- (12) N.J.S.2C:18-2, burglary;
- (13) subsection a. of N.J.S.2C:20-5, extortion;
- (14) subsection b. of section 1 of P.L.1997, c.185 (C.2C:35-4.1), booby traps in manufacturing or distribution facilities;
- (15) N.J.S.2C:35-9, strict liability for drug induced deaths;
- (16) section 2 of P.L.2002, c.26 (C.2C:38-2), terrorism;

(17) section 3 of P.L.2002, c.26 (C.2C:38-3), producing or possessing chemical weapons, biological agents or nuclear or radiological devices;

(18) N.J.S.2C:41-2, racketeering, when it is a crime of the first degree:

(19) subsection i. of N.J.S.2C:39-9, firearms trafficking; or

(20) paragraph (3) of subsection b. of N.J.S.2C:24-4, causing or permitting a child to engage in a prohibited sexual act, knowing that the act may be reproduced or reconstructed in any manner, or be part of an exhibition or performance.

e. (Deleted by amendment, P.L.2001, c.129).

5. This act shall take effect immediately.

Approved August 14, 2013.

CHAPTER 137

AN ACT concerning threats against certain animals and designated as Dano and Vader's Law, and amending P.L.1983, c.261.

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

1. Section 1 of P.L.1983, c.261 (C.2C:29-3.1) is amended to read as follows:

C.2C:29-3.1 Animal owned, used by law enforcement agency, search and rescue dog, harming, threatening, interference with officer, degree of crime, penalties.

1. a. Any person who purposely kills a dog, horse or other animal owned or used by a law enforcement agency or a search and rescue dog shall be guilty of a crime of the third degree, and shall be sentenced by the court to a term of imprisonment. The term of imprisonment shall include the imposition of a minimum term. The minimum term shall be fixed at five years, during which the defendant shall be ineligible for parole. In addition, the court shall impose a fine of \$15,000.

b. Any person who purposely maims or otherwise inflicts harm upon a dog, horse or other animal owned or used by a law enforcement agency or a search and rescue dog shall be guilty of a crime of the fourth degree.

c. Any person who purposely threatens to kill, maim or otherwise inflict harm upon a dog, horse or other animal owned or used by a law en-

forcement agency or a search and rescue dog, under circumstances reasonably causing the person to whom the threat is made to believe that it is likely that it will be carried out, shall be guilty of a crime of the fourth degree.

d. Any person who interferes with any law enforcement officer using an animal in the performance of his official duties commits a disorderly persons offense, subject to a sentence of six months' imprisonment, some or all of which may be community service, restitution and a \$1,000 fine.

As used in this section, "search and rescue dog" means any dog trained or being trained for the purpose of search and rescue that is owned by an independent handler or member of a search and rescue team, and used in conjunction with local law enforcement or emergency services organizations for the purpose of locating missing persons or evidence of arson.

2. This act shall take effect immediately.

Approved August 14, 2013.

CHAPTER 138

AN ACT concerning trespass on restricted airport property and amending N.J.S.2C:18-1 and N.J.S.2C:18-3.

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

1. N.J.S.2C:18-1 is amended to read as follows:

Definitions.

2C:18-1. In this chapter, unless a different meaning plainly is required:

"Structure" means any building, room, ship, vessel, car, vehicle or airplane, and also means any place adapted for overnight accommodation of persons, or for carrying on business therein, whether or not a person is actually present.

"Utility Company Property" means property; (1) owned by a public utility, as defined in R.S.48:2-13, or by a municipality, county, water district, authority or other public agency, and (2) which is used for the purpose of providing electric, gas or water utility service.

“Operational area” means any portion of a public airport, from which access by the public is prohibited by fences or appropriate signs, and includes runways, taxiways, all ramps, cargo ramps and apron areas, aircraft parking and storage areas, fuel storage areas, maintenance areas, and any other area of a public airport used or intended to be used for landing, take-off or surface maneuvering of aircraft.

“Sterile area” means a portion of an airport, as set forth in an airport security program approved by the Transportation Security Administration, that provides passengers access to boarding aircraft and to which the access generally is controlled by the Transportation Security Administration, an aircraft operator pursuant to 49 C.F.R. part 1544, or an air carrier pursuant to 49 C.F.R. part 1546, through the screening of persons and property.

2. N.J.S.2C:18-3 is amended to read as follows:

Unlicensed entry of structures; defiant trespasser; peering into dwelling places; defenses.

2C:18-3. a. Unlicensed entry of structures. A person commits an offense if, knowing that he is not licensed or privileged to do so, he enters or surreptitiously remains in any research facility, structure, or separately secured or occupied portion thereof, or in or upon utility company property, or in the sterile area or operational area of an airport. An offense under this subsection is a crime of the fourth degree if it is committed in a school or on school property. The offense is a crime of the fourth degree if it is committed in a dwelling. An offense under this section is a crime of the fourth degree if it is committed in a research facility, power generation facility, waste treatment facility, public sewage facility, water treatment facility, public water facility, nuclear electric generating plant or any facility which stores, generates or handles any hazardous chemical or chemical compounds. An offense under this subsection is a crime of the fourth degree if it is committed in or upon utility company property. An offense under this subsection is a crime of the fourth degree if it is committed in the sterile area or operational area of an airport. Otherwise it is a disorderly persons offense.

b. Defiant trespasser. A person commits a petty disorderly persons offense if, knowing that he is not licensed or privileged to do so, he enters or remains in any place as to which notice against trespass is given by:

- (1) Actual communication to the actor; or
- (2) Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or
- (3) Fencing or other enclosure manifestly designed to exclude intruders.

c. Peering into windows or other openings of dwelling places. A person commits a crime of the fourth degree if, knowing that he is not licensed or privileged to do so, he peers into a window or other opening of a dwelling or other structure adapted for overnight accommodation for the purpose of invading the privacy of another person and under circumstances in which a reasonable person in the dwelling or other structure would not expect to be observed.

d. Defenses. It is an affirmative defense to prosecution under this section that:

(1) A structure involved in an offense under subsection a. was abandoned;

(2) The structure was at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the structure; or

(3) The actor reasonably believed that the owner of the structure, or other person empowered to license access thereto, would have licensed him to enter or remain, or, in the case of subsection c. of this section, to peer.

3. This act shall take effect immediately.

Approved August 14, 2013.

CHAPTER 139

AN ACT concerning drivers licenses and supplementing Title 39 of the Revised Statutes.

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

C.39:3-10.8a Person with diabetes permitted to voluntarily make notation on license, identification card.

1. a. The Chief Administrator of the New Jersey Motor Vehicle Commission shall permit a license or identification card holder to voluntarily indicate that the person is an insulin dependent diabetic.

b. The designation indicating that a person is an insulin dependent diabetic pursuant to subsection a. of this section shall be done in accordance with procedures prescribed by the chief administrator. The designation shall be used by a law enforcement official or emergency medical pro-

fessional to diagnose a person who has been rendered unable to communicate due to a diabetic seizure and shall not be used for any other purpose by any other person.

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

Approved August 14, 2013.

CHAPTER 140

AN ACT concerning serological testing of certain defendants and amending P.L.1993, c.364

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

1. Section 4 of P.L.1993, c.364 (C.2C:43-2.2) is amended to read as follows:

C.2C:43-2.2 Issuance of court order requiring serological tests.

4. a. In addition to any other disposition made pursuant to law, a court shall order a person convicted of, indicted for or formally charged with, or a juvenile charged with delinquency or adjudicated delinquent for an act which if committed by an adult would constitute, aggravated sexual assault or sexual assault as defined in subsection a. or c. of N.J.S.2C:14-2 to submit to an approved serological test for acquired immune deficiency syndrome (AIDS) or infection with the human immunodeficiency virus (HIV) or any other related virus identified as a probable causative agent of AIDS. The court shall issue such an order only upon the request of the victim and upon application of the prosecutor immediately following the request. The person or juvenile shall be ordered by the court to submit to such repeat or confirmatory tests as may be medically necessary.

As used in this section, "formal charge" includes a proceeding by accusation in the event that the defendant has waived the right to an indictment.

b. A court order issued pursuant to subsection a. of this section shall require testing to be performed as soon as practicable by the Commissioner of the Department of Corrections pursuant to authority granted to the com-

missioner by sections 6 and 10 of P.L.1976, c.98 (C.30:1B-6 and 30:1B-10), by a provider of health care, at a health facility licensed pursuant to section 12 of P.L.1971, c.136 (C.26:2H-12) or the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170). If the victim makes the request prior to or at the time of indictment, or accusation if the defendant has waived the right to an indictment, the court order shall require the testing be performed within 48 hours. The order shall also require that the results of the test be reported to the offender and to the appropriate Office of Victim-Witness Advocacy.

c. The Office of Victim-Witness Advocacy, established pursuant to section 5 of P.L.1985, c.404 (C.52:4B-43), shall reimburse the Department of Corrections, Department of Health or the Juvenile Justice Commission for the direct costs incurred by these departments for any tests ordered by a court pursuant to subsection a. of this section. Reimbursement shall be made following a request from the department.

d. In addition to any other disposition authorized, a court may order an offender at the time of sentencing to reimburse the State for the costs of the tests ordered by subsection a. of this section.

e. Upon receipt of the result of a test ordered pursuant to subsection a. of this section, the Office of Victim-Witness Advocacy shall provide the victim with appropriate counseling, referral for counseling and if appropriate, referral for health care. The office shall notify the victim or make appropriate arrangements for the victim to be notified of the test result.

f. The result of a test ordered pursuant to subsection a. of this section shall be confidential and employees of the Department of Corrections, the Juvenile Justice Commission, the Office of Victim-Witness Advocacy, a health care provider, health care facility or counseling service shall not disclose the result of a test performed pursuant to this section except as authorized herein or as otherwise authorized by law or court order. The provisions of this section shall not be deemed to prohibit disclosure of a test result to the person tested.

g. Persons who perform tests ordered pursuant to subsection a. of this section in accordance with accepted medical standards for the performance of such tests shall be immune from civil and criminal liability arising from their conduct.

h. This section shall not be construed to preclude or limit any other testing for acquired immune deficiency syndrome (AIDS) or infection with the human immunodeficiency virus (HIV) or any other related virus identified as a probable causative agent of AIDS which is otherwise permitted by statute, court rule or common law.

2. This act shall take effect immediately.

Approved August 14, 2013.

CHAPTER 141

AN ACT requiring the Commissioner of Transportation to erect certain signs, designated as “Nikki’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.27:7-44.21 Signs prohibiting motorists from texting while driving.

1. 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 erect appropriate signage and use variable message signs in this State, informing motorists that the operator of a moving motor vehicle is prohibited, pursuant to section 1 of P.L.2003, c.310 (C.39:4-97.3), from text messaging and sending electronic messages via a wireless telephone or electronic communication device. 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.

2. This act shall take effect immediately.

Approved August 14, 2013.

CHAPTER 142

AN ACT establishing a School Security Task Force.

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

1. There is established a School Security Task Force. The purpose of the task force shall be to study and develop recommendations to improve school security and safety, and to ensure a safe learning environment for students and school employees.

2. The task force shall consist of the following 11 members:
 - a. the Commissioner of Education, the Director of the Office of Homeland Security and Preparedness, and the Chief Executive Officer of the New Jersey Schools Development Authority, or their designees;
 - b. Eight members who shall be appointed no later than the 30th day after the effective date of this act, as follows:
 - (1) four members appointed by the Governor, who shall include: one member upon the recommendation of the New Jersey Association of School Business Officials, one member upon the recommendation of the New Jersey Education Association, one member upon the recommendation of the New Jersey School Boards Association, and one member upon the recommendation of the New Jersey Principals and Supervisors Association; and
 - (2) four members of the public, two selected by the Governor who have demonstrated expertise in the development or implementation of school security standards or technology, one selected by the President of the Senate, and one selected by the Speaker of the General Assembly.
3. 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.
4. The task force shall organize as soon as may be practicable after the appointment of its members, but no later than 60 days following 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.
5. The Department of 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.
6. a. The task force shall identify physical and cyber vulnerabilities and potential breaches of security in the public schools, and make recommendations to improve school safety and security. The issues studied by the task force shall include, but are not limited to:

- (1) placing screening systems at school entrances;
- (2) stationing police officers in each school building;
- (3) improving response times to emergency situations, including lock-downs, active shooter, and bomb threats;
- (4) requiring advanced student and visitor identification cards;
- (5) using biometric, retina, or other advanced recognition systems for authorized entrance into school buildings;
- (6) installing panic alarms in school buildings to alert local law enforcement authorities to emergency situations;
- (7) securing computer networks to prevent cyber attacks;
- (8) scheduling periodic patrols of school buildings and grounds by local law enforcement officers; and
- (9) hardening the school perimeter and building entryways.

b. The task force shall review and develop recommendations on building security and assessment standards for existing school facilities and new construction, including, but not limited to, standards for:

- (1) architectural design for new construction;
- (2) assessing and abating security risks in existing school facilities;
- (3) emergency communication plans;
- (4) staff training; and
- (5) addressing elevated risk factors, including proximity to a chemical facility or nuclear power plant.

c. In developing its recommendations, the task force shall: research effective strategies that have been employed in other states; refer to and incorporate existing State research, data, recommendations, and standards, including the School Safety and Security Plans Minimum Requirements set forth by the Department of Education and the September 2007 Final Report of the New Jersey K-12 School Security Task Force; and solicit public input.

d. The task force is authorized, within the limits of funds appropriated or otherwise made available to it for its purpose, to commission professional engineering firms and certified information systems professionals in identifying, interviewing, researching, and documenting security best practices.

7. The task force shall issue a final report within six months after its organizational meeting to the Governor, the State Board of Education, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), containing its findings and recommendations, including any recommendations for legislation or regulations that it deems appropriate.

8. This act shall take effect immediately and the task force shall expire upon the issuance of the task force final report.

Approved August 16, 2013.

CHAPTER 143

AN ACT requiring the reporting of children's sudden cardiac events 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-141 Short title.

1. This act shall be known and may be cited as the "Children's Sudden Cardiac Events Reporting Act."

C.26:2H-142 Findings, declarations relative to children's sudden cardiac events.

2. The Legislature finds and declares that:
- a. A great deal of information is needed by schools and communities throughout New Jersey in order to improve the survival of children who experience sudden cardiac events;
 - b. The collection of relevant data and the documentation of sudden cardiac event outcomes are essential for policymakers and health care professionals to determine the most effective allocation of personnel, training, equipment, and resources to save the greatest number of lives; and
 - c. It is in the public interest to implement such measures as are necessary to provide for the collection of children's sudden cardiac event data and to establish a Statewide database that will inform the efforts of schools, families, policymakers, and health care professionals to improve children's sudden cardiac event prevention and survival.

C.26:2H-143 Definitions relative to children's sudden cardiac events.

3. As used in this act:
- "Child" means a child who is under 19 years of age.
 - "Commissioner" means the Commissioner of Health.
 - "Department" means the Department of Health.
 - "Health care professional" means a physician or registered professional nurse licensed to practice in this State.

“Registry” means the Children’s Sudden Cardiac Events Registry established pursuant to this act.

“Sudden cardiac event” means a death or aborted death due to a cardiac arrhythmia resulting in loss of consciousness requiring cardiopulmonary resuscitation, defibrillation, or other advanced life support measures to regain normal heart function.

C.26:2H-144 Report to department.

4. a. A health care professional who makes the diagnosis of a sudden cardiac event in a child, or who makes the actual determination and pronouncement of death for a child, as applicable, shall report the sudden cardiac event to the department on a form and in a manner prescribed by the commissioner.

b. The report shall be in writing and shall include the name and address of the health care professional submitting the report, the name, age, and address of the child, and other pertinent information as may be required by the commissioner; except that, if the child’s parent or guardian objects to the reporting of the child’s condition for any reason, the report shall not include any information that could be used to identify the child.

c. The commissioner shall specify procedures for the health care professional to inform the child’s parent or guardian of the requirements of subsections a. and b. of this section and the purpose served by including this information in the registry, as well as the parent’s or guardian’s right to refuse to permit the reporting of any information that could be used to identify the child.

C.26:2H-145 Children’s Sudden Cardiac Events Registry.

5. a. The department shall establish and maintain an up-to-date Children’s Sudden Cardiac Events Registry, which shall include a record of all sudden cardiac events that are reported pursuant to this act and any other information that the department deems relevant and appropriate in order to effectuate the purposes of this act.

b. The reports made pursuant to this act shall be used only by the department and other agencies as may be designated by the commissioner, and shall not otherwise be divulged or made public so as to disclose the identity of any person to whom they relate. To that end, the reports shall not be included under materials available to public inspections pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

c. A health care professional providing information to the department pursuant to this act shall not be deemed to be, or held liable for, divulging confidential information.

d. Nothing in this act shall be construed to compel a child to submit to medical or health examination or supervision by the department.

C.26:2H-146 Children's Sudden Cardiac Events Review Board.

6. a. The commissioner shall establish the Children's Sudden Cardiac Events Review Board in the department.

(1) The purpose of the board shall be to review and evaluate the information reported to the department pursuant to this act, and to study any other data, which the board shall seek and as may be made available to it to supplement the reported information, with respect to children diagnosed with cardiac conditions or reported to have had a sudden cardiac event in this State.

(2) The board shall make note of such factors as the age, gender, and ethnicity of each child, and the location of each sudden cardiac event, in its review of any information received by the board.

(3) The board may share its findings with other recognized entities that collect nationwide data on sudden cardiac events, except that the board shall not disclose to any person or entity outside the department any information that could be used to identify a child.

b. The board shall consist of 11 members as follows:

(1) the commissioner and the Commissioners of Children and Families and Education, or their designees, who shall serve ex officio; and

(2) eight public members to be appointed by the commissioner as follows: one person who represents the American Heart Association; one person who represents the American Academy of Pediatrics, New Jersey Chapter; one person who represents the American College of Cardiology; one person who represents the New Jersey State School Nurses Association; one person who represents the New Jersey State Interscholastic Athletic Association; one person who represents the Hypertrophic Cardiomyopathy Association; one person who represents the Athletic Trainers' Society of New Jersey; and one person who represents the New Jersey Academy of Family Physicians.

c. The public members of the board shall serve for a term of three years, except that of the public members first appointed, four shall serve for a term of two years, and four shall serve for a term of three years. The public members shall serve without compensation but shall be eligible for reimbursement for the necessary and reasonable expenses incurred in the per-

formance of their official duties, within the limits of funds appropriated or otherwise made available for this purpose. Vacancies in the membership of the board shall be filled in the same manner as the original appointments were made.

d. The public members shall select from among themselves an individual to serve as chairperson of the board, who shall be responsible for the coordination of all activities of the board and shall provide the technical assistance needed to execute the duties of the board.

e. The board shall be entitled to call to its assistance and avail itself of the services of employees of any State, county, or municipal department, board, bureau, commission, or agency as it may require and as may be available for the purposes of carrying out its responsibilities.

C.26:2H-147 Rules, regulations.

7. The commissioner, 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.

8. This act shall take effect on the first day of the seventh month next following the date of enactment, but the commissioner may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved August 19, 2013.

CHAPTER 144

AN ACT concerning home improvement contractors and supplementing P.L.2004, c.16 (C.56:8-136 et seq.).

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

C.56:8-138.1 Identification badge required for certain contractors.

1. a. Every contractor required to register under the "Contractors' Registration Act," P.L.2004, c.16 (C.56:8-136 et seq.) shall have in his possession an identification badge, issued pursuant to subsection b. of this section, whenever the contractor is performing, or engaging, or attempting to engage, in the business of making or selling home improvements. The identification badge shall be plainly visible and worn on the upper left corner of

his torso when the contractor is performing, or engaging, or attempting to engage, in the business of selling home improvements.

b. Upon the application of a registered contractor, the director shall issue, or cause to be issued, a personalized identification badge to the contractor. The identification badge shall include a color photograph of the contractor's face, the contractor's name, the contractor's registration number, and the name of the contractor's business displayed in a manner that will be plainly visible and permit recognition when worn by the contractor. The badge shall include a statement, written in such a way as to be plainly visible when worn by the contractor, that the badge is not for an electrical contractor, plumbing contractor or HVACR contractor license. The identification badge shall be made in such a way and of such material that any attempt to alter the badge will result in it being immediately, permanently and obviously ruined. The photograph included on the identification badge shall be taken no more than four weeks before the date upon which the identification badge is issued. A contractor shall apply for and obtain a new identification badge at least once every six years.

c. The director may charge the contractor a reasonable fee to cover the costs of the identification badge issued pursuant to this section.

d. A contractor who has been issued an identification badge pursuant to subsection b. of this section and whose registration has been suspended, revoked, or has not been renewed, shall, within three days of that suspension, revocation or nonrenewal, surrender the identification badge to the director.

e. A person who knowingly exhibits or displays an identification badge issued pursuant to subsection b. of this section and is not at that time registered as a contractor pursuant to the "Contractors' Registration Act," P.L.2004, c.16 (C.56:8-136 et seq.), including any contractor who has had his registration revoked, suspended, or not renewed, is guilty of a crime of the fourth degree.

2. This act shall take effect on the 365th day following the date of enactment.

Approved August 19, 2013.

CHAPTER 145

AN ACT concerning civil and criminal penalties for offenses involving unstamped and counterfeit cigarettes and cigarette smuggling, amending

various parts of statutory law and supplementing P.L.1948, c.65 (C.54:40A-1 et seq.).

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

1. Section 202 of P.L.1948, c.65 (C.54:40A-4) is amended to read as follows:

C.54:40A-4 License; issuance, fees.

202. a. All licenses shall be issued by the director, who shall make rules and regulations respecting applications therefor and issuance thereof.

b. The following individuals related to distributors, wholesale dealers, retail dealers operating more than nine cigarette vending machines, and retail dealers who sell cigarettes at retail at more than nine premises shall submit with applications for a license, fingerprints, which shall be processed through the Federal Bureau of Investigation and the New Jersey State Police, and such other information as the director may require:

(1) Individuals having any interest whatsoever in a proprietorship or company.

(2) Partners of a partnership, regardless of percentage.

(3) Joint venturers in a joint venture.

(4) Officers, directors, and all stockholders holding directly or indirectly a beneficial interest in more than 5% of the outstanding shares of a corporation.

(5) Employees receiving in excess of \$30,000.00 per annum compensation whether as salary, commission, bonus or otherwise and persons who, in the judgment of the director are employed in a supervisory capacity or have the power to make or substantially affect discretionary business judgments of the applicant entity with regard to the cigarette business.

(6) Other persons who the director establishes have the ability to control the applicant entity through any means including but not limited to, contracts, loans, mortgages or pledges of securities where such control is inimical to the policies of this act because such person is a career offender or a member of a career offender cartel as defined in paragraph (2) of subsection e. of this section. Individuals licensed pursuant to the "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.) shall only be required to produce evidence of said licensure in satisfaction of the foregoing.

The provisions in this subsection as to wholesale dealers, retail dealers operating more than nine cigarette vending machines, and retail dealers

who sell cigarettes at retail at more than nine premises do not apply to retail grocery stores and supermarkets primarily engaged in the self-service sale of foods and household supplies for off-premises consumption, to drug stores and pharmacies engaged in the retail sale of prescription drugs and patent medicines and which may carry a number of lines of related merchandise, or to restaurants, hotels and motels operated by national corporations with such premises in six or more states and primarily engaged in the sale of foods for retail consumption or in the rental of rooms for lodging.

c. (1) The director shall not issue any license under this act where he has reasonable cause to believe that anyone required to submit information under this act has willfully withheld information requested of him for the purpose of determining the eligibility of the applicant to receive a license or where the director has reasonable cause to believe that information submitted in the application is false and misleading and is not made in good faith.

(2) The director shall not issue a license under this act to a person that is a manufacturer or importer of cigarettes, tobacco products or processed tobacco if the manufacturer or importer does not possess a valid federal permit issued pursuant to section 5713 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.5713, that is not suspended or revoked.

d. The director shall not issue any license under this act where he has reasonable cause to believe that anyone required to be licensed or anyone required to submit information under this act, has been convicted of any offense in any jurisdiction which would be at the time of conviction a crime involving moral turpitude.

It is further provided that any applicant or person required to submit information who has a charge pending pursuant to any of the foregoing shall disclose that fact to the director. The director may then withhold action on new applications or, in the case of an application for the renewal of a license, issue a temporary license until there has been a disposition of the charge. The director shall have the discretion to waive the prohibition against licensure herein provided upon the presentation of proof that a period of not less than five years has elapsed since the last conviction or the expiration of any period of incarceration imposed with respect thereto.

e. The director shall not issue any license where the applicant or anyone required to submit information has been identified as a career offender or a member of a career offender cartel in such a manner as to create a reasonable belief that the association is of such a nature as to be inimical to the policies of this act or to the taxation, distribution, and sale of cigarettes within the State. The director may request the Attorney General for advice respecting whether a person is a "career offender" within the meaning of

this subsection, or is a "contumacious defiant" within the meaning of subsection f. of this section.

As used in this subsection:

(1) "career offender" means any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain, utilizing such methods as are deemed criminal violations of the public policy of this State; and (2) "career offender cartel" means any group of persons who operate together as career offenders.

f. The director shall not issue any license where the applicant or anyone required to submit information has been found to be contumaciously defiant before any legislative investigative body or other official investigative body of this State or of the United States when such body is engaged in the investigation of organized crime, official corruption or the cigarette industry itself.

g. Each such license shall lapse on March 31 of the period for which it is issued, and each such license shall be continued annually upon the conditions that the licensee shall have paid the required fee and complied with all the provisions of this act and the rules and regulations of the director made pursuant thereto.

h. For each license issued to a distributor there shall be paid to the director a fee of \$350.00. If a distributor sells or intends to sell cigarettes at two or more places of business, whether established or temporary, a separate license shall be required for each place of business. Each license, or certificate, thereof, and such other evidence of license shall be exhibited in the place of business for which it is issued and in such manner as may be prescribed by the director. The director shall require each licensed distributor to file with him a bond in an amount not less than the average monthly value of the cigarette stamps used by the licensed distributor to guarantee the proper performance of his duties and the discharge of his liabilities under this act. The bond shall be executed by such licensed distributor as principal, and by a corporation approved by the director and duly authorized to engage in business as a surety company in the State of New Jersey, as surety. The bond shall run concurrently with the distributor's license.

For each license issued to a manufacturer, and for each continuance thereof, there shall be paid to the director a fee of \$10.00.

For each license issued to a manufacturer's representative, and for each continuance thereof, there shall be paid to the director a fee of \$5.00.

For each license issued to a wholesale dealer there shall be paid to the director a fee of \$250.00. If a wholesale dealer sells or intends to sell cigarettes at 10 or more places of business, whether established or temporary, a

separate license shall be required for each place of business. Each license, or certificate thereof, and such other evidence of license shall be exhibited in the place of business for which it is issued and in such manner as may be prescribed by the director.

For each license issued to a retail dealer and for each continuance thereof, excepting a retail dealer operating a cigarette vending machine, there shall be paid to the director a fee of \$40 in 1996 and \$50 in 1997 and each year thereafter. For each license issued to a retail dealer operating a vending machine for the sale of cigarettes and for each continuance thereof, there shall be paid to the director a fee of \$40 in 1996 and \$50 in 1997 and each year thereafter. Of the license fee of \$40 and \$50, respectively, \$30 shall be credited in 1996 and \$40 shall be credited in 1997 and each year thereafter to the special projects and development fund in the Department of Health and Senior Services established pursuant to section 7 of P.L. 1966, c.36 (C.26:2F-7) for the purposes specified therein, and \$5 shall be credited each year, beginning with 1996, to the division for administrative costs associated with the requirements established pursuant to subsection i. of this section and section 2 of P.L. 1995, c.320 (C.26:3A2-20.1). The director shall determine and certify to the State Treasurer on a monthly basis the amount of revenues collected by the director which are to be credited to the special projects and development fund in the Department of Health.

If a retail dealer sells or intends to sell cigarettes at two or more places of business, whether established or temporary, or whether in the same building or not, a separate license shall be required for each place of business. Each vending machine for the sale of cigarettes shall be separately licensed and be deemed a separate place of business. Each license, or certificate thereof, and such other evidence of license shall be exhibited in the place of business for which it is issued and in such manner as may be prescribed by the director.

Any person licensed only as a distributor or as a manufacturer or as a manufacturer's representative or as a wholesale dealer or as a retail dealer shall not operate in any other capacity except under that for which he is licensed herein, unless the appropriate license or licenses therefor are first secured.

For each license issued to a consumer and for each continuance thereof there shall be paid to the director a fee of \$1.00. Each license, or certificate thereof, or such other evidence of license as may be prescribed by the director, shall be so kept by the consumer as to be readily available for inspection.

No license shall be issued to any person except upon the payment of the full fee therefor, any statute or exemption to the contrary notwithstanding. No license shall be assignable or transferable, except as hereinafter provided, but in the case of death, bankruptcy, receivership, or incompetency of the licensee, or if for any other reason whatsoever the business of the licensee shall devolve upon another by operation of law, the director may, in his discretion, extend said license for a limited time to the executor, administrator, trustee, receiver, or person upon whom the same has devolved. A purchaser or assignee of a licensed wholesaler or licensed distributor, or any other person upon whom the business of a licensed wholesaler or licensed distributor shall devolve by operation of law, shall upon application to the director, be entitled to an assignment or transfer of the wholesale or distributor license for the balance of the existing license period upon payment of a transfer fee of \$5.00 and subject to his qualification to be a licensed wholesaler or licensed distributor under the provisions of this act. The license issued for each vending machine for the sale of cigarettes may be transferred from machine to machine in the same ownership. No refund of the license fee shall be paid to any person upon the surrender or revocation of any license except a license fee paid or collected in error. But, upon payment of a \$1.00 fee, there may be obtained (1) a duplicate license, or certificate thereof, in the event the original is lost, destroyed or defaced, and (2) an amended license, or certificate thereof, upon a change in the location of the place of business of any distributor or dealer.

i. The director shall require an applicant for a cigarette retail dealer license, including a license to operate a vending machine for the sale of cigarettes, to include on the application the address of the place of business where the cigarettes will be sold or the address where the vending machine will be located, as the case may be.

If the place of business or the vending machine is moved to a different address than that provided on the license application, the licensee shall notify the director within 30 days of the change of address.

2. Section 205 of P.L.1948, c.65 (C.54:40A-7) is amended to read as follows:

C.54:40A-7 Reports required; penalty required for not filing reports.

205. Every licensed distributor shall file with the director on or before the twentieth day of each month, a report in such form as the director shall prescribe, which report shall disclose the number of cigarettes on hand by brand family, as defined pursuant to section 2 of P.L.2003, c.25 (C.52:4D-

5), on the first and last days of the calendar month immediately preceding the month in which such report is required; together with the quantity, by brand family, of cigarettes purchased or sold during the report period, and such information concerning the amount of stamps purchased, used, and on hand during the report period; together with any other information for the report period that the director shall prescribe.

Every licensed manufacturer shall file with the director on or before the twentieth day of each month, a report in such form as the director shall prescribe, which report shall disclose the number of cigarettes sold, subject to the cigarette tax, for the calendar month immediately preceding the month in which such report is required; together with any other information for the report period that the director shall prescribe.

Every licensed manufacturer's representative, wholesale and retail dealer, upon notice from the director, shall file with the director a report in such form, and on such dates, as the director shall prescribe.

Every licensed consumer who has acquired cigarettes for use, storage or consumption subject to the tax shall, on or before the twentieth day of the month following receipt of such cigarettes, complete and file with the director, in such form as the director shall prescribe, a report showing the amount of cigarettes so received. Said report shall be accompanied by a remittance for the full amount of the tax due.

Any person, other than a licensed distributor, who transports unstamped cigarettes upon the public highways, roads, or streets of this State or who stores unstamped cigarettes in this State upon notice from the director, shall file with the director a report in such form, and on such dates, as the director shall prescribe.

Any person who shall fail to file any report on the day when it shall be due, shall forfeit as a penalty, an amount as provided in the State Uniform Tax Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. The director, if satisfied that the failure to comply with any provision of this section was excusable, may remit the whole or any part of said penalty.

C.54:40A-7.1 Monthly report produced by director.

3. The director shall produce a monthly report listing the quantity of cigarettes sold in this State by distributors, aggregated by manufacturer and by brand family as defined pursuant to section 2 of P.L.2003, c.25 (C.52:4D-5), during the month immediately preceding the monthly report, which shall be published on the website of the Division of Taxation in the Department of the Treasury on or before the 15th day of each month.

4. Section 601 of P.L.1948, c.65 (C.54:40A-24) is amended to read as follows:

C.54:40A-24 Penalties; jurisdiction; disposition; costs; expenses.

601. a. Penalties. Any person who shall engage in any business or activity for which a license is required under the provisions of this act, without first having obtained a license to do so, or who, having had such a license, shall continue to engage in or conduct such business after any such license shall have been revoked, or during a suspension thereof, shall be liable to a penalty of not more than \$1,000, which penalty shall be sued for, and shall be recoverable in the name of the director; and each day that any such business is so engaged in or conducted shall be deemed a separate offense.

b. Jurisdiction of court; proceedings. The Superior Court and every municipal court within their respective jurisdictions, and with respect to offenses occurring within the territorial jurisdiction of the court, shall have jurisdiction over proceedings to enforce and collect the penalty. The proceedings shall be brought by and in the name of the director. They shall be summary and in accordance with the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). Process shall be either in the nature of a summons or warrant.

If judgment be rendered for the plaintiff, the court shall cause any defendant who refuses or fails to pay forthwith the amount of the judgment rendered against him and all the costs and charges incident thereto, to be committed to the county jail for such period as the court shall determine, not exceeding 60 days.

c. Penalty for further violations; recovery; proceedings in court. In case a person shall, after conviction of any violation of this act, be again convicted of violating the same provision thereof, he may be liable to a penalty for such further violation, in double the maximum penalty which might have been imposed on the first conviction, to be sued for and recovered in the manner above set forth. In case any defendant against whom judgment has been rendered for a money penalty under this subsection, shall fail or neglect to pay forthwith the amount of said penalty, the court shall commit him to jail for such number of days not exceeding 180 days, as the court shall determine.

d. Disposition of penalties. All penalties recovered for violations of this act shall be paid to the director and by him accounted for and paid to the State Treasurer as in the case of State taxes.

e. Costs; expenses. The costs recoverable in any such proceeding shall be recovered by the director in the event of judgment in his favor. If

the judgment be for the defendant it shall be without costs against the director. All expenses incident to the recovery of any penalty pursuant to the provisions of this section shall be paid for as any other expense incident to the administration of this act.

5. Section 10 of P.L.1968, c.351 (C.54:40A-24.1) is amended to read as follows:

C.54:40A-24.1 Penalty for selling cigarettes not of employer's manufacture.

10. Any manufacturer's representative, as defined in this act, who sells or exchanges cigarettes other than those of his employer's manufacture shall be liable to a penalty of not more than \$1,000 for each separate offense.

6. Section 602 of P.L.1948, c.65 (C.54:40A-25) is amended to read as follows:

C.54:40A-25 Possessing cigarettes not bearing required revenue stamps.

602. Possessing cigarettes not bearing required revenue stamps.

Any wholesale dealer or retail dealer who violates the provisions of section four hundred six of this act, and any consumer who fails to report and remit the tax due as provided by section two hundred five of this act, shall be liable to a penalty of not more than \$1,000 for each individual carton of unstamped or illegally stamped cigarettes in the dealer's possession, which penalty shall be sued for and recovered in the same manner as provided for the penalties imposed by section six hundred one of this act.

7. Section 603 of P.L.1948, c.65 (C.54:40A-26) is amended to read as follows:

C.54:40A-26 Refusal or failure to produce records.

603. Any person engaged in the business of manufacturing, purchasing, selling, consigning, shipping, distributing, or transporting cigarettes, who shall refuse or fail to produce, on demand by the director or any designated assistant, invoices of all cigarettes purchased or received by him within three years prior to such demand, unless his inability to do so for reasons beyond his control shall be shown by satisfactory proof, shall be guilty of a disorderly persons offense and shall be fined \$1,000.

8. Section 604 of P.L.1948, c.65 (C.54:40A-27) is amended to read as follows:

C.54:40A-27 Interfering with administration of the act.

604. Any person who prevents or hinders the director or any designated assistant from making a cigarette inventory, examination and full inspection of any place where cigarettes are sold or stored, or prevents or hinders the inspection of invoices, books, records, or papers required to be kept, shall be guilty of a disorderly persons offense and shall be fined \$1,000.

9. Section 605 of P.L.1948, c.65 (C.54:40A-28) is amended to read as follows:

C.54:40A-28 Sale of cigarettes without required stamp, violations.

605. Any person who sells cigarettes without the stamp or stamps required by this act being affixed thereto or cigarettes stamped in violation of subsection b. of section 405 of P.L.1948, c.65 (C.54:40A-15) shall be guilty of a crime of the third degree.

10. Section 2 of P. L.1977, c.188 (C.54:40A-28.1) is amended to read as follows:

C.54:40A-28.1 Possession of cigarettes without proper stamp, violations.

2. Any person, other than a licensee permitted under this act to possess any unstamped cigarettes, who possesses 2,000 but fewer than 20,000 cigarettes without the stamp or stamps required by this act being affixed thereto or stamped in violation of subsection b. of section 405 shall be guilty of a crime of the fourth degree; and any such person who possesses 20,000 or more cigarettes without the stamp or stamps required by this act being affixed thereto or stamped in violation of subsection b. of section 405 of P.L.1948, c.65 (C.54:40A-15) shall be guilty of a crime of the third degree.

11. Section 609 of P.L.1948, c.65 (C.54:40A-32) is amended to read as follows:

C.54:40A-32 Records; possession and transportation of unstamped cigarettes; seizure and confiscation of vessel or vehicles.

609. Records; possession and transportation of unstamped cigarettes; seizure and confiscation of vessel or vehicles. Every person who shall transport cigarettes not stamped as required by this act or stamped in violation of subsection b. of section 405 of P.L.1948, c.65 (C.54:40A-15) upon the public highways, waterways, roads or streets of this State shall have in his actual possession invoices or delivery tickets for such cigarettes which shall show the true name and complete and exact address of the consignor or seller, the true name and complete and exact address of the consignee or

purchaser, the quantity and brands of the cigarettes transported and in addition shall show separately the true name and complete and exact address of the person who has or shall assume the payment of the New Jersey State tax or the tax, if any, of the State or foreign country at the point of ultimate destination, provided that any common carrier which has issued a bill of lading for a shipment of cigarettes and is without notice to itself or to any of its agents or employees that said cigarettes are not stamped as required by this act shall be deemed to have complied with this act and the vehicle or vessel in which said cigarettes are being transported shall not be subject to confiscation hereunder. In the absence of such invoices, delivery tickets or bills of lading, as the case may be, the cigarettes so transported, the vehicle, or vessel in which the cigarettes are being transported and any paraphernalia or devices used in connection with the unstamped cigarettes or cigarettes stamped in violation of subsection b. of section 405 of P.L.1948, c.65 (C.54:40A-15), are declared to be contraband goods and may be seized by the director, his agents or employees or by any peace officer of the State when directed by the director, his agents or employees so to do, without a warrant. The director shall immediately thereafter institute a proceeding for the confiscation thereof in the Superior Court or the municipal court within the jurisdiction of which the seizure is made. The owner or any person having a security interest in any such vehicle may secure release of the same by depositing with the clerk of the court, in which such proceeding is pending, a bond with good and sufficient sureties in an amount to be fixed by the court, conditioned upon the return of said vehicle to the director upon demand after completion of said proceeding. The court may proceed in a summary manner and may direct confiscation to the director; provided, however, anything to the contrary notwithstanding, that the owner or any person claiming to be the holder of a mortgage, conditional sales contract or other security interest in any vehicle or vessel, the disposition of which is provided for above, may present his petition so alleging and be heard, and in the event it appears to the court that the property was unlawfully used by a person other than the owner or such claimant, and if such owner or claimant acquired ownership or his security interest in good faith and without knowledge that the vehicle or vessel was going to be so used, the court shall either waive forfeiture in favor of such owner or claimant and order the vehicle or vessel returned or delivered to such owner or claimant, or if it is found that the value thereof exceeds the amount of the claim, the court shall order payment of the amount of the claim out of the proceeds of the sale. Every transporter who violates the provisions of this act shall be guilty of a crime of the fourth degree, and shall, in addition to such penalties as may be im-

posed therefor, be liable to a penalty equal to double the amount of tax due on any unstamped cigarettes transported by him, which penalty shall be sued for and recovered in the same manner as provided for the penalties imposed by section 601 of the act to which this act is amendatory (C.54:40A-24).

12. Section 9 of P.L.1968, c.351 (C.54:40A-32.1) is amended to read as follows:

C.54:40A-32.1 Cigarette vending machines, certain circumstances, seized, sealed.

9. Any cigarette vending machine not bearing a proper license or identification, or which is found to contain unstamped packages of cigarettes, or cigarettes bearing counterfeit impressions, or cigarettes stamped in violation of subsection b. of section 405 of P.L.1948, c.65 (C.54:40A-15), may be seized or sealed by the director, the director's agents or employees or by any peace officer of this State, when directed by the director so to do. If the owner or the owner's agent destroys or removes said seal, that individual may, upon conviction, be subject to a penalty of not more than \$1,000. Any vending machine containing unstamped or counterfeit stamped cigarettes may be declared forfeited to the director.

13. Section 6 of P.L.1950, c.134 (C.54:40A-44) is amended to read as follows:

C.54:40A-44 Advertisements; penalties therefor.

6. No radio or television broadcast originating in this State, or newspaper, or other publication published in this State, shall accept an advertisement from any out-of-State cigarette dealer for the sale of cigarettes by mail or express, unless there is included in said advertisement the following words: "Before any person may receive cigarettes in New Jersey by mail or express, a license for that purpose must be obtained from the Division of Taxation, New Jersey Department of the Treasury."

Any person who violates these provisions, upon conviction thereof, shall be fined not more than \$1,000 for each individual offense.

14. Section 5 of P.L.2005, c.85 (C.54:40A-50) is amended to read as follows:

C.54:40A-50 Additional penalties, schedule.

5. In addition to any other remedies provided by law, the Director of the Division of Taxation in the Department of the Treasury shall assess penalties for violations of this act in accordance with the following schedule:

- a. a penalty of not less than \$2,000 and not more than \$4,000 for the first violation;
- b. a penalty of not less than \$5,000 and not more than \$7,000 for the second violation within a five-year period;
- c. a penalty of not less than \$8,000 and not more than \$10,000 for the third violation within a five-year period;
- d. a penalty of not less than \$11,000 and not more than \$13,000 for a fourth violation within a five-year period; and
- e. a penalty of \$20,000 for a fifth or subsequent violation within a five-year period.

C.54:40A-29.1 Offenses involving counterfeit cigarettes.

15. a. Any person who imports into this State, directly or indirectly, or offers for sale, sells, distributes, transports or possesses with intent to sell a counterfeit cigarette, knowing that the cigarette is a counterfeit cigarette, shall be guilty of a crime of the third degree. As used in this section, "counterfeit cigarette" means a cigarette or a pack or other container of cigarettes that bears any reproduction or copy of a trademark, service mark, trade name, label, term, design, or work adopted by or used by a licensed manufacturer to identify its own cigarettes but is not manufactured by the owner or holder of that trademark, service mark, trade name, label, term, design, or work, or by any authorized licensee of that person.

b. Notwithstanding N.J.S.2C:1-8 or any other provision of law, a conviction of an offense defined in this section shall not merge with a conviction for any other offense constituting the criminal activity defined in section 1 of the "New Jersey Trademark Counterfeiting Act," P.L.1997, c.57 (C.2C:21-32), and the sentence imposed upon a conviction of an offense defined in this section shall be ordered to be served consecutively to that imposed for a conviction of any offense under section 1 of P.L.1997, c.57 (C.2C:21-32) constituting the criminal activity involving the counterfeit cigarettes. Nothing in section 1 of P.L.1997, c.57 (C.2C:21-32) shall be construed to preclude or limit a prosecution or conviction for any other offense defined in P.L.1948, c.65 (C.54:40A-1 et seq.) or any other statute.

c. (1) Proof that a person possessed a quantity of 2,000 or more counterfeit cigarettes shall give rise to an inference that the person intended to sell those cigarettes.

(2) Proof that a person who sold or distributed 2,000 or more counterfeit cigarettes did not provide or retain an invoice or other business record documenting the transfer of the cigarettes to the recipient shall give rise to an inference that the person knew that the cigarettes were counterfeit ciga-

rettes, and proof that a person who obtained 2,000 or more counterfeit cigarettes did not receive or retain an invoice or other record of the price from the source of the cigarettes shall give rise to an inference that the person knew that the cigarettes were counterfeit cigarettes.

(3) Proof that a person who imported or possessed any quantity of counterfeit cigarettes obtained them at a price substantially below their fair and reasonable value shall give rise to an inference that the person knew that the cigarettes were counterfeit cigarettes, and proof that a person who offered for sale, sold or distributed any quantity of counterfeit cigarettes at a price substantially below their fair and reasonable value shall give rise to an inference that the person knew that the cigarettes were counterfeit cigarettes.

16. This act shall take effect immediately.

Approved August 19, 2013.

CHAPTER 146

AN ACT concerning a child's exposure to media violence and supplementing Title 18A of the Revised Statutes.

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

C.18A:40-44 Information relative to child's exposure to violence on electronic devices.

1. a. The Department of Education shall prepare and make available on the department's Internet website, both in print and in an easily printable format, information on how a parent can limit a child's exposure to violence on television, cell phones, computers, and other electronic devices. The department shall update this information whenever new information about a child's exposure to violence on television and other electronic devices becomes available. The information shall include, but not be limited to:

(1) research and statistics on how violent behavior increases after exposure to violent films, music, television, or video games;

(2) scientific findings that show children who play violent video games are more likely to be involved in physical altercations with classmates, perform poorly on academic tasks, and are unable to relate to adults in positions of authority;

(3) factors that increase the probability a child will be at risk of violent behavior, including, but not limited to, exposure or involvement in violence

at critical stages of childhood development, poor socioeconomic conditions, and poor parenting skills;

(4) symptoms of a child's overexposure to violence, including, but not limited to, sleeplessness, anxiety, depression, feelings of hopelessness, truancy, and difficulty in school;

(5) predictors of violent behavior in children, including but not limited to, dishonesty, disobedience, favorable attitude toward violence, hostility toward police, substance abuse, aggressive or antisocial behavior, and involvement in nonviolent criminal offenses; and

(6) effective strategies, based on a child's age and stage of development, that will help a parent monitor or restrict a child's exposure to violence on television and other electronic devices, including, but not limited to, the use of screening software or other technologies that prevent a child from watching television programs a parent deems inappropriate, co-viewing and commenting on television programs that depict violence, and familiarization with video game advisory labels and rating systems that make it more difficult for children to purchase and play such games.

b. The department shall prepare an informational pamphlet that contains the information posted on its website pursuant to subsection a. of this section, and shall update the pamphlet as necessary. The department shall distribute the pamphlet, at no charge, to all school districts in the State, and shall make additional copies available to nonpublic schools upon request.

c. In the 2013-2014 school year and in each school year thereafter, each school district shall distribute the pamphlet to the parents or guardians of students attending the schools of the district.

C.18A:40-45 Rules, regulations.

2. The Department of Education, 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 August 19, 2013.

CHAPTER 147

AN ACT concerning contracting by State colleges and supplementing P.L.1986, c.43 (C.18A:64-52 et seq.).

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

C.18A:64-76.2 Methods of withholding of payment.

1. Whenever any contract, the total price of which exceeds \$100,000, entered into by a State college, for the construction, reconstruction, alteration or repair of any building, structure, facility or other improvement to real property, requires the withholding of payment of a percentage of the amount of the contract, the contractor may agree to the withholding of payments in the manner prescribed in the contract, or may deposit with the State college registered book bonds, entry municipal bonds, State bonds or other appropriate bonds of the State of New Jersey, or negotiable bearer bonds or notes of any political subdivision of the State, the value of which is equal to the amount necessary to satisfy the amount that otherwise would be withheld pursuant to the terms of the contract. The nature and amount of the bonds or notes to be deposited shall be subject to approval by the State college. For purposes of this section, "value" shall mean par value or current market value, whichever is lower.

If the contractor agrees to the withholding of payments, the amount withheld shall be deposited, with a banking institution or savings and loan association insured by an agency of the Federal government, in an account bearing interest at the rate currently paid by such institutions or associations on time or savings deposits. The amount withheld, or the bonds or notes deposited, and any interest accruing on such bonds or notes, shall be returned to the contractor upon fulfillment of the terms of the contract relating to such withholding. Any interest accruing on cash payments withheld shall be credited to the State college.

C.18A:64-76.3 Provision for partial payments.

2. Any contract, the total price of which exceeds \$100,000, entered into by a State college involving the construction, reconstruction, alteration, repair or maintenance of any building, structure, facility or other improvement to real property, shall provide for partial payments to be made at least once each month as the work progresses, unless the contractor shall agree to deposit bonds with the State college pursuant to section 1 of P.L.2013, c.147 (C.18A:64-76.2).

C.18A:64-76.4 Withholding by State college pending completion of contract.

3. a. With respect to any contract entered into by a State college pursuant to section 2 of P.L.2013, c.147 (C.18A:64-76.3) for which the contractor

shall agree to the withholding of payments pursuant to section 1 of P.L.2013, c.147 (C.18A:64-76.2), 2% of the amount due on each partial payment shall be withheld by the State college pending completion of the contract.

b. Upon acceptance of the work performed pursuant to the contract for which the contractor has agreed to the withholding of payments pursuant to subsection a. of this section, all amounts being withheld by the State college shall be released and paid in full to the contractor within 45 days of the final acceptance date agreed upon by the contractor and the State college, without further withholding of any amounts for any purpose whatsoever, provided that the contract has been completed as indicated. If the State college requires maintenance security after acceptance of the work performed pursuant to the contract, such security shall be obtained in the form of a maintenance bond. The maintenance bond shall be no longer than two years and shall be no more than 100% of the project costs.

4. This act shall take effect immediately.

Approved August 19, 2013.

CHAPTER 148

AN ACT concerning the charging of employer accounts for purposes of unemployment compensation payments and amending R.S.43:21-6.

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

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

Claims for benefits.

43:21-6. (a) Filing. (1) Claims for benefits shall be made in accordance with such regulations as the Director of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey may approve. Each employer shall post and maintain on his premises printed notices of his subject status, of such design, in such numbers and at such places as the director of the division may determine to be necessary to give notice thereof to persons in the employer's service. Each employer shall give to each individual at the time he becomes unemployed, for any reason, whether the unemployment is permanent or temporary, a printed copy of benefit instructions. The benefit in-

structions given to the individual shall include, but not be limited to, the following information: (A) the date upon which the individual becomes unemployed, and, in the case that the unemployment is temporary, to the extent possible, the date upon which the individual is expected to be recalled to work; and (B) that the individual may lose some or all of the benefits to which he is entitled if he fails to file a claim in a timely manner. Both the aforesaid notices and instructions, including information detailing the time sensitivity of filing a claim, shall be supplied by the division to employers without cost to them. Nothing in this section shall be construed so as to require an employer to re-hire an individual formerly in the employer's service.

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

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

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

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

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

The deputy shall promptly make an initial determination based upon the available information. The initial determination shall show the weekly benefit amount payable, the maximum duration of benefits with respect to

the employer to whom the determination relates, and the ratio of benefits chargeable to the employer's account for benefit years commencing on or after July 1, 1986, and also shall show whether the claimant is ineligible or disqualified for benefits under the initial determination. The claimant and the employer whose account may be charged for benefits payable pursuant to said determination shall be promptly notified thereof.

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

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

- (A) The correctness of the benefit payments authorized to be made under the determination;
- (B) Fraud in connection with the claim pursuant to which the initial determination is issued;
- (C) The refusal of suitable work offered by the chargeable employer filing the appeal;
- (D) Gross misconduct as provided in subsection (b) of R.S.43:21-5.

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

Unless the claimant or any interested party, within seven calendar days after delivery of notification of an initial determination or within 10 calendar days after such notification was mailed to his or their last-known address and addresses, files an appeal from such decision, such decision shall

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

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

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

(3) Procedure for making subsequent determinations with respect to benefit years commencing on or after January 1, 1953. The deputy shall

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

(c) Appeals. Unless such appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and the determination. The parties shall be duly notified of such tribunal's decision, together with its reasons therefor, which shall be deemed to be the final decision of the board of review, unless further appeal is initiated pursuant to subsection (e) of this section within 10 days after the date of notification or mailing of the decision for any decision made on or before December 1, 2010, or within 20 days after the date of notification or mailing of such decision for any decision made after December 1, 2010.

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

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

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

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

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

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

(j) With respect to benefit payments made on or after October 22, 2013, an employer's account shall not be relieved of charges related to a benefit payment that was made erroneously from the division if it is determined that:

(1) The erroneous benefit payment was made because the employer, or an agent of the employer, failed to respond in a timely or adequate manner to a request from the division for information related to the claim for benefits; and

(2) The employer, or an agent of the employer, has established a pattern of failing to respond in a timely or adequate manner to requests from the division for information related to claims for benefits.

Determinations of the division prohibiting the relief of charges pursuant to this subsection shall be subject to appeal in the same manner as other determinations of the division related to the charging of employer accounts.

For purposes of subsection (j) of this section:

“Erroneous benefit payment” means a benefit payment that, except for the failure by the employer, or an agent of the employer, to respond in a timely or adequate manner to a request from the division for information with respect to the claim for benefits, would not have been made; and

“Pattern of failing” means repeated documented failure on the part of the employer, or an agent of the employer, to respond to requests from the division to the employer or employer’s agent for information related to a claim for benefits, except that an employer, or an agent of an employer, shall not be determined to have engaged in a “pattern of failing” if the number of failures to respond to requests from the division for information related to claims for benefits during the previous 365 calendar days is less than three, or if the number of failures is less than two percent of the number of requests from the division, whichever is greater.

2. This act shall take effect immediately.

Approved August 19, 2013.

CHAPTER 149

AN ACT concerning renaissance school projects and amending and supplementing P.L.2011, c.176.

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

1. Section 3 of P.L.2011, c.176 (C.18A:36C-3) is amended to read as follows:

C.18A:36C-3 Definitions relative to the “Urban Hope Act.”

3. As used in this act:

"Commissioner" means the Commissioner of Education.

"Failing district" means: in accordance with data from the Statewide assessment reports issued by the Department of Education (1) in the case of a school district located in a city of the first class, a school district in which at least 40% of the students scored in the partially proficient range in the language arts and mathematics sections of each State assessment administered in the 2009-2010 school year; and (2) in the case of a school district located in a city of the second class, a school district in which at least 45% of the students scored in the partially proficient range in the language arts and mathematics sections of each State assessment administered in the 2009-2010 school year.

"Per pupil expenditure" means the sum of the budget year equalization aid per pupil, budget year adjustment aid per pupil, and the prebudget year general fund tax levy per pupil inflated by the CPI rate most recent to the calculation.

"School facility" means and includes any structure, building, or facility used wholly or in part for educational purposes by the students of a school district.

"Renaissance school district" is a failing district in which renaissance school projects shall be established.

"Renaissance school project" means a newly-constructed school, or group of schools in an urban campus area, that provides an educational program for students enrolled in grades pre-K through 12 or in a grade range less than pre-K through 12, that is agreed to by the school district, and is operated and managed by a nonprofit entity in a renaissance school district. A renaissance school project may include a dormitory and related facilities as permitted pursuant to section 5 of P.L.2011, c.176 (C.18A:36C-5).

"Urban campus area" means the area within a 1.5-mile radius of the site of the initial school of a renaissance school project, except that a high school building which is part of the renaissance school project may be located within a two-mile radius of the site of the initial school of a renaissance school project.

2. Section 4 of P.L.2011, c.176 (C.18A:36C-4) is amended to read as follows:

C.18A:36C-4 Application to create renaissance school district.

4. a. A nonprofit entity, in partnership with the renaissance school district, may submit to the commissioner an application to create a renaissance school project no later than three years following the effective date of this act. A nonprofit entity seeking to create a renaissance school project shall have experience in operating a school in a high-risk, low-income urban district. In addition, an entity retained by the nonprofit entity for the purpose of financing or constructing the renaissance school project shall also have appropriate experience.

b. The application shall be in a form prescribed by the commissioner, but at a minimum it shall contain the following:

(1) except as otherwise provided in this paragraph, a resolution adopted in a public meeting by the board of education of the renaissance school district in which the renaissance school project will be located certifying the support of the board for the application. In the case of a district under full or partial State intervention with an advisory board of education, the application shall contain evidence that that State district superintendent or superintendent, as applicable, convened at least three public meetings to discuss the merits of the renaissance school project. The evidence shall include, at a minimum, any written public comments received during those meetings. In the case of these districts, the application shall contain a resolution from the advisory board of education reflecting the board's approval or disapproval of the renaissance school project. While a successful application does not require approval from the advisory board of education, the commissioner, in considering the application, shall give due consideration to any disapproval from the advisory board;

(2) a copy of the amendment to the renaissance school district's long-range facilities plan which has been submitted to the commissioner pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4) that includes the proposed renaissance school project;

(3) the educational goals of the renaissance school project, the curriculum to be offered, and the methods of assessing whether students are meeting the proffered educational goals;

(4) any testing and academic performance standards to be mandated by the renaissance school project beyond those required by State law and regulation;

(5) the admission policy and criteria for evaluating the admission of students to the renaissance school project, which shall comply with the provisions of section 8 of this act;

(6) the age or grade range of students to be enrolled in the renaissance school project;

(7) the total number of students to be enrolled in each grade level of the renaissance school project;

(8) the renaissance school project calendar and school day schedule;

(9) the financial plan for the renaissance school project and the provisions that will be made for auditing pursuant to N.J.S.18A:23-1;

(10) a description of, and address for, the initial school facility in which the renaissance school project will be located and an affirmation that any other school facility or facilities in which the renaissance school project will be located will be in the required urban campus area. For any school facility other than the initial school facility included in the application pursuant to this paragraph, the nonprofit entity shall notify the Commissioner of Education of the location of the facility at least one year prior to the opening of the facility;

(11) documentation that the proposed renaissance school project meets any school facility regulations promulgated by the State Board of Education or the Department of Community Affairs, other than the facilities efficiency standards developed by the Commissioner of Education pursuant to subsection h. of section 4 of P.L.2000, c.72 (C.18A:7G-4);

(12) documentation of a funding plan to acquire necessary lands and to construct a renaissance school project thereon, including the terms of any financing secured for such purpose;

(13) (Deleted by amendment, P.L.2013, c.149)

(14) identification of the attendance area of the renaissance school project, if the renaissance school project will not be built on land owned by the New Jersey Schools Development Authority or the renaissance school district;

(15) a description of the process employed by the renaissance school district to find and partner with the chosen nonprofit entity to create a renaissance school project. The description shall be sufficient to show that the process employed by the renaissance school district was open, fair, and subject to public input and comment. The description shall, at a minimum, include any requests for proposals issued by the renaissance school district, the number of responses received, and the process and criteria employed by the renaissance school district to select the chosen nonprofit entity among the respondents; and

(16) such other information as the commissioner may require.

3. Section 5 of P.L.2011, c.176 (C.18A:36C-5) is amended to read as follows:

C.18A:36C-5 Limitation of renaissance projects per district, review of applications.

5. The commissioner may not approve more than four renaissance school projects in any one renaissance school district. The commissioner may approve no more than one renaissance school project with a dormitory and related facilities in any one renaissance school district. Nothing in this act shall prohibit a renaissance school project that provides an educational program for a grade range less than pre-K through 12 from expanding grade levels after the approval by the commissioner of the initial application.

In reviewing and judging applications for renaissance school projects, the factors considered by the commissioner may include, but not be limited to:

- a. The likelihood that the renaissance school project will improve academic achievement in the renaissance school district;
- b. The strength of the support for the renaissance school project from the school district, board of education, and parents;
- c. The facilities plan for the renaissance school project;
- d. Diversity of school type, elementary school, middle school, and high school, among the proposed renaissance school projects; and
- e. Any other factors deemed significant by the commissioner.

4. Section 8 of P.L.2011, c.176 (C.18A:36C-8) is amended to read as follows:

C.18A:36C-8 Enrollment in renaissance school.

8. a. (1) In the case of a renaissance school project built on land owned by the New Jersey Schools Development Authority or the renaissance school district, students residing in the attendance area established by the renaissance school district for that property shall be automatically enrolled in the renaissance school project, except as otherwise provided in paragraph (2) of this subsection. The parent or guardian of the student may determine not to enroll the student in the renaissance school project, and in that case the student shall be eligible for enrollment in another school in the renaissance school district. If spaces remain available in the renaissance school project, students shall be selected for the remaining spaces through a lottery system. The first lottery shall include students who reside in the renaissance school district but outside the attendance area of the renaissance school. If space remains available, a second lottery shall be conducted that may include students who reside outside of the renaissance school district.

(2) A renaissance school project built on land owned by the New Jersey Schools Development Authority or the renaissance school district, shall allow any student who was enrolled in the renaissance school project in the immediately preceding school year to enroll in the renaissance school project in the appropriate grade unless the appropriate grade is not offered; and if a grade is at capacity, a student enrolled in the immediately preceding school year shall have priority for enrollment in that grade over a student who would otherwise be eligible for initial enrollment in the renaissance school project automatically based on the fact that he resides in the attendance area established by the renaissance school project for that property.

b. (1) In the case of a renaissance school project which is not built on land owned by the New Jersey Schools Development Authority or the renaissance school district, preference for enrollment in the renaissance school project shall be given to students who reside in the attendance area identified in the application submitted by the nonprofit entity and approved by the commissioner for the renaissance school project. In no case may an attendance area include an area outside of the renaissance school district. If spaces remain available in the renaissance school project, then the renaissance school project may select students for the remaining spaces through a lottery system. The first lottery shall include students who reside in the renaissance school district but outside the attendance area identified in the application approved by the commissioner for the renaissance school project. If space remains available, a second lottery shall be conducted that may include students who reside outside of the renaissance school district.

(2) A renaissance school project which is not built on land owned by the New Jersey Schools Development Authority or the renaissance school district shall allow any student who was enrolled in the renaissance school project in the immediately preceding school year to enroll in the renaissance school project in the appropriate grade unless the appropriate grade is not offered.

In developing and executing its selection process, the nonprofit entity shall not discriminate on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a handicapped person, proficiency in the English language, or any other basis that would be illegal if used by a school district. A nonprofit entity may, however, limit admission to a particular grade level or levels consistent with its organizational document.

C.18A:36C-14 Compliance concerning students with disabilities.

5. A renaissance school project shall comply with the provisions of chapter 46 of Title 18A of the New Jersey Statutes concerning the provision

of services to students with disabilities; except that the fiscal responsibility for any student currently enrolled in or determined to require a private day or residential school shall remain with the district of residence.

Within 15 days of the signing of the individualized education plan, a renaissance school project shall provide notice to the resident district of any individualized education plan which results in a private day or residential placement. The resident district may challenge the placement within 30 days in accordance with the procedures established by law.

C.18A:36C-15 Local education agency designation for application for certain funds.

6. A renaissance school project shall be a local education agency only for the purpose of applying for federal entitlement and discretionary funds.

C.18A:36C-16 Title to project to revert to board of education under certain circumstances.

7. In the event the authorization to operate a renaissance school project is terminated or expires for any reason, and no substitute or replacement owner or operator for that renaissance school project has been approved by the State prior to the termination or expiration date, title to the renaissance school project shall revert to the board of education of the renaissance school district for consideration in an amount calculated as follows:

(1) if the principal of and interest due on any outstanding debt used to finance the renaissance school project is equal to or greater than the fair market value of the renaissance school project, as determined by a certified appraiser agreed to by the renaissance school district and the owner of the renaissance school project, the renaissance school district shall assume any outstanding debt used to finance the renaissance school project, and thereafter the renaissance school district shall be legally obligated for the payment thereof; or

(2) if the fair market value of the renaissance school project is greater than the amount of the principal of and interest due on the outstanding debt used to finance the renaissance school project, the renaissance school district shall pay to the owner of the renaissance school project the fair market value of the renaissance school project, provided that, to the extent that any debt used to finance the renaissance school project is then outstanding, the owner of the renaissance school project shall utilize the funds received from the renaissance school district pursuant to this paragraph to retire the outstanding debt.

C.18A:36C-17 Authorization to enter into certain agreements.

8. Notwithstanding any law, rule, or regulation to the contrary, a renaissance school district is authorized to enter into an agreement with an owner or operator of a renaissance school project for the occupancy, use, or both, of all or a portion of the school facility constituting the renaissance school project which is not immediately necessary for the operation of the renaissance school project.

C.18A:36C-18 Establishment of residency.

9. Notwithstanding the provisions of R.S.52:14-7 or any other law, rule, or regulation to the contrary, the Commissioner of Education may permit an individual employed by any renaissance school project or charter school located within a renaissance school district to establish New Jersey residency within five years of the date of his initial employment.

C.18A:36C-19 Exemption from facility efficiency standards.

10. A renaissance school project shall not be subject to the facility efficiency standards developed by the Commissioner of Education pursuant to subsection h. of section 4 of P.L.2000, c. 72 (C.18A:7G-4).

11. This act shall take effect immediately and shall apply to all renaissance school projects regardless of the date upon which they were approved.

Approved August 19, 2013.

CHAPTER 150

AN ACT concerning the protection of minors from attempts to change sexual orientation and supplementing Title 45 of the Revised Statutes.

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

C.45:1-54 Findings, declarations relative to sexual orientation change efforts.

1. The Legislature finds and declares that:

a. Being lesbian, gay, or bisexual is not a disease, disorder, illness, deficiency, or shortcoming. The major professional associations of mental health practitioners and researchers in the United States have recognized this fact for nearly 40 years;

b. The American Psychological Association convened a Task Force on Appropriate Therapeutic Responses to Sexual Orientation. The task force conducted a systematic review of peer-reviewed journal literature on sexual orientation change efforts, and issued a report in 2009. The task force concluded that sexual orientation change efforts can pose critical health risks to lesbian, gay, and bisexual people, including confusion, depression, guilt, helplessness, hopelessness, shame, social withdrawal, suicidality, substance abuse, stress, disappointment, self-blame, decreased self-esteem and authenticity to others, increased self-hatred, hostility and blame toward parents, feelings of anger and betrayal, loss of friends and potential romantic partners, problems in sexual and emotional intimacy, sexual dysfunction, high-risk sexual behaviors, a feeling of being dehumanized and untrue to self, a loss of faith, and a sense of having wasted time and resources;

c. The American Psychological Association issued a resolution on Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts in 2009, which states: “[T]he [American Psychological Association] advises parents, guardians, young people, and their families to avoid sexual orientation change efforts that portray homosexuality as a mental illness or developmental disorder and to seek psychotherapy, social support, and educational services that provide accurate information on sexual orientation and sexuality, increase family and school support, and reduce rejection of sexual minority youth”;

d. (1) The American Psychiatric Association published a position statement in March of 2000 in which it stated: “Psychotherapeutic modalities to convert or ‘repair’ homosexuality are based on developmental theories whose scientific validity is questionable. Furthermore, anecdotal reports of ‘cures’ are counterbalanced by anecdotal claims of psychological harm. In the last four decades, ‘reparative’ therapists have not produced any rigorous scientific research to substantiate their claims of cure. Until there is such research available, [the American Psychiatric Association] recommends that ethical practitioners refrain from attempts to change individuals’ sexual orientation, keeping in mind the medical dictum to first, do no harm;

(2) The potential risks of reparative therapy are great, including depression, anxiety and self-destructive behavior, since therapist alignment with societal prejudices against homosexuality may reinforce self-hatred already experienced by the patient. Many patients who have undergone reparative therapy relate that they were inaccurately told that homosexuals are lonely, unhappy individuals who never achieve acceptance or satisfaction. The possibility that the person might achieve happiness and satisfying interpersonal relationships as a gay man or lesbian is not presented, nor are

alternative approaches to dealing with the effects of societal stigmatization discussed; and

(3) Therefore, the American Psychiatric Association opposes any psychiatric treatment such as reparative or conversion therapy which is based upon the assumption that homosexuality per se is a mental disorder or based upon the a priori assumption that a patient should change his or her sexual homosexual orientation”;

e. The American School Counselor Association’s position statement on professional school counselors and lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth states: “It is not the role of the professional school counselor to attempt to change a student’s sexual orientation/gender identity but instead to provide support to LGBTQ students to promote student achievement and personal well-being. Recognizing that sexual orientation is not an illness and does not require treatment, professional school counselors may provide individual student planning or responsive services to LGBTQ students to promote self-acceptance, deal with social acceptance, understand issues related to coming out, including issues that families may face when a student goes through this process and identify appropriate community resources”;

f. The American Academy of Pediatrics in 1993 published an article in its journal, *Pediatrics*, stating: “Therapy directed at specifically changing sexual orientation is contraindicated, since it can provoke guilt and anxiety while having little or no potential for achieving changes in orientation”;

g. The American Medical Association Council on Scientific Affairs prepared a report in 1994 in which it stated: “Aversion therapy (a behavioral or medical intervention which pairs unwanted behavior, in this case, homosexual behavior, with unpleasant sensations or aversive consequences) is no longer recommended for gay men and lesbians. Through psychotherapy, gay men and lesbians can become comfortable with their sexual orientation and understand the societal response to it”;

h. The National Association of Social Workers prepared a 1997 policy statement in which it stated: “Social stigmatization of lesbian, gay, and bisexual people is widespread and is a primary motivating factor in leading some people to seek sexual orientation changes. Sexual orientation conversion therapies assume that homosexual orientation is both pathological and freely chosen. No data demonstrates that reparative or conversion therapies are effective, and, in fact, they may be harmful”;

i. The American Counseling Association Governing Council issued a position statement in April of 1999, and in it the council states: “We oppose

‘the promotion of “reparative therapy” as a “cure” for individuals who are homosexual”’;

j. (1) The American Psychoanalytic Association issued a position statement in June 2012 on attempts to change sexual orientation, gender, identity, or gender expression, and in it the association states: “As with any societal prejudice, bias against individuals based on actual or perceived sexual orientation, gender identity or gender expression negatively affects mental health, contributing to an enduring sense of stigma and pervasive self-criticism through the internalization of such prejudice; and

(2) Psychoanalytic technique does not encompass purposeful attempts to ‘convert,’ ‘repair,’ change or shift an individual’s sexual orientation, gender identity or gender expression. Such directed efforts are against fundamental principles of psychoanalytic treatment and often result in substantial psychological pain by reinforcing damaging internalized attitudes”;

k. The American Academy of Child and Adolescent Psychiatry in 2012 published an article in its journal, *Journal of the American Academy of Child and Adolescent Psychiatry*, stating: “Clinicians should be aware that there is no evidence that sexual orientation can be altered through therapy, and that attempts to do so may be harmful. There is no empirical evidence adult homosexuality can be prevented if gender nonconforming children are influenced to be more gender conforming. Indeed, there is no medically valid basis for attempting to prevent homosexuality, which is not an illness. On the contrary, such efforts may encourage family rejection and undermine self-esteem, connectedness and caring, important protective factors against suicidal ideation and attempts. Given that there is no evidence that efforts to alter sexual orientation are effective, beneficial or necessary, and the possibility that they carry the risk of significant harm, such interventions are contraindicated”;

l. The Pan American Health Organization, a regional office of the World Health Organization, issued a statement in May of 2012 and in it the organization states: “These supposed conversion therapies constitute a violation of the ethical principles of health care and violate human rights that are protected by international and regional agreements.” The organization also noted that reparative therapies “lack medical justification and represent a serious threat to the health and well-being of affected people”;

m. Minors who experience family rejection based on their sexual orientation face especially serious health risks. In one study, lesbian, gay, and bisexual young adults who reported higher levels of family rejection during adolescence were 8.4 times more likely to report having attempted suicide, 5.9 times more likely to report high levels of depression, 3.4 times more

likely to use illegal drugs, and 3.4 times more likely to report having engaged in unprotected sexual intercourse compared with peers from families that reported no or low levels of family rejection. This is documented by Caitlin Ryan et al. in their article entitled Family Rejection as a Predictor of Negative Health Outcomes in White and Latino Lesbian, Gay, and Bisexual Young Adults (2009) 123 Pediatrics 346; and

n. New Jersey has a compelling interest in protecting the physical and psychological well-being of minors, including lesbian, gay, bisexual, and transgender youth, and in protecting its minors against exposure to serious harms caused by sexual orientation change efforts.

C.45:1-55 Sexual orientation change efforts prohibited for persons under 18 years old.

2. a. A person who is 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 a person who performs counseling as part of the person's professional training for any of these professions, shall not engage in sexual orientation change efforts with a person under 18 years of age.

b. As used in this section, "sexual orientation change efforts" means the practice of seeking to change a person's sexual orientation, including, but not limited to, efforts to change behaviors, gender identity, or gender expressions, or to reduce or eliminate sexual or romantic attractions or feelings toward a person of the same gender; except that sexual orientation change efforts shall not include counseling for a person seeking to transition from one gender to another, or counseling that:

(1) provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices; and

(2) does not seek to change sexual orientation.

3. This act shall take effect immediately.

Approved August 19, 2013.

CHAPTER 151

AN ACT concerning eligibility for enrollment in public schools 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:38-4.1 Issuance of notice relative to obligation to enroll resident students.

1. The Department of Education shall biannually issue notice to each school district reminding the district of the obligation to enroll resident students in accordance with all applicable statutes and applicable rules and regulations of the State Board of Education. The notice shall be issued by August 1 and December 30 of each school year and shall include information on the documentation that may be requested pursuant to State board regulations to demonstrate a student's eligibility for enrollment in the district.

2. This act shall take effect on the 60th day following enactment.

Approved August 28, 2013.

CHAPTER 152

AN ACT concerning certain municipal emergency management plans .

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

1. The Director of the Division of Fire Safety in the Department of Community Affairs shall undertake a review of the laws, rules, and regulations concerning the preparation and adoption of local fire mutual aid plans, and the coordination and deployment of fire service resources during an emergency where mutual aid is necessary or appropriate. The director shall develop findings and recommendations on whether revisions to existing procedures concerning local fire mutual aid plans are necessary, including whether a statutorily delineated chain of command is appropriate and needed. The director shall report such findings and recommendations to the Governor no later than six months from the date of enactment of this act.

2. This act shall take effect immediately.

Approved August 28, 2013.

CHAPTER 153

AN ACT concerning a review of New Jersey's requirements for portable fire extinguishers in residences.

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

1. The Commissioner of Community Affairs shall undertake a review of New Jersey's requirements for portable fire extinguishers in residences and accompanying fines and shall report any findings and recommendations directly to the Governor no later than six months from the date of enactment of this act. Specifically, the commissioner shall examine the impact of, and make recommendations on, the requirements for portable fire extinguishers in residences as they relate to public safety.

2. This act shall take effect immediately.

Approved August 28, 2013.

CHAPTER 154

AN ACT concerning disclosure of certain employment information and amending P.L.1945, c.169.

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

1. Section 11 of P.L.1945, c.169 (C.10:5-12) is amended to read as follows:

C.10:5-12 Unlawful employment practices, discrimination.

11. It shall be an unlawful employment practice, or, as the case may be, an unlawful discrimination:

a. For an employer, because of the race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information, sex, gender identity or expression, disability or atypical hereditary cellular or blood trait of any individual, or because of the liability for service in the Armed Forces of the United States or the nationality of any individual, or because of the refusal to submit to a genetic test or make available the results of a genetic test to

an employer, to refuse to hire or employ or to bar or to discharge or require to retire, unless justified by lawful considerations other than age, from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment; provided, however, it shall not be an unlawful employment practice to refuse to accept for employment an applicant who has received a notice of induction or orders to report for active duty in the armed forces; provided further that nothing herein contained shall be construed to bar an employer from refusing to accept for employment any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification, reasonably necessary to the normal operation of the particular business or enterprise; provided further that nothing herein contained shall be construed to bar an employer from refusing to accept for employment or to promote any person over 70 years of age; provided further that it shall not be an unlawful employment practice for a club exclusively social or fraternal to use club membership as a uniform qualification for employment, or for a religious association or organization to utilize religious affiliation as a uniform qualification in the employment of clergy, religious teachers or other employees engaged in the religious activities of the association or organization, or in following the tenets of its religion in establishing and utilizing criteria for employment of an employee; provided further, that it shall not be an unlawful employment practice to require the retirement of any employee who, for the two-year period immediately before retirement, is employed in a bona fide executive or a high policy-making position, if that employee is entitled to an immediate non-forfeitable annual retirement benefit from a pension, profit sharing, savings or deferred retirement plan, or any combination of those plans, of the employer of that employee which equals in the aggregate at least \$27,000.00; and provided further that an employer may restrict employment to citizens of the United States where such restriction is required by federal law or is otherwise necessary to protect the national interest.

The provisions of subsections a. and b. of section 57 of P.L.2003, c.246 (C.34:11A-20), and the provisions of section 58 of P.L.2003, c.246 (C.26:8A-11), shall not be deemed to be an unlawful discrimination under P.L.1945, c.169 (C.10:5-1 et seq.).

For the purposes of this subsection, a "bona fide executive" is a top level employee who exercises substantial executive authority over a significant number of employees and a large volume of business. A "high policy-making position" is a position in which a person plays a significant role in developing policy and in recommending the implementation thereof.

b. For a labor organization, because of the race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, gender identity or expression, disability or sex of any individual, or because of the liability for service in the Armed Forces of the United States or nationality of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members, against any applicant for, or individual included in, any apprentice or other training program or against any employer or any individual employed by an employer; provided, however, that nothing herein contained shall be construed to bar a labor organization from excluding from its apprentice or other training programs any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of the particular apprentice or other training program.

c. For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment, or to make an inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex or liability of any applicant for employment for service in the Armed Forces of the United States, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification.

d. For any person to take reprisals against any person because that person has opposed any practices or acts forbidden under this act or because that person has filed a complaint, testified or assisted in any proceeding under this act or to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this act.

e. For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this act, or to attempt to do so.

f. (1) For any owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation directly or indirectly to refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any person in the furnishing thereof, or directly or indirectly to publish, circu-

late, issue, display, post or mail any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, or privileges of any such place will be refused, withheld from, or denied to any person on account of the race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, sex, gender identity or expression, affectional or sexual orientation, disability or nationality of such person, or that the patronage or custom thereof of any person of any particular race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, sex, gender identity or expression, affectional or sexual orientation, disability or nationality is unwelcome, objectionable or not acceptable, desired or solicited, and the production of any such written or printed communication, notice or advertisement, purporting to relate to any such place and to be made by any owner, lessee, proprietor, superintendent or manager thereof, shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained herein shall be construed to bar any place of public accommodation which is in its nature reasonably restricted exclusively to individuals of one sex, and which shall include but not be limited to any summer camp, day camp, or resort camp, bathhouse, dressing room, swimming pool, gymnasium, comfort station, dispensary, clinic or hospital, or school or educational institution which is restricted exclusively to individuals of one sex, provided individuals shall be admitted based on their gender identity or expression, from refusing, withholding from or denying to any individual of the opposite sex any of the accommodations, advantages, facilities or privileges thereof on the basis of sex; provided further, that the foregoing limitation shall not apply to any restaurant as defined in R.S.33:1-1 or place where alcoholic beverages are served.

(2) Notwithstanding the definition of "a place of public accommodation" as set forth in subsection l. of section 5 of P.L.1945, c.169 (C.10:5-5), for any owner, lessee, proprietor, manager, superintendent, agent, or employee of any private club or association to directly or indirectly refuse, withhold from or deny to any individual who has been accepted as a club member and has contracted for or is otherwise entitled to full club membership any of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any member in the furnishing thereof on account of the race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, sex, gender identity, or expression, affectional or sexual orientation, disability or nationality of such person.

In addition to the penalties otherwise provided for a violation of P.L.1945, c.169 (C.10:5-1 et seq.), if the violator of paragraph (2) of subsection f. of this section is the holder of an alcoholic beverage license issued under the provisions of R.S.33:1-12 for that private club or association, the matter shall be referred to the Director of the Division of Alcoholic Beverage Control who shall impose an appropriate penalty in accordance with the procedures set forth in R.S.33:1-31.

g. For any person, including but not limited to, any owner, lessee, sublessee, assignee or managing agent of, or other person having the right of ownership or possession of or the right to sell, rent, lease, assign, or sublease any real property or part or portion thereof, or any agent or employee of any of these:

(1) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, sex, gender identity or expression, affectional or sexual orientation, familial status, disability, nationality, or source of lawful income used for rental or mortgage payments;

(2) To discriminate against any person or group of persons because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, sex, gender identity or expression, affectional or sexual orientation, familial status, disability, nationality or source of lawful income used for rental or mortgage payments in the terms, conditions or privileges of the sale, rental or lease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith;

(3) To print, publish, circulate, issue, display, post or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment or sublease of any real property or part or portion thereof, or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property, or part or portion thereof which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, sex, gender identity, or expression, affectional or sexual orientation, familial status, disability, nationality, or source of lawful income used for rental or mortgage payments, or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or

inquiry purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained in this subsection shall be construed to bar any person from refusing to sell, rent, lease, assign or sublease or from advertising or recording a qualification as to sex for any room, apartment, flat in a dwelling or residential facility which is planned exclusively for and occupied by individuals of one sex to any individual of the exclusively opposite sex on the basis of sex provided individuals shall be qualified based on their gender identity or expression;

(4) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of the source of any lawful income received by the person or the source of any lawful rent payment to be paid for the real property; or

(5) To refuse to rent or lease any real property to another person because that person's family includes children under 18 years of age, or to make an agreement, rental or lease of any real property which provides that the agreement, rental or lease shall be rendered null and void upon the birth of a child. This paragraph shall not apply to housing for older persons as defined in subsection mm. of section 5 of P.L.1945, c.169 (C.10:5-5).

h. For any person, including but not limited to, any real estate broker, real estate salesperson, or employee or agent thereof:

(1) To refuse to sell, rent, assign, lease or sublease, or offer for sale, rental, lease, assignment, or sublease any real property or part or portion thereof to any person or group of persons or to refuse to negotiate for the sale, rental, lease, assignment, or sublease of any real property or part or portion thereof to any person or group of persons because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, familial status, sex, gender identity or expression, affectional or sexual orientation, disability, nationality, or source of lawful income used for rental or mortgage payments, or to represent that any real property or portion thereof is not available for inspection, sale, rental, lease, assignment, or sublease when in fact it is so available, or otherwise to deny or withhold any real property or any part or portion of facilities thereof to or from any person or group of persons because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, familial status, sex, gender identity or expression, affectional or sexual orientation, disability or nationality;

(2) To discriminate against any person because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership

status, familial status, sex, gender identity or expression, affectional or sexual orientation, disability, nationality, or source of lawful income used for rental or mortgage payments in the terms, conditions or privileges of the sale, rental, lease, assignment or sublease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith;

(3) To print, publish, circulate, issue, display, post, or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, familial status, sex, gender identity or expression, affectional or sexual orientation, disability, nationality, or source of lawful income used for rental or mortgage payments or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained in this subsection h., shall be construed to bar any person from refusing to sell, rent, lease, assign or sublease or from advertising or recording a qualification as to sex for any room, apartment, flat in a dwelling or residential facility which is planned exclusively for and occupied exclusively by individuals of one sex to any individual of the opposite sex on the basis of sex, provided individuals shall be qualified based on their gender identity or expression;

(4) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of the source of any lawful income received by the person or the source of any lawful rent payment to be paid for the real property; or

(5) To refuse to rent or lease any real property to another person because that person's family includes children under 18 years of age, or to make an agreement, rental or lease of any real property which provides that the agreement, rental or lease shall be rendered null and void upon the birth of a child. This paragraph shall not apply to housing for older persons as defined in subsection mm. of section 5 of P.L.1945, c.169 (C.10:5-5).

i. For any person, bank, banking organization, mortgage company, insurance company or other financial institution, lender or credit institution involved in the making or purchasing of any loan or extension of credit, for whatever purpose, whether secured by residential real estate or not, including but not limited to financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any real property or part or portion thereof or any agent or employee thereof:

(1) To discriminate against any person or group of persons because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, sex, gender identity or expression, affectional or sexual orientation, disability, familial status or nationality, in the granting, withholding, extending, modifying, renewing, or purchasing, or in the fixing of the rates, terms, conditions or provisions of any such loan, extension of credit or financial assistance or purchase thereof or in the extension of services in connection therewith;

(2) To use any form of application for such loan, extension of credit or financial assistance or to make record or inquiry in connection with applications for any such loan, extension of credit or financial assistance which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, sex, gender identity or expression, affectional or sexual orientation, disability, familial status or nationality or any intent to make any such limitation, specification or discrimination; unless otherwise required by law or regulation to retain or use such information;

(3) (Deleted by amendment, P.L.2003, c.180).

(4) To discriminate against any person or group of persons because of the source of any lawful income received by the person or the source of any lawful rent payment to be paid for the real property; or

(5) To discriminate against any person or group of persons because that person's family includes children under 18 years of age, or to make an agreement or mortgage which provides that the agreement or mortgage shall be rendered null and void upon the birth of a child. This paragraph shall not apply to housing for older persons as defined in subsection mm. of section 5 of P.L.1945, c.169 (C.10:5-5).

j. For any person whose activities are included within the scope of this act to refuse to post or display such notices concerning the rights or responsibilities of persons affected by this act as the Attorney General may by regulation require.

k. For any real estate broker, real estate salesperson or employee or agent thereof or any other individual, corporation, partnership, or organiza-

tion, for the purpose of inducing a transaction for the sale or rental of real property from which transaction such person or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, familial status, sex, gender identity or expression, affectional or sexual orientation, disability, nationality, or source of lawful income used for rental or mortgage payments of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including, but not limited to the lowering of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools or other facilities.

1. For any person to refuse to buy from, sell to, lease from or to, license, contract with, or trade with, provide goods, services or information to, or otherwise do business with any other person on the basis of the race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, civil union status, domestic partnership status, liability for service in the Armed Forces of the United States, disability, nationality, or source of lawful income used for rental or mortgage payments of such other person or of such other person's spouse, partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers. This subsection shall not prohibit refusals or other actions (1) pertaining to employee-employer collective bargaining, labor disputes, or unfair labor practices, or (2) made or taken in connection with a protest of unlawful discrimination or unlawful employment practices.

m. For any person to:

(1) Grant or accept any letter of credit or other document which evidences the transfer of funds or credit, or enter into any contract for the exchange of goods or services, where the letter of credit, contract, or other document contains any provisions requiring any person to discriminate against or to certify that he, she or it has not dealt with any other person on the basis of the race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, civil union status, domestic partnership status, disability, liability for service in the Armed Forces of the United States, or nationality of such other person or of such other person's spouse, partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers.

(2) Refuse to grant or accept any letter of credit or other document which evidences the transfer of funds or credit, or refuse to enter into any contract for the exchange of goods or services, on the ground that it does not contain such a discriminatory provision or certification.

The provisions of this subsection shall not apply to any letter of credit, contract, or other document which contains any provision pertaining to employee-employer collective bargaining, a labor dispute or an unfair labor practice, or made in connection with the protest of unlawful discrimination or an unlawful employment practice, if the other provisions of such letter of credit, contract, or other document do not otherwise violate the provisions of this subsection.

n. For any person to aid, abet, incite, compel, coerce, or induce the doing of any act forbidden by subsections l. and m. of section 11 of P.L.1945, c.169 (C.10:5-12), or to attempt, or to conspire to do so. Such prohibited conduct shall include, but not be limited to:

(1) Buying from, selling to, leasing from or to, licensing, contracting with, trading with, providing goods, services, or information to, or otherwise doing business with any person because that person does, or agrees or attempts to do, any such act or any act prohibited by this subsection; or

(2) Boycotting, commercially blacklisting or refusing to buy from, sell to, lease from or to, license, contract with, provide goods, services or information to, or otherwise do business with any person because that person has not done or refuses to do any such act or any act prohibited by this subsection; provided that this subsection shall not prohibit refusals or other actions either pertaining to employee-employer collective bargaining, labor disputes, or unfair labor practices, or made or taken in connection with a protest of unlawful discrimination or unlawful employment practices.

o. For any multiple listing service, real estate brokers' organization or other service, organization or facility related to the business of selling or renting dwellings to deny any person access to or membership or participation in such organization, or to discriminate against such person in the terms or conditions of such access, membership, or participation, on account of race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, familial status, sex, gender identity or expression, affectional or sexual orientation, disability or nationality.

p. Nothing in the provisions of this section shall affect the ability of an employer to require employees to adhere to reasonable workplace appearance, grooming and dress standards not precluded by other provisions of State or federal law, except that an employer shall allow an employee to

appear, groom and dress consistent with the employee's gender identity or expression.

q. (1) For any employer to impose upon a person as a condition of obtaining or retaining employment, including opportunities for promotion, advancement or transfers, any terms or conditions that would require a person to violate or forego a sincerely held religious practice or religious observance, including but not limited to the observance of any particular day or days or any portion thereof as a Sabbath or other holy day in accordance with the requirements of the religion or religious belief, unless, after engaging in a bona fide effort, the employer demonstrates that it is unable to reasonably accommodate the employee's religious observance or practice without undue hardship on the conduct of the employer's business. Notwithstanding any other provision of law to the contrary, an employee shall not be entitled to premium wages or premium benefits for work performed during hours to which those premium wages or premium benefits would ordinarily be applicable, if the employee is working during those hours only as an accommodation to his religious requirements. Nothing in this subsection q. shall be construed as reducing:

(a) The number of the hours worked by the employee which are counted towards the accruing of seniority, pension or other benefits; or

(b) Any premium wages or benefits provided to an employee pursuant to a collective bargaining agreement.

(2) For an employer to refuse to permit an employee to utilize leave, as provided for in this subsection q., which is solely used to accommodate the employee's sincerely held religious observance or practice. Except where it would cause an employer to incur an undue hardship, no person shall be required to remain at his place of employment during any day or days or portion thereof that, as a requirement of his religion, he observes as his Sabbath or other holy day, including a reasonable time prior and subsequent thereto for travel between his place of employment and his home; provided that any such absence from work shall, wherever practicable in the reasonable judgment of the employer, be made up by an equivalent amount of time and work at some other mutually convenient time, or shall be charged against any leave with pay ordinarily granted, other than sick leave, and any such absence not so made up or charged, may be treated by the employer of that person as leave taken without pay.

(3) (a) For purposes of this subsection q., "undue hardship" means an accommodation requiring unreasonable expense or difficulty, unreasonable interference with the safe or efficient operation of the workplace or a violation of a bona fide seniority system or a violation of any provision of a bona fide collective bargaining agreement.

(b) In determining whether the accommodation constitutes an undue hardship, the factors considered shall include:

(i) The identifiable cost of the accommodation, including the costs of loss of productivity and of retaining or hiring employees or transferring employees from one facility to another, in relation to the size and operating cost of the employer.

(ii) The number of individuals who will need the particular accommodation for a sincerely held religious observance or practice.

(iii) For an employer with multiple facilities, the degree to which the geographic separateness or administrative or fiscal relationship of the facilities will make the accommodation more difficult or expensive.

(c) An accommodation shall be considered to constitute an undue hardship if it will result in the inability of an employee to perform the essential functions of the position in which he or she is employed.

(d) (i) The provisions of this subsection q. shall be applicable only to reasonable accommodations of religious observances and shall not supersede any definition of undue hardship or standards for reasonable accommodation of the disabilities of employees.

(ii) This subsection q. shall not apply where the uniform application of terms and conditions of attendance to employees is essential to prevent undue hardship to the employer. The burden of proof regarding the applicability of this subparagraph (d) shall be upon the employer.

r. For any employer to take reprisals against any employee for requesting from any other employee or former employee of the employer information regarding the job title, occupational category, and rate of compensation, including benefits, of any employee or former employee of the employer, or the gender, race, ethnicity, military status, or national origin of any employee or former employee of the employer, regardless of whether the request was responded to, if the purpose of the request for the information was to assist in investigating the possibility of the occurrence of, or in taking of legal action regarding, potential discriminatory treatment concerning pay, compensation, bonuses, other compensation, or benefits. Nothing in this subsection shall be construed to require an employee to disclose such information about the employee herself to any other employee or former employee of the employer or to any authorized representative of the other employee or former employee.

2. This act shall take effect immediately.

Approved August 28, 2013.

CHAPTER 155

AN ACT prohibiting the requirement to disclose personal information for certain electronic communications devices by employers.

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

C.34:6B-5 Definitions relative to disclosure of personal information for certain electronic communications devices.

1. For purposes of this act:

“Electronic communications device” means any device that uses electronic signals to create, transmit, and receive information, including a computer, telephone, personal digital assistant, or other similar device.

“Employer” means an employer or employer’s agent, representative, or designee. The term “employer” does not include the Department of Corrections, State Parole Board, county corrections departments, or any State or local law enforcement agency.

“Personal account” means an account, service or profile on a social networking website that is used by a current or prospective employee exclusively for personal communications unrelated to any business purposes of the employer. This definition shall not apply to any account, service or profile created, maintained, used or accessed by a current or prospective employee for business purposes of the employer or to engage in business related communications.

“Social networking website” means an Internet-based service that allows individuals to construct a public or semi-public profile within a bounded system created by the service, create a list of other users with whom they share a connection within the system, and view and navigate their list of connections and those made by others within the system.

C.34:6B-6 Prohibited actions by employers.

2. No employer shall require or request a current or prospective employee to provide or disclose any user name or password, or in any way provide the employer access to, a personal account through an electronic communications device.

C.34:6B-7 Waiver, limitation of protection prohibited.

3. No employer shall require an individual to waive or limit any protection granted under this act as a condition of applying for or receiving an offer

of employment. An agreement to waive any right or protection under this act is against the public policy of this State and is void and unenforceable.

C.34:6B-8 Retaliation, discrimination prohibited.

4. No employer shall retaliate or discriminate against an individual because the individual has done or was about to do any of the following:

- a. Refuse to provide or disclose any user name or password, or in any way provide access to, a personal account through an electronic communications device;
- b. Report an alleged violation of this act to the Commissioner of Labor and Workforce Development;
- c. Testify, assist, or participate in any investigation, proceeding, or action concerning a violation of this act; or
- d. Otherwise oppose a violation of this act.

C.34:6B-9 Violations, penalties.

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

C.34:6B-10 Construction of act.

6. a. Nothing in this act shall be construed to prevent an employer from complying with the requirements of State or federal statutes, rules or regulations, case law or rules of self-regulatory organizations.

b. Nothing in this act shall prevent an employer from implementing and enforcing a policy pertaining to the use of an employer issued electronic communications device or any accounts or services provided by the employer or that the employee uses for business purposes.

c. Nothing in this act shall prevent an employer from conducting an investigation:

(1) for the purpose of ensuring compliance with applicable laws, regulatory requirements or prohibitions against work-related employee misconduct based on the receipt of specific information about activity on a personal account by an employee; or

(2) of an employee's actions based on the receipt of specific information about the unauthorized transfer of an employer's proprietary information, confidential information or financial data to a personal account by an employee.

d. Nothing in this act shall prevent an employer from viewing, accessing, or utilizing information about a current or prospective employee that can be obtained in the public domain.

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

Approved August 28, 2013.

CHAPTER 156

AN ACT concerning counter-terrorism investigations by out-of-State law enforcement entities 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:156A-35 Definitions relative to certain counter-terrorism investigations.

1. a. For the purposes of this act:

“Member of a New Jersey law enforcement agency” means any sworn or civilian employee of a law enforcement agency operating under the authority of the laws of the State of New Jersey;

“Out-of-State law enforcement agency” means any law enforcement agency or officer operating under the authority of the laws of another State; “Out-of-State law enforcement agency” shall not include a federal law enforcement agency, or task force operating under the auspices of a federal law enforcement agency;

“Law enforcement activity” means investigations, operations and intelligence gathering activity conducted by a law enforcement agency or officer; “law enforcement activity” shall not encompass non-investigatory conduct, including but not limited to participation in training classes or exercises, execution of child-support warrants, or transportation of incarcerated persons to and from this State;

“Counter-terrorism activity” means any activity undertaken by a law enforcement agency to investigate, detect, deter, or prevent the crime of terrorism as defined under the “September 11th, 2001 Anti-Terrorism Act,” P.L.2002, c.26 (C.2C:38-1 et seq.), or any other offense defined under chap-

ter 38 of Title 2C of the New Jersey Statutes, or for an offense of a substantially similar nature committed in another jurisdiction, without regard to whether such crime is committed or intended to be committed in this State;

“Counter-terrorism watch” means a counter terrorism entity within the New Jersey State Police Regional Operations Intelligence Center.

b. Any local, municipal, or county law enforcement agency or officer shall promptly notify the county prosecutor, or the county prosecutor’s designee, when a law enforcement officer learns of, or acquires knowledge of, an out-of-State law enforcement agency that intends to enter, or has entered, the borders which are under the jurisdiction of the State of New Jersey for the purpose of conducting law enforcement activities in this State. Notification required pursuant to this act shall include, but not be limited to:

- (1) the date and time that the out-of-State agency’s activity is discovered;
- (2) the nature, purpose, and scope of the out-of-State law enforcement agency’s activities in this State;
- (3) the out-of-State law enforcement agency’s name and contact information; and
- (4) the name and contact information of the law enforcement agency operating in the State of New Jersey.

The notification shall be given as soon as practicable, but in no event shall notification be provided later than 24 hours after learning of, or acquiring information concerning, the out-of-State agency’s law enforcement activity in this State.

c. All county prosecutors shall promptly notify the counter-terrorism watch within the New Jersey State Police when a law enforcement officer learns of, or acquires knowledge of, an out-of-State law enforcement agency that intends to enter, or has entered, the borders which are under the jurisdiction of this State for the purpose of conducting counter-terrorism activities in this State. Notifications shall be provided in a manner and within the time limitations set forth under subsection b. of this section.

d. Upon receiving information that an out-of-State law enforcement agency intends to enter, or has entered, the borders which are under the jurisdiction of the State of New Jersey for the purpose of conducting counter-terrorism activities in this State, the counter-terrorism watch shall notify the Superintendent of State Police, or the Superintendent’s designee, and the Director of the New Jersey Office of Homeland Security and Preparedness. The counter-terrorism watch shall communicate such information provided by the county prosecutor to the designated staff of the joint terrorism task force within the New Jersey State Police.

e. The Attorney General may 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.

C.2A:156A-36 Notification required relative to certain counter-terrorism activities.

2. a. Any out-of-State law enforcement agency as defined under section 1 of P.L.2013, c.156 (C.2A:156A-35) that intends to enter the borders which are under the jurisdiction of this State for the purpose of conducting counter-terrorism activities in this State shall, no later than 24 hours prior to entering New Jersey State borders, inform the county prosecutor, or the county prosecutor's designee of the county in which the counter-terrorism activity is to take place. Notification required pursuant to this act shall include, but not be limited to:

(1) the date and time that the out-of-State agency intends to conduct the counter-terrorism activity;

(2) the nature, purpose, and scope of the counter-terrorism activity that the out-of-State law enforcement agency intends to undertake in this State; and

(3) the out-of-State law enforcement agency's name and contact information.

Such notification shall be given as soon as practicable, but in no event shall notification be provided later than 24 hours prior to the counter-terrorism activities being carried out in this State.

b. All county prosecutors shall promptly notify the counter-terrorism watch within the New Jersey State Police upon receiving notification from an out-of-State law enforcement agency provided under subsection a. of this section.

c. Upon receiving information that an out-of-State law enforcement agency intends to enter the borders which are under the jurisdiction of the State of New Jersey for the purpose of conducting counter-terrorism activities in this State, the counter-terrorism watch shall notify the Superintendent of the New Jersey State Police, or the Superintendent's designee, and the Director of the New Jersey Office of Homeland Security and Preparedness. The counter-terrorism watch shall communicate such information provided by the county prosecutor to the designated staff of the Joint Terrorism Task Force within the New Jersey State Police.

d. The Attorney General may 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.

C.2A:156A-37 Violation of notification requirement; injunction.

3. Whenever, on the basis of available information, the Attorney General or a county prosecutor, or his designee finds that an out-of-State law enforcement agency as defined under section 1 of P.L.2013, c.156 (C.2A:156A-35) has violated the provisions of this act, by failing to adhere to the notification requirements pursuant to section 2 of P.L.2013, c.156 (C.2A:156A-36) or any rule or regulation adopted pursuant to this act, the Attorney General or a county prosecutor, or his designee, may seek and obtain in a summary proceeding in the Superior Court a temporary or permanent injunction prohibiting that out-of-State law enforcement agency from conducting counter-terrorism activity within the borders of this State. In such a proceeding, the court may enter such orders as is necessary to prevent the performance of counter-terrorism activity in violation of the reporting requirement under this act, or may require compliance with the reporting requirements provided under the provisions of this act.

4. This act shall take effect immediately.

Approved September 6, 2013.

CHAPTER 157

AN ACT concerning the Special Supplemental Nutrition Program for Women, Infants, and Children and supplementing Title 26 of the Revised Statutes.

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

C.26:1A-36.3b Temporary authorization of vendor.

1. The WIC Services Unit in the Department of Health shall temporarily authorize a vendor that applies to participate in the federal Special Supplemental Nutrition Program for Women, Infants, and Children at a particular site if the applicant is approved to operate at another site and has not been deficient in its participation as specified by State and federal law and regulation.

The WIC Services Unit shall grant the temporary authorization within 14 days of the completion of the initial review of the site by the WIC Ser-

vices Unit. The temporary authorization shall be valid until the vendor's application is approved or disapproved.

The WIC Services Unit shall not issue a temporary authorization where doing so would be contrary to federal regulations or would jeopardize federal financial participation.

C.26:1A-36.3c Rules, regulations.

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

3. This act shall take effect immediately.

Approved September 6, 2013.

CHAPTER 158

AN ACT concerning municipal court diversion programs, amending various parts of the statutory law and supplementing Title 2C of the New Jersey Statutes.

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

C.2C:43-13.1 Eligibility and application.

1. Eligibility and Application. a. Whenever any defendant who has not been previously convicted of any petty disorderly persons offense, disorderly persons offense or crime under any law of the United States, this State or any other state, and who has not previously participated in conditional discharge under N.J.S.2C:36A-1, supervisory treatment under N.J.S.2C:43-12, or conditional dismissal under P.L.2013, c.158 (C.2C:43-13.1 et al.), is charged with a petty disorderly offense or disorderly persons offense except as provided in subsection b. of this section, the defendant may, after a plea of guilty or a finding of guilt, but prior to the entry of a judgment of conviction and with appropriate notice to the prosecutor, apply to the court for entry into the conditional dismissal program pursuant to the requirements of P.L.2013, c.158 (C.2C:43-13.1 et al.). As a condition of such application, the defendant shall submit to the fingerprint identification procedures as provided in R.S.53:1-15 before making such application to the court to

allow sufficient time for verification of the defendant's criminal history by the prosecutor.

b. (1) A defendant shall not be eligible for participation in the conditional dismissal program if the offense for which the person is charged involved: (a) organized criminal or gang activity; (b) a continuing criminal business or enterprise; (c) a breach of the public trust by a public officer or employee; (d) domestic violence as defined by subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19); (e) an offense against an elderly, disabled or minor person; (f) an offense involving driving or operating a motor vehicle while under the influence of alcohol, intoxicating liquor, narcotic, hallucinogenic or habit-producing drug; (g) a violation of animal cruelty laws; or (h) any disorderly persons offense or petty disorderly persons offense under chapter 35 or 36 of Title 2C.

(2) Nothing in this act shall preclude a defendant charged with any disorderly persons offense or petty disorderly persons offense under chapter 35 or 36 of Title 2C from applying to the court for admission into the conditional discharge program in accordance with N.J.S.2C:36A-1.

c. In addition to the eligibility criteria enumerated in this section, the court shall consider the following factors:

- (1) The nature and circumstances of the offense;
- (2) The facts surrounding the commission of the offense;
- (3) The motivation, age, character and attitude of the defendant;
- (4) The desire of the complainant or victim to forego prosecution;
- (5) The needs and interests of the victim and the community;
- (6) The extent to which the defendant's offense constitutes part of a continuing pattern of anti-social behavior;
- (7) Whether the offense is of an assaultive or violent nature, whether in the act itself or in the possible injurious consequences of such behavior;
- (8) Whether the applicant's participation will adversely affect the prosecution of codefendants;
- (9) Whether diversion of the defendant from prosecution is consistent with the public interest; and
- (10) Any other factors deemed relevant by the court.

C.2C:43-13.2 Court approval of defendant's participation in conditional dismissal program.

2. Court Approval of Defendant's Participation in Conditional Dismissal Program. After considering the eligibility criteria set forth in section 1 of P.L.2013, c.158 (C.2C:43-13.1), the defendant's criminal history and the municipal prosecutor's recommendation, the court may, without enter-

ing a judgment of conviction, and after proper reference to the State Bureau of Identification criminal history record information files, approve the defendant's participation in the conditional dismissal program established pursuant to P.L.2013, c.158 (C.2C:43-13.1 et al.) and place the defendant under a probation monitoring status for a period of one year. The court may also impose financial obligations and other terms and conditions in accordance with P.L.2013, c.158 (C.2C:43-13.1 et al.). Where the court approves a defendant's participation in the conditional dismissal program over the municipal prosecutor's objection, the order approving the defendant's participation in the program shall be a final order but upon request of the municipal prosecutor shall be stayed for a period of 10 days in order to permit the prosecutor to appeal such order to the Superior Court.

C.2C:43-13.3 Extension of conditional dismissal term.

3. Extension of Conditional Dismissal Term. A defendant may apply to the court for an extension of a term of conditional dismissal pursuant to the provisions of P.L.2013, c.158 (C.2C:43-13.1 et al.) to allow sufficient time to pay financial obligations imposed by the court. A judge may also extend a defendant's conditional dismissal term for good cause.

C.2C:43-13.4 Violation of terms prior to dismissal.

4. Violation of Terms Prior To Dismissal. If a defendant who is participating in the conditional dismissal program established pursuant to P.L.2013, c.158 (C.2C:43-13.1 et al.) is convicted of any petty disorderly persons offense, disorderly persons offense or crime under any law of the United States, this State or any other state, or otherwise fails to comply with the terms and conditions imposed by the court, the court may enter a judgment of conviction and impose a fine, penalty, or other assessment which may be imposed by the court in accordance with the defendant's prior plea of guilty or finding of guilt.

C.2C:43-13.5 Dismissal.

5. Dismissal. If, at the end of the term of the conditional dismissal, the defendant has not been convicted of any subsequent petty disorderly persons offense, disorderly persons offense or crime under any law of the United States, this State or any other state, and has complied with any other terms and conditions imposed by the court, the court may terminate the probation monitoring and dismiss the proceedings against the defendant.

C.2C:43-13.6 Effect of dismissal.

6. Effect of Dismissal. The conditional dismissal of petty disorderly persons or disorderly persons offenses granted pursuant to P.L.2013, c.158 (C.2C:43-13.1 et al.) shall not be deemed a conviction for purposes of disqualifications or disabilities, if any, imposed by law upon conviction of a petty disorderly persons or disorderly persons offense but shall be reported to the State Bureau of Identification criminal history record information files for purposes of determining future eligibility or exclusion from court diversion programs. A conditional dismissal granted pursuant to P.L.2013, c.158 (C.2C:43-13.1 et al.) shall not be deemed a conviction for the purposes of determining whether a second or subsequent offense has occurred under any law of this State.

C.2C:43-13.7 Limitation.

7. Limitation. A conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-13.1 et al.) shall be granted only once with respect to any defendant.

C.2C:43-13.8 Conditional dismissal assessment, restitution and other assessments.

8. Conditional Dismissal Assessment, Restitution and Other Assessments. A defendant applying for admission to the conditional dismissal program pursuant to P.L.2013, c.158 (C.2C:43-13.1 et al.) shall pay to the court an application fee of \$75 which, upon collection, shall be deposited into the "Municipal Court Diversion Fund" established pursuant to section 9 of P.L.2013, c.158 (C.2C:43-13.9). Monies in the fund shall be used to defray the cost of intake and monitoring services related to the defendant's participation in the conditional dismissal program as provided by the Probation Division of the Superior Court. If admitted into the program, the defendant shall be required to pay any restitution, costs, and other mandatory assessments that would have been imposed by law for a conviction of the offense charged.

A municipal court judge may impose an assessment, based on the nature of the offense and the character of the defendant, that shall not exceed the amount of a fine that would have been imposed for conviction of the offense charged. Such assessment shall be distributed in the same manner as a fine for the offense charged. A defendant shall be advised of these financial conditions prior to seeking entry into the program.

A defendant may apply for a waiver of the fee, by reason of poverty, pursuant to the Rules Governing the Courts of the State of New Jersey, or the court may permit the defendant to pay the conditional dismissal fee and

other assessments in installments or may order other alternatives pursuant to section 1 of P.L.2009, c.317 (C.2B:12-23.1).

C.2C:43-13.9 "Municipal Court Diversion Fund."

9. a. There is established within the General Fund a dedicated, non-lapsing fund to be known as the "Municipal Court Diversion Fund," which shall be administered by the Administrative Office of the Courts.

b. The fund shall be the depository of a \$75 application fee collected pursuant to section 8 of P.L.2013, c.158 (C.2C:43-13.8) for admission to the conditional dismissal program established pursuant to P.L.2013, c.158 (C.2C:43-13.1 et al.).

c. Monies in the fund shall be used to offset the cost of the intake and monitoring services for defendants diverted from municipal court prosecution for petty disorderly persons and disorderly persons offenses under conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-13.1 et al.).

10. N.J.S.2C:36A-1 is amended to read as follows:

Conditional discharge for certain first offenses.

2C:36A-1. Conditional discharge for certain first offenses. a. Whenever any person who has not previously been convicted of any offense under section 20 of P.L.1970, c.226 (C.24:21-20), or a disorderly persons or petty disorderly persons offense defined in chapter 35 or 36 of this title or, subsequent to the effective date of this title, under any law of the United States, this State or any other state relating to marijuana, or stimulant, depressant, or hallucinogenic drugs, and who has not previously participated in a program of supervisory treatment pursuant to N.J.S.2C:43-12 or conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-13.1 et al.) is charged with or convicted of any disorderly persons offense or petty disorderly persons offense under chapter 35 or 36 of this title, the court upon notice to the prosecutor and subject to subsection c. of this section, may on motion of the defendant or the court:

(1) Suspend further proceedings and with the consent of the person after reference to the State Bureau of Identification criminal history record information files, place him under supervisory treatment upon such reasonable terms and conditions as it may require; or

(2) After a plea of guilty or finding of guilty, and without entering a judgment of conviction, and with the consent of the person after proper reference to the State Bureau of Identification criminal history record informa-

tion files, place him on supervisory treatment upon reasonable terms and conditions as it may require, or as otherwise provided by law.

b. In no event shall the court require as a term or condition of supervisory treatment under this section, referral to any residential treatment facility for a period exceeding the maximum period of confinement prescribed by law for the offense for which the individual has been charged or convicted, nor shall any term of supervisory treatment imposed under this subsection exceed a period of three years. If a person is placed under supervisory treatment under this section after a plea of guilty or finding of guilt, the court as a term and condition of supervisory treatment shall suspend the person's driving privileges for a period to be fixed by the court at not less than six months or more than two years unless the court finds compelling circumstances warranting an exception. For the purposes of this subsection, compelling circumstances warranting an exception exist if the suspension of the person's driving privileges will result in extreme hardship and alternative means of transportation are not available. In the case of a person who at the time of placement under supervisory treatment under this section is less than 17 years of age, the period of suspension of driving privileges authorized herein, including a suspension of the privilege of operating a motorized bicycle, shall commence on the day the person is placed on supervisory treatment and shall run for a period as fixed by the court of not less than six months or more than two years after the day the person reaches the age of 17 years.

If the driving privilege of a person is under revocation, suspension, or postponement for a violation of this title or Title 39 of the Revised Statutes at the time of the person's placement on supervisory treatment under this section, the revocation, suspension or postponement period imposed herein shall commence as of the date of the termination of the existing revocation, suspension or postponement. The court which places a person on supervisory treatment under this section shall collect and forward the person's driver's license to the New Jersey Motor Vehicle Commission and file an appropriate report with the commission in accordance with the procedure set forth in N.J.S.2C:35-16. The court shall also inform the person of the penalties for operating a motor vehicle during the period of license suspension or postponement as required in N.J.S.2C:35-16.

Upon violation of a term or condition of supervisory treatment the court may enter a judgment of conviction and proceed as otherwise provided, or where there has been no plea of guilty or finding of guilty, resume proceedings. Upon fulfillment of the terms and conditions of supervisory treatment the court shall terminate the supervisory treatment and dismiss

the proceedings against him. Termination of supervisory treatment and dismissal under this section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of disqualifications or disabilities, if any, imposed by law upon conviction of a crime or disorderly persons offense but shall be reported by the clerk of the court to the State Bureau of Identification criminal history record information files. Termination of supervisory treatment and dismissal under this section may occur only once with respect to any person. Imposition of supervisory treatment under this section shall not be deemed a conviction for the purposes of determining whether a second or subsequent offense has occurred under section 29 of P.L.1970, c.226 (C.24:21-29), chapter 35 or 36 of this title or any law of this State.

c. Proceedings under this section shall not be available to any defendant unless the court in its discretion concludes that:

(1) The defendant's continued presence in the community, or in a civil treatment center or program, will not pose a danger to the community; or

(2) That the terms and conditions of supervisory treatment will be adequate to protect the public and will benefit the defendant by serving to correct any dependence on or use of controlled substances which he may manifest; and

(3) The person has not previously received supervisory treatment under section 27 of P.L.1970, c.226 (C.24:21-27), N.J.S.2C:43-12, or the provisions of this chapter.

d. A person seeking conditional discharge pursuant to this section shall pay to the court a fee of \$75 which shall be paid to the Treasurer of the State of New Jersey for deposit in the General Fund. The defendant shall also be required to pay restitution, costs and other assessments as provided by law. A person may apply for a waiver of this fee, by reason of poverty, pursuant to the Rules Governing the Courts of the State of New Jersey, or the court may permit the defendant to pay the conditional discharge fee and other assessments in installments or may order other alternatives pursuant to section 1 of P.L.2009, c.317 (C.2B:12-23.1).

11. N.J.S.2C:43-12 is amended to read as follows:

Supervisory treatment – pretrial intervention.

2C:43-12. Supervisory Treatment--Pretrial Intervention.

a. Public policy. The purpose of N.J.S.2C:43-12 through N.J.S.2C:43-22 is to effectuate a Statewide program of Pretrial Intervention. It is the policy of the State of New Jersey that supervisory treatment should ordinar-

ily be limited to persons who have not previously been convicted of any criminal offense under the laws of New Jersey, or under any criminal law of the United States, or any other state when supervisory treatment would:

(1) Provide applicants, on an equal basis, with opportunities to avoid ordinary prosecution by receiving early rehabilitative services or supervision, when such services or supervision can reasonably be expected to deter future criminal behavior by an applicant, and when there is apparent causal connection between the offense charged and the rehabilitative or supervisory need, without which cause both the alleged offense and the need to prosecute might not have occurred; or

(2) Provide an alternative to prosecution for applicants who might be harmed by the imposition of criminal sanctions as presently administered, when such an alternative can be expected to serve as sufficient sanction to deter criminal conduct; or

(3) Provide a mechanism for permitting the least burdensome form of prosecution possible for defendants charged with "victimless" offenses, other than defendants who were public officers or employees charged with offenses that involved or touched their office or employment; or

(4) Provide assistance to criminal calendars in order to focus expenditure of criminal justice resources on matters involving serious criminality and severe correctional problems; or

(5) Provide deterrence of future criminal or disorderly behavior by an applicant in a program of supervisory treatment.

b. Admission of an applicant into a program of supervisory treatment shall be measured according to the applicant's amenability to correction, responsiveness to rehabilitation and the nature of the offense. There shall be a presumption against admission into a program of supervisory treatment for a defendant who was a public officer or employee whose offense involved or touched upon his public office or employment.

c. The decision and reasons therefor made by the designated judges (or assignment judges), prosecutors and program directors in granting or denying applications for supervisory treatment, in recommending and ordering termination from the program or dismissal of charges, in all cases shall be reduced to writing and disclosed to the applicant.

d. If an applicant desires to challenge the decision of the prosecutor or program director not to recommend enrollment in a program of supervisory treatment the proceedings prescribed under N.J.S.2C:43-14 and in accordance with the Rules of Court shall be followed.

e. Referral. At any time prior to trial but after the filing of a criminal complaint, or the filing of an accusation or the return of an indictment, with

the consent of the prosecutor and upon written recommendation of the program director, the assignment judge or a judge designated by him may postpone all further proceedings against an applicant and refer said applicant to a program of supervisory treatment approved by the Supreme Court. Prosecutors and program directors shall consider in formulating their recommendation of an applicant's participation in a supervisory treatment program, among others, the following criteria:

- (1) The nature of the offense;
- (2) The facts of the case;
- (3) The motivation and age of the defendant;
- (4) The desire of the complainant or victim to forego prosecution;
- (5) The existence of personal problems and character traits which may be related to the applicant's crime and for which services are unavailable within the criminal justice system, or which may be provided more effectively through supervisory treatment and the probability that the causes of criminal behavior can be controlled by proper treatment;
- (6) The likelihood that the applicant's crime is related to a condition or situation that would be conducive to change through his participation in supervisory treatment;
- (7) The needs and interests of the victim and society;
- (8) The extent to which the applicant's crime constitutes part of a continuing pattern of anti-social behavior;
- (9) The applicant's record of criminal and penal violations and the extent to which he may present a substantial danger to others;
- (10) Whether or not the crime is of an assaultive or violent nature, whether in the criminal act itself or in the possible injurious consequences of such behavior;
- (11) Consideration of whether or not prosecution would exacerbate the social problem that led to the applicant's criminal act;
- (12) The history of the use of physical violence toward others;
- (13) Any involvement of the applicant with organized crime;
- (14) Whether or not the crime is of such a nature that the value of supervisory treatment would be outweighed by the public need for prosecution;
- (15) Whether or not the applicant's involvement with other people in the crime charged or in other crime is such that the interest of the State would be best served by processing his case through traditional criminal justice system procedures;
- (16) Whether or not the applicant's participation in pretrial intervention will adversely affect the prosecution of codefendants; and

(17) Whether or not the harm done to society by abandoning criminal prosecution would outweigh the benefits to society from channeling an offender into a supervisory treatment program.

f. Review of Supervisory Treatment Applications; Procedure Upon Denial. Each applicant for supervisory treatment shall be entitled to full and fair consideration of his application. If an application is denied, the program director or the prosecutor shall precisely state his findings and conclusion which shall include the facts upon which the application is based and the reasons offered for the denial. If the applicant desires to challenge the decision of a program director not to recommend, or of a prosecutor not to consent to, enrollment into a supervisory treatment program, a motion shall be filed before the designated judge (or assignment judge) authorized pursuant to the rules of court to enter orders.

g. Limitations. Supervisory treatment may occur only once with respect to any defendant and any person who has previously received supervisory treatment under section 27 of P.L.1970, c.226 (C.24:21-27), a conditional discharge pursuant to N.J.S.2C:36A-1, or a conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-13.1 et al.) shall not be eligible for supervisory treatment under this section. However, supervisory treatment, as provided herein, shall be available to a defendant irrespective of whether the defendant contests his guilt of the charge or charges against him.

h. Termination. Termination of supervisory treatment under this section shall be immediately reported to the assignment judge of the county who shall forward such information to the Administrative Director of the Courts.

i. Appointment of Program Directors; Authorized Referrals. Programs of supervisory treatment and appointment of the program directors require approval by the Supreme Court with the consent of the assignment judge and prosecutor. Referrals of participants from supervisory treatment programs may be to any public or private office or agency, including but not limited to, programs within the probation service of the court, offering counseling or any other social service likely to aid in the rehabilitation of the participant and to deter the commission of other offenses.

j. Health Care Professional Licensing Board Notification. The program director shall promptly notify the State Board of Medical Examiners when a State licensed physician or podiatrist has been enrolled in a supervisory treatment program after he has been charged with an offense involving drugs or alcohol.

12. N.J.S.2C:43-13 is amended to read as follows:

Supervisory treatment procedure.

2C:43-13. Supervisory Treatment Procedure. a. Agreement. The terms and duration of the supervisory treatment shall be set forth in writing, signed by the prosecutor and agreed to and signed by the participant. Payment of the assessment required by section 2 of P.L.1979, c.396 (C.2C:43-3.1) shall be included as a term of the agreement. If the participant is represented by counsel, defense counsel shall also sign the agreement. Each order of supervisory treatment shall be filed with the county clerk.

b. Charges. During a period of supervisory treatment the charge or charges on which the participant is undergoing supervisory treatment shall be held in an inactive status pending termination of the supervisory treatment pursuant to subsection d. or e. of this section.

c. Period of treatment. Supervisory treatment may be for such period, as determined by the designated judge or the assignment judge, not to exceed three years, provided, however, that the period of supervisory treatment may be shortened or terminated as the program director may determine with the consent of the prosecutor and the approval of the court.

d. Dismissal. Upon completion of supervisory treatment, and with the consent of the prosecutor, the complaint, indictment or accusation against the participant may be dismissed with prejudice.

e. Violation of conditions. Upon violation of the conditions of supervisory treatment, the court shall determine, after summary hearing, whether said violation warrants the participant's dismissal from the supervisory treatment program or modification of the conditions of continued participation in that or another supervisory treatment program. Upon dismissal of the participant from the supervisory treatment program, the charges against the participant may be reactivated and the prosecutor may proceed as though no supervisory treatment had been commenced.

f. Evidence. No statement or other disclosure by a participant undergoing supervisory treatment made or disclosed to the person designated to provide such supervisory treatment shall be disclosed, at any time, to the prosecutor in connection with the charge or charges against the participant, nor shall any such statement or disclosure be admitted as evidence in any civil or criminal proceeding against the participant. Nothing provided herein, however, shall prevent the person providing supervisory treatment from informing the prosecutor, or the court, upon request or otherwise as to whether or not the participant is satisfactorily responding to supervisory treatment.

g. Delay. No participant agreeing to undergo supervisory treatment shall be permitted to complain of a lack of speedy trial for any delay caused by the commencement of supervisory treatment.

A person applying for admission to a program of supervisory treatment shall pay to the court a fee of \$75 which shall be paid to the Treasurer of the State of New Jersey for deposit into the General Fund. A person may apply for a waiver of this fee, by reason of poverty, pursuant to the Rules Governing the Courts of the State of New Jersey, or the court may allow for the payment of the fee and other financial obligations by installment.

13. 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. In all cases, except as herein provided, wherein 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 against whom proceedings were dismissed, or who was acquitted, or who was discharged without a conviction or finding of guilt, 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.

b. Any person who has had charges dismissed against him pursuant to P.L.1970, c.226, s.27 (C.24:21-27) or 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.

c. 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.

14. R.S.53:1-15 is amended to read as follows:

Fingerprinting of suspects.

53:1-15. The sheriffs, chiefs of police, members of the State Police and any other law enforcement agencies and officers shall, immediately upon

the arrest of any person for an indictable offense, or for any of the grounds specified in paragraph (1), (2), (3) or (4) of subsection a. of section 5 of P.L.1991, c.261 (C.2C:25-21) or of any person believed to be wanted for an indictable offense, or believed to be an habitual criminal, or within a reasonable time after the filing of a complaint by a law enforcement officer charging any person with an indictable offense, or upon the arrest of any person for shoplifting, pursuant to N.J.S.2C:20-11, or upon the arrest of any person for prostitution, pursuant to N.J.S.2C:34-1, or the conviction of any other person charged with a nonindictable offense, where the identity of the person charged is in question, take the fingerprints of such person, according to the fingerprint system of identification established by the Superintendent of State Police and on the forms prescribed, and forward without delay two copies or more of the same, together with photographs and such other descriptions as may be required and with a history of the offense committed, to the State Bureau of Identification.

Such sheriffs, chiefs of police, members of the State Police and any other law enforcement agencies and officers shall also take the fingerprints, descriptions and such other information as may be required of unknown dead persons and as required by section 2 of P.L.1982, c.79 (C.2A:4A-61) of juveniles adjudicated delinquent and shall forward same to the State Bureau of Identification.

Any person charged in a complaint filed by a law enforcement officer with an indictable offense, who has not been arrested, or any person charged in an indictment, who has not been arrested, or any person convicted of assault or harassment constituting domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19), or any person against whom a final order has been entered in any domestic violence matter pursuant to the provisions of section 13 of P.L.1991, c.261 (C.2C:25-29), or any person applying for participation in a program of conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-13.1 et al.), shall submit himself to the identification procedures provided herein either on the date of any court appearance or upon written request of the appropriate law enforcement agency within a reasonable time after the filing of the complaint. Any person who refuses to submit to such identification procedures shall be a disorderly person.

15. This act shall take effect 120 days after enactment, and shall be applicable to any person who commits a disorderly persons or petty disorderly persons offense on or after the effective date.

Approved September 6, 2013.

CHAPTER 159

AN ACT concerning procedures and powers under the “Local Redevelopment and Housing Law” and amending P.L. 1992, c. 79.

WHEREAS, Article VIII, Section III, paragraph 1 of the New Jersey Constitution empowers the Legislature to authorize municipalities to clear, re-plan, develop, and redevelop blighted areas; and

WHEREAS, The Legislature has authorized municipalities to undertake programs to redevelop blighted areas; and

WHEREAS, Municipalities have used these programs to arrest and reverse blighted conditions to promote sound planning, revitalize tax bases, and improve the public safety, health, and welfare of their communities; and

WHEREAS, In exercising their responsibilities and implementing redevelopment programs municipalities have exercised the power of eminent domain; and

WHEREAS, The 2005 United States Supreme Court decision in *Kelo v. City of New London*, 545 U.S. 469 (2005), heightened public concern with the use of eminent domain to implement municipal redevelopment activities; and

WHEREAS, The New Jersey Supreme Court in *Gallenthin Realty Development, Inc. v. Borough of Paulsboro*, 191 N.J. 344 (2007), clarified one of the criterion for designating redevelopment areas in New Jersey and emphasized that the use of eminent domain cannot be justified to acquire property unless it is blighted, rather than merely not being put to its optimal use; and

WHEREAS, The Appellate Division of the Superior Court in *Harrison Redevelopment Agency v. DeRose*, 398 N.J. Super. 361 (App. Div. 2008) addressed a due process concern with the notice provision under the Local Redevelopment and Housing Law, in cases where eminent domain was used long after the property sought to be acquired was designated as blighted and property owners were precluded from challenging such designation in defense of the condemnation of their properties; and

WHEREAS, The "Local Redevelopment and Housing Law" should appropriately be amended to be consistent with these judicial holdings and to address some of the concerns raised with respect to the use of eminent domain in the implementation of redevelopment programs; and

WHEREAS, Redevelopment remains a valid and important public purpose and the implementation of redevelopment programs continues to be a vital tool for municipal officials that must be maintained to allow them to

continue to meet their governmental responsibilities to prevent, arrest, and reverse deleterious property conditions within their municipal borders; and

WHEREAS, The State of New Jersey is experiencing the deepest economic recession since the Great Depression; and

WHEREAS, Municipalities should be encouraged to engage in economic development initiatives by promoting and facilitating such efforts to create local economic stimulus and job creation through the tools and incentives available under the “Local Redevelopment and Housing Law;” and

WHEREAS, Municipalities should be provided the opportunity to pursue such programs without the use of eminent domain; and

WHEREAS, It is in the public interest to establish certainty and repose with respect to the designation of redevelopment areas, the power of eminent domain, and challenges thereto; now, therefore,

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

1. Section 5 of P.L.1992, c.79 (C.40A:12A-5) is amended to read as follows:

C.40A:12A-5 Determination of need for redevelopment.

5. A delineated area may be determined to be in need of redevelopment if, after investigation, notice and hearing as provided in section 6 of P.L.1992, c.79 (C.40A:12A-6), the governing body of the municipality by resolution concludes that within the delineated area any of the following conditions is found:

a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.

b. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.

c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of

means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.

d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.

f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

g. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

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h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

2. Section 6 of P.L.1992, c.79 (C.40A:12A-6) is amended to read as follows:

C.40A:12A-6 Investigation for determination as redevelopment area, public hearing, notice.

6. a. No area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in section 5 of P.L.1992, c.79 (C.40A:12A-5). Such determination shall be made after public notice and public hearing as provided in subsection b. of this section. The governing body of a municipality shall assign the conduct of the investigation and hearing to the planning board of the municipality. The resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a "Non-Condensation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a "Condensation Redevelopment Area").

b. (1) Before proceeding to a public hearing on the matter, the planning board shall prepare a map showing the boundaries of the proposed redevelopment area and the location of the various parcels of property included therein. There shall be appended to the map a statement setting forth the basis for the investigation.

(2) The planning board shall specify a date for and give notice of a hearing for the purpose of hearing persons who are interested in or would be affected by a determination that the delineated area is a redevelopment area.

(3) (a) The hearing notice shall set forth the general boundaries of the area to be investigated and state that a map has been prepared and can be inspected at the office of the municipal clerk.

(b) If the governing body resolution assigning the investigation to the planning board, pursuant to subsection a. of this section, stated that the redevelopment determination shall establish a Non-Condensation Redevelopment Area, the notice of the hearing shall specifically state that a rede-

velopment area determination shall not authorize the municipality to exercise the power of eminent domain to acquire any property in the delineated area.

(c) If the resolution assigning the investigation to the planning board, pursuant to subsection a. of this section, stated that the redevelopment determination shall establish a Condemnation Redevelopment Area, the notice of the hearing shall specifically state that a redevelopment area determination shall authorize the municipality to exercise the power of eminent domain to acquire property in the delineated area.

(d) A copy of the notice shall be published in a newspaper of general circulation in the municipality once each week for two consecutive weeks, and the last publication shall be not less than ten days prior to the date set for the hearing. A copy of the notice shall be mailed at least ten days prior to the date set for the hearing to the last owner, if any, of each parcel of property within the area according to the assessment records of the municipality. A notice shall also be sent to all persons at their last known address, if any, whose names are noted on the assessment records as claimants of an interest in any such parcel. The assessor of the municipality shall make a notation upon the records when requested to do so by any person claiming to have an interest in any parcel of property in the municipality. The notice shall be published and mailed by the municipal clerk, or by such clerk or official as the planning board shall otherwise designate. Failure to mail any such notice shall not invalidate the investigation or determination thereon.

(4) At the hearing, which may be adjourned from time to time, the planning board shall hear all persons who are interested in or would be affected by a determination that the delineated area is a redevelopment area. All objections to such a determination and evidence in support of those objections, given orally or in writing, shall be received and considered and made part of the public record.

(5) (a) After completing its hearing on this matter, the planning board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area.

(b) After receiving the recommendation of the planning board, the municipal governing body may adopt a resolution determining that the delineated area, or any part thereof, is a redevelopment area.

(c) Upon the adoption of a resolution, the clerk of the municipality shall, forthwith, transmit a copy of the resolution to the Commissioner of Community Affairs for review. If the area in need of redevelopment is not situated in an area in which development or redevelopment is to be encour-

aged pursuant to any State law or regulation promulgated pursuant thereto, the determination shall not take effect without first receiving the review and the approval of the commissioner. If the commissioner does not issue an approval or disapproval within 30 calendar days of transmittal by the clerk, the determination shall be deemed to be approved. If the area in need of redevelopment is situated in an area in which development or redevelopment is to be encouraged pursuant to any State law or regulation promulgated pursuant thereto, then the determination shall take effect after the clerk has transmitted a copy of the resolution to the commissioner. The determination, if supported by substantial evidence and, if required, approved by the commissioner, shall be binding and conclusive upon all persons affected by the determination.

(d) Notice of the determination shall be served, within 10 days after the determination, upon all record owners of property located within the delineated area, those whose names are listed on the tax assessor's records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of determination may be sent.

(e) If the governing body resolution assigning the investigation to the planning board, pursuant to subsection a. of this section, stated that the redevelopment determination shall establish a Condemnation Redevelopment Area, the notice of the determination required pursuant to subparagraph (d) of this paragraph shall indicate that:

(i) the determination operates as a finding of public purpose and authorizes the municipality to exercise the power of eminent domain to acquire property in the redevelopment area, and

(ii) legal action to challenge the determination must be commenced within 45 days of receipt of notice and that failure to do so shall preclude an owner from later raising such challenge.

(f) No municipality or redevelopment entity shall exercise the power of eminent domain to acquire property for redevelopment purposes within a Non-Condemnation Redevelopment Area.

(g) If a municipal governing body has determined an area to be a Non-Condemnation Redevelopment Area and is unable to acquire property that is necessary for the redevelopment project, the municipality may initiate and follow the process set forth in this section to determine whether the area or property is a Condemnation Redevelopment Area. Such determination shall be based upon the then-existing conditions and not based upon the condition of the area or property at the time of the prior Non-Condemnation Redevelopment Area determination.

(h) A property owner who has received notice pursuant to this section who does not file a legal challenge to the redevelopment determination affecting his or her property within 45 days of receipt of such notice shall thereafter be barred from filing such a challenge and, in the case of a Condemnation Redevelopment Area and upon compliance with the notice provisions of subparagraph (e) of this paragraph, shall further be barred from asserting a challenge to the redevelopment determination as a defense in any condemnation proceeding to acquire the property unless the municipality and the property owner agree otherwise.

(6) The municipality shall, for 45 days next following its determination, take no further action to acquire any property by condemnation within the redevelopment area.

(7) If any person shall, within 45 days after the adoption by the municipality of the determination, apply to the Superior Court, the court may grant further review of the determination by procedure in lieu of prerogative writ; and in any such action the court may make any incidental order that it deems proper.

c. An area determined to be in need of redevelopment pursuant to this section shall be deemed to be a "blighted area" for the purposes of Article VIII, Section III, paragraph 1 of the Constitution. If an area is determined to be a redevelopment area and a redevelopment plan is adopted for that area in accordance with the provisions of this act, the municipality is authorized to utilize all those powers provided in section 8 of P.L.1992, c.79 (C.40A:12A-8), except that a municipality may not acquire any land or building by condemnation pursuant to subsection c. of that section unless the land or building is located within (1) an area that was determined to be in need of redevelopment prior to the effective date of P.L.2013, c.159, or (2) a Condemnation Redevelopment Area for which the municipality has complied with the provisions of subparagraph (e) of paragraph (5) of subsection b. of this section.

3. Section 8 of P.L.1992, c.79 (C.40A:12A-8) is amended to read as follows:

C.40A:12A-8 Effectuation of development plan.

8. Upon the adoption of a redevelopment plan pursuant to section 7 of P.L.1992, c.79 (C.40A:12A-7), the municipality or redevelopment entity designated by the governing body may proceed with the clearance, replanning, development and redevelopment of the area designated in that plan. In order to carry out and effectuate the purposes of this act and the terms of

the redevelopment plan, the municipality or designated redevelopment entity may:

a. Undertake redevelopment projects, and for this purpose issue bonds in accordance with the provisions of section 29 of P.L.1992, c.79 (C.40A:12A-29).

b. Acquire property pursuant to subsection i. of section 22 of P.L.1992, c.79 (C.40A:12A-22).

c. Acquire, by condemnation, any land or building which is necessary for the redevelopment project, pursuant to the provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.), provided that the land or building is located within (1) an area that was determined to be in need of redevelopment prior to the effective date of P.L.2013, c.159, or (2) a Condemnation Redevelopment Area.

d. Clear any area owned or acquired and install, construct or reconstruct streets, facilities, utilities, and site improvements essential to the preparation of sites for use in accordance with the redevelopment plan.

e. Prepare or arrange by contract for the provision of professional services and the preparation of plans by registered architects, licensed professional engineers or planners, or other consultants for the carrying out of redevelopment projects.

f. Arrange or contract with public agencies or redevelopers for the planning, replanning, construction, or undertaking of any project or redevelopment work, or any part thereof; negotiate and collect revenue from a redeveloper to defray the costs of the redevelopment entity, including where applicable the costs incurred in conjunction with bonds, notes or other obligations issued by the redevelopment entity, and to secure payment of such revenue; as part of any such arrangement or contract, provide for extension of credit, or making of loans, to redevelopers to finance any project or redevelopment work, or upon a finding that the project or redevelopment work would not be undertaken but for the provision of financial assistance, or would not be undertaken in its intended scope without the provision of financial assistance, provide as part of an arrangement or contract for capital grants to redevelopers; and arrange or contract with public agencies or redevelopers for the opening, grading or closing of streets, roads, roadways, alleys, or other places or for the furnishing of facilities or for the acquisition by such agency of property options or property rights or for the furnishing of property or services in connection with a redevelopment area.

g. Except with regard to property subject to the requirements of P.L.2008, c.65 (C.40A:5-14.2 et al.), lease or convey property or improvements to any other party pursuant to this section, without public bidding and

at such prices and upon such terms as it deems reasonable, provided that the lease or conveyance is made in conjunction with a redevelopment plan, notwithstanding the provisions of any law, rule, or regulation to the contrary.

h. Enter upon any building or property in any redevelopment area in order to conduct investigations or make surveys, sounding or test borings necessary to carry out the purposes of this act.

i. Arrange or contract with a public agency for the relocation, pursuant to the "Relocation Assistance Law of 1967," P.L.1967, c.79 (C.52:31B-1 et seq.) and the "Relocation Assistance Act," P.L.1971, c.362 (C.20:4-1 et seq.), of residents, industry or commerce displaced from a redevelopment area.

j. Make, consistent with the redevelopment plan: (1) plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements; and (2) plans for the enforcement of laws, codes, and regulations relating to the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.

k. Request that the planning board recommend and governing body designate particular areas as being in need of redevelopment or rehabilitation in accordance with the provisions of this act and make recommendations for the redevelopment or rehabilitation of such areas.

l. Study the recommendations of the planning board or governing body for redevelopment of the area.

m. Publish and disseminate information concerning any redevelopment area, plan or project.

n. Do all things necessary or convenient to carry out its powers.

4. Section 14 of P.L.1992, c.79 (C.40A:12A-14) is amended to read as follows:

C.40A:12A-14 Conditions for determination of need for rehabilitation.

14. a. A delineated area may be determined to be in need of rehabilitation if the governing body of the municipality determines by resolution that a program of rehabilitation, as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3), may be expected to prevent further deterioration and promote the overall development of the community; and that there exist in that area any of the following conditions such that (1) a significant portion of structures therein are in a deteriorated or substandard condition; (2) more than half of the housing stock in the delineated area is at least 50 years old; (3) there is a pattern of vacancy, abandonment or underutilization of properties in the area; (4) there is a persistent arrearage of property tax payments

on properties in the area; (5) environmental contamination is discouraging improvements and investment in properties in the area; or (6) a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance. Where warranted by consideration of the overall conditions and requirements of the community, a finding of need for rehabilitation may extend to the entire area of a municipality. Prior to adoption of the resolution, the governing body shall submit it to the municipal planning board for its review. Within 45 days of its receipt of the proposed resolution, the municipal planning board shall submit its recommendations regarding the proposed resolution, including any modifications which it may recommend, to the governing body for its consideration. Thereafter, or after the expiration of the 45 days if the municipal planning board does not submit recommendations, the governing body may adopt the resolution, with or without modification. The resolution shall not become effective without the approval of the commissioner pursuant to section 6 of P.L.1992, c.79 (C.40A:12A-6), if otherwise required pursuant to that section.

b. A delineated area shall be deemed to have been determined to be an area in need of rehabilitation in accordance with the provisions of this act if it has heretofore been determined to be an area in need of rehabilitation pursuant to P.L.1975, c.104 (C.54:4-3.72 et seq.), P.L.1977, c.12 (C.54:4-3.95 et seq.) or P.L.1979, c.233 (C.54:4-3.121 et al.).

c. (1) A municipality may adopt an ordinance declaring a renovation housing project to be an area in need of rehabilitation for the purposes of Article VIII, Section I, paragraph 6 of the New Jersey Constitution if the need for renovation resulted from conflagration.

(2) For the purposes of this subsection, "renovation housing project" means any work or undertaking to provide a decent, safe, and sanitary dwelling, to exclusively benefit a specific household, by the renovation, reconstruction, or replacement of the household's home on the same lot by either a charitable entity organized to perform home renovations or by a for-profit builder using 75% or more volunteer labor-hours to accomplish the construction for the project. The undertaking may include any buildings; demolition, clearance, or removal of buildings from land; equipment; facilities; or other personal properties or interests therein which are necessary, convenient, or desirable appurtenances of the undertaking.

d. (1) A municipality may adopt an ordinance declaring a renovation housing project to be an area in need of rehabilitation for the purposes of Article VIII, Section I, paragraph 6 of the New Jersey Constitution if at least half of the number of people occupying the dwelling as their primary

residence qualify for a federal income tax credit pursuant to 26 U.S.C. s.22 as a result of being permanently and totally disabled and the improvements to be made to the dwelling are made substantially to accommodate those disabilities.

(2) For the purposes of this subsection, "renovation housing project" means any work or undertaking to provide a decent, safe, and sanitary single-family dwelling, to exclusively benefit at least half of the number of people occupying a dwelling as their primary residence, by the renovation, reconstruction, or replacement of that dwelling on the same lot by either a charitable entity organized to perform home renovations or by a for-profit builder using 75% or more volunteer labor-hours to accomplish the construction for the project. The undertaking may include any buildings; demolition, clearance, or removal of buildings from land; equipment; facilities; or other personal properties or interests therein which are necessary, convenient, or desirable appurtenances of the undertaking.

5. Section 15 of P.L.1992, c.79 (C.40A:12A-15) is amended to read as follows:

C.40A:12A-15 Implementation of redevelopment plan.

15. In accordance with the provisions of a redevelopment plan adopted pursuant to section 7 of P.L.1992, c.79 (C.40A:12A-7), a municipality or redevelopment entity may proceed with clearance, replanning, conservation, development, redevelopment and rehabilitation of an area in need of rehabilitation. With respect to a redevelopment project in an area in need of rehabilitation, the municipality or redevelopment entity, upon the adoption of a redevelopment plan for the area, may perform any of the actions set forth in section 8 of P.L.1992, c.79 (C.40A:12A-8), except that with respect to such a project the municipality shall not have the power to take or acquire private property by condemnation in furtherance of a redevelopment plan, unless: a. the area is within (1) an area determined to be in need of redevelopment prior to the effective date of P.L.2013, c.159, or (2) a Condemnation Redevelopment Area and the municipality has complied with the notice requirements under subparagraph (e) of paragraph (5) of subsection b. of section 6 of P.L.1992, c.79 (C.40A:12A-6); or b. exercise of that power is authorized under any other law of this State.

6. This act shall take effect immediately, however, the provisions of section 2 shall not apply to an area determined to be a redevelopment area by any resolution that is adopted pursuant to section 6 of P.L.1992, c.79

(C.40A:12A-6) on or before the 90th day next following the date of enactment.

Approved September 6, 2013.

CHAPTER 160

AN ACT concerning medical marijuana and amending P.L.2009, c.307.

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

1. Section 5 of P.L.2009, c.307 (C.24:6I-5) is amended to read as follows:

C.24:6I-5 Certification authorizing medical use of marijuana.

5. a. Medical use of marijuana by a qualifying patient may be authorized pursuant to a certification which meets the requirements of this act. In order to provide such certification, a physician shall be licensed and in good standing to practice in the State.

The certification shall attest that the above criteria have been met.

b. The provisions of subsection a. of this section shall not apply to a qualifying patient who is a minor unless the custodial parent, guardian, or person who has legal custody of the minor receives from the physician an explanation of the potential risks and benefits of the medical use of marijuana and consents in writing that the minor patient has that person's permission for the medical use of marijuana and that the person will control the acquisition and possession of the medical marijuana and any related paraphernalia from the alternative treatment center. The physician shall document the explanation of the potential risks and benefits in the minor patient's medical record.

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

C.24:6I-7 Applications for permits to operate as alternative treatment center; regulations.

7. a. The department shall accept applications from entities for permits to operate as alternative treatment centers, and may charge a reasonable fee

for the issuance of a permit under this section. The department shall seek to ensure the availability of a sufficient number of alternative treatment centers throughout the State, pursuant to need, including at least two each in the northern, central, and southern regions of the State. The first two centers issued a permit in each region shall be nonprofit entities, and centers subsequently issued permits may be nonprofit or for-profit entities.

An alternative treatment center shall be authorized to acquire a reasonable initial and ongoing inventory, as determined by the department, of marijuana seeds or seedlings and paraphernalia, possess, cultivate, plant, grow, harvest, process, display, manufacture, deliver, transfer, transport, distribute, supply, sell, or dispense marijuana, or related supplies to qualifying patients or their primary caregivers who are registered with the department pursuant to section 4 of this act. An alternative treatment center shall not be limited in the number of strains of medical marijuana cultivated, and may package and directly dispense marijuana to qualifying patients in dried form, oral lozenges, topical formulations, or edible form, or any other form as authorized by the commissioner. Edible form shall include tablets, capsules, drops or syrups and any other form as authorized by the commissioner. Edible forms shall be available only to qualifying patients who are minors.

Applicants for authorization as nonprofit alternative treatment centers shall be subject to all applicable State laws governing nonprofit entities, but need not be recognized as a 501(c)(3) organization by the federal Internal Revenue Service.

b. The department shall require that an applicant provide such information as the department determines to be necessary pursuant to regulations adopted pursuant to this act.

c. A person who has been convicted of a crime involving any controlled dangerous substance or controlled substance analog as set forth in chapter 35 of Title 2C of the New Jersey Statutes except paragraph (4) of subsection a. of N.J.S.2C:35-10, or any similar law of the United States or any other state shall not be issued a permit to operate as an alternative treatment center or be a director, officer, or employee of an alternative treatment center, unless such conviction occurred after the effective date of this act and was for a violation of federal law relating to possession or sale of marijuana for conduct that is authorized under this act.

d. (1) The commissioner shall require each applicant seeking a permit to operate as an alternative treatment center to undergo a criminal history record background check. For purposes of this section, the term "applicant" shall include any owner, director, officer, or employee of an alternative treatment center. The commissioner is authorized to exchange finger-

print data with and receive criminal history record background information from the Division of State Police and the Federal Bureau of Investigation consistent with the provisions of applicable federal and State laws, rules, and regulations. The Division of State Police shall forward criminal history record background information to the commissioner in a timely manner when requested pursuant to the provisions of this section.

An applicant shall submit to being fingerprinted in accordance with applicable State and federal laws, rules, and regulations. No check of criminal history record background information shall be performed pursuant to this section unless the applicant has furnished his written consent to that check. An applicant who refuses to consent to, or cooperate in, the securing of a check of criminal history record background information shall not be considered for a permit to operate, or authorization to be employed at, an alternative treatment center. An applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check.

(2) The commissioner shall not approve an applicant for a permit to operate, or authorization to be employed at, an alternative treatment center if the criminal history record background information of the applicant reveals a disqualifying conviction as set forth in subsection c. of this section.

(3) Upon receipt of the criminal history record background information from the Division of State Police and the Federal Bureau of Investigation, the commissioner shall provide written notification to the applicant of his qualification for or disqualification for a permit to operate or be a director, officer, or employee of an alternative treatment center.

If the applicant is disqualified because of a disqualifying conviction pursuant to the provisions of this section, the conviction that constitutes the basis for the disqualification shall be identified in the written notice.

(4) The Division of State Police shall promptly notify the commissioner in the event that an individual who was the subject of a criminal history record background check conducted pursuant to this section is convicted of a crime or offense in this State after the date the background check was performed. Upon receipt of that notification, the commissioner shall make a determination regarding the continued eligibility to operate or be a director, officer, or employee of an alternative treatment center.

(5) Notwithstanding the provisions of subsection b. of this section to the contrary, the commissioner may offer provisional authority for an applicant to be an employee of an alternative treatment center for a period not to exceed three months if the applicant submits to the commissioner a sworn

statement attesting that the person has not been convicted of any disqualifying conviction pursuant to this section.

(6) Notwithstanding the provisions of subsection b. of this section to the contrary, no employee of an alternative treatment center shall be disqualified on the basis of any conviction disclosed by a criminal history record background check conducted pursuant to this section if the individual has affirmatively demonstrated to the commissioner clear and convincing evidence of rehabilitation. In determining whether clear and convincing evidence of rehabilitation has been demonstrated, the following factors shall be considered:

(a) the nature and responsibility of the position which the convicted individual would hold, has held or currently holds;

(b) the nature and seriousness of the crime or offense;

(c) the circumstances under which the crime or offense occurred;

(d) the date of the crime or offense;

(e) the age of the individual when the crime or offense was committed;

(f) whether the crime or offense was an isolated or repeated incident;

(g) any social conditions which may have contributed to the commission of the crime or offense; and

(h) any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

e. The department shall issue a permit to a person to operate as an alternative treatment center if the department finds that issuing such a permit would be consistent with the purposes of this act and the requirements of this section are met and the department has verified the information contained in the application. The department shall approve or deny an application within 60 days after receipt of a completed application. The denial of an application shall be considered a final agency decision, subject to review by the Appellate Division of the Superior Court. The department may suspend or revoke a permit to operate as an alternative treatment center for cause, which shall be subject to review by the Appellate Division of the Superior Court.

f. A person who has been issued a permit pursuant to this section shall display the permit at the premises of the alternative treatment center at all times when marijuana is being produced, or dispensed to a registered qualifying patient or the patient's primary caregiver.

g. An alternative treatment center shall report any change in information to the department not later than 10 days after such change, or the permit shall be deemed null and void.

h. An alternative treatment center may charge a registered qualifying patient or primary caregiver for the reasonable costs associated with the production and distribution of marijuana for the cardholder.

i. The commissioner shall adopt regulations to:

(1) require such written documentation of each delivery of marijuana to, and pickup of marijuana for, a registered qualifying patient, including the date and amount dispensed, to be maintained in the records of the alternative treatment center, as the commissioner determines necessary to ensure effective documentation of the operations of each alternative treatment center;

(2) monitor, oversee, and investigate all activities performed by an alternative treatment center; and

(3) ensure adequate security of all facilities 24 hours per day, including production and retail locations, and security of all delivery methods to registered qualifying patients.

3. This act shall take effect immediately.

Approved September 10, 2013.

CHAPTER 161

AN ACT concerning incentives for certain economic development projects, amending various parts of the statutory law, and supplementing Titles 34 and 52 of the Revised Statutes.

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

C.52:27D-489p Short title.

1. This act shall be known and may be cited as the “New Jersey Economic Opportunity Act of 2013.”

2. Section 3 of P.L.1996, c.25 (C.34:1B-114) is amended to read as follows:

C.34:1B-114 Business Retention and Relocation Assistance Grant Program.

3. a. The Business Retention and Relocation Assistance Grant Program is hereby established as a program under the jurisdiction of the New Jersey Economic Development Authority and shall be administered by the authority. The purpose of the program is to encourage economic development and job creation and to preserve jobs that currently exist in New Jersey but

which are in danger of being relocated to premises outside of the State. To implement that purpose, and to the extent that funding for the program is available, the program may provide grants of tax credits. To be eligible for any grant of tax credits pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.), a business shall demonstrate to the authority, at the time of application, that the grant of tax credits and resultant retention of full-time jobs and any capital investment will yield a net positive benefit to the State. The net benefit resulting from the retention of full-time jobs and any capital investment by a business that has had grant pre-application meetings with the authority and has executed contracts relating to the new business location during the period commencing May 1, 2010 until the enactment of P.L.2010, c.123, shall be calculated from the date of the initial grant pre-application meeting.

b. (1) If an application under P.L.1996, c.25 (C.34:1B-112 et seq.) has 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 grant of tax credits, the authority is authorized to consider the application and to make a grant of tax credits to an eligible applicant, provided that the authority shall take final action on that grant of tax credits no later than December 31, 2013.

(2) A business shall apply for a grant of tax credits under the Business Retention and Relocation Assistance Grant Program 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 a grant of tax credits no later than 90 calendar days after the effective date of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.).

(3) If a business has submitted an application under P.L.1996, c.25 (C.34:1B-112 et seq.) 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 by a business 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.).

3. Section 4 of P.L.1996, c.26 (C.34:1B-127) is amended to read as follows:

C.34:1B-127 Project requirements.

4. a. A business may apply to the authority for a grant for any project which:

- (1) Will create at least 25 eligible positions in the base years; or

(2) Will create at least 10 eligible positions in the base years if the business is an advanced computing company, an advanced materials company, a biotechnology company, an electronic device technology company, an environmental technology company, or a medical device technology company.

b. In the case of a business which is a landlord, the business may apply to the authority for a grant for any project in which at least 25 eligible positions are created in the base years.

c. A project which consists solely of point-of-final-purchase retail facilities shall not be eligible for a grant under P.L.1996, c.26 (C.34:1B-124 et seq.). If a project consists of both point-of-final-purchase retail facilities and non-retail facilities, only the portion of the project consisting of non-retail facilities shall be eligible for a grant, and only the withholdings from new employees which are employed in the portion of the project which represents non-retail facilities shall be used to determine the amount of the grant. If a warehouse facility is part of a point-of-final-purchase retail facility and supplies only that facility, the warehouse facility shall not be eligible for a grant. For the purposes of P.L.1996, c.26 (C.34:1B-124 et seq.), catalog distribution centers shall not be considered point-of-final-purchase retail facilities.

d. (1) If an application under P.L.1996, c.26 (C.34:1B-124 et seq.) has 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.), and, to the extent that there remains sufficient appropriations for grant issuance, then the authority is authorized to consider the application and to make a grant to an eligible applicant, provided that the authority shall take final action on that grant no later than December 31, 2013.

(2) A business shall apply for a grant under the Business Employment Incentive Program 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 a grant no later than 90 calendar days after the effective date of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.).

(3) If a business has submitted an application under P.L.1996, c.26 (C.34:1B-124 et seq.) 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 by a business 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. 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 grant relating to the same capital and employees that qualify the business for this credit, or if the business receives assistance pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.). A business that is allowed a tax credit under this section shall not be eligible for incentives authorized pursuant to P.L.2002, c.43 (C.52:27BBB-1 et al.). A business shall not qualify for a tax credit under this section, based upon capital investment and employment of full-time employees, if that capital investment or employment was the basis for which a grant was provided to the business pursuant to the "InvestNJ Business Grant Program Act," P.L.2008, c.112 (C.34:1B-237 et seq.).

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

(6) The capital investment of the owner of a qualified business facility is that percentage of the capital investment made or acquired by the owner of the building that the percentage of net leasable area of the qualified business facility not leased to tenants is of the total net leasable area of the qualified business facility.

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

(8) In determining whether a proposed capital investment will yield a net positive benefit, the authority shall not consider the transfer of an existing job from one location in the State to another location in the State as the creation of a new job, unless (a) the business proposes to transfer existing

jobs to a municipality in the State as part of a consolidation of business operations from two or more other locations that are not in the same municipality whether in-State or out-of-State, or (b) the business's chief executive officer, or equivalent officer, submits a certification to the authority indicating that the existing jobs are at risk of leaving the State and that the business's chief executive officer, or equivalent officer, has reviewed the information submitted to the authority and that the representations contained therein are accurate, and the business intends to employ not fewer than 500 full-time employees in the qualified business facility. In the event that this certification by the business's chief executive officer, or equivalent officer, is found to be willfully false, the authority may revoke any award of tax credits in their entirety, which revocation shall be in addition to any other criminal or civil penalties that the business and the officer may be subject to. When considering an application involving intra-State job transfers, the authority shall require the company to submit the following information as part of its application: a full economic analysis of all locations under consideration by the company; all lease agreements, ownership documents, or substantially similar documentation for the business's current in-State locations; and all lease agreements, ownership documents, or substantially similar documentation for the potential out-of-State location alternatives, to the extent they exist. Based on this information, and any other information deemed relevant by the authority, the authority shall independently verify and confirm, by way of making a factual finding by separate vote of the authority's board, the business's assertion that the jobs are actually at risk of leaving the State, before a business may be awarded any tax credits under this section.

b. (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, 2017.

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

The credit amount for any tax period ending after July 28, 2017 during which the documentation of a business' credit amount remains uncertified shall be forfeited, although credit amounts for the remainder of the years of the 10-year credit period shall remain available to it.

The credit amount that may be taken for a tax period of the business that exceeds the final liabilities of the business for the tax period may be carried forward for use by the business in the next 20 successive tax periods, and shall expire thereafter, provided that the value of all credits ap-

proved 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' total lease payments for occupancy of the qualified business facility for the tax period.

(2) A business that is a partnership shall not be allowed a credit under this section directly, but the amount of credit of an owner of a business shall be determined by allocating to each owner of the partnership that proportion of the credit of the business that is equal to the owner of the partnership's share, whether or not distributed, of the total distributive income or gain of the partnership for its tax period ending within or with the owner's tax period, or that proportion that is allocated by an agreement, if any, among the owners of the partnership that has been provided to the Director of the Division of Taxation in the Department of the Treasury by such time and accompanied by such additional information as the director may require.

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

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

(2) If, in any tax period, the business reduces the total number of full-time employees in its Statewide workforce by more than 20 percent from the number of full-time employees in its Statewide workforce in the last tax accounting or privilege period prior to the credit amount approval under subsection a. of this section, then the business shall forfeit its credit amount for that tax period and each subsequent tax period, until the first tax period

for which documentation demonstrating the restoration of the business' Statewide workforce to the threshold levels required by this paragraph has been reviewed and approved by the authority, for which tax period and each subsequent tax period the full amount of the credit shall be allowed.

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

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

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

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

fied business facility or mixed use project; and provisions for credit applicants to be charged an initial application fee, and ongoing service fees, to cover the administrative costs related to the credit.

(2) Through regulation, the Economic Development Authority shall establish standards based on the green building manual prepared by the Commissioner of Community Affairs pursuant to section 1 of P.L.2007, c.132 (C.52:27D-130.6), regarding the use of renewable energy, energy-efficient technology, and non-renewable resources in order to reduce environmental degradation and encourage long-term cost reduction.

5. Section 33 of P.L.2009, c.90 (C.34:1B-209.1) is amended to read as follows:

C.34:1B-209.1 Application for tax credit transfer certificate.

33. A business may apply to the Director of the Division of Taxation in the Department of the Treasury and the executive director of the authority for a tax credit transfer certificate, covering one or more years, in lieu of the business being allowed any amount of the credit against the tax liability of the business. The tax credit transfer certificate, upon receipt thereof by the business from the director and the executive director of the authority, may be sold or assigned, in full or in part, in an amount not less than \$100,000 of tax credits, although one transfer in each tax period may be in an amount less than \$100,000 to any other person that may have a tax liability pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), pursuant to sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and 54:18A-3), pursuant to section 1 of P.L.1950, c.231 (C.17:32-15), or pursuant to N.J.S.17B:23-5. The certificate provided to the business shall include a statement waiving the business's right to claim that amount of the credit against the taxes that the business has elected to sell or assign. The sale or assignment of any amount of a tax credit transfer certificate allowed under this section shall not be exchanged for consideration received by the business of less than 75 percent of the transferred credit amount 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 limitations and conditions that apply to the use of the credit by the business that originally applied for and was allowed the credit.

6. 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 such amounts as the executive director deems reasonable, justified, and appropriate. In allocating all credits to qualified residential projects under this section, the executive director shall take into account, together with other factors deemed relevant by the executive director: input from the municipality in which the project is to be located, whether the project 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: (a) the capital investment in the qualified residential project represents at least \$17,500,000 of the total capital investment in the mixed use project; and (b) the total capital investment in the mixed use project of which the qualified residential project is a part is not less than \$50,000,000. The allowance of credits under this paragraph shall be subject to the restrictions and requirements, to the extent that those are not inconsistent with the provisions of this paragraph, set forth in paragraphs (1) through (3) of this subsection, including but not limited to the requirement prescribed in paragraph (1) of this subsection that the developer shall demonstrate to the authority, through a project pro forma analysis at the time of application, that the qualified residential project is likely to be realized with the provision of tax credits at the level requested but is not likely to be accomplished by private enterprise without the tax credits.

As used in this subparagraph:

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

(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, 2017.

(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 such terms are defined in section 34 of P.L.2009, c.90 (C.34:1B-209.2) and (2) all references therein to credits claimed by tenants and to reductions or disqualifications in credits as determined by annual review of the authority shall be disregarded. Provided however, for purposes of a "mixed use project" as that term is used and defined pursuant to subparagraph (b) of paragraph (4) of subsection a. of this section, "qualified business facility" means that term as defined pursuant to section 2 of P.L.2007, c.346 (C.34:1B-208).

7. 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 acquisition, if purchased within 24 months prior to project application, 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 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 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, the authority shall accept a standard of service generally accepted by custom or practice as full-time employment in a supermarket, grocery store, or other like retail industry.

"Full-time employee" shall not include any person who works as an independent contractor or on a consulting basis for the business.

"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).

"Highlands development credit receiving area or redevelopment area" means an area located within a qualified incentive area and designated by the Highlands 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; or

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.

“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 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 Base Realignment Closing Commission 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 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.

"Qualified 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.).

"Qualified incubator facility" means a commercial building located within a qualified 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.

"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.

"SDA district" means an SDA district as defined in section 3 of P.L.2000, c.72 (C.18A:7G-3).

"SDA municipality" means a municipality in which an SDA district is situate.

"Targeted industry" means any industry identified from time to time by the authority including initially, a transportation, manufacturing, defense, energy, logistics, life sciences, technology, health, and finance business, but excluding a primarily warehouse or distribution business.

"Technology startup company" means a for profit business that has been in operation fewer than five years and is developing or possesses a proprietary technology or business method of a high-technology or life science-related product, process, or service which the business intends to move to commercialization.

"Tourism destination project" means a qualified 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.

"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.

8. Section 3 of P.L.2011, c.149 (C.34:1B-244) is amended to read as follows:

C.34:1B-244 Grow New Jersey Assistance Program.

3. a. The Grow New Jersey Assistance Program is hereby established as a program under the jurisdiction of the New Jersey Economic Development Authority and shall be administered by the authority. The purpose of the program is to encourage economic development and job creation and to preserve jobs that currently exist in New Jersey but which are in danger of being relocated outside of the State. To implement this purpose, the program may provide tax credits to eligible businesses for an eligibility period not to exceed 10 years.

To be eligible for any tax credits pursuant to P.L.2011, c.149 (C.34:1B-242 et al.), a business's chief executive officer or equivalent officer shall demonstrate to the authority, at the time of application, that:

(1) the business, expressly including its landlord or seller, will make, acquire, or lease a capital investment equal to, or greater than, the applicable amount set forth in subsection b. of this section at a qualified business facility at which it will:

(a) retain full-time jobs in an amount equal to or greater than the applicable number set forth in subsection c. of this section;

(b) create new full-time jobs in an amount equal to or greater than the applicable number set forth in subsection c. of this section; or

(c) in combination, retain full-time jobs and create new full-time jobs in an amount equal to or greater than the applicable number set forth in subsection c. of this section;

(2) the qualified business facility shall be constructed in accordance with the minimum environmental and sustainability standards;

(3) the capital investment resultant from the award of tax credits and the resultant retention and creation of full-time jobs will yield a net positive benefit to the State, equaling at least 110 percent of the requested tax credit allocation amount, which determination is calculated prior to taking into account the value of the requested tax credit and shall be based on the benefits generated during the first 20 years following the completion of the project, except that for a mega project or a project located in a Garden State Growth Zone, the determination 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, and except that, 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.), the net positive benefit determination shall be based on the benefits generated during a period of up to 35 years following completion of the project, as determined by the authority, and shall equal at least 100 percent of the requested tax credit allocation amount and may utilize the value of those property taxes subject to the provisions of section 24 of P.L.2013 c.161 (C.52:27D-489r) and incremental sales and excise taxes that are derived from activities within the area and which are rebated or retained by the municipality pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) or any other law providing for such rebate or retention; and

(4) except as provided in subsection f. of this section, the award of tax credits will be a material factor in the business's decision to create or retain the minimum number of new or retained full-time jobs for eligibility under the program.

With respect to the provisions of paragraph (3) of this subsection, in the case of a project located in a Garden State Growth Zone, the authority, in its discretion, may award bonuses in its net positive benefit calculation.

b. The minimum capital investment required to be eligible under this program shall be as follows:

(1) for the rehabilitation, improvement, fit-out, or retrofit of an existing industrial premises for continued industrial use by the business, a minimum investment of \$20 per square foot of gross leasable area;

(2) for the new construction of an industrial premises for industrial use by the business, a minimum investment of \$60 per square foot of gross leasable area;

(3) for the rehabilitation, improvement, fit-out, or retrofit of an existing non-industrial premises for continued non-industrial use by the business, a minimum investment of \$40 per square foot of gross leasable area; and

(4) for the new construction of a non-industrial premises for non-industrial use by the business, a minimum investment of \$120 per square foot of gross leasable area.

The minimum capital investment required by this subsection shall be reduced by one-third for projects located in a Garden State Growth Zone or projects located within Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, or Salem counties.

c. The minimum number of new or retained full-time jobs required to be eligible under this program shall be as follows:

(1) for a business that is a technology startup company or a manufacturing company, a minimum of 10 new or 25 retained full-time jobs;

(2) for a business engaged primarily in a targeted industry other than a technology startup company or a manufacturing company, a minimum of 25 new or 35 retained full-time jobs; and

(3) for any other business, a minimum of 35 new or 50 retained full-time jobs.

The minimum number of new or retained full-time jobs required by this subsection shall be reduced by one-quarter for projects located in a Garden State Growth Zone or projects located within Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, or Salem counties.

d. To assist the authority in determining whether a proposed capital investment will yield a net positive benefit, the business's chief executive officer, or equivalent officer, shall submit a certification to the authority indicating: (1) that any existing full-time jobs are at risk of leaving the State or being eliminated; (2) that any projected creation or retention, as applicable, of new full-time jobs would not occur but for the provision of tax credits under the program; and (3) 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, provided however, that in satisfaction of the provisions of paragraphs (1) and (2) of this subsection, the certification with respect to a project in a Garden State Growth Zone that qualifies under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), shall indicate that, the provision of tax credits under the program is a material factor in the business decision to make a capital investment and locate in a Garden State Growth Zone that qualifies under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.). In the event that this certification by the business's chief executive officer, or equivalent officer, is found to be willfully false, the authority may revoke any award of tax credits in their entirety, which revocation shall be in addition to any other criminal or civil penalties that the business and the officer may be subject to. When considering an application involving intra-State job transfers, the authority shall require the business to submit the following information as part of its application: a full economic analysis of all locations under consideration by the business; all lease agreements, ownership documents, or substantially similar documentation for the business's current in-State locations; and all lease agreements, ownership documents, or substantially similar documentation for the potential out-of-State location alternatives, to the extent they exist. Based on this information, and

any other information deemed relevant by the authority, the authority shall independently verify and confirm, by way of making a factual finding by separate vote of the authority's board, the business's assertion that the jobs are actually at risk of leaving the State, and as to the date or dates at which the authority expects that those jobs would actually leave the State, or, with respect to projects located in a Garden State Growth Zone that qualifies under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), the business's assertion that the provision of tax credits under the program is a material factor in the business's decision to make a capital investment and locate in a Garden State Growth Zone that qualifies under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), before a business may be awarded any tax credits under this section.

e. A project that consists solely of point-of-final-purchase retail facilities shall not be eligible for a grant of tax credits. If a project consists of both point-of-final-purchase retail facilities and non-retail facilities, only the portion of the project consisting of non-retail facilities shall be eligible for a grant of tax credits. In a Garden State Growth Zone or 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, up to 7.5 percent of retail facilities included in a mixed use project shall be eligible for a grant of tax credits along with the non-retail facilities. If a warehouse facility is part of a point-of-final-purchase retail facility and supplies only that facility, the warehouse facility shall not be eligible for a grant of tax credits. For the purposes of this section, a retail facility of at least 150,000 square feet, of which at least 50 percent is occupied by a full-service supermarket or grocery store, located in a Garden State Growth Zone which qualified under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or a tourism destination project in the Atlantic City Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219), or catalog distribution centers shall not be considered point-of-final-purchase retail facilities.

f. The authority may determine as eligible for tax credits under the program any business that is required to respond to a request for proposals and to fulfill a contract with the federal government although the business's chief executive officer or equivalent officer has not demonstrated to the authority that the award of tax credits will be a material factor in the business's decision to retain the minimum number of retained full-time jobs, as otherwise required by this section. The authority may, in its discretion, consider the economic benefit of the retained jobs servicing the contract in

conducting a net benefit analysis required by paragraph (4) of subsection a. of this section. For the purposes of this subsection, "retained full-time jobs" includes jobs that are at risk of being eliminated. Applications to the authority for eligibility under the program pursuant to the criteria set forth in this subsection shall be completed by December 31, 2013. Submission of a proposal to the federal government prior to authority approval shall not disqualify a business from the program.

g. Nothing shall preclude a business from applying for tax credits under the program for more than one project pursuant to one or more applications.

9. Section 4 of P.L.2011, c.149 (C.34:1B-245) is amended to read as follows:

C.34:1B-245 Incentive agreement required prior to issuance of tax credits.

4. The authority shall require an eligible business to enter into an incentive agreement prior to the issuance of tax credits. The incentive agreement shall include, but shall not be limited to, the following:

a. A detailed description of the proposed project which will result in job creation or retention, and the number of new or retained full-time jobs that are approved for tax credits.

b. The eligibility period of the tax credits, including the first year for which the tax credits may be claimed.

c. Personnel information that will enable the authority to administer the program.

d. A requirement that the applicant maintain the project at a location in New Jersey for the commitment period, with at least the minimum number of full-time employees as required by this program, and a provision to permit the authority to recapture all or part of any tax credits awarded, at its discretion, if the business does not remain in compliance with this provision for the required term, and in the instance of the business terminating an existing incentive agreement in order to participate in an incentive agreement authorized pursuant to the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), such permitted recapture may be calculated to recognize the period of time that the business was in compliance prior to termination.

e. A method for the business to certify that it has met the capital investment and employment requirements of the program pursuant to paragraph (1) of subsection a. of section 3 of P.L.2011, c.149 (C.34:1B-244) and to report annually to the authority the number of full-time employees for which the tax credits are to be made.

- f. A provision permitting an audit of the payroll records of the business from time to time, as the authority deems necessary.
- g. A provision which permits the authority to amend the agreement.
- h. A provision establishing the conditions under which the agreement may be terminated.

10. Section 5 of P.L.2011, c.149 (C.34:1B-246) is amended to read as follows:

C.34:1B-246 Total amount of tax credit for eligible business.

5. a. The total amount of tax credit for an eligible business for each new or retained full-time job shall be as set forth in subsections b. through f. of this section. The total tax credit amount shall be calculated and credited to the business annually for each year of the eligibility period. Notwithstanding any other provisions of P.L.2013, c.161 (C.52:27D-489p et al.), a business may assign its 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.

b. The base amount of the tax credit for each new or retained full-time job shall be as follows:

- (1) for a qualified business facility located within an urban transit hub municipality or Garden State Growth Zone or is a mega project, \$5,000 per year;
- (2) for a qualified business facility located within a distressed municipality but not qualifying under paragraph (1) of this subsection, \$4,000 per year;
- (3) for a project in a priority area, \$3,000 per year; and
- (4) for a project in other eligible areas, \$500 per year.

c. In addition to the base amount of the tax credit, the amount of the tax credit to be awarded for each new or retained full-time job shall be increased if the qualified business facility meets any of the following priority criteria or other additional or replacement criteria determined by the authority from time to time in response to evolving economic or market conditions:

- (1) for a qualified business facility located in a deep poverty pocket or in an area that is the subject of a Choice Neighborhoods Transformation Plan funded by the federal Department of Housing and Urban Development, an increase of \$1,500 per year;

(2) for a qualified business facility located in a qualified incubator facility, an increase of \$500 per year;

(3) for a qualified business facility located in a mixed-use development that incorporates sufficient moderate income housing on site to accommodate a minimum of 20 percent of the full-time employees of the business, an increase of \$500 per year;

(4) for a qualified business facility located within a transit oriented development, an increase of \$2,000 per year;

(5) for a qualified business facility, other than a mega project, at which the capital investment in industrial premises for industrial use by the business is in excess of the minimum capital investment required for eligibility pursuant to subsection b. of section 3 of P.L.2011, c.149 (C.34:1B-244), an increase of \$1,000 per year for each additional amount of investment that exceeds the minimum amount required for eligibility by 20 percent, with a maximum increase of \$3,000 per year;

(6) for a business with new full-time jobs and retained full-time jobs at the project with an average salary in excess of the existing average salary for the county in which the project is located, or, in the case of a project in a Garden State Growth Zone, a business that employs full-time positions at the project with an average salary in excess of the average salary for the Garden State Growth Zone, an increase of \$250 per year during the commitment period for each 35 percent by which the project's average salary levels exceeds the county or Garden State Growth Zone average salary, with a maximum increase of \$1,500 per year;

(7) for a business with large numbers of new full-time jobs and retained full-time jobs during the commitment period, the increases shall be in accordance with the following schedule:

(a) if the number of new full-time jobs and retained full-time jobs is between 251 and 400, \$500 per year;

(b) if the number of new full-time jobs and retained full-time jobs is between 401 and 600, \$750 per year;

(c) if the number of new full-time jobs and retained full-time jobs is between 601 and 800, \$1000 per year;

(d) if the number of new full-time jobs and retained full-time jobs is between 801 and 1,000, \$1,250 per year;

(e) if the number of new full-time jobs and retained full-time jobs is in excess of 1,000, \$1,500 per year;

(8) for a business in a targeted industry, an increase of \$500 per year;

(9) for a qualified business facility exceeding the Leadership in Energy and Environmental Design's "Silver" rating standards or completes substantial environmental remediation, an additional increase of \$250 per year;

(10) for a mega project or a project located within a Garden State Growth Zone at which the capital investment in industrial premises for industrial use by the business is in excess of the minimum capital investment required for eligibility pursuant to subsection b. of section 3 of P.L.2011, c.149 (C.34:1B-244), an increase of \$1,000 per year for each additional amount of investment that exceeds the minimum amount by 20 percent, with a maximum increase of \$5,000 per year;

(11) for a project in which a business retains at least 400 jobs and is located within the municipality in which it was located immediately prior to the filing of the application hereunder and is the United States headquarters of an automobile manufacturer, an increase of \$1,500 per year;

(12) for a project located in a municipality in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem counties with a 2007 Municipality Revitalization Index greater than 465, an increase of \$1,000 per year;

(13) for a project located within a half-mile of any light rail station constructed after the effective date of P.L.2013, c.161 (C.52:27D-489p et al.), an increase of \$1,000 per year;

(14) for a marine terminal project in a municipality located outside the Garden State Growth Zone, but within the geographical boundaries of the South Jersey Port District, an increase of \$1,500 per year;

(15) for a project located within an area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and C.40A:12A-6), and which is located within a quarter mile of at least one United States Highway and at least two New Jersey State Highways, an increase of \$1,500 per year; and

(16) for a project that generates solar energy on site for use within the project of an amount that equals at least 50 percent of the project's electric supply service needs, an increase of \$250 per year.

d. The gross amount of the tax credit for an eligible business for each new or retained full-time job shall be the sum of the base amount as set forth pursuant to subsection b. of this section and the various additional bonus amounts for which the business is eligible pursuant to subsection c. of this section, subject to the following limitations:

(1) for a mega project or a project in a Garden State Growth Zone, the gross amount for each new or retained full-time job shall not exceed \$15,000 per year;

(2) for a qualified business facility located within an urban transit hub municipality, the gross amount for each new or retained full-time job shall not exceed \$12,000 per year;

(3) for a qualified business facility in a distressed municipality the gross amount for each new or retained full-time job shall not exceed \$11,000 per year;

(4) for a qualified business facility in other priority areas, the gross amount for each new or retained full-time job shall not exceed \$10,500 per year;

(5) for a qualified business facility in other eligible areas, the gross amount for each new or retained full-time job shall not exceed \$6,000 per year; and

(6) for a disaster recovery project, the gross amount for each new or retained full-time job shall not exceed \$2,000 per year.

Notwithstanding anything to the contrary set forth herein and in the provisions of subsections a. through f. of this section, for a project located within a Garden State Growth Zone which qualifies for the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), the total tax credit shall be:

(a) for a project which creates 35 or more full-time jobs and makes a capital investment of at least \$5,000,000, the total tax credit amount per full-time job shall be the greater of: (i) the total tax credit amount for a qualifying project in a Garden State Growth Zone as calculated pursuant to subsections a. through f. of this section; or (ii) the total capital investment of the project divided by the total number of full-time jobs at that project but not greater than \$20,000,000 over the grant term;

(b) for a project which creates 70 or more full-time jobs and makes a capital investment of at least \$10,000,000, the total tax credit amount per full-time job shall be the greater of: (i) the total tax credit amount for a qualifying project in a Garden State Growth Zone as calculated pursuant to subsections a. through f. of this section; or (ii) the total capital investment of the project divided by the total number of full-time jobs at that project but not greater than \$30,000,000 over the grant term;

(c) for a project which creates 100 or more full-time jobs and makes a capital investment of at least \$15,000,000, the total tax credit amount per full-time job shall be the greater of: (i) the total tax credit amount for a qualifying project in a Garden State Growth Zone as calculated pursuant to subsections a. through f. of this section; or (ii) the total capital investment of the project divided by the total number of full-time jobs at that project but not greater than \$40,000,000 over the grant term;

(d) for a project which creates 150 or more full-time jobs and makes a capital investment of at least \$20,000,000, the total tax credit amount per full-time job shall be the greater of: (i) the total tax credit amount for a qualifying project in a Garden State Growth Zone as calculated pursuant to subsections a. through f. of this section; or (ii) the total capital investment of the project divided by the total number of full-time jobs at that project but not greater than \$50,000,000 over the grant term; or

(e) for a project which creates 250 or more full-time jobs and makes a capital investment of at least \$30,000,000, the total tax credit amount per full-time job shall be the greater of: (i) the total tax credit amount for a qualifying project in a Garden State Growth Zone as calculated pursuant to subsections a. through f. of this section; or (ii) the total capital investment of the project divided by the total number of full-time jobs as defined herein at that project.

e. After the determination by the authority of the gross amount of tax credits for which a business is eligible pursuant to subsection d. of this section, the final total tax credit amount shall be calculated as follows: (1) for each new full-time job, the business shall be allowed tax credits equaling 100 percent of the gross amount of tax credits for each new full-time job; and (2) for each retained full-time job, the business shall be allowed tax credits equaling 50 percent of the gross amount of tax credits for each retained full-time job, unless the jobs are part of a mega project which is the United States headquarters of an automobile manufacturer located within a priority area or in a Garden State Growth Zone, in which case the business shall be entitled to tax credits equaling 100 percent of the gross amount of tax credits for each retained full-time job, or unless the new qualified business facility would replace a facility that has been wholly or substantially damaged as a result of a federally-declared disaster, in which case the business shall be entitled to tax credits equaling 100 percent of the gross amount of tax credits for each retained full-time job.

f. Notwithstanding the provisions of subsections a. through e. of this section, for each application approved by the authority's board, the amount of tax credits available to be applied by the business annually shall not exceed:

(1) \$35,000,000 and provides a net benefit to the State as provided herein with respect to a qualified business facility 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.);

(2) \$30,000,000 and provides a net benefit to the State as provided herein with respect to a mega project or a qualified business facility in a Garden State Growth Zone;

(3) \$10,000,000 and provides a net benefit to the State as provided herein with respect to a qualified business facility in an urban transit hub municipality;

(4) \$8,000,000 and provides a net benefit to the State as provided herein with respect to a qualified business facility in a distressed municipality;

(5) \$4,000,000 and provides a net benefit to the State as provided herein with respect to a qualified business facility in other priority areas, but not more than 90 percent of the withholdings of the business from the qualified business facility; and

(6) \$2,500,000 and provides a net benefit to the State as provided herein with respect to a qualified business facility in other eligible areas, but not more than 90 percent of the withholdings of the business from the qualified business facility.

Under paragraphs (1) through (6) of this subsection, for each application for tax credits in excess of \$4,000,000 annually, the amount of tax credits available to be applied by the business annually shall be the lesser of the maximum amount under the applicable subsection or an amount determined by the authority necessary to complete the project, with such determination made by the authority's utilization of a full economic analysis of all locations under consideration by the business; all lease agreements, ownership documents, or substantially similar documentation for the business's current in-State locations, as applicable; 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 the amount necessary to complete the project.

11. 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 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 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. In no event shall the incentive effective date occur later than four years following the date of approval of an application by the authority.

(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' 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 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.

(2) A business that is a partnership shall not be allowed a credit under this section directly, but the amount of credit of an owner of a business shall be determined by allocating to each owner of the partnership that proportion of the credit of the business that is equal to the owner of the partnership's share, whether or not distributed, of the total distributive income or gain of

the partnership for its tax period ending within or with the owner's tax period, or that proportion that is allocated by an agreement, if any, among the owners of the partnership that has been provided to the Director of the Division of Taxation in the Department of the Treasury by such time and accompanied by such additional information as the director may require.

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

d. (1) If, in any tax period, the business reduces the total number of full-time employees in its Statewide workforce by more than 20 percent from the number of full-time employees in its Statewide workforce in the last tax period prior to the credit amount approval under section 3 of P.L.2011, c.149 (C.34:1B-244), then the business shall forfeit its credit amount for that tax period and each subsequent tax period, until the first tax period for which documentation demonstrating the restoration of the business' Statewide workforce to the threshold levels required by this paragraph has been reviewed and approved by the authority, for which tax period and each subsequent tax period the full amount of the credit shall be allowed.

(2) If, in any tax period, the number of full-time employees employed by the business at the qualified business facility located within a qualified incentive area drops below 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 such facility shall qualify as a business regardless of: (i) the type of the business entity or entities which own or lease such facility; (ii) the ownership or leasing of such facility by more than one business entity; or (iii) the ownership of the business entity or entities which own or lease such facility. Such 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. Such 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) 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.

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 such tax credits, or has not executed an agreement with the authority, may proceed under that application or seek to amend such 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.

12. Section 8 of P.L.2011, c.149 (C.34:1B-249) is amended to read as follows:

C.34:1B-249 Rules, regulations adopted by chief executive officer, authority.

8. a. The chief executive officer of the authority, in consultation with the Director of the Division of Taxation in the Department of the Treasury, shall adopt rules in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to implement P.L.2011, c.149 (C.34:1B-242 et al.), including but not limited to: examples of and the determination of capital investment; the enumeration of qualified incentive areas; the enumeration of specific targeted industries; specific delineation of the incentive areas; the determination of the limits, if any, on the expense or type of furnishings that may constitute capital improvements; the promulgation of procedures and forms necessary to apply for a tax credit, including the enumeration of the certification procedures and allocation of tax credits for different phases of a qualified business facility; and provisions for tax credit applicants to be charged an initial application fee, and ongoing service fees, to cover the administrative costs related to the tax credit.

b. Through regulation, the authority shall establish standards by which qualified business facilities shall be constructed or renovated in compliance with the minimum environmental and sustainability standards.

13. Section 1 of P.L.2009, c.136 (C.52:18-42) is amended to read as follows:

C.52:18-42 Definitions relative to public contracts with private entities.

1. As used in P.L.2009, c.136 (C.52:18-42 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, but excluding any public or private institution of higher education.

"Environmental infrastructure project" means the acquisition, construction, improvement, repair or reconstruction of all or part of any structure, facility or equipment, or real or personal property necessary for or ancillary to any (1) wastewater treatment system project, including any stormwater management or combined sewer overflow abatement projects; or (2) water supply project, as authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), including any water resources project, as authorized pursuant to P.L.2003, c.162, but excluding the acquisition, construction, repair, or reconstruction of any building or other improvements to real property, or the acquisition or installation of any equipment or other personal property, that, upon completion, shall constitute a qualified employment incentive facility.

"Financial assistance" means funds made available as a grant or loan, including funds derived as proceeds from the issuance of tax-exempt bonds by the entity providing such assistance, but excluding proceeds from the issuance of any bonds which are issued on a conduit basis or which are not supported by a full faith and credit pledge of a public entity.

"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).

"Lead public agency" means the public entity designated by the State Treasurer pursuant to section 4 of P.L.2009, c.136 (C.52:18-45) to serve as the point of contact between a business and every State governmental entity having oversight of, or involvement in, a project for which the entity or entities are providing or will provide the business with financial assistance.

"Public entity" means the State, other than the Judicial branch of State government, any county, municipality, district, or other political subdivision thereof, and any agency, authority, or instrumentality of the foregoing, including, but not limited to, any county improvement authority and any economic development agency, authority, or other entity.

"Qualified employment incentive facility" means any building or other structure or portion of a building or other structure that, following the date on which occupation of the building or structure shall have commenced, shall be used exclusively as the premises of a project, related to the creation, relocation, or retention of jobs, that qualifies for incentives under the Business Retention and Relocation Assistance Grant Program established by section 3 of P.L.1996, c.25 (C.34:1B-114), the Business Employment Incentive Program established by section 3 of P.L.1996, c.26 (C.34:1B-

126), the Grow New Jersey Assistance Program established by P.L.2011, c.149 (C.34:1B-242 et seq.), the Economic Redevelopment and Growth Grant program established by sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.), sections 22 through 24 of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489q through C.52:27D-489s) allowing for the establishment of a Garden State Growth Zone, the corporation business tax credit and insurance premium tax credit certificate transfer program established pursuant to section 17 of P.L.2004, c.65 (C.34:1B-120.2), the sales and use tax exemption certificate program established pursuant to section 20 of P.L.2004, c.65 (C.34:1B-186), the exemption of retail sales of energy and utility service to qualified businesses within an urban enterprise zone from the sales and use tax pursuant to section 23 of P.L.2004, c.65 (C.52:27H-87.1), the urban transit hub tax credit program established pursuant to P.L.2007, c.346 (C.34:1B-207 et seq.), or any other program as the State Treasurer shall deem to be of similar kind and purpose; provided, however, that such exclusive use shall continue for the minimum period of time prescribed by the applicable law or any regulation adopted pursuant thereto, or under any project agreement or other contract executed pursuant to such law or regulation, or if no such minimum period shall be so prescribed, for a period of four years.

"Redevelopment project" means a specific work or improvement, including lands, buildings, structures, improvements, real and personal property or any interest therein, including lands under water, riparian rights, space rights and air rights, acquired, owned, cleared, graded, developed or redeveloped, constructed, reconstructed, rehabilitated or improved, undertaken by a developer, but excluding the acquisition, construction, repair, or reconstruction of any building or other improvements to real property, or the acquisition or installation of any equipment or other personal property, that, upon completion, shall constitute a qualified employment incentive facility.

"Remediation" or "remediate" means all necessary actions to investigate and clean up or respond to any known, suspected, or threatened discharge of contaminants, including, as necessary, the preliminary assessment, site investigation, remedial investigation, and remedial action, provided, however, that "remediation" or "remediate" shall not include the payment of compensation for damage to, or loss of, natural resources, and shall not include the acquisition, construction, repair, or reconstruction of any building or other improvements to real property, or the acquisition or installation of any equipment or other personal property, that, upon completion, shall constitute a qualified employment incentive facility.

"State governmental entity" means the Executive and Legislative branches of the State government, any agency or instrumentality of the State, including any board, bureau, commission, corporation, department, or division, any independent State authority, including, but not limited to, any economic development authority or agency, and any State institution of higher education. A county, municipality, or school district, or any agency or instrumentality thereof, shall not be deemed a State governmental entity.

14. 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 government or a redevelopment agency as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3).

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

"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).

"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.

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

"Municipal Revitalization Index" means the 2007 index by the Office for Planning Advocacy within the Department of State measuring or ranking municipal distress.

"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:

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

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

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

"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, (1) the State and the New Jersey Economic Development Authority

and a developer, or (2) a municipality and a developer, or a municipal ordinance authorizing a project to be undertaken by a municipal redeveloper, under which, in exchange for the proceeds of an incentive grant, the developer agrees to perform any work or undertaking necessary for a redevelopment project, including the clearance, development or redevelopment, 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 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 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, labora-

tory, 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.

15. Section 4 of P.L.2009, c.90 (C.52:27D-489d) is amended to read as follows:

C.52:27D-489d Establishment of local Economic Redevelopment and Growth Grant program.

4. a. The governing body of a municipality wherein is located a qualifying economic redevelopment and growth grant incentive area may adopt an ordinance to establish a local Economic Redevelopment and Growth Grant program for the purpose of encouraging redevelopment projects in that area through the provision of incentive grants to reimburse developers for all or a portion of the project financing gap for such projects. No local Economic Redevelopment and Growth Grant program shall take effect until the Local Finance Board approves the ordinance.

b. A developer shall submit an application for a local incentive grant prior to July 1, 2019. A developer that submits an application for a local incentive grant shall indicate on the application whether it is also applying for a State incentive grant. An application by a developer applying for a local incentive grant only shall not require approval by the authority. A municipal redeveloper may only apply for local incentive grants for the construction of: (1) infrastructure improvements in the public right-of-way, or (2) publicly owned facilities.

c. No local incentive grant shall be finally approved by a municipality until approved by the Local Finance Board. The Local Finance Board shall not approve a local incentive grant unless the application was submitted prior to July 1, 2019.

d. In deciding whether or not to approve a local incentive grant agreement the Local Finance Board 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;

(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;

(5) the relationship of the redevelopment project to a comprehensive local development strategy, including other major projects undertaken within the municipality;

(6) the need for the redevelopment incentive grant agreement to the viability of the redevelopment project;

(7) compliance with the provisions of P.L.2009, c.90 (C.52:27D-489a et al.); and

(8) the degree to which the redevelopment project enhances and promotes job creation and economic development.

16. Section 5 of P.L.2009, c.90 (C.52:27D-489e) is amended to read as follows:

C.52:27D-489e Economic Redevelopment and Growth Grant program.

5. a. The New Jersey Economic Development Authority, in consultation with the State Treasurer, shall establish an Economic Redevelopment and Growth Grant program for the purpose of encouraging redevelopment projects in qualifying economic redevelopment and growth grant incentive areas that do not qualify as such areas solely by virtue of being a transit village, through the provision of incentive grants to reimburse developers for certain project financing gap costs.

b. (1) A developer shall submit an application for a State incentive grant prior to July 1, 2019. A developer that submits an application for a State incentive grant shall indicate on the application whether it is also applying for a local incentive grant.

(2) When an applicant indicates it is also applying for a local incentive grant, the authority shall forward a copy of the application to the municipality wherein the redevelopment project is to be located for approval by municipal ordinance.

c. An application for a State incentive grant shall be reviewed and approved by the authority. The authority shall not approve an application for a State incentive grant unless the application was submitted prior to July 1, 2019.

17. 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 or-

ganization 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. The value of all credits approved by the authority pursuant to this paragraph shall not exceed \$600,000,000, 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 qualified residential projects in a Garden State Growth Zone 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 qualified residential projects located in: (i) urban transit hubs that are commuter rail in nature that otherwise do not qualify under subparagraph (a) of this paragraph, (ii) a Garden State Growth Zone not located in a county mentioned in subparagraph (a) of this paragraph, (iii) disaster recovery projects that otherwise do not qualify under subparagraph (a) of this paragraph, or (iv) 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;

(c) \$75,000,000 shall be restricted to qualified residential projects 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

(d) \$25,000,000 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, 2015 and if approved shall submit a temporary certificate of occupancy for such project no later than July 28, 2015. 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 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.

(3) 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) 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 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 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. 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.

18. 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, 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, 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 such grant, or has not executed an agreement with the authority, may proceed under that application or seek to amend such application

or reapply for an incentive grant award for the same project or any part thereof for the purpose of availing itself 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).

19. 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 area solely by virtue of being a transit village.

b. The decision whether or not 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.

e. Except in the case of a qualified residential project, 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 or not 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 that 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 such 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 such 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 when the pledge is made and filed in the records of the authority. The incentive grants so 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 as 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.

20. Section 11 of P.L.2009, c.90 (C.52:27D-489k) is amended to read as follows:

C.52:27D-489k Agreement between developer and municipality.

11. a. The governing body of a municipality is authorized to enter into a redevelopment incentive grant agreement with a developer, which shall not be effective until adopted by ordinance, for any redevelopment project located within a qualifying economic redevelopment and growth grant incentive area.

b. 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. The maximum amount of any municipal redevelopment incentive grant shall be equal to:

(1) 100 percent of the project costs in the case of a municipal redeveloper, or

(2) for all other developers, the maximum amount of any redevelopment incentive grant agreement shall be 30 percent of the total project costs, or 40 percent if located in a Garden State Growth Zone.

c. Except in the case of a qualified residential project, the municipality may enter into a redevelopment incentive grant agreement only if the chief financial officer of the municipality makes a finding that the incremental 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. Such finding shall be based upon appropriate documentation and calculations supporting the decision.

d. Within a qualifying economic redevelopment and growth grant incentive area a municipality that has entered into a local redevelopment in-

centive grant agreement may pledge eligible revenues it is authorized to collect as follows:

(1) incremental payments in lieu of taxes, with respect to property located in the district, made pursuant to the "Five-Year Exemption and Abatement Law," P.L.1991, c.441 (C.40A:21-1 et seq.), or the "Long Term Tax Exemption Law," P.L.1991, c.431 (C.40A:20-1 et al.);

(2) incremental revenues collected from payroll taxes, with respect to business activities carried on within the area, pursuant to section 15 of P.L.1970, c.326 (C.40:48C-15);

(3) incremental revenue from lease payments made to the municipality, the developer, or the developer's successors with respect to property located in the area;

(4) incremental revenue collected from parking taxes derived from parking facilities located within the area pursuant to section 7 of P.L.1970, c.326 (C.40:48C-7);

(5) incremental admissions and sales taxes derived from the operation of a public facility within the area pursuant to section 1 of P.L.2007, c.302 (C.40:48G-1);

(6) (a) incremental sales and excise taxes which are derived from activities within the area and which are rebated to or retained by the municipality pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) or any other law providing for such rebate or retention;

(b) within Planning Area 1 (Metropolitan) under the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.), a municipality may impose the entire State sales tax on business activities within a redevelopment project located in an urban enterprise zone that would ordinarily be entitled to collect reduced rate revenues under section 21 of P.L.1983, c.303 (C.52:27H-80), and pledge the excess revenues to a local redevelopment incentive grant agreement;

(7) incremental parking revenue collected, pursuant to section 7 of P.L.1970, c.326 (C.40:48C-7), from public parking facilities built as part of a redevelopment project, except for public parking facilities owned by parking authorities pursuant to the "Parking Authority Law," P.L.1948, c.198 (C.40:11A-1 et seq.);

(8) incremental revenues collected, pursuant to section 3 of P.L.2003, c.114 (C.40:48F-1), P.L.1981, c.77 (C.40:48E-1 et seq.), or P.L.1947, c.71 (C.40:48-8.15 et seq.), from hotel and motel taxes;

(9) upon approval by the Local Finance Board, other incremental municipal revenues that may become available;

(10) the property tax increment, 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.).

The incremental revenue for the revenues listed in this subsection, when applicable, shall be calculated as the difference between the amount collected in any fiscal year from any eligible revenue source included in the local redevelopment incentive grant agreement, less the revenue increment base for that eligible revenue.

e. (1) In calculating the general tax rate of a municipality each year, the aggregate amount of the incremental ratable value over the property tax increment base in the redevelopment project area that is pledged as part of a redevelopment incentive grant agreement shall be excluded from the ratable base of a municipality.

(2) The amount of property tax increment not pledged toward a redevelopment incentive grant agreement shall be allocated pursuant to the normal tax rate distribution.

The full incremental value of a project area shall be included in the value used for county and regional school tax apportionment until such time that the Director of the Division of Taxation in the Department of the Treasury can certify that property tax management systems are capable of handling the technical and legal requirements of treating parcels in areas of redevelopment as exempt from county and regional school apportionment.

f. In addition to the incremental revenues that may be pledged in subsection d. of this section, any amount of tax proceeds collected from the tax on the rental of motor vehicles pursuant to section 20 of P.L.2009, c.90 (C.40:48H-2), may be included in a redevelopment incentive grant agreement with a developer, regardless of whether or not the redevelopment project area is within or outside of the designated industrial zone from which the tax on the rental of motor vehicles is collected.

g. (1) A developer that has entered into a redevelopment incentive grant agreement with a municipality pursuant to this section may, upon notice to and consent of the municipality, pledge, assign, transfer, or sell any or all of its right, title and interest in and to such 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 such 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 when the pledge is made and filed in the office of the municipal clerk. The incentive grants so 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 as 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 municipality.

21. On or before July 1, 2018, the authority shall submit a written report to the Governor and the Legislature providing a comprehensive review and analysis of the Grow New Jersey Assistance Program, established pursuant to P.L.2011, c.149 (C.34:1B-242 et seq.), the State Economic Redevelopment and Growth Grant program, established pursuant to section 5 of P.L.2009, c.90 (C.52:27D-489e), and other economic incentive laws under the authority's jurisdiction, with particular emphasis on the recalibration of those programs and the creation of Garden State Growth Zones, pursuant to P.L.2013, c.161 (C.52:27D-489p et al.), and the effectiveness of those programs on economic development and private-sector job retention and growth. In order to ensure the independence and objectivity of the report, the authority shall retain a premier, not-for-profit, non-partisan entity to undertake the review and analysis of the State economic incentive laws, which shall include a cost-benefit analysis of each incentive program, an assessment of the success of each program in meeting the goals of the program, and any recommendations for improving the operation and effectiveness of each program, including recommendations for legislation.

C.52:27D-489q Findings, declarations relative to the "New Jersey Economic Opportunity Act of 2013."

22. The Legislature finds and declares that:

- a. Healthy, thriving municipalities are vital to the health, safety, and economic well-being of the State.
- b. Municipalities that are economically distressed adversely impact not only that municipality, but also affect the county and region where they are located as well as the whole State.

c. Numerous programs have been previously established to assist municipalities in economic and fiscal distress to enable them to regain health and vitality, including programs to provide increasing degrees of oversight and to provide substantial amounts of financial aid and incentives.

d. While these existing programs have proven successful in aiding a number of municipalities, others are in such difficult straits that such measures have not proven sufficient. Thus, extraordinary measures are required now to turn around the fate of such municipalities.

e. The new programs provided herein will have a substantial likelihood of achieving success where prior programs have not, and employing these programs now is crucial to the economic well-being of the county, region, and State.

f. Accordingly, the municipalities identified as Garden State Growth Zones are hereby declared blighted areas and areas in need of rehabilitation, provided however, that this declaration alone shall not be used to allow any property to be taken or acquired.

C.52:27D-489r Definitions relative to the “New Jersey Economic Opportunity Act of 2013.”

23. As used in section 24 of P.L.2013, c.161 (C.52:27D-489s):

“Director” means the Director of the Division of Taxation.

“Division of Codes and Standards” means the Division of Codes and Standards located in the Department of Community Affairs.

“Eligible person” means any individual purchasing or renting an eligible residential residence within a growth zone after the enactment of P.L.2013, c.161 (C.52:27D-489p et al.). For the purpose of this definition, an eligible person is limited to those who establish a permanent residency at the eligible residential residence, are subject to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., and are current with all State and local tax obligations.

“Eligible property” means any residential, commercial, industrial, or other business property, located in a Garden State Growth Zone, that receives a Certificate of Occupancy or is transferred in a legal sale on or after July 1, 2013. Purchasers of newly constructed homes are not the applicant.

“Exemption” means that portion of the assessor’s full and true value of any improvement, conversion, alteration, redevelopment, rehabilitation, or construction not regarded as increasing the taxable value of a property pursuant to P.L.2013, c.161 (C.52:27D-489p et al.) for the purposes of encouraging the construction, conversion, improvement, and redevelopment of

real property conducted by eligible businesses or residents within a growth zone pursuant to 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).

“Garden State Growth Zone Development Entity” means a private corporation incorporated pursuant to Title 14A of the New Jersey Statutes, or established pursuant to Title 42 of the Revised Statutes, for which the profits of the entity are limited as follows. The allowable net profits of the entity shall be determined by applying the allowable profit rate to the total project cost, and all capital costs, determined in accordance with generally accepted accounting principles, of any other entity whose revenue is included in the computation of excess profits, for the period commencing on the date on which the construction of the project is completed, and terminating at the close of the fiscal year of the entity preceding the date on which the computation is made, where:

"Allowable profit rate" means the greater of 12 percent or the percentage per annum arrived at by adding one and 1/4 percent to the annual interest percentage rate payable on the entity's initial permanent mortgage financing. If the initial permanent mortgage is insured or guaranteed by a governmental agency, the mortgage insurance premium or similar charge, if payable on a per annum basis, shall be considered as interest for this purpose. If there is no permanent mortgage financing the allowable profit rate shall be the greater of 12 percent or the percentage per annum arrived at by adding one and 1/4 percent per annum to the interest rate per annum which the municipality determines to be the prevailing rate on mortgage financing on comparable improvements in the county.

“Improvements” means any repair, construction, or reconstruction, including alterations and additions, having the effect of rehabilitating a deteriorated property so that it becomes habitable or attains higher standards of safety, health, economic use or amenity, or is brought into compliance with laws, ordinances or regulations governing such standards. Ordinary upkeep and maintenance shall not be deemed an improvement.

C.52:27D-489s Authority of development entity.

24. a. A Garden State Growth Zone Development Entity is authorized to undertake clearance, re-planning, development, or redevelopment of property within a Garden State Growth Zone.

b. Notwithstanding any other law to the contrary, every Garden State Growth Zone Development Entity that owns real property within a Garden State Growth Zone and that undertakes the clearance, re-planning, development, or redevelopment of such property is hereby granted an exemption on improvements to such eligible property for any new construction, improvements, or substantial rehabilitation of structures on real property for a period of 20 years from receiving a final Certificate of Occupancy, provided however, that a municipality located within the Garden State Growth Zone shall, by ordinance, opt-in to such program within 90 calendar days of the enactment of P.L.2013, c.161 (C.52:27D-489p et al.). The exemption allowed by this subsection shall be dependent upon: (1) the owner of the real property making improvements to the real property after the enactment of P.L.2013, c.161 (C.52:27D-489p et al.); and (2) the Division of Codes and Standards, in consultation with the eligible municipality, issuing a final Certificate of Occupancy within 10 years of the date of enactment of P.L.2013, c.161 (C.52:27D-489p et al.).

c. The exemption granted by subsection b. of this section shall be for a period of 20 years. For the first 10 years immediately subsequent to the issuance of a Certificate of Occupancy, the Garden State Growth Zone Development Entity shall be exempt from the payment of taxes on the improvements to the eligible property. Thereafter, the Garden State Growth Zone Development Entity shall pay to the municipality in lieu of full property tax payments an amount equal to a percentage of taxes otherwise due, according to the following schedule:

- (1) In the eleventh year after completion, 10 percent of taxes otherwise due;
- (2) In the twelfth year after completion, 20 percent of taxes otherwise due;
- (3) In the thirteenth year after completion, 30 percent of taxes otherwise due;
- (4) In the fourteenth year after completion, 40 percent of taxes otherwise due;
- (5) In the fifteenth year after completion, 50 percent of taxes otherwise due;
- (6) In the sixteenth year after completion, 60 percent of taxes otherwise due;
- (7) In the seventeenth year after completion, 70 percent of taxes otherwise due;
- (8) In the eighteenth year after completion, 80 percent of taxes otherwise due;

(9) In the nineteenth full year after completion, 90 percent of taxes otherwise due;

(10) In the twentieth year after completion, and each year thereafter, 100 percent of taxes.

An amount not less than five percent of all payments pursuant to this subsection shall be paid to the county in which the municipality is located.

d. Upon the termination of the exemption granted pursuant to subsection c. of this section, 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 Garden State Growth Zone Development Entity shall terminate and be at an end upon the entity's rendering its final accounting to and with the municipality.

e. Notwithstanding subsection b. of this section, the owner of any property located within a Garden State Growth Zone, that does not qualify as a Garden State Growth Zone Development Entity, that performs any new construction, improvements, or substantial rehabilitation improvements to property, shall be entitled to an exemption from taxation regarding such improvements as provided herein. For purposes of such exemption, the municipality shall consider the assessor's full and true value of the improvements as not increasing the value of the property for a period of five years, notwithstanding that the value of the property to which the improvements are made is increased thereby.

f. Any exemption obtained under this section shall be fully transferable upon the sale of real property, as long as the new owner meets all requirements for exemption set forth pursuant to this section.

25. Section 6 of P.L.2010, c.57 (C.34:1B-209.4) is amended to read as follows:

C.34:1B-209.4 Credit to business for wind energy facility; eligibility.

6. 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.2010, c.57 (C.48:3-87.1 et al.) but prior to its submission of documentation pursuant to subsection c. of this section, in a qualified wind energy facility located within an eligible wind energy zone, 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 wind energy facil-

ity will yield a net positive benefit to the State. The value of all credits approved by the authority pursuant to this section may be up to \$100,000,000, except as may be increased by the authority if the chief executive officer judges certain qualified offshore wind projects to be meritorious. Credits provided pursuant to this section shall not be applicable to the cap on the credits provided in section 3 of P.L.2007, c.346 (C.34:1B-209).

(2) (a) A business, other than a tenant eligible pursuant to subparagraph (b) of this paragraph, shall make or acquire capital investments totaling not less than \$50,000,000 in a qualified wind energy facility, at which the business, including tenants at the qualified wind energy facility, shall employ at least 300 new, full-time employees, to be eligible for a credit under this section. A business that acquires a qualified wind energy facility after the effective date of P.L.2010, c.57 (C.48:3-87.1 et al.) shall also be deemed to have acquired the capital investment made or acquired by the seller.

(b) A business that is a tenant in the qualified wind energy facility, the owner of which has made or acquired capital investments in the facility totaling more than \$50,000,000, shall occupy a leased area of the qualified wind energy facility that represents at least \$17,500,000 of the capital investment in the qualified wind energy facility at which at least 300 new, full-time employees in the aggregate are employed, 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 wind energy facility.

(c) The calculation of the number of new, full-time employees required pursuant to subparagraphs (a) and (b) of this paragraph may include the number of new, full-time positions resulting from an equipment supply coordination agreement with equipment manufacturers, suppliers, installers and operators associated with the supply chain required to support the qualified wind energy facility.

For the purposes of this paragraph, "full time employee" shall not include an employee who is a resident of another state and whose income is not subject to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et

seq., unless that state has entered into a reciprocity agreement with the State of New Jersey, provided that any employee whose work is provided pursuant to a collective bargaining agreement with the port district in the wind energy zone may be included.

(3) A business shall not be allowed a tax credit pursuant to this section if the business participates in a business employment incentive grant relating to the same capital and employees that qualify the business for this credit, or if the business receives assistance pursuant to the "Business Retention and Relocation Assistance Act," 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 the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.).

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

b. A business shall apply for the credit by August 1, 2016, and a business shall submit its documentation for approval of its credit amount by August 1, 2019.

c. The credit allowed pursuant to this section shall be administered in accordance with the provisions of subsection c. of section 3 of P.L.2007, c.346 (C.34:1B-209) and section 33 of P.L.2009, c.90 (C.34:1B-209.1), except that all references therein to "qualified business facility" shall be deemed to refer to "qualified wind energy facility," as that term is defined in subsection f. of this section.

d. The amount of the credit allowed pursuant to this section shall, except as otherwise provided, be equal to the capital investment made by the business, or the capital investment represented by the business' leased area, and shall be taken over a 10-year period, at the rate of one-tenth of the total amount of the business' credit for each tax accounting or privilege period of the business, beginning with the tax period in which the business is first approved by the authority as having met the investment capital and employment qualifications, subject to any disqualification as determined by annual review by the authority. In conducting its annual review, the authority may require a business to submit any information determined by the authority to be necessary and relevant to its review. The credit amount for any tax period ending after the date eight years after the effective date of P.L.2007, c.346 (C.34:1B-207 et seq.) during which the documentation of a business' credit amount remains unapproved shall be forfeited, although credit amounts for the remainder of the years of the 10-year credit period shall remain available. The amount of the credit allowed for a tax period to

a business that is a tenant in a qualified wind energy facility shall not exceed the business' total lease payments for occupancy of the qualified wind energy facility for the tax period.

e. The authority shall adopt rules in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to implement this section, including but not limited to: examples of and the determination of capital investment; nature of businesses and employment positions constituting and participating in an equipment supply coordination agreement; determination of the types of businesses that may be eligible and expenses that may constitute capital improvements; promulgation of procedures and forms necessary to apply for a credit; and provisions for applicants to be charged an initial application fee, and ongoing service fees, to cover the administrative costs related to the credit.

The rules established by the authority pursuant to this subsection shall be effective immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 12 months and may, thereafter, be amended, adopted or readopted in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

f. As used in this section: the terms "authority," "business," and "capital investment" shall have the same meanings as defined in section 2 of the "Urban Transit Hub Tax Credit Act," P.L.2007, c.346 (C.34:1B-208), except that all references therein to "qualified business facility" shall be deemed to refer to "qualified wind energy facility" as defined in this subsection.

In addition, as used in this section:

"Equipment supply coordination agreement" means an agreement between a business and equipment manufacturer, supplier, installer, and operator that supports a qualified offshore wind project, or other wind energy project as determined by the authority, and that indicates the number of new, full-time jobs to be created by the agreement participants towards the employment requirement as set forth in paragraph (2) of subsection a. of this section.

"Qualified offshore wind project" means the same as the term is defined in section 3 of P.L.1999, c.23 (C.48:3-51).

"Qualified wind energy facility" means any building, complex of buildings, or structural components of buildings, including water access infrastructure, and all machinery and equipment used in the manufacturing, assembly, development or administration of component parts that support the development and operation of a qualified offshore wind project, or other wind energy project as determined by the authority, and that are located in a wind energy zone.

"Wind energy zone" means property located in 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.).

C.18A:64-85 State, county college may enter into certain contracts with a private entity.

26. Section 43 of P.L.2009, c.90 (C.18A:64-85) is amended to read as follows:

43. a. (1) A State college or county college may enter into a contract with a private entity, subject to subsection f. of this section, to be referred to as a public-private partnership agreement, that permits the private entity to assume full financial and administrative responsibility for the on-campus construction, reconstruction, repair, alteration, improvement, extension, management, or operation of a building, structure, or facility of, or for the benefit of, the institution, provided that the project is financed in whole by the private entity and that the State or institution of higher education, as applicable, retains full ownership of the land upon which the project is completed.

(2) A public-private partnership agreement may include an agreement under which a State or county college leases to a private entity the operation of a dormitory or other revenue-producing facility to which the college holds title, in exchange for up-front or structured financing by the private entity for the construction of classrooms, laboratories, or other academic buildings. Under the lease agreement, the college shall continue to hold title to the facility, and the private entity shall be responsible for the management, operation, and maintenance of the facility. The private entity shall receive some or all, as per the agreement, of the revenue generated by the facility and shall operate the facility in accordance with college standards. A lease agreement shall not affect the status or employment rights of college employees who are assigned to, or provide services to, the leased facility. At the end of the lease term, subsequent revenue generated by the facility, along with management, operation, and maintenance responsibility, shall revert to the college.

b. (1) A private entity that assumes financial and administrative responsibility for a project pursuant to subsection a. of this section shall not be subject to the procurement and contracting requirements of all statutes applicable to the institution of higher education at which the project is completed, including, but not limited to, the "State College Contracts Law," P.L.1986, c.43 (C.18A:64-52 et seq.), and the "County College Contracts Law," P.L.1982, c.189 (C.18A:64A-25.1 et seq.). For the purposes of facilitating the financing of a project pursuant to subsection a. of this section, a public entity may become the owner or lessee of the project or the lessee

of the land, or both, may become the lessee of a dormitory or other revenue-producing facility to which the college holds title, may issue indebtedness in accordance with the public entity's enabling legislation and, notwithstanding any provision of law to the contrary, shall be empowered to enter into contracts with a private entity and its affiliates without being subject to the procurement and contracting requirements of any statute applicable to the public entity provided that the private entity has been selected by the institution of higher education pursuant to a solicitation of proposals or qualifications. For the purposes of this section, a public entity shall include the New Jersey Economic Development Authority, and any project undertaken pursuant to subsection a. of this section of which the authority becomes the owner or lessee, or which is situated on land of which the authority becomes the lessee, shall be deemed a "project" under the "New Jersey Economic Development Authority Act," P.L.1974, c.80 (C.34:1B-1 et seq.).

(2) As the carrying out of any project described pursuant to this section constitutes the performance of an essential public function, all projects predominantly used in furtherance of the educational purposes of the institution undertaken pursuant to this section, provided it is owned by or leased to a public entity, non-profit business entity, foreign or domestic, or a business entity wholly owned by such non-profit business entity, shall at all times be exempt from property taxation and special assessments of the State, or any municipality, or other political subdivision of the State and, notwithstanding the provisions of section 15 of P.L.1974, c.80 (C.34:1B-15), section 2 of P.L.1977, c.272 (C.54:4-2.2b), or any other section of law to the contrary, shall not be required to make payments in lieu of taxes. The land upon which the project is located shall also at all times be exempt from property taxation. Further, the project and land upon which the project is located shall not be subject to the provisions of section 1 of P.L.1984, c.176 (C.54:4-1.10) regarding the tax liability of private parties conducting for profit activities on tax exempt land, or section 1 of P.L.1949, c.177 (C.54:4-2.3) regarding the taxation of leasehold interests in exempt property that are held by nonexempt parties.

c. Each worker employed in the construction, rehabilitation, or building maintenance services of facilities by a private entity that has entered into a public-private partnership agreement with a State or county college pursuant to subsection a. of this section shall be paid not less than the prevailing wage rate for the worker's craft or trade as determined by the Commissioner of Labor and Workforce Development pursuant to P.L.1963, c.150 (C.34:11-56.25 et seq.) and P.L.2005, c.379 (C.34:11-56.58 et seq.).

d. (1) All construction projects under a public-private partnership agreement entered into pursuant to this section shall contain a project labor agreement. The project labor agreement shall be subject to the provisions of P.L.2002, c.44 (C.52:38-1 et seq.), and shall be in a manner that to the greatest extent possible enhances employment opportunities for individuals residing in the county of the project's location. Further, the general contractor, construction manager, design-build team, or subcontractor for a construction project proposed in accordance with this paragraph shall be registered pursuant to the provisions of P.L.1999, c.238 (C.34:11-56.48 et seq.), and shall be classified by the Division of Property Management and Construction to perform work on a public-private partnership higher education project. All construction projects proposed in accordance with this paragraph shall be submitted to the New Jersey Economic Development Authority for its review and approval and, when practicable, are encouraged to adhere to the Leadership in Energy and Environmental Design Green Building Rating System as adopted by the United States Green Building Council.

(2) Where no public fund has been established for the financing of a public improvement, the chief financial officer of the public owner shall require the private entity for whom the public improvement is being made to post, or cause to be posted, a bond guaranteeing prompt payment of moneys due to the contractor, his or her subcontractors and to all persons furnishing labor or materials to the contractor or his or her subcontractors in the prosecution of the work on the public improvement.

e. A general contractor, construction manager, design-build team, or subcontractor shall be registered pursuant to the provisions of P.L.1999, c.238 (C.34:11-56.48 et seq.), and shall be classified by the Division of Property Management and Construction to perform work on a public-private partnership higher education project.

f. (1) On or before August 1, 2015, all projects proposed in accordance with this section shall be submitted to the New Jersey Economic Development Authority for the authority's review and approval; except that in the case of projects proposed in accordance with paragraph (2) of subsection a. of this section, all projects shall be submitted on or before August 1, 2016. The projects are encouraged, when practicable, to adhere to the green building manual prepared by the Commissioner of Community Affairs pursuant to section 1 of P.L.2007, c.132 (C.52:27D-130.6). Any application that is deemed to be incomplete on August 2, 2015, or on August 2, 2016 in the case of an application submitted pursuant to paragraph (2) of subsection a. of this section, shall not be eligible for consideration.

(2) (a) In order for an application to be complete and considered by the authority, the application shall include, but not be limited to: (i) a public-private partnership agreement between the State or county college and the private developer; (ii) a full description of the project, including a description of any agreement for the lease of a revenue-producing facility related to the project; (iii) the estimated costs and financial documentation for the project; (iv) a timetable for completion of the project extending no more than five years after consideration and approval; and (v) any other requirements that the authority deems appropriate or necessary.

(b) As part of the estimated costs and financial documentation for the project, the application shall contain a long-range maintenance plan and shall specify the expenditures that qualify as an appropriate investment in maintenance. The long-range maintenance plan shall be approved by the authority pursuant to regulations promulgated by the authority that reflect national building maintenance standards and other appropriate building maintenance benchmarks. All contracts to implement a long-range maintenance plan pursuant to this paragraph shall contain a project labor agreement. The project labor agreement shall be subject to the provisions of P.L.2002, c.44 (C.52:38-1 et seq.), and shall be in a manner that to the greatest extent possible enhances employment opportunities for individuals residing in the county of the project's location.

(3) The authority shall review all completed applications, and request additional information as is needed to make a complete assessment of the project. No project shall be undertaken until final approval has been granted by the authority; provided, however, that the authority shall retain the right to revoke approval if it determines that the project has deviated from the plan submitted pursuant to paragraph (2) of this subsection.

(4) The authority may promulgate any rules and regulations necessary to implement this subsection, including provisions for fees to cover administrative costs.

Where no public fund has been established for the financing of a public improvement, the chief financial officer of the public owner shall require the private entity for whom the public improvement is being made to post, or cause to be posted, a bond guaranteeing prompt payment of moneys due to the contractor, his or her subcontractors and to all persons furnishing labor or materials to the contractor or his or her subcontractors in the prosecution of the work on the public improvement.

g. The provisions of P.L.2009, c.136 (C.52:18-42 et al.) shall not apply to any project carried out pursuant to this section.

C.52:27D-489t Severability.

27. The provisions of this act shall be severable, and if any of its provisions shall be held to be unconstitutional, the decision of the court shall not affect the validity of the remaining provisions of P.L.2013, c.161 (C.52:27D-489p et al.).

28. This act shall take effect immediately.

Approved September 18, 2013.

CHAPTER 162

AN ACT concerning the reporting of information relating to certain firearms, supplementing Title 52 of the Revised Statutes, and amending P.L.1966, c.37.

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

C.52:17B-9.18 Findings, declarations relative to information relating to certain firearms.

1. The Legislature finds and declares that to further provide for the public safety and the well being of the citizens of this State, and to respond to growing dangers and threats of gun violence, it is altogether fitting and proper for the law enforcement departments and agencies of this State to fully participate, through the utilization of electronic technology, in inter-jurisdictional information and analysis sharing programs and systems to deter and solve gun crimes.

To effectuate this objective, it shall be the policy of this State for its various law enforcement agencies to utilize fully the federal Criminal Justice Information System to transmit and receive information relating to the seizure and recovery of firearms by law enforcement, in particular the National Crime Information Center System to determine whether a firearm has been reported stolen; the Alcohol, Tobacco, Firearms, and Explosives E-Trace System to establish the identity of a firearm's first purchaser, where that firearm was purchased and when it was purchased; and the National Integrated Ballistics Identification Network to ascertain whether a particular firearm is related to any other criminal event or person.

2. Section 3 of P.L.1966, c.37 (C.52:17B-5.3) is amended to read as follows:

C.52:17B-5.3 Submission of reports relative to certain offenses, information.

3. a. All local and county police authorities shall submit a quarterly report to the Attorney General, on forms prescribed by the Attorney General, which report shall contain the number and nature of offenses committed within their respective jurisdictions, the disposition of such matters, information relating to criminal street gang activities within their respective jurisdictions, information relating to any offense directed against a person or group, or their property, by reason of their race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity and such other information as the Attorney General may require, respecting information relating to the cause and prevention of crime, recidivism, the rehabilitation of criminals and the proper administration of criminal justice.

b. A law enforcement officer who responds to an offense involving criminal street gang activity shall complete a gang related incident offense report on a form prescribed by the Superintendent of State Police. All information contained in the gang related incident offense report shall be forwarded to the Superintendent of State Police for inclusion in the Uniform Crime Report.

c. A law enforcement officer who seizes or recovers a firearm that was unlawfully possessed, used for an unlawful purpose, recovered from a crime scene or is reasonably believed to have been used in or associated with the commission of a crime, or is otherwise acquired as an abandoned or discarded firearm shall complete, within 24 hours of the entering of the required information relating to that firearm into the New Jersey Trace System and such other State and federal database systems as prescribed by the superintendent, a seized or recovered firearms incident report on a form prescribed by the superintendent. The incident report shall be filed with the State Police in a manner and time prescribed by the superintendent.

C.52:17B-9.19 Report on certain seized, recovered firearms, shell casings.

3. Whenever a law enforcement agency seizes or recovers a firearm that was unlawfully possessed, used for any unlawful purpose, recovered from the scene of a crime, is reasonably believed to have been used or associated with the commission of a crime, or is acquired by the agency as an abandoned or discarded firearm, the agency shall arrange for every such firearm that, in accordance with protocols promulgated by the Attorney General and superintendent, is determined to merit and be suitable for National Integrated Ballistics Identification Network data entry and examination to be test-fired as soon as may be practicable and the results of that

test-firing be forthwith submitted to the National Integrated Ballistics Identification Network to determine whether the firearm is associated or related to a crime, criminal event, or any individual associated or related to a crime or criminal event or reasonably believed to be associated or related to a crime or criminal event.

Whenever a law enforcement agency recovers any spent shell casing at a crime scene or has reason to believe that the recovered spent shell casing is related to or associated with the commission of a crime or the unlawful discharge of a firearm, the agency shall, as soon as may be practicable, submit the ballistics information to the National Integrated Ballistics Identification Network.

4. This act shall take effect on the first day of the fourth month following enactment, but the Attorney General may take such anticipatory action in advance thereof as shall be necessary for the implementation of this act.

Approved September 18, 2013.

CHAPTER 163

AN ACT authorizing special horse racing permits for beach racing, and wagering thereon, and supplementing chapter 5 of Title 5 of the Revised Statutes.

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

C.5:5-38.1 Special permit for horse racing on the beach under certain circumstances.

1. a. Notwithstanding the provisions of section 1 of P.L.1949, c.26 (C.5:5-39.1) or any other law to the contrary, the commission may grant a special permit, to a permit holder in good standing authorized to conduct running races in this State, for the holding or conducting of a special running race meeting on a beach in an area that extends landward from the mean high water line of the ocean to either the vegetation line or a man-made feature generally parallel to the ocean, such as a retaining structure, seawall, bulkhead, road, or boardwalk. A special permit granted pursuant to this subsection shall be subject to the jurisdiction of the commission.

b. The commission may grant only one special permit pursuant to subsection a. of this section per calendar year, which shall be valid only for the calendar year in which it is issued. Any running race permit holder in good standing may apply for the special permit. The number of racing days authorized pursuant to the special permit shall not exceed two days in a calendar year. Any racing day that is run pursuant to the special permit shall count toward the total number of racing days allotted to the running race permit holder.

c. A permit holder that is granted a special permit pursuant to this section shall keep and maintain separate books and records for the special running race meeting to the same extent as is required of a permit holder and shall file such report and audits as may otherwise be required on or before such date as the commission may designate.

d. Sums in the parimutuel pools shall be distributed as if the special running race meeting is held at the location for which the special permit holder holds a running race permit, as provided in chapter 5 of Title 5 of the Revised Statutes.

e. No running race permit holder may be granted a special permit pursuant to subsection a. of this section to hold or conduct a special running race meeting on a beach located within twenty-five miles of any racetrack authorized to conduct running races unless the permit holder authorized to conduct running races at that racetrack consents in writing to the special running race meeting.

f. Notwithstanding the provisions of any other law to the contrary, simulcasting of a special running race meeting authorized by this section shall be conducted as if the special running race meeting is held at the location for which the special permit holder holds a running race permit, except that the special permit holder may also transmit the simulcast signal to the racetrack for which the special permit holder holds a running race permit. The simulcasting within this State of a special running race meeting authorized by this section shall not require the consent of any horsemen's organization and shall be made available at the industry standard rate. Upon application to and approval by the commission, the holder of a special permit granted pursuant to subsection a. of this section may transmit simulcast horse races of the special running race meeting to any facility outside of New Jersey with which the special permit holder has entered into an agreement.

g. Nothing in this section shall be construed to prohibit the commission from granting a special permit pursuant to subsection a. of this section to a running race permit holder that holds a special permit pursuant to subsection a. of section 2 of P.L. , c. (C.) (pending before the Legislature as this bill).

2. This act shall take effect immediately.

Approved September 18, 2013.

CHAPTER 164

AN ACT concerning "Ovarian Cancer Awareness Month" and amending the title and body of P.L.2009, c.130.

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

Title amended.

1. The Title of P.L.2009, c.130 is amended to read as follows:

Title. AN ACT permanently designating the month of September as "Ovarian Cancer Awareness Month" in New Jersey.

2. Section 1 of P.L.2009, c.130 (C.36:2-134) is amended to read as follows:

C.36:2-134 Findings, declarations relative to ovarian cancer.

1. The Legislature finds and declares that:

- a. Among women in the United States, ovarian cancer is the fifth leading cause of cancer death and the eighth most common type of cancer; ovarian cancer causes more deaths than any other gynecologic cancer in the United States, yet it accounts for about 3% of all cancers in the United States;

- b. According to the U.S. Cancer Statistics: 2004 Incidence and Mortality report, 20,095 women in the United States learned they had ovarian cancer in 2004, and 14,716 died from the disease;

- c. For 2004, the rate in the United States of new cases of ovarian cancer was 12.5 and the mortality rate for this type of cancer was 8.8 for every 100,000 women; in New Jersey, during the same year, the rate of new cases of ovarian cancer was 13.3 and the mortality rate was 8.6 for every 100,000 women;

- d. The Centers for Disease Control and Prevention reports that it is estimated that more than \$2.2 billion is spent annually on the treatment of ovarian cancer in the United States;

e. Although all women are at risk for ovarian cancer, older women are more likely to get the disease; about 90% of women who get the disease are 40 years of age or older, with most being 55 years of age or older; additionally, more than half the deaths from ovarian cancer occur in women between the ages of 55 and 74 and approximately one quarter of ovarian cancer deaths occur in women between 35 and 54 years of age;

f. When ovarian cancer is found and treated in its earliest stages, the five-year survival rate is 95%; however, most women who suffer from ovarian cancer are not diagnosed until the later stages of the cancer when the disease has spread, and the five-year survival rate for these women is 30%;

g. Early detection and treatment often mean the difference between life and death, so it is important to increase awareness of the factors that put certain women at a higher risk for the disease: increased age, having a personal history of breast cancer or a family history of breast, ovarian, uterine, colon or other gastrointestinal cancers, and bearing no children;

h. Cancer experts have advised that there is a set of health problems, including general abdominal discomfort or pain (gas, indigestion, pressure, bloating or cramps), nausea, diarrhea, constipation, frequent urination, loss of appetite, difficulty eating, feeling full after a meal, unexplained weight gain or weight loss, and abdominal bleeding from the vagina, that may be early symptoms of ovarian cancer;

i. Because these symptoms are vague and non-specific, women and their physicians often attribute them to more common conditions; by the time the cancer is diagnosed the tumor has often spread beyond the ovaries, making the disease one of the deadliest forms of cancer;

j. Although the development of a screening test to detect ovarian cancer remains a very active area of research, currently there are no definitive prevention strategies to help combat the disease; consequently, having regular pelvic examinations and increasing public awareness of the risk factors and health problems that might indicate the onset of ovarian cancer may be the only ways to decrease a woman's overall risk of dying from this type of cancer; and

k. It is proper and fitting for the State of New Jersey to permanently designate the month of September as "Ovarian Cancer Awareness Month."

3. Section 2 of P.L.2009, c.130 (C.36:2-135) is amended to read as follows:

C.36:2-135 "Ovarian Cancer Awareness Month," September; designated.

2. The month of September is permanently designated as "Ovarian Cancer Awareness Month" in New Jersey to promote awareness among the

general public and the health care community of the symptoms of ovarian cancer, the importance of early detection, and the risk factors associated with developing ovarian cancer.

4. This act shall take effect immediately.

Approved September 26, 2013.

CHAPTER 165

AN ACT concerning the display of veteran status on driver's licenses and identification cards issued by the New Jersey Motor Vehicle Commission, supplementing chapter 3 of Title 39 of the Revised Statutes and amending P.L.1980, c.47.

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

C.39:3-10f6 Display of veteran status on driver's licenses, identification cards.

1. a. 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), the Chief Administrator of the New Jersey Motor Vehicle Commission shall, upon submission of satisfactory proof, designate on an initial license, renewal license, or probationary license, as appropriate, that the license holder is a veteran of the Armed Forces of the United States of America. The designation of veteran status on an initial license, renewal license, or probationary license shall not be deemed sufficient valid proof of veteran status for official governmental purposes when any other statute, or any regulation or other directive of a governmental entity, requires documentation of veteran status.

b. For the purpose of this section:

“Veteran” means a person who has been honorably discharged from the active military service of the United States; and

“Satisfactory proof” means a copy of form DD-214 or federal activation orders showing service under Title 10, section 672 or section 12301, of the United States Code.

2. Section 2 of P.L.1980, c.47 (C.39:3-29.3) is amended to read as follows:

C.39:3-29.3 Identification cards, issuance; contents.

2. a. The New Jersey Motor Vehicle Commission shall issue an identification card to any resident of the State who is 14 years of age or older and who is not the holder of a valid permit or basic driver's license. The identification card shall attest to the true name, correct age, and veteran status, upon submission of satisfactory proof, by any veteran, and shall contain other identifying data as certified by the applicant for such identification card. Every application for an identification card shall be signed and verified by the applicant and shall be accompanied by the written consent of at least one parent or the person's legal guardian if the person is under 17 years of age and shall be supported by such documentary evidence of the age, identity, and veteran status, or blindness, disability, or handicap, of such person as the chief administrator may require. In addition to requiring an applicant for an identification card to submit satisfactory proof of identity, age, and, if appropriate, veteran status, the chief administrator also shall require the applicant to provide, as a condition for obtaining the card, satisfactory proof that the applicant's presence in the United States is authorized under federal law. If the chief administrator has reasonable cause to suspect that any document presented by an applicant as proof of identity, age, veteran status, or legal residency is altered, false or otherwise invalid, the chief administrator shall refuse to grant the identification card until such time as the document may be verified by the issuing agency to the chief administrator's satisfaction.

b. The designation of veteran status on an identification card shall not be deemed sufficient valid proof of veteran status for official governmental purposes when any other statute, or any regulation or other directive of a governmental entity, requires documentation of veteran status.

c. For the purpose of this section:

"Veteran" means a person who has been honorably discharged from the active military service of the United States; and

"Satisfactory proof" means a copy of form DD-214 or federal activation orders showing service under Title 10, section 672 or section 12301, of the United States Code.

3. This act shall take effect on the first day of the 18th month after enactment, but the chief administrator may take such anticipatory acts in advance of that date as may be necessary for the timely implementation of this act.

Approved September 29, 2013.

CHAPTER 166

AN ACT concerning certain shared service agreements under the “Uniform Shared Services and Consolidation Act,” designated as the “Common Sense Shared Services Pilot Program Act,” amending various parts of the statutory law, and supplementing P.L.2007, c.63.

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

C.40A:65-4.1 Short title.

1. This act shall be known and may be cited as the “Common Sense Shared Services Pilot Program Act.”

2. Section 2 of P.L.2007, c.63 (C.40A:65-2) is amended to read as follows:

C.40A:65-2 Findings, declarations relative to shared services and consolidation.

2. The Legislature finds and declares:
 - a. Historically, many specialized statutes have been enacted to permit shared services between local units for particular purposes.
 - b. Other laws, permitting a variety of shared services, including inter-local services agreements, joint meetings, and consolidated and regional services, exist but have not been very effective in promoting the broad use of shared services as a technique to reduce local expenses funded by property taxpayers.
 - c. It is appropriate for the Legislature to enact a new shared services statute that can be used to effectuate agreements between local units for any service or circumstance intended to reduce property taxes through the reduction of local expenses.
 - d. It is contrary to public policy that the tenure rights of certain local personnel should effectively prohibit shared services agreements for the services provided by those local personnel, thereby depriving property taxpayers of property tax relief.
 - e. In order to evaluate the efficiencies related to the sharing of services of certain local personnel having tenure rights in office, it is appropriate to create a pilot program in five counties of the State which embody urban, suburban, and rural characteristics to study the sharing of the services of these personnel between municipalities by allowing for the dismissal of such a tenured local official, as necessary, in order to promote and effectuate the sharing of a service.

C.40A:65-4.2 Definitions relative to shared services agreements; pilot program established.

3. a. As used in this section:

“Local employee” means a tenured municipal clerk, assessor, collector, chief financial officer, municipal treasurer, or principal public works manager who is a municipal superintendent of public works;

“Pilot county” means Camden, Morris, Ocean, Sussex, and Warren counties; and

“Pilot municipality” means a municipality located in a pilot county that enters into a shared services agreement with another pilot municipality pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.) for the services of a local employee.

b. There is established a pilot program to evaluate the efficiency and functionality of the sharing of services of certain local personnel having tenure rights in office. In pilot municipalities, tenure rights shall not prohibit the sharing of services for a municipal clerk, a chief financial officer, an assessor, a tax collector, a municipal treasurer, or a municipal superintendent of public works. Under the pilot program, municipalities located in pilot counties may enter into shared services agreements, pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.), for the services of tenured local employees, and provide for the dismissal of any tenured local employees who are not selected to be service providers under the shared services agreement.

In a shared service agreement between pilot municipalities for the services of a municipal clerk, a chief financial officer, an assessor, a tax collector, a municipal treasurer, or a municipal superintendent of public works, the agent-party, as that term is defined in subsection d. of section 7 of P.L.2007, c.63 (C.40A:65-7), shall select for employment under the agreement one of the employees of the pilot municipalities that are party to the agreement who was employed in that same capacity by one of the pilot municipalities prior to the approval of the agreement.

c. A tenured municipal clerk, chief financial officer, assessor, tax collector, municipal superintendent of public works, or municipal treasurer may be dismissed to effectuate the sharing of a service entered into pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.), and such dismissal shall be deemed to be in the interest of the economy or efficiency of the participants in the shared service agreement. A tenured municipal clerk, chief financial officer, assessor, tax collector, municipal superintendent of public works, or municipal treasurer who has been dismissed to effectuate a shared service agreement entered into pursuant to the provisions of

P.L.2007, c.63 (C.40A:65-1 et seq.) shall be reappointed to his or her former position, and shall regain his or her tenured status, if the shared service agreement is cancelled, or expires, within the two-year period immediately following the dismissal of that person.

4. Section 4 of P.L.2007, c.63 (C.40A:65-4) is amended to read as follows:

C.40A:65-4 Agreements for shared services.

4. a. (1) Any local unit may enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating local units including services from licensed or certified professionals required by statute to be appointed.

In the case of pilot municipalities, tenure rights shall not prohibit the sharing of services for a municipal clerk, a chief financial officer, an assessor, a tax collector, a municipal treasurer, or a municipal superintendent of public works. The statutory requirements that each municipality must appoint a municipal clerk, a chief financial officer, an assessor, a tax collector, a municipal treasurer, a municipal engineer, and a principal public works manager shall, for those pilot municipalities, permit and include the provision of the services of any of those municipal employees through a shared service agreement pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.). The shared service agreement shall be subject to the provisions of subsection d. of this section and of section 3 of P.L.2013, c.166 (C.40A:65-4.2).

In a shared service agreement between pilot municipalities for the services of a municipal clerk, a chief financial officer, an assessor, a tax collector, a municipal treasurer, or a municipal superintendent of public works, the agent-party, as that term is used in subsection d. of section 7 of P.L.2007, c.63 (C.40A:65-7), shall select for employment under the agreement one of the employees of the pilot municipalities that are party to the agreement who was employed in that same capacity prior to the approval of the agreement.

(2) Notwithstanding any law, rule or regulation to the contrary, any agreement between local units for the provision of shared services shall be entered into pursuant to sections 1 to 37 of P.L.2007, c.63 (C.40A:65-1 et al.); provided, however, that agreements regarding shared services that are otherwise regulated by statute, rule, or regulation are specifically excluded from sections 1 to 37 of P.L.2007, c.63 (C.40A:65-1 et al.).

(3) The board is authorized to render a decision in the determination of the statutory basis under which a specific shared service is governed.

b. Any agreement entered into pursuant to this section shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs, together with an estimate of the cost savings anticipated to be achieved by the local units that are the parties to the agreement in the case of an agreement between pilot municipalities, pursuant to rules and regulations promulgated by the director.

c. In the case of a pilot municipality, a tenured municipal clerk, chief financial officer, assessor, tax collector, municipal superintendent of public works, or municipal treasurer may be dismissed to effectuate the sharing of a service entered into pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.) and such dismissal shall be deemed to be in the interest of the economy or efficiency of the participants in the shared service agreement.

d. In the case of a pilot municipality, a tenured municipal clerk, chief financial officer, assessor, tax collector, municipal superintendent of public works, or municipal treasurer who has been dismissed to effectuate a shared service agreement entered into pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.) shall be reappointed to his or her former position, and shall regain his or her tenured status, if the shared service agreement is cancelled, or expires, within the two-year period immediately following the dismissal of that person.

5. Section 5 of P.L.2007, c.63 (C.40A:65-5) is amended to read as follows:

C.40A:65-5 Adoption of resolution to enter into agreement.

5. a. A local unit authorized to enter into an agreement under section 4 of P.L.2007, c.63 (C.40A:65-4) may do so by the adoption of a resolution. In the case of a shared service agreement between pilot municipalities, no agreement shall be adopted until copies of the agreement shall be provided to all affected employees of the local units that are party to the agreement at least two weeks before adoption of the resolution, and a public hearing has been held on the agreement, so that all persons having an interest in the agreement shall have been given an opportunity to present comments or objections concerning the content of the agreement, or the effect of the agreement. During the public hearing, the local unit shall provide an overview of the terms of the agreement and an estimate of the cost savings anticipated to be achieved by the local units that are the parties to the agreement. A resolution adopted pursuant to this section or subsection b. of that

section shall clearly identify the agreement by reference and need not set forth the terms of the agreement in full.

b. In the case of a shared services agreement between pilot municipalities, a copy of the agreement shall be open to public inspection at the offices of the local unit at least two weeks prior to the adoption of a resolution to become a party to the agreement.

c. The agreement shall take effect upon the adoption of appropriate resolutions by all the parties thereto, and execution of agreements authorized thereunder as set forth in the agreement.

6. Section 7 of P.L.2007, c.63 (C.40A:65-7) is amended to read as follows:

C.40A:65-7 Specific services delineated in agreement; conditions.

7. a. An agreement made pursuant to section 4 of P.L.2007, c.63 (C.40A:65-4) shall specify:

(1) the specific services to be performed by one or more of the parties as agent for any other party or parties;

(2) standards of the level, quality, and scope of performance, with assignment and allocation of responsibility for meeting those standards between or among the parties;

(3) the estimated cost of the services throughout the duration of the agreement, with allocation of those costs to the parties, in dollar amounts or by formula, including a time schedule for periodic payment of installments for those allocations, and in the case of a shared service agreement between pilot municipalities, an estimate of the cost savings anticipated to be achieved by the local units that are the parties to the agreement. The specification may provide for the periodic modification of estimates or formulas contained therein in the light of actual experience and in accordance with procedures to be specified in the agreement;

(4) the duration of the agreement, which shall be 10 years, unless otherwise agreed upon by the parties, but in no case shall the duration of any agreement between pilot municipalities be less than two years; and

(5) the procedure for payments to be made under the contract.

b. In the case when all of the participating local units are municipalities, the agreement may provide that it shall not take effect until submitted to the voters of each municipality, and approved by a majority of the voters of each municipality voting at the referendum.

c. The agreement may provide for binding arbitration or for binding fact-finding procedures to settle any disputes or questions which may arise

between the parties as to the interpretation of the terms of the agreement or the satisfactory performance by any of the parties of the services and other responsibilities required by the agreement.

d. For the purposes of sections 4 through 13 of P.L.2007, c.63 (C.40A:65-4 through C.40A:65-13), any party performing a service under a shared service agreement is the general agent of any other party on whose behalf that service is performed pursuant to the agreement, and that agent-party has full powers of performance and maintenance of the service contracted for, and full powers to undertake any ancillary operation reasonably necessary or convenient to carry out its duties, obligations and responsibilities under the agreement. These powers include all powers of enforcement and administrative regulation which are, or may be, exercised by the party on whose behalf the agent-party acts pursuant to the agreement, except as the powers are limited by the terms of the agreement itself, and except that no contracting party shall be liable for any part or share of the cost of acquiring, constructing, or maintaining any capital facility acquired or constructed by an agent-party unless that part or share is provided for in the agreement, or in an amendment thereto ratified by the contracting parties in the manner provided in sections 1 to 37 of P.L.2007, c.63 (C.40A:65-1 et al.) for entering into an agreement.

e. Except as the terms of any agreement may explicitly or by necessary implication provide, any party to an agreement entered into pursuant to section 4 of P.L.2007, c.63 (C.40A:65-4) may enter into another agreement or agreements with any other eligible parties for the performance of any service or services pursuant to sections 1 to 37 of P.L.2007, c.63 (C.40A:65-1 et al.). The participation in one agreement shall not bar participation with the same or other parties in any other agreement.

f. Payment for services performed pursuant to an agreement shall be made by and to the parties, and at such intervals, as shall be provided in the agreement.

g. In the event of any dispute as to the amount to be paid, the full amount to be paid as provided in subsection a. of this section shall be paid; but if through subsequent negotiation, arbitration or litigation the amount due shall be determined, agreed or adjudicated to be less than was actually so paid, then the party having received the payment shall forthwith repay the excess.

7. N.J.S.40A:9-133 is amended to read as follows:

Municipal clerk, appointment, duties.

40A:9-133. a. In every municipality there shall be a municipal clerk appointed for a three-year term by the governing body of the municipality.

The requirement that every municipality shall have a municipal clerk may be fulfilled by the sharing of a municipal clerk with another municipality or municipalities under a shared service agreement entered into pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.), and such shared service agreement shall be subject to the provisions of section 4 of P.L.2007, c.63 (C.40A:65-4) and, in the case of a shared service agreement between pilot municipalities, section 3 of P.L.2013, c.166 (C.40A:65-4.2). Commencing January 1 following the third anniversary of the effective date of P.L.1997, c.279 (C.40A:9-133.9 et al.), no person shall be appointed or reappointed as a municipal clerk unless that person holds a registered municipal clerk certificate issued pursuant to section 3 or section 4 of P.L.1985, c.174 (C.40A:9-133.3 or C.40A:9-133.4).

b. For the purposes of tenure, the term of a municipal clerk shall be deemed to have begun as of the actual date upon which a person serving as municipal clerk is appointed. In the event of a vacancy in the office of municipal clerk, an appointment shall be made for a new term and not for the unexpired term. A reappointment of an incumbent municipal clerk made within 60 days following the expiration of the prior term shall not be considered to be a new appointment and the effective date of the reappointment shall date back to the date of expiration of the initial term of appointment.

c. Within 90 days of the occurrence of a vacancy in the office of municipal clerk by reason of the departure of a registered municipal clerk, the governing body may appoint a person who does not hold a registered municipal clerk certificate to serve as acting municipal clerk for a period not to exceed one year and commencing on the date of the vacancy. Any person so appointed may, with the approval of the Director of the Division of Local Government Services in the Department of Community Affairs, be reappointed as acting municipal clerk for a maximum of two subsequent one-year terms following the termination of the temporary appointment. No local unit shall fill the position of acting municipal clerk for more than three consecutive years. Time served as acting municipal clerk may be credited toward the experience authorized as a substitute for the college education requirement pursuant to section 2 of P.L.1985, c.174 (C.40A:9-133.2). Time served as acting municipal clerk may not be credited as time served as municipal clerk for the purpose of acquiring tenure pursuant to section 7 of P.L.1985, c.174 (C.40A:9-133.7).

d. (Deleted by amendment, P.L.1997, c.279).

e. The municipal clerk shall:

(1) act as secretary of the municipal corporation and custodian of the municipal seal and of all minutes, books, deeds, bonds, contracts, and ar-

chival records of the municipal corporation. The governing body may, however, provide by ordinance that any other specific officer shall have custody of any specific other class of record;

(2) act as secretary to the governing body, prepare meeting agendas at the discretion of the governing body, be present at all meetings of the governing body, keep a journal of the proceedings of every meeting, retain the original copies of all ordinances and resolutions, and record the minutes of every meeting;

(3) serve as the chief administrative officer in all elections held in the municipality, subject to the requirements of Title 19 of the Revised Statutes;

(4) serve as chief registrar of voters in the municipality, subject to the requirements of Title 19 of the Revised Statutes;

(5) serve as the administrative officer responsible for the acceptance of applications for licenses and permits and the issuance of licenses and permits, except where statute or municipal ordinance has delegated that responsibility to some other municipal officer;

(6) serve as coordinator and records manager responsible for implementing local archives and records retention programs as mandated pursuant to Title 47 of the Revised Statutes;

(7) perform such other duties as are now or hereafter imposed by statute, regulation or by municipal ordinance or regulation.

f. If a governing body fails or refuses to comply with subsection a., b. or c. of this section, the director may order the governing body to comply by a date certain which shall afford the governing body a reasonable time within which to comply.

8. Section 7 of P.L.1985, c.174 (C.40A:9-133.7) is amended to read as follows:

C.40A:9-133.7 Reappointment, removal, dismissal.

7. Notwithstanding the provisions of any other law to the contrary, any person who:

a. Shall be reappointed municipal clerk subsequent to having received a registered municipal clerk certificate pursuant to P.L.1985, c.174 and having served as municipal clerk or performed the duties of municipal clerk for not less than three consecutive years immediately prior to such reappointment; or

b. Shall have acquired tenure; shall hold office during good behavior and efficiency, and compliance with the continuing education requirements set forth in section 8 of P.L.1997, c.279 (C.40A:9-133.10), notwithstanding that such reappointment was for a fixed term of years; and shall not be re-

moved therefrom for political reasons but only for good cause shown and after a proper hearing before the director or the director's designee. The removal of a registered municipal clerk shall be only upon a written complaint setting forth with specificity the charge or charges against the clerk. The complaint shall be filed with the director and a certified copy of the complaint shall be served upon the person so charged, with notice of a designated hearing date before the director or the director's designee, which shall be not less than 30 days nor more than 60 days from the date of service of the complaint. Such date may be extended by the Superior Court for good cause shown upon the application of either party. The person so charged and the complainant shall have the right to be represented by counsel and the power to subpoena witnesses and documentary evidence together with discovery proceedings. The provisions of this section shall apply to every person actually in office as registered municipal clerk, whether or not in the classified service under Title 11A of the New Jersey Statutes (Civil Service).

For the purposes of this section, the definition of good cause for removal of a municipal clerk may include the failure of the clerk to meet the continuing education requirements set forth in section 8 of P.L.1997, c.279 (C.40A:9-133.10).

c. In the case of a shared service agreement between pilot municipalities, a tenured municipal clerk may be dismissed to effectuate the sharing of a service entered into pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.) and such dismissal shall be deemed to be in the interest of the economy or efficiency of the participants in the shared service agreement. The removal of a municipal clerk under this subsection shall not require the pilot municipality to fulfill the requirements of section 7 of P.L.1985, c.174 (C.40A:9-133.7). Instead, the pilot municipality shall provide the clerk with a written copy of the shared service agreement entered into by the municipality, and a letter stating that the position of municipal clerk in the pilot municipality is being eliminated for reasons of economy or efficiency as the result of the shared service agreement.

Any such shared service agreement shall be subject to the provisions of section 4 of P.L.2007, c.63 (C.40A:65-4) and of section 3 of P.L.2013, c.166 (C.40A:65-4.2).

9. N.J.S.40A:9-134 is amended to read as follows:

Tenure for municipal clerks.

40A:9-134. On or before December 31, 1985, any person holding the office of municipal clerk in any municipality and having held such office

continuously for five years from the date of his original appointment shall have tenure in such office and shall not be removed therefrom except for good cause shown after a fair and impartial hearing.

For the purposes of this section, the definition of good cause for removal of a municipal clerk may include the failure of the clerk to meet the continuing education requirements set forth in section 8 of P.L.1997, c.279 (C.40A:9-133.10).

In the case of a shared service agreement between pilot municipalities, a tenured municipal clerk may be dismissed to effectuate the sharing of a service entered into pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.) and such dismissal shall be deemed to be in the interest of the economy or efficiency of the participants in the shared service agreement. The removal of a municipal clerk under this subsection shall not require the pilot municipality to fulfill the requirements of section 7 of P.L.1985, c.174 (C.40A:9-133.7). Instead, the pilot municipality shall provide the clerk with a written copy of the shared service agreement entered into by the pilot municipality, and a letter stating that the position of municipal clerk in the municipality is being eliminated for reasons of economy or efficiency as the result of the shared service agreement.

Any such shared service agreement shall be subject to the provisions of section 4 of P.L.2007, c.63 (C.40A:65-4) and section 3 of P.L.2013, c.166 (C.40A:65-4.2).

10. Section 2 of P.L.1977, c.39 (C.40A:9-140.8) is amended to read as follows:

C.40A:9-140.8 Tenure of office.

2. a. Notwithstanding the provisions of any other law to the contrary, any person who has served as the chief financial officer of a municipality for four consecutive years and who is reappointed as that municipality's chief financial officer shall be granted tenure of office upon filing with the clerk of the municipality and with the Division of Local Government Services in the Department of Community Affairs a notification evidencing his compliance with this section.

b. Thereafter, the person shall continue to hold office during good behavior and efficiency, and shall not be removed therefrom except for just cause and then only after a public hearing upon a written complaint setting forth the charge or charges against him pursuant to section 3 of P.L.1977, c.39 (C.40A:9-140.9) or upon expiration or revocation of certification by the director pursuant to section 7 of P.L.1988, c.110 (C.40A:9-140.12).

c. In the case of a shared service agreement between pilot municipalities, a tenured chief financial officer may be dismissed to effectuate the sharing of a service entered into pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.) and such dismissal shall be deemed to be in the interest of the economy or efficiency of the participants in the shared service agreement. The removal of a chief financial officer under this section shall not require the pilot municipality to fulfill the requirements of subsection b. of this section. Instead, the pilot municipality shall provide the chief financial officer with a written copy of the shared service agreement entered into by the pilot municipality, and a letter stating that the position of chief financial officer in the municipality is being eliminated for reasons of economy or efficiency as the result of the shared service agreement.

Any such shared service agreement shall be subject to the provisions of section 4 of P.L.2007, c.63 (C.40A:65-4) and section 3 of P.L.2013, c.166 (C.40A:65-4.2).

11. Section 5 of P.L.1988, c.110 (C.40A:9-140.10) is amended to read as follows:

C.40A:9-140.10 Municipality required to have chief financial officer.

5. Notwithstanding the provisions of any law to the contrary, in every municipality there shall be a chief financial officer appointed by the governing body of the municipality. The requirement that every municipality shall have a chief financial officer may be fulfilled by the sharing of a chief financial officer with another municipality or municipalities under a shared service agreement entered into pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.). Any such shared service agreement shall be subject to the provisions of section 4 of P.L.2007, c.63 (C.40A:65-4) and, with respect to pilot municipalities, section 3 of P.L.2013, c.166 (C.40A:65-4.2). The term of office shall be four years, which shall run from January 1 in the year in which the chief financial officer is appointed. The compensation for the chief financial officer shall be separately set forth in a municipal salary ordinance.

If a governing body fails or refuses to comply with this section, and has received an order from the director to do so, the members of a governing body who willfully fail or refuse to comply shall each be subject to a personal penalty of \$25 for each day after the date fixed for final action that failure or refusal to comply continues. The amount of the penalty may be recovered by the director in the name of the State as a personal debt of the member of the governing body, and shall be paid, upon receipt, into the State Treasury.

In the case of a pilot municipality, a tenured chief financial officer may be dismissed to effectuate the sharing of a service entered into pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.) and such dismissal shall be deemed to be in the interest of the economy or efficiency of the participants in the shared service agreement. The removal of a chief financial officer under this section shall not require the pilot municipality to fulfill the requirements of section 2 of P.L.1977, c.39 (C.40A:9-140.8). Instead, the pilot municipality shall provide the chief financial officer with a written copy of the shared service agreement entered into by the pilot municipality, and a letter stating that the position of chief financial officer in the pilot municipality is being eliminated for reasons of economy or efficiency as the result of the shared service agreement.

12. N.J.S.40A:9-141 is amended to read as follows:

Appointment of tax collector; compensation; work hours.

40A:9-141. Notwithstanding any other law the governing body or chief executive, as shall be appropriate to the form of government of the municipality, by ordinance, shall provide for the appointment of a municipal tax collector and the compensation of the tax collector shall be fixed in the manner otherwise provided by law. The requirement that every municipality shall have a municipal tax collector may be fulfilled by the sharing of a municipal tax collector with another municipality or municipalities under a shared service agreement entered into pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.). Any such shared service agreement shall be subject to the provisions of section 4 of P.L.2007, c.63 (C.40A:65-4) and, with respect to pilot municipalities, of section 3 of P.L.2013, c.166 (C.40A:65-4.2). The governing body may, by resolution, set appropriate hours of operation of the tax collector's office and the work hours of the tax collector, commensurate with the compensation paid to the tax collector, and all personnel assigned to the tax collector's office. The office of municipal tax collector and municipal treasurer, or municipal clerk may be held by the same person.

13. Section 8 of P.L.1979, c.384 (C.40A:9-145.8) is amended to read as follows:

C.40A:9-145.8 Tenure; removal from office; dismissal; procedure.

8. Notwithstanding the provisions of any other law to the contrary, any person who:

a. Shall be reappointed tax collector subsequent to having received a tax collector certificate pursuant to section 3 or 4 of P.L.1979, c.384, or holds a tax collector certificate issued pursuant to N.J.S.40A:9-141, section 2 of P.L.1979, c.384 (C.40A:9-145.2), and section 6 of P.L.1993, c.25 (C.40A:9-145.3a), and having served as tax collector or performed the duties of tax collector for not less than four consecutive years immediately prior to such reappointment; or,

b. shall have acquired tenure; shall hold his office during good behavior, efficiency, and compliance with requirements for continuing education pursuant to sections 6 and 7 of P.L.1993, c.25 (C.40A:9-145.3a and C.40A:9-145.3b), notwithstanding that such reappointment was for a fixed term of years; and he shall not be removed therefrom for political reasons but only for good cause shown and after a proper hearing before the director or his designee.

c. The removal of a municipal tax collector shall be only upon a written complaint setting forth with specificity the charge or charges against him. The complaint shall be filed with the municipal clerk and the director and a certified copy thereof shall be served upon the person so charged, with notice of a designated hearing date before the director or his designee, which shall be not less than 30 days nor more than 60 days from the date of service of the complaint. Such date may be extended by the Superior Court for good cause shown upon the application of either party. The person so charged and the complainant shall have the right to be represented by counsel and the power to subpoena witnesses and documentary evidence together with discovery proceedings. The provisions of this section shall apply to every person actually in office as tax collector or performing the duties of tax collector whether or not in the classified service under Title 11A, Civil Service, of the New Jersey Statutes.

d. For the purposes of this section, the definition of good cause for removal of a tax collector may include the failure of a tax collector to meet the continuing education requirement set forth in sections 6 and 7 of P.L.1993, c.25 (C.40A:9-145.3a and C.40A:9-145.3b).

e. In the case of a pilot municipality, a tenured tax collector may be dismissed to effectuate the sharing of a service entered into pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.) and such dismissal shall be deemed to be in the interest of the economy or efficiency of the participants in the shared service agreement. The removal of a tax collector under this subsection shall not require the pilot municipality to fulfill the requirements of section 8 of P.L.1979, c.384 (C.40A:9-145.8). Instead, the pilot municipality shall provide the tax collector with a written copy of the shared service

agreement entered into by the pilot municipality, and a letter stating that the position of tax collector in the pilot municipality is being eliminated for reasons of economy or efficiency as the result of the shared service agreement.

Any such shared service agreement shall be subject to the provisions of section 4 of P.L.2007, c.63 (C.40A:65-4) and of section 3 of P.L.2013, c.166 (C.40A:65-4.2).

14. N.J.S.40A:9-146 is amended to read as follows:

Appointment of tax assessor, deputies.

40A:9-146. The governing body or chief executive, as shall be appropriate to the form of government of the municipality shall provide for the appointment of a tax assessor and such deputy tax assessors as it may determine necessary. The requirement that every municipality shall have a tax assessor and any such deputy tax assessors as it deems necessary may be fulfilled by the sharing of a tax assessor and any necessary deputy tax assessors with another municipality or municipalities under a shared service agreement entered into pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.). Any such shared service agreement shall be subject to the provisions of section 4 of P.L.2007, c.63 (C.40A:65-4) and, with respect to pilot municipalities, of section 3 of P.L.2013, c.166 (C.40A:65-4.2). The appointing authority may, by resolution or order as appropriate, set the total number of weekly hours of operation of the tax assessor's office and the total number of weekly work hours of the tax assessor, commensurate with the compensation paid to the tax assessor. The appointing authority shall not set the specific work hours of the tax assessor. The governing body, by ordinance, shall determine the amount of compensation of such assessors.

15. Section 7 of P.L.1967, c.44 (C.54:1-35.31) is amended to read as follows:

C.54:1-35.31 Reappointment or re-election; term; removal; dismissal.

7. a. Notwithstanding the provisions of any other law to the contrary, every person

(1) who, upon reappointment or re-election subsequent to having received a tax assessor certificate and having served as tax assessor or performed the duties of assessor for not less than four consecutive years immediately prior to such reappointment or re-election, or

(2) who, on or before June 30, 1969, shall have received a tax assessor certificate while actually in office as assessor or performing the duties of an assessor, and who, on or before June 30, 1969, shall have served as assessor or performed the duties of assessor for not less than four consecutive years, shall hold his position during good behavior and efficiency and compliance with requirements for continuing education pursuant to section 1 of P.L.1999, c.278 (C.54:1-35.25b), notwithstanding that such reappointment or re-election was for a fixed term of years, and he shall not be removed therefrom for political reasons but only for good cause shown and after a proper hearing before the director or his designee after due notice. A person who was formerly an assessor, a secretary of a board of assessors or a member of a board of assessors who shall have become by virtue of this amendatory and supplementary act, P.L.1981, c.393, a deputy tax assessor or an assessor, and who has not met the requirements of (1) or (2) above shall not be removed during his term in office for political reasons, but only for good cause shown and after a proper hearing before the director or his designee after due notice. In municipalities operating under forms of government where the assessor served at the pleasure of the appointing authority for an unlimited term of office, receipt of a tax assessor certificate and continuance in service as assessor after completion of 4 consecutive years of service shall be deemed the equivalent of reappointment. The provisions of this section shall apply to every person actually in office as assessor or performing the duties of an assessor whether in the classified service under Title 11A, Civil Service, or in a municipality which has not adopted Title 11A, Civil Service. For the purpose of this section, "good cause" shall include the failure of a tax assessor to meet the continuing education requirement required by section 1 of P.L.1999, c.278 (C.54:1-35.25b), and such failure shall render a tax assessor ineligible for service as a tax assessor.

b. In the case of a pilot municipality, a tenured tax assessor may be dismissed to effectuate the sharing of a service entered into pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.) and such dismissal shall be deemed to be in the interest of the economy or efficiency of the participants in the shared service agreement. The removal of a tax assessor under this subsection shall not require the pilot municipality to fulfill the requirements of subsection a. of this section. Instead, the pilot municipality shall provide the tax assessor with a written copy of the shared service agreement entered into by the pilot municipality, and a letter stating that the position of tax assessor in the pilot municipality is being eliminated for reasons of economy or efficiency as the result of the shared service agreement.

16. N.J.S.40A:9-152 is amended to read as follows:

Tenure of municipal treasurer.

40A:9-152. a. Whenever a person has or shall have held the office of municipal treasurer for 10 consecutive years, the governing body of the municipality may grant tenure in office to such person. In the event the governing body fails to grant tenure in office to a municipal treasurer who has held that office for 10 consecutive years, a petition may be filed for a referendum vote on the question of whether the municipal treasurer shall continue to hold office during good behavior and efficiency, and shall not be removed therefrom except for just cause and then only after public hearing upon a written complaint setting forth the charge or charges against him. The petition shall be signed by at least 10% of the registered voters of the municipality and filed with the municipal clerk. Upon the filing of the petition the question shall be submitted to the voters at the next general election which shall occur not less than 60 days thereafter. The municipal clerk shall cause the question to be placed upon the official ballot to be used at the general election in the manner provided by law in substantially the following form: "Shall the municipal treasurer continue to hold office during good behavior and efficiency and not be removed therefrom except for just cause and then only after public hearing upon a written complaint setting forth the charge or charges against him?"

Immediately to the left of the question there shall be printed the words "Yes" and "No", each with a square, in either of which the voter may make a cross (x), or a plus sign (+) or check mark (√) according to his choice. There shall also be printed the following: "Place a cross (x), or a plus sign (+) or check mark (√) in one of the above squares indicating your choice." Where voting machines are used, voting thereon shall be equivalent to the foregoing.

The election shall be held in accordance with the general law relating to public questions to be voted on in a single municipality at elections as provided for by Title 19 (Elections) of the Revised Statutes.

b. In the case of a pilot municipality, a tenured municipal treasurer may be dismissed to effectuate the sharing of a service entered into pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.) and such dismissal shall be deemed to be in the interest of the economy or efficiency of the participants in the shared service agreement. The removal of a municipal treasurer under this subsection shall not require the pilot municipality to fulfill the requirements of N.J.S.40A:9-152.1. Instead, the pilot municipality shall provide the municipal treasurer with a written copy of the shared

service agreement entered into by the pilot municipality, and a letter stating that the position of municipal treasurer in the pilot municipality is being eliminated for reasons of economy or efficiency as the result of the shared service agreement. Any such shared service agreement shall be subject to the provisions of section 4 of P.L.2007, c.63 (C.40A:65-4) and section 3 of P.L.2013, c.166 (C.40A:65-4.2).

17. Section 7 of P.L.1991, c.258 (C.40A:9-154.6g) is amended to read as follows:

C.40A:9-154.6g Certificate required after January 1, 1997; exemptions, penalties.

7. a. Commencing January 1, 1997, the governing body or chief executive officer of each municipality, as appropriate, shall appoint a principal public works manager for that municipality. The requirement that every municipality shall have a principal public works manager may be fulfilled by the sharing of a principal public works manager with another municipality or municipalities under a shared service agreement entered into pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.).

b. No person shall be selected to perform the duties of a principal public works manager unless he holds a public works manager certificate issued pursuant to section 3 of P.L.1991, c.258 (C.40A:9-154.6c), which certificate has not been revoked or suspended in accordance with the provisions of subsection b. of section 6 of P.L.1991, c.258 (C.40A:9-154.6f).

c. When a vacancy occurs in a position in which the duties of principal public works manager are performed, the governing body or chief executive officer, as appropriate, may select, for a period not to exceed one year and commencing on the date of the vacancy, a person who does not hold a certified public works manager certificate to perform on an interim basis, the duties of a principal public works manager. Any person so selected may be selected as principal public works manager for one additional year; provided, however, that no person shall perform on an interim basis, the duties of a temporary principal public works manager for more than two years in any municipality, and also provided that, in a municipality operating under the provisions of Title 11A, the Civil Service Act, no person so selected on an interim basis shall be required to perform out-of-title work.

d. Any municipality that conducts minimal or no public works activity may apply to the director for an exemption from this section. Such exemptions shall be valid for five years from the date of issuance, at which time the municipality must reapply for an exemption or select a person to perform the duties of a principal public works manager. Upon receipt of an

application for exemption, the director shall have the public works advisory board review the application and make a recommendation to the director for approval or denial. If the director for good cause disagrees with the recommendation, he shall advise the public works advisory board of his decision and take any action he deems appropriate.

e. If a governing body or mayor fails or refuses to comply with this section, and has received an order from the director to do so, the members of a governing body or mayor who willfully fail or refuse to comply shall each be subject to a personal penalty of \$25 for each day after the date fixed for final action that failure or refusal to comply continues. The amount for the penalty may be recovered by the director in the name of the State as a personal debt of the member of the governing body or mayor, and shall be paid, upon receipt, into the State Treasury.

18. Section 2 of P.L.1981, c.383 (C.40A:9-154.6) is amended to read as follows:

C.40A:9-154.6 Tenure of office; continuous holding of office for 5 years; ordinance; dismissal.

2. a. A person holding office, position or employment as full-time municipal superintendent of public works who has held the office, position or employment continuously for 5 years or more shall continue to hold the office, position or employment, notwithstanding he is serving for a fixed term, during good behavior and efficiency and shall not be removed therefrom for political or other reasons except for good cause, upon written charges filed with the municipal clerk and after a public, fair and impartial hearing; except that the governing body of the municipality shall first pass an ordinance authorizing the tenure of office herein provided. The person may be retired when he shall have attained 70 years of age.

b. Municipalities may share the services of a municipal superintendent of public works through a shared service agreement pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.).

A tenured municipal superintendent of public works may be dismissed by a pilot municipality to effectuate the sharing of a service for a municipal superintendent of public works entered into pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.) and section 3 of P.L.2013, c.166 (C.40A:65-4.2), and such dismissal shall be deemed to be in the interest of the economy or efficiency of the participants in the shared service agreement. The removal of a municipal superintendent of public works under this subsection shall not require the pilot municipality to fulfill the require-

ments of subsection a. of this section. Instead, the pilot municipality shall provide the municipal superintendent of public works with a written copy of the shared service agreement entered into by the pilot municipality, and a letter stating that the position of municipal superintendent of public works in the pilot municipality is being eliminated for reasons of economy or efficiency as the result of the shared service agreement.

Any such shared service agreement shall be subject to the provisions of section 4 of P.L.2007, c.63 (C.40A:65-4) and, with respect to pilot municipalities, section 3 of P.L.2013, c.166 (C.40A:65-4.2).

19. This act shall take effect immediately.

Approved October 16, 2013.

CHAPTER 167

AN ACT concerning the rights of residents of continuing care retirement communities and amending and supplementing P.L.1986, c.103.

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

C.52:27D-360.1 Short title.

1. Sections 1 through 7 of this act shall be known and may be cited as the “Bill of Rights for Continuing Care Retirement Community Residents in Independent Living.”

C.52:27D-360.2 Receipt of disclosure statement, explanation by prospective resident.

2. a. Each prospective resident is entitled to receive a copy of a disclosure statement from the facility, as well as an explanation written in clear and plain language of the rights and responsibilities of a resident, prior to the execution of a continuing care agreement. The prospective resident shall have up to 30 days to review the copy of the disclosure statement and the written explanation prior to executing the continuing care agreement.

b. Within 30 days after signing a continuing care agreement, the resident may cancel the agreement and receive a full refund, except for the application fee.

c. A resident may wait to occupy a unit until the end of the 30-day rescission period.

d. Each resident shall receive a copy of the rules and regulations regarding the resident's responsibilities and conduct acceptable to the facility.

C.52:27D-360.3 Rights of residents of community.

3. a. Unless a resident has violated the continuing care agreement or facility rules, or the facility has cancelled the agreement with sufficient notice and cause, or if the facility for sound business reasons decides to raze or to otherwise cease operating the structure, or the part of it, in which the resident's unit is located, a resident may occupy the resident's chosen unit for as long as the resident can function independently, with or without the assistance of an aide or aides. Any determination that the resident can no longer function independently, with or without the assistance of an aide or aides, shall be made by the director of medical services of the facility and be subject to the requirements of section 4 of P.L.2013, c.167 (C.52:27D-360.4), and the facility shall notify the resident in writing of any right that the resident may have to appeal that determination.

b. Each resident shall have privacy within their unit, except that personnel must be admitted for contracted services or to respond to an emergency or complaint.

c. Any resident may serve or participate in a local, State, or national residents' association, or other similar organization without discrimination or reprisal.

d. Each resident shall retain and be able to exercise all constitutional, civil, and other rights to which they are entitled by law.

e. Each resident shall be treated with respect, courtesy, consideration, and dignity.

f. Any resident or legal representative of the resident may refuse medication or treatment after being fully informed of the possible benefits or risks.

g. Each resident has the right to express complaints without fear of interference, discharge, or reprisal, and the right to contact the Office of the Ombudsman for the Institutionalized Elderly, or any advocate or agency which provides health, social, legal, or other services to advocate on behalf of residents if the resident feels that their rights are being violated.

h. Each resident has the right to expect the facility to promptly investigate and try to resolve all concerns the resident expresses. A record shall be kept of all written complaints made to the facility's senior management concerning residents' rights. This record shall be available to only the particular resident or the resident's legal representative, immediate family members, the residents' physicians, and agents of the State of New Jersey.

Each resident may file a complaint with an appropriate agency, including the appropriate State office, without fear of reprisal from the facility.

i. The facility shall not modify or reduce the scope of provided services, with the exception of modifications required by State or federal assistance programs, without providing the residents with a minimum of 30-days' prior notice of the modification or reduction. All services to be provided shall be listed in a form designated by the department pursuant to N.J.A.C.5:19-6.4(a)(2).

j. Each resident is entitled to 30-days' advance written notice prior to the increase of any fees.

k. A resident may choose any outside physician as their primary care physician.

l. A resident may hire a private caregiver or companion at the resident's own expense and responsibility, as long as the caregiver or companion complies with the facility's policies and procedures.

m. Each resident is entitled to view or receive a copy of their own medical record, free of charge.

n. Each resident may participate personally, or through a legal representative, in all decisions regarding their own health care.

o. Each resident or legal representative of the resident shall receive, upon request, a complete explanation of their medical condition, any recommended treatment, and the possible benefits or risks involved.

p. A resident may appoint a legal representative with a durable power of attorney to handle financial matters if the resident is unable to do so.

q. Pursuant to section 4 of the "New Jersey Advance Directives for Health Care Act," P.L.1991, c.201 (C.26:2H-56), a resident may execute an advance directive concerning the use of life-sustaining treatment, and may appoint a legal representative with a durable power of attorney to act on behalf of the resident with regard to health care decisions. The resident has the right to expect that the provisions of the advance directive will be executed to the fullest extent possible.

r. Each resident shall receive every service, as contracted in the continuing care agreement that was executed upon the resident's admission, unless waived in writing by the resident, with the exception of changes required by State or federal law or permitted in the continuing care agreement.

s. A resident shall have the right to receive guests and visitors at the facility, and the right to allow guests to stay for a reasonable temporary period of time in a guest apartment or unit in the facility, subject to reasonable policies and procedures of the facility.

t. A resident may leave and return to the resident's independent living unit at will, provided the resident informs the facility if the resident will be temporarily absent overnight, or for a longer period of time. The facility shall notify residents in writing as to whether they will be charged a per diem fee during any such time that they are absent from the facility.

u. A resident has the right to refuse to perform work or services for the facility without coercion, discrimination, or reprisal by the facility.

v. Each resident shall not be requested or required to accept any restriction of the rights or privileges of a resident as set forth herein.

w. A resident may request from the facility, and shall receive without undue delay or cost, a copy of the rights of nursing home residents, as provided in section 5 of P.L.1976, c.120 (C.30:13-5).

x. A resident may request from the facility, and shall receive without undue delay or cost, a copy of the rights of residents of assisted living facilities, as provided in section 1 of P.L.2011, c.58 (C.26:2H-128).

y. A resident may request from the facility, and shall receive without undue delay or cost, a copy of the "Bill of Rights for Continuing Care Retirement Community Residents in Independent Living," as provided in section 5 of P.L.2013, c.167 (C.52:27D-360.5).

z. A resident who is insured by a health maintenance organization has the right to be referred by their primary care physician to the nursing care unit that is part of the resident's facility instead of any other unit, provided that the unit has the capacity to provide the services needed and that it is in the best interests of the resident, and further provided that the facility accepts the applicable reimbursement rate. This right also applies to any resident being discharged from a hospital or similar facility.

C.52:27D-360.4 Transfer, reassignment of resident.

4. a. A resident may be temporarily or permanently assigned to an assisted living unit or a licensed nursing unit if the facility determines that the resident's physical or mental health requires that level of care. The determination shall be made in consultation with the resident's attending physician if available, the medical director, a member of the resident's immediate family but only at the resident's request, and the resident or legal representative of the resident.

b. Transfer of a resident to a hospital of their choice may take place at the request of the resident or legal representative of the resident, or when deemed to be medically necessary by the director of medical services of the facility after consultation with both the resident's attending physician and the resident or legal representative of the resident.

C.52:27D-360.5 “Bill of Rights for Continuing Care Retirement Community Residents in Independent Living.”

5. Each continuing care retirement facility is required to distribute to each resident, and post in a conspicuous public place in the facility, a statement of residents' rights, entitled “Bill of Rights for Continuing Care Retirement Community Residents in Independent Living,” as provided in P.L.2013, c.167 (C.52:27D-360.1 et al.), to each resident. The statement of residents' rights shall be prepared, distributed, and posted in a form approved by the department. The facility shall inform each resident, a member of the resident's immediate family but only at the resident's request, and the resident's legal representative, if applicable, of the resident's rights, provide explanations if needed, and ensure that each resident or legal representative of the resident has been encouraged to read the statement of residents' rights, and sign a copy of the statement to demonstrate that it has been read and understood. The facility shall also be responsible for making this statement available to any resident within a reasonable time upon request and without cost. The facility shall be responsible for undertaking the actions in this section with respect to all new and existing residents as of the effective date of P.L.2013, c.167 (C.52:27D-360.1 et al.).

C.52:27D-360.6 Information provided to resident.

6. a. A resident shall receive, upon request, a fee schedule for any uncovered service before agreeing to the performance of that service.

b. Each resident shall have the right to receive a copy of the facility's annual disclosure statement, including certified financial statements, once they have been filed with the department.

c. A resident who is experiencing financial difficulties may thoroughly investigate with the facility any financial assistance which may be available to allow the resident to remain at the facility. The facility shall provide sustaining charitable assistance, unless the facility can demonstrate that:

(1) providing this assistance would adversely affect the financial health of the facility;

(2) the resident has violated the terms of the continuing care agreement or providing this assistance would violate the terms of the continuing care agreement; or

(3) providing this assistance would cause the facility to violate a covenant in a loan agreement.

d. A resident may remain in a facility despite financial difficulty until the facility demonstrates to the department that the entrance fee the resident paid, if applicable, has been fully earned by the facility, using the formula

set forth under the department regulations for rescission and removal, pursuant to N.J.A.C.5:19-6.5(f). A resident shall not be permitted to remain at the facility if the financial difficulty is due to the resident's misrepresentation to the facility about the extent of the resident's assets or income or if the resident gives away significant assets while residing at the facility.

e. Each resident shall be informed of Medicare and Medicaid program benefits and shall receive assistance in accessing these benefits to the extent that they are available at the facility.

C.52:27D-7 Cancellation of agreement.

7. a. A resident may, upon 60-days' written notice, cancel the continuing care agreement for any reason.

b. Upon cancellation of the continuing care agreement by either the resident or the facility, the resident shall have the right to receive a refund of the amount of any entrance fee as provided in the continuing care agreement. The amount of the entrance fee shall be set forth in a clear and conspicuous manner in the continuing care agreement.

c. A resident shall be provided at least 60-days' written notice from the facility if the resident's continuing care agreement is being cancelled due to a violation of the facility's rules or regulations. Notification may be waived if the facility can demonstrate just cause for terminating the continuing care agreement in accordance with N.J.A.C.5:19-6.5(c). The resident may challenge the facility's notice of continuing care agreement cancellation by requesting a hearing in the same manner as for a hearing in a contested case pursuant to section 9 of P.L.1968, c.410 (C.52:14B-9).

d. In a continuing care agreement that provides for a refundable entrance fee, when a resident permanently vacates the facility, or, in the case of two residents occupying the same residence, when both vacate at the same time, the facility shall provide to the resident or residents or the legal representative of the resident's estate, whichever is applicable, a refund of the refundable entrance fee amount without interest, as set forth in the agreement. Any unpaid fees or charges incurred by the resident including unpaid monthly service fees, as well as the amount of any charitable assistance that the facility has provided to the resident, may also be deducted from the remaining balance of the refund of the entrance fee. Any balance to the resident shall be payable within 60 days from the date the residence is resold and the entrance fee from the new resident has been received.

e. When an entrance fee deposit is refundable, it shall be paid to either the resident, the resident's named beneficiary, or the legal representative of the resident's estate, whichever is applicable. A resident shall have

the right to change, in writing, the named beneficiary for the entrance fee refund at any time.

8. Section 3 of P.L.1986, c.103 (C.52:27D-332) is amended to read as follows:

C.52:27D-332 Definitions.

3. As used in this act and P.L.2013, c.167 (C.52:27D-360.1 et al.), unless the context clearly requires a different meaning:

a. "Application fee" means the fee an individual is charged, in addition to an entrance fee or any other fee, to cover the provider's reasonable cost for processing the individual's application to become a resident at the facility. A reasonable application fee shall be established pursuant to regulations adopted by the department.

b. "Commissioner" means the Commissioner of Community Affairs.

c. "Continuing care" means the provision of lodging and nursing, medical, or other health related services at the same or another location to an individual pursuant to an agreement effective for the life of the individual or for a period greater than one year, including mutually terminable contracts, and in consideration of the payment of an entrance fee with or without other periodic charges. An individual who is provided continuing care is not related by consanguinity or affinity to the person who provides the care.

d. "Department" means the Department of Community Affairs.

e. "Entrance fee" means a transfer to a provider of a sum of money or other property made or promised to be made as full or partial consideration for acceptance of a specified person as a resident in a facility and includes a fee which is refundable upon the death or departure of the resident.

A fee which is less than the sum of the regular periodic charges for one year of residency is not considered an entrance fee for the purposes of this act. A transfer of a sum of money or other property, by or on behalf of a resident, to a trust account which is managed by the facility or an independent trustee for the benefit of the resident is not considered an entrance fee for the purposes of this act if the transfer is not a condition of admission or of continued stay, and the principal amount and any interest thereon are the exclusive and sole property of the resident or the individual acting on behalf of the resident.

f. "Facility" means the place or places in which a person undertakes to provide continuing care to an individual.

g. "Living unit" means a room, apartment, cottage, or other area within a facility set aside for the exclusive use or control of one or more persons.

h. "Operator or administrator" means a person who operates or manages a facility for the provider.

i. "Provider" means a person who undertakes to provide continuing care in a facility.

j. "Resident" means a person entitled to receive continuing care in a facility.

9. Section 22 of P.L.1986, c.103 (C.52:27D-351) is amended to read as follows:

C.52:27D-351 Violations, enforcement; penalties.

22. a. If the commissioner determines or has cause to believe that a person has engaged in any act or practice which constitutes a violation of P.L.1986, c.103 (C.52:27D-330 et seq.) or P.L.2013, c.167 (C.52:27D-360.1 et al.), the commissioner may take any or all of the following actions, as appropriate:

(1) Issue a temporary cease and desist order upon the determination by the commissioner in writing, and based upon a finding of fact that the public interest will be irreparably harmed by delay in issuing an order, including therein a provision that, upon written request made within five business days following issuance of the order, a hearing will be held within 10 days of that request to determine whether or not the temporary cease and desist order shall become permanent. A copy of any temporary or permanent cease and desist order shall be sent to the person by certified mail;

(2) Bring an action in the Superior Court to enjoin the act or practice and to enforce compliance with P.L.1986, c.103 (C.52:27D-330 et seq.) and P.L.2013, c.167 (C.52:27D-360.1 et al.) if it appears that a person has engaged or is about to engage in an act or practice constituting a violation of a provision of P.L.1986, c.103 (C.52:27D-330 et seq.) or P.L.2013, c.167 (C.52:27D-360.1 et al.), or a rule or order of the department. Upon a proper showing, the court may grant a permanent or temporary injunction, restraining order, or writ of mandamus and may appoint a receiver or conservator for the defendant or the defendant's assets. The commissioner shall not be required to post a bond; or

(3) Levy and collect civil penalties in the amount of not less than \$250, and not more than \$50,000, for each violation of P.L.1986, c.103 (C.52:27D-330 et seq.) or P.L.2013, c.167 (C.52:27D-360.1 et al.), or any

rule adopted pursuant thereto or order issued thereunder, and compromise and settle any claim for a penalty in such amount in the discretion of the commissioner as may appear appropriate and equitable under the circumstances of the violation. Each day during which a violation continues after the effective date of a notice to terminate issued by the commissioner shall constitute an additional, separate, and distinct violation. If an administrative order levying a civil penalty is not satisfied within 30 days of its issuance, the commissioner may sue for and recover the penalty with costs in a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in the Superior Court.

(a) Except as set forth in subparagraph (b) of this paragraph, the initial penalty levied for any violation shall not exceed \$250 per violation, or \$250 per unit in the case of any violation of department rules for facility certification, and a subsequent penalty for the same act or omission shall not exceed 10 times the amount of the last previous penalty or the statutory maximum, whichever is less.

(b) The limitations set forth in subparagraph (a) of this paragraph shall not apply to any violation involving either dishonesty in dealings with residents or prospective residents, or willful disregard of the rights of residents.

b. For the purposes of actions that the commissioner may take under subsection a. of this section, the following shall have the same effect as a violation of P.L.1986, c.103 (C.52:27D-330 et seq.) or sections 1 through 7 of P.L.2013, c.167 (C.52:27D-360.1 et seq.):

(1) Directly, or through an agent or employee, knowingly engaging in false, deceptive, or misleading advertising, promotional, or sales methods to offer or dispose of a unit;

(2) Making any material change in the plan of disposition of the continuing care retirement community subsequent to the certificate of authority without obtaining prior approval from the department;

(3) Disposing of any unit, which is capable of being certified, or interest in a continuing care retirement community which has not been certified with the department; and

(4) Violating any lawful order or rule of the department.

c. The commissioner shall promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), regarding the implementation of this section.

10. 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, special hospitals, veterans' hospitals, chronic disease hospitals, psychiatric hospitals, mental hospitals, developmental 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.

11. This act shall take effect on the first day of the seventh month next following the date of enactment, but the Commissioner of Community Affairs may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved October 16, 2013.

CHAPTER 168

AN ACT criminalizing unauthorized activities related to the practice of, or representations concerning, certain health care related professions and supplementing chapter 21 of Title 2C of the New Jersey Statutes.

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

C.2C:21-20.2 Unauthorized practice of psychology; third degree crime.

1. A person is guilty of a crime of the third degree if he is required to be licensed to practice psychology pursuant to the “Practicing Psychology Licensing Act,” P.L.1966, c.282 (C.45:14B-1 et seq.), and he knowingly does not possess a license to practice psychology, or knowingly has had such license suspended, revoked or otherwise limited by an order entered by the State Board of Psychological Examiners, and he:

- a. engages in the practice of psychology;
- b. exceeds the scope of practice permitted by the board order;

- c. holds himself out to the public or any person as being eligible to engage in that practice;
- d. engages in any activity for which such license is a necessary prerequisite; or
- e. practices psychology under a false or assumed name or falsely impersonates another person licensed by the board.

This section shall not apply to any person who is authorized to practice psychology without a license pursuant to the "Practicing Psychology Licensing Act," P.L.1966, c.282 (C.45:14B-1 et seq.) or any other applicable law.

C.2C:21-20.3 Unauthorized practice of chiropractic; third degree crime.

2. A person is guilty of a crime of the third degree if he is required to be licensed to practice chiropractic pursuant to the "Chiropractic Board Act," P.L.1989, c.153 (C.45:9-41.17 et al.), or R.S.45:9-14.5, R.S.45:9-14.6, or R.S.45:9-14.10, or P.L.1953, c.233 (C.45:9-41.4 et al.), and he knowingly does not possess a license to practice chiropractic, or knowingly has had such license suspended, revoked or otherwise limited by an order entered by the State Board of Chiropractic Examiners, and he:

- a. engages in the practice of chiropractic;
- b. exceeds the scope of practice permitted by the board order;
- c. holds himself out to the public or any person as being eligible to engage in that practice;
- d. engages in any activity for which such license is a necessary prerequisite; or
- e. practices chiropractic under a false or assumed name or falsely impersonates another person licensed by the board.

This section shall not apply to any person who is authorized to practice chiropractic without a license pursuant to the "Chiropractic Board Act," P.L.1989, c.153 (C.45:9-41.17 et al.), or R.S.45:9-14.5, R.S.45:9-14.6, or R.S.45:9-14.10, or P.L.1953, c.233 (C.45:9-41.4 et al.), or any other applicable law.

C.2C:21-20.4 Unauthorized practice of social work; third degree crime.

3. A person is guilty of a crime of the third degree if he is required to be licensed or certified to practice social work pursuant to the "Social Workers' Licensing Act of 1991," P.L.1991, c.134 (C.45:15BB-1 et seq.), and he knowingly does not possess a license or certification, or knowingly has had such license or certification suspended, revoked or otherwise limited by an order entered into by the State Board of Social Work Examiners, and he:

- a. engages in the practice of social work;

- b. exceeds the scope of practice permitted by the board order;
- c. holds himself out to the public or any person as being eligible to engage in that practice;
- d. engages in any activity for which such license or certification is a necessary prerequisite; or
- e. practices social work under a false or assumed name or falsely impersonates another person licensed or certified by the board. This section shall not apply to any person who is authorized to practice social work without a license or certification pursuant to the "Social Workers' Licensing Act of 1991," P.L.1991, c.134 (C.45:15BB-1 et seq.) or any other applicable law.

C.2C:21-20.5 Unauthorized practice of psychoanalysis; third degree crime.

4. A person is guilty of a crime of the third degree if he knowingly does not possess a certification to practice psychoanalysis pursuant to the provisions of P.L.2000, c.57 (C.45:14BB-1 et seq.) or knowingly has had such certification suspended, revoked or otherwise limited by an order entered by the Director of the Division of Consumer Affairs in the Department of Law and Public Safety or his designee and the person:

- a. holds himself out to the public or any person as being a State certified psychoanalyst; or
- b. practices as a State certified psychoanalyst under a false or assumed name or falsely impersonates another person who is a State certified psychoanalyst.

5. This act shall take effect immediately.

Approved October 16, 2013.

CHAPTER 169

AN ACT concerning requirements to report newly hired employees and amending P.L.1998, c.1.

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

1. Section 12 of P.L.1998, c.1 (C.2A:17-56.61) is amended to read as follows:

C.2A:17-56.61 Reports from employers, labor organizations; noncompliance; penalties.

12. a. All employers and labor organizations doing business in the State shall report to the department, or its designee:

(1) the hiring of, or contracting with, any person who works in this State and to whom the employer anticipates paying earnings; and

(2) the re-hiring or return to work of any employee who is laid off, furloughed, separated, granted a leave without pay, or terminated from employment in this State; and

(3) any other employee hired by the employer to work in the State who was not previously employed by the employer; or was previously employed by the employer but has been separated from the prior employment for at least 60 consecutive days.

b. An employer shall submit the information required in this subsection within 20 days of the hiring, re-hiring, or return to work of the employee, except that an employer who transmits reports magnetically or electronically shall report every 15 days in accordance with rules adopted by the commissioner. The report shall contain:

(1) the employee's name, address, date of birth and Social Security number; and

(2) the employer's name, address, and federal tax identification number.

c. An employer who fails to report, as required in this section, shall be given a written warning by the department for the first violation and shall be subject to a civil penalty which shall not exceed: \$25 per violation, or, if the failure to report is the result of a conspiracy between the employer and the employee to not supply the required report or to supply a false or incomplete report, \$500.

Payment of the penalty may not be required, however, if in response to the imposition of the penalty, the person or entity complies immediately with the new hire reporting requirements. All penalties assessed under this section shall be payable to the State Treasurer and may be recovered in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

d. The information provided pursuant to this section shall be shared with State agencies operating employment security and workers' compensation programs and with any other federal or State agency deemed appropriate by the commissioner.

2. This act shall take effect immediately.

Approved October 16, 2013.

CHAPTER 170

AN ACT concerning tuition rates for certain students and supplementing chapter 62 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:62-4.4 Certain students to qualify for in-State tuition at public institutions of higher education.

1. a. Notwithstanding the provisions of any law or regulation to the contrary, a student, other than a nonimmigrant alien within the meaning of section 101 (a)(15) of the "Immigration and Nationality Act" (8 U.S.C. s.1101(a)(15)), shall be exempt from paying out-of-State tuition at a public institution of higher education if the student:

- (1) attended high school in this State for three or more years;
- (2) graduated from a high school in this State or received the equivalent of a high school diploma in this State;
- (3) registers as an entering student or is currently enrolled in a public institution of higher education not earlier than the fall semester of the 2013-2014 academic year; and
- (4) in the case of a person without lawful immigration status, files an affidavit with the institution of higher education stating that the student has filed an application to legalize his immigration status or will file an application as soon as he is eligible to do so.

b. Student information obtained in the implementation of this section shall be confidential.

c. 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 provisions of this section.

2. This act shall take effect immediately.

Approved December 20, 2013.

CHAPTER 171

AN ACT concerning compensation for wrongful imprisonment, amending and supplementing P.L.1997, c.227 and amending P.L.1967, c.43.

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

1. Section 1 of P.L.1997, c.227 (C.52:4C-1) is amended to read as follows:

C.52:4C-1 Findings, declarations relative to persons mistakenly imprisoned.

1. The Legislature finds and declares that innocent persons who have been convicted of crimes and subsequently imprisoned have been frustrated in seeking legal redress and that such persons should have an available avenue of redress to seek compensation for damages. The Legislature intends by enactment of the provisions of this act that those innocent persons who can demonstrate by clear and convincing evidence that they were mistakenly convicted and imprisoned be able to recover damages against the State.

In light of the substantial burden of proof that must be carried by such persons, it is the intent of the Legislature that the court, in exercising its discretion as permitted by law regarding the weight and admissibility of evidence submitted pursuant to this section, may, in the interest of justice, give due consideration to difficulties of proof caused by the passage of time, the death or unavailability of witnesses, the destruction of evidence or other factors not caused by such persons or those acting on their behalf.

2. Section 2 of P.L.1997, c.227 (C.52:4C-2) is amended to read as follows:

C.52:4C-2 Suit for damages.

2. a. Notwithstanding the provisions of any other law, any person convicted and subsequently imprisoned for one or more crimes which he did not commit may, under the conditions hereinafter provided, bring a suit for damages in Superior Court against the Department of the Treasury.

b. Any award of damages to such person in an action against the State or any political subdivision thereof or against any employee of the State or any political subdivision thereof with respect to the same subject matter shall be offset by any award of damages awarded under this act.

3. Section 3 of P.L.1997, c.227 (C.52:4C-3) is amended to read as follows:

C.52:4C-3 Evidence claimant must establish.

3. The person (hereinafter titled, "the claimant") shall establish the following by clear and convincing evidence:

- a. That he was convicted of a crime and subsequently sentenced to a term of imprisonment, served all or any part of his sentence; and
- b. He did not commit the crime for which he was convicted; and
- c. He did not commit or suborn perjury, fabricate evidence, or by his own conduct cause or bring about his conviction. Neither a confession or admission later found to be false shall constitute committing or suborning perjury, fabricating evidence, or causing or bringing about his conviction under this subsection; and
- d. He did not plead guilty to the crime for which he was convicted.

4. Section 5 of P.L.1997, c.227 (C.52:4C-5) is amended to read as follows:

C.52:4C-5 Damages, attorney fees.

5. a. (1) Damages awarded under this act shall not exceed the greater of:

- (a) twice the amount of the claimant's income in the year prior to his incarceration; or
- (b) \$50,000 for each year of incarceration.

(2) In the event that damages exceed \$1 million, the court may order that the award be paid as an annuity with a payout over a maximum period of 20 years. The court shall consider the best interests of the claimant in making such determination.

b. In addition to the damages awarded pursuant to subsection a., the claimant shall be entitled to receive reasonable attorney fees and costs related to the litigation. A claimant may also be awarded other non-monetary relief as sought in the complaint including, but not limited to vocational training, tuition assistance, counseling, housing assistance, and health insurance coverage as appropriate.

c. Damages awarded under this act shall not be subject to treatment as gross income to the claimant under the provisions of the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq.

5. Section 17 of P.L.1967, c.43 (C.2A:158A-17) is amended to read as follows:

C.2A:158A-17 Lien on property of defendant.

17. a. The reasonable value of the services rendered to a defendant pursuant to P.L.1967, c.43 (C.2A:158A-1 et seq.) may in all cases be a lien on any and all property to which the defendant shall have or acquire an inter-

est. The Public Defender shall effectuate such lien whenever the reasonable value of the services rendered to a defendant appears to exceed \$150.00 and may effectuate such lien where the reasonable value of those services appears to be less than \$150.00.

To effectuate such a lien, the Public Defender shall file a notice setting forth the services rendered to the defendant and the reasonable value thereof with the Clerk of the Superior Court. The filing of said notice with the Clerk of the Superior Court shall from the date thereof constitute a lien on said property for a period of 10 years, unless sooner discharged and except for such time limitations shall have the force and effect of a Judgment at Law. Within 10 days of the filing of the Notice of Lien, the Public Defender shall send by certified mail, or serve personally, a copy of such notice with a statement of the date of the filing thereof to or upon the defendant at his last known address. If the Public Defender shall fail to give notice, the lien shall be void.

b. In any case where the defendant is awarded damages pursuant to P.L.1997, c.227 (C.52:4C-1 et seq.) on grounds that the defendant did not commit the crime for which he was convicted and imprisoned, the Public Defender shall discharge any lien for services rendered concerning that crime.

C.52:4C-7 Applicability of act.

6. The provisions of this amendatory and supplementary act (P.L.2013, c.171) shall apply to any claimant released from imprisonment or granted a pardon on or after the effective date of this act.

7. This act shall take effect immediately.

Approved December 27, 2013.

CHAPTER 172

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

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

1. Section 7 of P.L.1995, c.278 (C.19:60-7) is amended to read as follows:

C.19:60-7 Nomination procedures; withdrawal, vacancy; objections.

7. Each candidate to be voted upon at a school election shall be nominated directly by petition, and the procedures for such nomination shall, to the extent not inconsistent with the provisions of P.L.1995, c.278 (C.19:60-1 et al.), conform to the procedure for nominating candidates by direct petition under chapter 13 of Title 19 of the Revised Statutes. Notwithstanding the provisions of R.S.19:13-5, however, a petition of nomination for such office shall be signed by at least 10 persons, one of whom may be the candidate, and filed with the secretary of the board of education on or before four p.m. of the 50th day preceding the date of the April school election or with the county clerk on or before four p.m. of the last Monday in July preceding the November school election, as applicable. The signatures need not all appear upon a single petition and any number of petitions may be filed on behalf of any candidate but no petition shall contain the endorsement of more than one candidate.

Any candidate may withdraw as a candidate in a school election by filing a notice in writing, signed by the candidate, of such withdrawal with the secretary of the board of education before the 44th day before the date of the April election or with the county clerk on the 60th day before the date of the November election, as applicable, and thereupon the name of that candidate shall be withdrawn by the secretary of the board of education and shall not be printed on the ballot.

A vacancy created by a declination of nomination or withdrawal by, or death of, a nominee, or in any other manner, shall be filled under the provisions of R.S.19:13-19.

Whenever written objection to a petition of nomination hereunder shall have been made and timely filed with the secretary of the board of education or with the county clerk, as may be appropriate, the board of education shall file its determination of the objection on or before the 44th day preceding the April school election or the county clerk shall file the clerk's determination of the objection on or before the 10th day after the last day for the filing of petitions for candidates seeking election as a member of a board of education at the November school election, as applicable. The last day upon which a candidate may file with the Superior Court a verified complaint setting forth any invasion or threatened invasion of the candidate's rights under the candidate's petition of nomination shall be the 46th day before the April election or the 12th day after the last day for the filing of petitions for candidates seeking election as a member of a board of education at the November election, as applicable. The last day upon which a candidate whose petition of nomination or any affidavit thereto is defective

may amend such petition or affidavit shall be the 44th day before the April election or the 10th day after the last day for the filing of petitions for candidates seeking election as a member of a board of education at the November election, as applicable.

In each school district in which candidates for the office of member of a board of education will seek election at the November school election, the school business administrator thereof shall certify to the county clerk no later than the day of the holding of the primary election for the general election next occurring a statement designating the public offices to be filled at such election, and the number of such offices to be filled.

2. N.J.S.18A:12-15 is amended to read as follows:

Filling vacancies.

18A:12-15. Vacancies in the membership of the board shall be filled as follows:

a. By the county superintendent, if the vacancy is caused by the absence of candidates for election to the school board or by the removal of a member because of lack of qualifications, or is not filled within 65 days following its occurrence;

b. By the county superintendent, to a number sufficient to make up a quorum of the board if, by reason of vacancies, a quorum is lacking;

c. By special election, if in the annual school election two or more candidates qualified by law for membership on the school board receive an equal number of votes. Such special election shall be held only upon recount and certification by the county board of elections of such election result, shall be restricted to such candidates, shall be held within 60 days of the annual school election, and shall be conducted in accordance with procedures for annual and special school elections set forth in Title 19 of the Revised Statutes. The vacancy shall be filled by the county superintendent if in such special election two or more candidates qualified by law for membership on the school board receive an equal number of votes;

d. By special election if there is a failure to elect a member at the annual school election due to improper election procedures. Such special election shall be restricted to those persons who were candidates at such annual school election, shall be held within 60 days of such annual school election, and shall be conducted in accordance with the procedures for annual and special school elections set forth in Title 19 of the Revised Statutes;

e. By the commissioner if there is a failure to elect a member at the annual school election due to improper campaign practices; or

f. By a majority vote of the remaining members of the board after the vacancy occurs in all other cases.

Each member so appointed shall serve until the organizational meeting following the next annual election unless the member is appointed to fill a vacancy occurring within the 60 days immediately preceding such election if the annual election is held in April, or occurring after the third Monday in July if the election is held in November, to fill a term extending beyond such election, in which case the member shall serve until the organizational meeting following the second annual election next succeeding the occurrence of the vacancy, and any vacancy for the remainder of the term shall be filled at the annual election or the second annual election next succeeding the occurrence of the vacancy, as the case may be.

3. N.J.S.18A:13-34 is amended to read as follows:

Creation of regional school district, apportionment of appropriations.

18A:13-34. If the boards of education of two or more local districts, or the board of education of a consolidated district, or of a district comprising two or more municipalities, and the commissioner or his representative, after consultation, study and investigation, shall determine, that it is advisable for such districts to join and create, or for such district to become

(a) an all purpose regional school district for all the school purposes of such districts or district, or

(b) a limited purpose regional school district to provide and operate, in the territory comprised within such local districts or district, one or more of the following: elementary schools, junior high schools, high schools, vocational schools, special schools, health facilities or particular educational services or facilities, that board or boards shall by resolution frame and adopt a proposal to that effect stating also the manner in which the amounts to be raised for annual or special appropriations for such proposed regional school district, including the amounts to be raised for interest upon, and the redemption of bonds payable by the regional district, shall be apportioned upon the basis of:

a. the portion of each municipality's equalized valuation allocated to the regional district, calculated as described in the definition of equalized valuation in section 3 of P.L.1990, c.52 (C.18A:7D-3);

b. the proportional number of pupils enrolled from each municipality on the 15th day of October of the prebudget year in the same manner as would apply if each municipality comprised separate constituent school districts; or

c. any combination of apportionment based upon equalized valuations pursuant to subsection a. of this section or pupil enrollments pursuant to subsection b. of this section, and each such board shall submit on the same day in each municipality in its district at a special election or at the general election the question whether or not the proposal shall be approved, briefly describing the contents of the resolution and stating the date of its adoption and they may submit also, at the special election, as part of such proposal, any other provisions which may be submitted, at such a special election, under the provisions of this chapter but no such special election shall be held on any day before April 15 or after December 1 of any calendar year. Except as otherwise provided herein, the special election shall be conducted in accordance with the provisions of P.L.1995, c.278 (C.19:60-1 et al.).

4. R.S.19:13-16 is amended to read as follows:

Declined nomination.

19:13-16. When a person nominated as herein provided by direct petition or State convention for election to public office at the general election shall, at least 70 days before the day of the general election, in a writing signed by him and duly acknowledged, notify the officer with whom the original petition or certificate of nomination was filed that he declines the nomination, the nomination shall be void.

5. Section 1 of P.L.2011, c.202 (C.19:60-1.1) is amended to read as follows:

C.19:60-1.1 Procedure for moving the date of school elections.

1. a. (1) The question of moving the date of a school district's annual school election to the first Tuesday after the first Monday in November, to be held simultaneously with the general election, shall be submitted to the legal voters of a local or regional school district, other than a Type II district with a board of school estimate, whenever a petition signed by not less than 15% of the number of legally qualified voters who voted in the district at the last preceding general election held for the election of electors for President and Vice-President of the United States is filed with the board of education. The question shall be submitted to the voters of the district at the next general election, provided that at least 60 days have lapsed since the date of the filing of the petition. In the event that the question is not approved by the voters, no petition may be filed to submit the question to the voters within one year after an election shall have been held pursuant to any petition filed pursuant to this subsection.

The date of the annual school election may be moved to the first Tuesday after the first Monday in November without voter approval, upon the adoption of a resolution by the board of education of a local or regional school district, other than a Type II district with a board of school estimate, or the governing body or bodies of the municipality or municipalities constituting the district. Prior to holding a meeting for the adoption of the resolution to move the date of the annual school election, the governing body or bodies of the municipality or municipalities constituting the district shall provide adequate notice of the meeting to the affected board or boards of education.

(2) In the event that the date of a school district's annual school election is moved to the day of the general election, the annual school election in November shall be held for the purpose of submitting a proposal to the voters for approval of additional funds pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), for the purpose of electing members of the board of education, and for any other purpose authorized by law. A vote shall not be required on the district's general fund tax levy for the budget year, other than the general fund tax levy required to support a proposal for additional funds.

(3) In addition to the process set forth in paragraph (1) of this subsection, in the event that all the constituent districts of a limited purpose regional school district approve moving the date of their annual school elections to November, by any of the procedures established pursuant to this subsection, then the annual school election for the limited purpose regional school district shall also be conducted simultaneously with the general election.

(4) In the event that the date of a school district's annual school election is moved to the day of the general election pursuant to this subsection, the board of education and the county board of elections shall enter into an agreement, pursuant to guidelines established by the Secretary of State, under which the board of education shall pay any agreed upon increase in the costs, charges, and expenses that may be associated with holding the school election simultaneously with the general election.

b. (1) In the case of a school district that has moved the date of its annual school election to November pursuant to subsection a. of this section, the question of moving the date of the school district's annual school election to the third Tuesday in April shall be submitted to the legal voters of a local or regional school district, other than a Type II district with a board of school estimate, whenever a petition signed by not less than 15% of the number of legally qualified voters who voted in the district at the last preceding general election held for the election of electors for President and Vice-President of the United States is filed with the board of education. The question shall be

submitted to the voters of the district at the next general election, provided that at least 60 days have lapsed since the date of the filing of the petition.

The date of the annual school election may be moved to the third Tuesday in April without voter approval, upon the adoption of a resolution by the board of education of a local or regional school district, other than a Type II district with a board of school estimate, or the governing body or bodies of the municipality or municipalities constituting the district. Prior to holding a meeting for the adoption of the resolution to move the date of the annual school election, the governing body or bodies of the municipality or municipalities constituting the district shall provide adequate notice of the meeting to the affected board or boards of education.

No resolution may be adopted and no petition may be filed pursuant to this subsection until at least four annual school elections have been held in November.

(2) In the event that the date of the annual school election is moved to the third Tuesday in April, a vote shall be held on the district's general fund tax levy for the budget year including any proposal for additional funds pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), the election of members of the board of education, and for any other purpose authorized by law.

(3) In addition to the process set forth in paragraph (1) of this subsection, in the event that all the constituent districts of a limited purpose regional school district approve moving the date of their annual school elections to the third Tuesday in April, by any of the procedures established pursuant to this subsection, then the annual school election for the limited purpose regional school district shall also be conducted on the third Tuesday in April.

c. Notice, in writing, to change the date of a school election from the third Tuesday in April to the first Tuesday in November shall be given to the county clerk no less than 60 days prior to the third Tuesday in April to take effect for that year's election. For a change from the first Tuesday in November to the third Tuesday in April, notice must be given to the county clerk no less than 85 days prior to the third Tuesday in April to take effect for that year's election. Timely notice shall also be given by the board of education or municipal governing body adopting such resolution to any other affected boards of education and municipal governing bodies.

6. This act shall take effect on January 1st following the day of enactment.

Approved December 27, 2013.

CHAPTER 173

AN ACT concerning school budgets and amending N.J.S.18A:13-19, N.J.S.18A:22-37, and R.S.54:4-45.

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

1. N.J.S.18A:13-19 is amended to read as follows:

Procedure following school budget rejection.

18A:13-19. a. If the voters reject any of the items submitted at the annual April school election, within two days thereafter the board of education of the regional district shall certify to the governing body of each municipality, included within the regional district, the item or items so rejected, and such governing bodies, after consultation with the board, and no later than May 19 shall determine the amount or amounts for the ensuing school year and cause the same to be certified by the respective municipal clerks to the board of education of the regional district. The board and the governing bodies shall follow the procedures established in section 5 of P.L.1996, c.138 (C.18A:7F-5) and N.J.S.18A:22-37.

b. Notwithstanding the provisions of subsection a. of this section to the contrary, whenever the Commissioner of Education changes the annual school election date pursuant to section 1 of P.L.1995, c.278 (C.19:60-1), the commissioner shall change the deadline set forth in subsection a. of this section by which date the governing bodies are required to determine the amount for the ensuing school year and cause the same to be certified to the board of education of the regional district. The commissioner in changing the deadline shall ensure that the number of calendar days from the changed date of the annual school election to the deadline is no less than the number of calendar days from the third Tuesday of April to May 19 of that calendar year.

2. N.J.S.18A:22-37 is amended to read as follows:

Determination by municipalities.

18A:22-37. If the voters reject any of the items submitted at the annual April school election, the board of education shall deliver the proposed school budget pursuant to section 5 of P.L.1996, c.138 (C.18A:7F-5) to the governing body of the municipality, or of each of the municipalities included in the district within two days thereafter. The governing body of the municipality, or of each of the municipalities, included in the district shall, after

consultation with the board, and by May 19, determine the amount which, in the judgment of the body or bodies, is necessary to be appropriated for each item appearing in the budget, pursuant to section 5 of P.L.1996, c.138 (C.18A:7F-5) and certify to the county board of taxation the totals of the amount so determined to be necessary for each of the following:

- a. General fund expenses of schools; or
- b. Appropriations to capital reserve account.

Within 15 days after the governing body of the municipality or of each of the municipalities included in the district shall make the certification to the county board of taxation, the board of education shall notify the governing body or bodies if it intends to appeal to the commissioner pursuant to section 5 of P.L.1996, c.138 (C.18A:7F-5) the amount which the body or bodies determined to be necessary to be appropriated for each item appearing in the proposed school budget.

Notwithstanding the provisions of this section to the contrary, whenever the Commissioner of Education changes the annual school election date pursuant to section 1 of P.L.1995, c.278 (C.19:60-1), the commissioner shall change the deadline set forth in this section by which date the governing body of the municipality or of each of the municipalities included in the district is required to determine the amount necessary to be appropriated for each item appearing in the budget, and certify to the county board of taxation the totals of the amount so determined. The commissioner in changing the deadline shall ensure that the number of calendar days from the changed date of the annual school election to the deadline is no less than the number of calendar days from the third Tuesday of April to May 19 of that calendar year.

3. R.S.54:4-45 is amended to read as follows:

Certified statement of amount of moneys appropriated for school purposes.

54:4-45. The clerk or other proper officer of each Type II school district having no board of school estimate shall, on or before May 19 in each year or such other date as determined by the Commissioner of Education pursuant to N.J.S.18A:13-19 or N.J.S.18A:22-37, transmit to the county board of taxation a certified statement of the amount of moneys appropriated for school purposes, which shall include interest to be paid, principal payments of indebtedness, and sinking fund requirements for the school year for which such appropriations are made, to be raised by taxation in the school district.

4. This act shall take effect immediately.

Approved January 2, 2014.

CHAPTER 174

AN ACT concerning nursing training and supplementing Title 45 of the Revised Statutes.

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

C.45:11-24.14 Academic credit to nursing students for prior military training.

1. The New Jersey Board of Nursing shall encourage schools of nursing approved by the board to consider granting a nursing student, who served in the United States military, academic credit toward the student's nursing degree for the student's prior training and experience as a Naval Corpsman or Army Medic.

2. This act shall take effect on the 90th day after enactment.

Approved January 2, 2014.

CHAPTER 175

AN ACT establishing the New Jersey Advisory Council on Youth and Collegiate Affairs 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:72P-1 New Jersey Advisory Council on Youth and Collegiate Affairs.

1. a. There is established the New Jersey Advisory Council on Youth and Collegiate Affairs in the Department of Education.

b. The advisory council shall be under the immediate oversight of the Director of Youth and Collegiate Affairs, who shall be qualified to direct the work of the council. The director shall be appointed by, and shall serve at the pleasure of, the Governor.

c. The purpose of the advisory council shall be to:

(1) act as the advisory body on youth and collegiate affairs to the Legislature and State departments, agencies, commissions, authorities, and private agencies that provide services to, or are charged with the care of, children and young adults; and

(2) review, monitor, report, and make recommendations on issues relating to school-aged children and students attending a public or independent institution of higher education in the State.

d. The advisory council shall consist of 17 members as follows:

(1) eight public members to be appointed by the Governor, who shall include: a representative of Advocates for Children of New Jersey; a representative of the New Jersey Community College Consortium for Workforce and Economic Development; a representative of New Jersey PTA; a school teacher certified by the State Board of Examiners; a school guidance counselor; and three persons who are a parent of a student attending a middle school, or a high school, or a public or independent institution of higher education in this State, respectively; and

(2) nine public members to be selected by the director of the advisory council pursuant to section 2 of this act. The director shall select three public members from each of the northern, central, and southern regions of the State.

e. Vacancies in the membership of the advisory council shall be filled in the same manner provided for the original appointments. The public members of the council shall serve without compensation but may be reimbursed for traveling and other miscellaneous expenses necessary to perform their duties within the limits of funds made available to the council for its purposes.

f. The advisory council shall organize as soon as practicable but no later than 60 days following the appointment of its members and shall select a chairperson and vice-chairperson from among the members. The chairperson shall appoint a secretary who need not be a member of the council.

g. The advisory council may meet at the call of its chair and hold hearings at the times and in the places it deems appropriate and necessary to fulfill its charge. The council shall be entitled to call to its assistance, and avail itself of the services of the employees of, any State, county, or municipal department, board, bureau, commission, or agency as it may require and as may be available to it for its purposes.

h. The advisory council may seek the advice of experts, such as persons specializing in the field of education, human services, economic development, or workforce development, or other related fields, as deemed appropriate by the membership of the council.

i. The Department of Education shall provide staff services to the council.

C.18A:72P-2 Eligibility for public membership.

2. a. A person shall be eligible to be selected as a public member of the New Jersey Advisory Council on Youth and Collegiate Affairs, pursuant to paragraph (2) of subsection d. of section 1 of this act, if the person:

- (1) is at least 14, but no more than 22, years of age;
- (2) has been a resident of New Jersey for a period of at least two years immediately prior to applying for membership on the advisory council;
- (3) is a student at a middle school or high school in the State, or is enrolled as an undergraduate in good standing at, or graduated from, a public or independent institution of higher education in the State; and
- (4) demonstrates, to the satisfaction of the director of the advisory council, high moral character, good citizenship, and leadership skills.

b. A person who meets the eligibility requirements listed in this section may apply to the director to become a public member of the advisory council on a form and in a manner prescribed by the director.

c. Upon receipt of an application, the director shall review the application, and, if the applicant meets the eligibility requirements, may consider selecting the applicant as a public member of the advisory council.

d. The director shall select an applicant to become a public member of the advisory council based on the applicant's understanding of the responsibilities of the advisory council and general interest in becoming a member of the advisory council.

e. The process by which the director selects each applicant for public membership to the advisory council shall be designed to ensure diversity with respect to race, ethnicity, national origin, religion, gender, disability, sexual orientation, and political affiliation, to the maximum extent practicable, and the representation of a cross section of middle schools, high schools, and public or independent institutions of higher education located in urban, suburban, and rural areas of the State.

C.18A:72P-3 Duties of the council.

3. The advisory council shall:

- a. examine issues related to school-aged children and students attending public or independent institutions of higher education in the State, including, but not limited to, education, employment, strategies to promote the involvement of children and young adults in government affairs, the accessibility of government services by children and young adults, and substance abuse prevention, intervention, treatment, and rehabilitation;

b. support existing, and develop new, Statewide initiatives relating to school-aged children and students attending public or independent institutions of higher education in the State;

c. develop and foster partnerships among federal, State, and local government entities, members of the educational community, private, non-profit, and volunteer agencies, community-based organizations, private foundations, and representatives of the business community that provide services to, administer programs for, or mentor school-aged children and students attending public or independent institutions of higher education in the State, so as to enable them to better coordinate and improve the effectiveness of these services and programs; and

d. train advisory council members to serve as ambassadors to school-aged children and students attending public or independent institutions of higher education in the State to encourage their participation in civic enrichment activities.

C.18A:72P-4 Report to Governor, Legislature.

4. The advisory council shall report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), by December 31st of each year, on the activities of the advisory council and its findings and recommendations regarding issues relating to school-aged children and students attending public or independent institutions of higher education in the State.

C.18A:72P-5 Rules, regulations.

5. The State Board of Education, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations necessary to effectuate the purposes of this act.

6. This act shall take effect immediately.

Approved January 2, 2014.

CHAPTER 176

AN ACT designating the Paterson Plank Road bridge in the Town of Secaucus as the "Joseph F. Tagliareni, Jr. Memorial Bridge."

- WHEREAS, Joseph Francis Tagliareni, Jr. was born in Jersey City, New Jersey on March 18, 1965 and moved to Secaucus as a teenager in 1978; and
- WHEREAS, After graduating from Secaucus High School where he played baseball and football, Joseph F. Tagliareni, Jr. enlisted in the United States Marine Corps Reserves and was stationed at Parris Island, South Carolina; and
- WHEREAS, Joseph F. Tagliareni, Jr. was a proud and successful entrepreneur as owner and operator of J. Taglia Trucking, Inc., a Secaucus-based trucking company; and
- WHEREAS, Joseph F. Tagliareni, Jr. was also a dedicated member of the Secaucus Volunteer Fire Department, Engine 2, Rescue No. 1; and
- WHEREAS, On May 31, 1999, Joseph F. Tagliareni, Jr. was the first firefighter at the firehouse when responding to an emergency concerning a car fire on the New Jersey Turnpike; and
- WHEREAS, Driving a fire truck to the scene of the fire with three other firefighters, Joseph F. Tagliareni, Jr. complained of chest pains and pulled the truck to the side of the road, where he collapsed from a massive heart attack; and
- WHEREAS, His fellow firefighters immediately performed CPR while waiting for an ambulance to arrive, and the EMTs and emergency room doctors struggled to resuscitate him; and
- WHEREAS, Although he was eventually stabilized, Joseph F. Tagliareni, Jr. remained in a coma for 13 days before passing away on June 13, 1999; and
- WHEREAS, The Town of Secaucus, his family, and his friends consider Joseph F. Tagliareni, Jr. a hero because he had the presence of mind to stop the fire truck before he lost consciousness, preventing the truck from plummeting off the Paterson Plank Road bridge into on-coming traffic on State Route 3; and
- WHEREAS, For this heroic act, Joseph F. Tagliareni, Jr. was awarded the William "Bo" Koenemund Award and honored in a ceremony by the National Fallen Firefighters Foundation in October 2000 in Emmitsburg, Maryland; and
- WHEREAS, Joseph F. Tagliareni, Jr. is remembered by his community as a kind, giving man, a cherished husband, brother, and son, and, most especially, a loving father; and
- WHEREAS, It is altogether fitting and proper that the State of New Jersey recognize and honor the life and service of Joseph F. Tagliareni, Jr. by designating the Paterson Plank Road bridge at milepost 5.31 in the

Town of Secaucus as the “Joseph F. Tagliareni, Jr. Memorial Bridge”; 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 Paterson Plank Road bridge at milepost 5.31 in the Town of Secaucus as the “Joseph F. Tagliareni, Jr. Memorial Bridge,” 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 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 2, 2014.

CHAPTER 177

AN ACT concerning funeral payments for public safety personnel and supplementing chapter 18A of Title 52 of the Revised Statutes.

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

C.52:18A-218.1 Definitions relative to funeral payments for public safety personnel.

1. As used in this act:

"Family" means the spouse, parent, children or other person who pays the funeral expenses of a public safety employee who is killed in the line of duty; and

"Public safety employee" means a permanent, full-time member of a State, county or municipal law enforcement agency or a county sheriff's office who is statutorily empowered to act for the detection, apprehension, arrest, and conviction of offenders against the laws of this State; an active member in good standing of a paid, part-paid or volunteer fire department or of a duly incorporated first aid, emergency, ambulance or rescue squad; or a State or county correctional officer.

C.52:18A-218.2 Reimbursement to family of employee killed in performance of his duties.

2. When a public safety employee is killed in the performance of his duties, the Treasurer of the State of New Jersey shall reimburse the employee's family for the actual expenses of the employee's funeral. This reimbursement shall defray the actual costs of the funeral but shall not exceed a total amount of \$10,000. The reimbursement shall be reduced by any amount payable for funeral expenses from workers' compensation pursuant to R.S.34:15-13.

C.52:18A-218.3 Rules, regulations.

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

4. This act shall take effect immediately and shall be applicable to public safety employees who are killed in the line of duty on or after the effective date.

Approved January 13, 2014.

CHAPTER 178

AN ACT concerning certain health care service referrals and amending P.L.1989, c.19.

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

1. Section 2 of P.L.1989, c.19 (C.45:9-22.5) is amended to read as follows:

C.45:9-22.5 Referral of patient by practitioner regulated.

2. a. A practitioner shall not refer a patient or direct an employee of the practitioner to refer a patient to a health care service in which the practitioner, or the practitioner's immediate family, or the practitioner in combination with the practitioner's immediate family has a significant beneficial interest; except that, in the case of a practitioner, a practitioner's immediate family, or a practitioner in combination with the practitioner's immediate family who had the significant beneficial interest prior to the effective date of P.L.1991, c.187 (C.26:2H-18.24 et al.), and in the case of a significant beneficial interest in a health care service that provides lithotripsy or radiation therapy pursuant to an oncological protocol that was held prior to the effective date of this section of P.L.2009, c.24, the practitioner may continue to refer a patient or direct an employee to do so if that practitioner discloses the significant beneficial interest to the patient.

b. If a practitioner is permitted to refer a patient to a health care service pursuant to this section, the practitioner shall provide the patient with a written disclosure form, prepared pursuant to section 3 of P.L.1989, c.19 (C.45:9-22.6), and post a copy of this disclosure form in a conspicuous public place in the practitioner's office.

c. The restrictions on referral of patients established in this section shall not apply to:

(1) medical treatment or a procedure that is provided at the practitioner's medical office and for which a bill is issued directly in the name of the practitioner or the practitioner's medical office;

(2) renal dialysis; and

(3) ambulatory surgery or procedures requiring anesthesia performed at a surgical practice registered with the Department of Health pursuant to subsection g. of section 12 of P.L.1971, c.136 (C.26:2H-12) or at an ambulatory care facility licensed by the Department of Health to perform surgical and related services or lithotripsy services, if the following conditions are met:

(a) the practitioner who provided the referral personally performs the procedure;

(b) the practitioner's remuneration as an owner of or investor in the practice or facility is directly proportional to the practitioner's ownership interest and not to the volume of patients the practitioner refers to the practice or facility;

(c) all clinically-related decisions at a facility owned in part by non-practitioners are made by practitioners and are in the best interests of the patient; and

(d) disclosure of the referring practitioner's significant beneficial interest in the practice or facility is made to the patient in writing, at or prior to the time that the referral is made, consistent with the provisions of section 3 of P.L.1989, c.19 (C.45:9-22.6).

2. The State Board of Medical Examiners shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to carry out the provisions of this act.

3. This act shall take effect immediately.

Approved January 13, 2014.

CHAPTER 179

AN ACT concerning certain provisions in the charter for the city of Gloucester City in the county of Camden and amending P.L.1868, c.44.

WHEREAS, the Mayor and the Common Council of Gloucester City in the County of Camden have petitioned the Legislature for the passage of a special law to amend the charter of the city of Gloucester City, as set forth in P.L.1868, c.44, in order to elect three common council members at large, and to elect one member of the common council from each of the three election wards in the city, and pursuant to Article IV, Section VII, paragraph 10 of the Constitution of 1947 in accordance with the procedure described by P.L.1948, c.199 (C.1:6-20 et seq.); now, therefore,

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

1. Section 2 of P.L.1868, c.44 is amended to read as follows:

2. For the better order and government of Gloucester City there shall be elected hereafter a Mayor who shall hold his or her office for a term of four (4) years, one (1) Common Council Person from each of the three (3)

wards, who shall hold office for a period of three years, three (3) common council persons elected at large from the entire City and who with the Mayor shall form and be one body politic and corporate in deed, fact, name and law and be known by the name, style and title of “The Mayor and Common Council of Gloucester City.”

2. Section 3 of P.L.1868, c.44 is amended to read as follows:

3. The Mayor and member of Common Council shall be elected at the general election to be held on the first Tuesday after the first Monday in November and shall take office at a public meeting to be held between January 1 and January 7 of the year following the general election. In the first year after passage of P.L.2013, c.179 by the Legislature the members of Common Council shall continue to hold office for the remainder of their unexpired term and until their successors have been elected and qualified. After the adoption of an ordinance by the affirmative vote of a majority of all of the members of Common Council adopting P.L.2013, c.179 requiring that three members of Common Council shall serve at-large and three members of Common Council shall be elected from each of the city’s three election wards, Common Council shall determine and designate, by subsequent ordinance, the seat of one member from each ward to thereafter be an at-large member. Those designations shall apply in all subsequent elections for those Common Council seats.

3. This act shall take effect immediately and shall become operative after the adoption of an ordinance by the affirmative vote of a majority of all of the members of Common Council as required in section 2 of this act.

Approved January 13, 2014.

CHAPTER 180

AN ACT concerning fines, assessments, fees and penalties and amending N.J.S.2C:46-2 and R.S.39:5-36.

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

1. N.J.S.2C:46-2 is amended to read as follows:

Consequences of nonpayment; summary collection.

2C:46-2. Consequences of Nonpayment; Summary Collection.

a. When a defendant sentenced to pay an assessment imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), monthly probation fee, fine, a penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), other court-imposed financial obligations or to make restitution or pay child support or other support or maintenance ordered by a court defaults in the payment thereof or of any installment, upon the motion of the person authorized by law to collect the payment, the motion of the prosecutor, the motion of the victim entitled to payment of restitution, the motion of the Victims of Crime Compensation Office, the motion of the State or county Office of Victim and Witness Advocacy or upon its own motion, the court shall recall him, or issue a summons or a warrant of arrest for his appearance. The court shall afford the person notice and an opportunity to be heard on the issue of default. Failure to make any payment when due shall be considered a default. The standard of proof shall be by a preponderance of the evidence, and the burden of establishing good cause for a default shall be on the person who has defaulted.

(1) If the court finds that the person has defaulted without good cause, the court shall:

(a) Order the suspension of the driver's license or the nonresident reciprocity driving privilege of the person; and

(b) Prohibit the person from obtaining a driver's license or exercising reciprocity driving privileges until the person has made all past due payments; and

(c) Notify the Chief Administrator of the New Jersey Motor Vehicle Commission of the action taken; and

(d) Take such other actions as may be authorized by law.

(2) If the court finds that the person defaulted on payment of a court-imposed financial obligation, restitution, or child support or other support or maintenance ordered by a court without good cause and finds that the default was willful, the court may, in addition to the action required by paragraph (1) of this subsection a., impose a term of imprisonment or participation in a labor assistance program or enforced community service to achieve the objective of the court-imposed financial obligation, restitution, or child support or other support or maintenance ordered by a court. These options shall not reduce the amount owed by the person in default. The term of imprisonment or enforced community service or participation in a labor assis-

tance program in such case shall be specified in the order of commitment. It need not be equated with any particular dollar amount but, in the case of a fine it shall not exceed one day for each \$50 of the fine nor shall it exceed a period of 90 consecutive days. In no case shall the total period of imprisonment in the case of a disorderly persons offense for both the sentence of imprisonment and for failure to pay a fine exceed six months.

(3) Except where incarceration is ordered pursuant to paragraph (2) of this subsection a., if the court finds that the person has defaulted the court may take one or more of the following actions:

(a) the court shall take appropriate action to modify or establish a reasonable schedule for payment;

(b) in the case of a fine, if the court finds that the circumstances that warranted the fine have changed or that it would be unjust to require payment, the court may revoke or suspend the fine or the unpaid portion of the fine; or

(c) if the defendant has served jail time for default on a court-imposed financial obligation, the court may order that credit for each day of confinement be given against the amount owed. The amount of the credit shall be determined at the discretion of the court but shall be not less than \$50 for each day of confinement served.

(4) When failure to pay an assessment imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee, restitution, a penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), or other financial penalties or to perform enforced community service or to participate in a labor assistance program is determined to be willful, the failure to do so shall be considered to be contumacious.

(5) When a fine, assessment imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), other financial penalty or restitution is imposed on a corporation, it is the duty of the person or persons authorized to make disbursements from the assets of the corporation or association to pay it from such assets and their failure so to do may be held to be contumacious.

b. Upon any default in the payment of a fine, assessment imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee, a penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), other financial penalties, restitution, or any installment thereof, execution may be levied and such other measures may be taken for collection of

it or the unpaid balance thereof as are authorized for the collection of an unpaid civil judgment entered against the defendant in an action on a debt.

c. Upon any default in the payment of restitution or any installment thereof, the victim entitled to the payment may institute summary collection proceedings authorized by subsection b. of this section.

d. Upon any default in the payment of an assessment imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or any installment thereof, the Victims of Crime Compensation Office or the party responsible for collection may institute summary collection proceedings authorized by subsection b. of this section.

e. When a defendant sentenced to make restitution to a public entity other than the Victims of Crime Compensation Office, defaults in the payment thereof or any installment, the court may, in lieu of other modification of the sentence, order the defendant to perform work in a labor assistance program or enforced community service program.

f. If a defendant ordered to participate in a labor assistance program or enforced community service program fails to report for work or to perform the assigned work, the comprehensive enforcement hearing officer may revoke the work order and impose any sentence permitted as a consequence of the original conviction.

g. If a defendant ordered to participate in a labor assistance program or an enforced community service program pays all outstanding assessments, the comprehensive enforcement hearing officer may review the work order, and modify the same to reflect the objective of the sentence.

h. As used in this section:

(1) "Comprehensive enforcement program" means the program established pursuant to the "Comprehensive Enforcement Program Fund Act," sections 1 through 9 of P.L.1995, c.9 (C.2B:19-1 et seq.).

(2) The terms "labor assistance program" and "enforced community service" have the same meaning as those terms are defined in section 5 of the "Comprehensive Enforcement Program Fund Act," P.L.1995, c.9 (C.2B:19-5).

(3) "Public entity" means the State, any county, municipality, district, public authority, public agency and any other political subdivision or public body in the State.

(4) "Court-imposed financial obligation" means any fine, statutorily-mandated assessment, surcharge, or other financial penalty imposed by a court, but does not include restitution or child support or other support or maintenance ordered by a court.

2. R.S.39:5-36 is amended to read as follows:

Incarceration for default on certain penalties, surcharges; other actions by court.

a. The court may incarcerate in the county jail or workhouse of the county where the offense was committed any person upon whom a penalty or surcharge pursuant to subsection f. of section 1 of P.L.2000, c.75 (C.39:4-97.2) has been imposed for a violation of any of the provisions of this subtitle where the court finds that the person defaulted on payment of the penalty or surcharge pursuant to subsection f. of section 1 of P.L.2000, c.75 (C.39:4-97.2) without good cause and that the default was willful. Incarceration ordered under this subsection shall not reduce the amount owed by the person in default. In no case shall such incarceration exceed one day for each \$50 of the penalty or surcharge so imposed, nor shall such incarceration exceed a period of 90 consecutive days.

b. Except where incarceration is ordered pursuant to subsection a. of this section, if the court finds that the person has defaulted on the payment of a penalty the court may take one or more of the following actions:

(1) the court shall take appropriate action to modify or establish a reasonable schedule for payment;

(2) if the court finds that the circumstances that warranted the penalty have changed or that it would be unjust to require payment, the court may revoke or suspend the penalty or the unpaid portion of the penalty; or

(3) if the defendant has served jail time for default on a penalty, the court may order that credit for each day of confinement be given against the amount owed. The amount of the credit shall be determined at the discretion of the court but shall be not less than \$50 for each day of confinement served.

When such person shall have been confined for a sufficient number of days to establish credits equal to the aggregate amount of such penalties and costs, and is not held by reason of any other sentence or commitment, he shall be discharged from such imprisonment by the officer in charge of the county jail or workhouse.

c. For the purposes of this section, "penalty" means any fine, statutorily-mandated assessment, surcharge, or other financial penalty imposed by a court pursuant to this subtitle, but does not include a surcharge imposed pursuant to subsection f. of section 1 of P.L.2000, c.75 (C.39:4-97.2).

3. This act shall take effect immediately.

Approved January 13, 2014.

CHAPTER 181

AN ACT concerning certain information and charges provided by telecommunications companies and amending P.L.1991, c.428 and P.L.2003, c.247.

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

1. Section 4 of P.L.1991, c.428 (C.48:2-21.19) is amended to read as follows:

C.48:2-21.19 Competitive services, rates not regulated; conditions.

4. a. (1) Notwithstanding the 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, terms and conditions of service, rate base, rate of return, and cost of service, of competitive services.

(2) The board shall not require the local exchange telecommunications company or interexchange telecommunications carrier to file and maintain tariffs for retail competitive services, but shall require any terms and conditions of retail competitive services to be made available for public inspection on the Internet website of any local exchange telecommunications company or interexchange telecommunications carrier providing those services, and a printed copy of those terms and conditions be provided upon the request of a customer. Nothing in this section shall affect the ability of a local exchange telecommunications company or interexchange telecommunications carrier, in their discretion, to file tariffs with the board.

b. The board is authorized to determine, after notice and hearing, whether a telecommunications service is a competitive service. In making such a 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 geographic area.

c. The board may determine, by rule, order, or in accordance with the provisions of a plan filed pursuant to subsection a. of section 3 of P.L.1991, c.428 (C.48:2-21.18), what reports are necessary to monitor the competitiveness of any telecommunications service.

d. The board shall have the authority to reclassify any telecommunications service that it has previously found to be competitive if, after notice and hearing, it determines that sufficient competition is no longer present, upon application of the criteria set forth in subsection b. of this section. Upon such a reclassification, the provisions of subsection a. of this section shall no longer apply and the board may determine such rates for that telecommunications service which it finds to be just and reasonable. The board, however, shall continue to monitor the telecommunications service and, whenever the board shall find that the telecommunications service has again become sufficiently competitive pursuant to subsection b. of this section, the board shall again apply the provisions of subsection a. of this section.

e. Notwithstanding the provisions of subsection a. of this section, the following safeguards shall apply to the offering of any competitive service by a local exchange telecommunications company:

(1) the local exchange telecommunications company shall unbundle each noncompetitive service which is incorporated in the competitive service and shall make all such noncompetitive services separately available to any customer under tariffed terms and conditions, including price, that are identical to those used by the local exchange telecommunications company in providing its competitive service;

(2) the rate which a local exchange telecommunications company charges for a competitive service shall exceed the rates charged to others for any noncompetitive services used by the local exchange telecommunications company to provide the competitive service;

(3) tariffs for competitive services that may be filed with the board shall either be in the public records, or, if the board determines that the rates are proprietary, shall be filed under seal and made available under the terms of an appropriate protective agreement, such as those used in cases before the board; and

(4) nothing in P.L.1991, c.428 (C.48:2-21.16 et seq.) shall limit the authority of the board, pursuant to R.S.48:3-1, to ensure that local exchange telecommunications companies do not make or impose unjust preferences, discriminations, or classifications for noncompetitive services.

2. Section 1 of P.L.2003, c.247 (C.48:3-2.3) is amended to read as follows:

C.48:3-2.3 Assessment of late charge on unpaid utility bill, conditions.

1. a. Notwithstanding the provisions of any law, rule, regulation, or order to the contrary, the board shall not allow a utility to assess a late pay-

ment charge on an unpaid bill unless the charge is provided for in the utility's applicable rate schedule approved by the board. A late payment charge shall not be approved by the board if the charge is applicable to bills less than 25 days after rendering. A late payment charge shall not be approved for a rate schedule applicable to a State, county or municipal government entity or any residential ratepayer.

As used in this subsection, a "utility" means a public utility, as public utility is defined in R.S.48:2-13 and including a natural gas pipeline utility as natural gas pipeline utility is defined in section 2 of P.L.1952, c.166 (C.48:10-3), and a municipally-operated utility, insofar as the board's jurisdiction is extended to the municipally-operated utility under any applicable law. "Utility" shall not mean a local exchange telecommunications company or interexchange telecommunications carrier providing a competitive service as determined by the board pursuant to section 4 of P.L.1991, c.428 (C.48:2-21.19).

b. The board may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to effectuate the purposes of subsection a. of this section.

3. This act shall take effect on the 180th day after the date of enactment, but the Board of Public Utilities may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 13, 2014.

CHAPTER 182

AN ACT concerning professional and occupational licenses, revising various parts of the statutory law, and supplementing P.L.1999, c.403 (C.45:1-7.1 et seq.).

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

1. Section 5 of P.L.1999, c.403 (C.45:1-7.1) is amended to read as follows:

C.45:1-7.1 Applicability; renewals; reinstatements.

5. a. Notwithstanding any other act or regulation to the contrary, the provisions of this section shall apply to every holder of a professional or occupational license or certificate of registration or certification issued or renewed by a board specified in section 2 of P.L.1978, c.73 (C.45:1-15), who seeks renewal of that license or certificate.

b. Every holder of a professional or occupational license or certificate of registration or certification, issued or renewed by a board specified in section 2 of P.L.1978, c.73 (C.45:1-15), who seeks renewal shall submit a renewal application and pay a renewal fee prior to the date of expiration of the license or certificate of registration or certification. If the holder does not renew the license or certificate prior to its expiration date, the holder may renew it within 30 days of its expiration date by submitting a renewal application and paying a renewal fee and a late fee. During the 30-day period, the license shall be valid and the licensee shall not be deemed practicing without a license. Any professional or occupational license or certificate of registration or certification not renewed within 30 days of its expiration date shall be suspended without a hearing.

c. Any individual who continues to practice after the 30 days following the expiration date of that individual's license or certificate of registration or certification shall be deemed to be engaged in unlicensed practice of the regulated profession or occupation, even if no notice of suspension has been provided to the individual.

d. A professional or occupational license or certificate of registration or certification suspended pursuant to this section may be reinstated as provided in section 2 of P.L.2013, c.182 (C.45:1-7.4).

e. A board specified in section 2 of P.L.1978, c.73 (C.45:1-15) shall send a notice of renewal to each of its holders of a professional or occupational license or certificate of registration or certification, as applicable, at least 60 days prior to the expiration of the license or certificate. The notice of renewal shall explain inactive renewal and advise the licensee of the option to renew as inactive. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew provided that the license is renewed within 60 days from the date the notice is sent.

f. A renewal applicant electing to renew as inactive shall not engage in professional or occupational practice within the State or hold himself out as eligible to engage in professional or occupational practice within the State.

C.45:1-7.4 Submissions by applicant seeking reinstatement.

2. a. An applicant seeking reinstatement of a license or certificate suspended pursuant to section 5 of P.L.1999, c.403 (C.45:1-7.1) shall submit:

- (1) A renewal application;
- (2) A certification of employment listing each job held during the period of suspended license, registration, or certification, which includes the names, addresses, and telephone numbers of each employer;
- (3) Payment of the renewal fee for the biennial or triennial period for which reinstatement is sought;
- (4) Payment of the unpaid renewal fee for the biennial or triennial period immediately preceding the renewal period for which reinstatement is sought;
- (5) Payment of a reinstatement fee; and
- (6) Proof of having satisfied all conditions precedent to renewal, including, but not limited to, the continuing education credits that were required to be completed during the biennial or triennial period immediately prior to the renewal period for which reinstatement is sought.

b. An applicant seeking reactivation of a license or certificate that was in inactive status pursuant to section 5 of P.L.1999, c.403 (C.45:1-7.1) shall submit:

- (1) A renewal application;
- (2) A certification of employment listing each job held during the period of suspended license, registration, or certification, which includes the names, addresses, and telephone numbers of each employer;
- (3) Payment of the renewal fee for the biennial or triennial period for which reinstatement is sought, or, in the discretion of the board, a prorated fee if there is less than one year remaining in the biennial or triennial period; and
- (4) Proof of having satisfied all conditions precedent to renewal, including, but not limited to, the continuing education credits that were required to be completed during the biennial or triennial period immediately prior to the renewal period for which reinstatement is sought.

c. An applicant seeking reinstatement of a license or certificate suspended pursuant to section 5 of P.L.1999, c.403 (C.45:1-7.1), or an applicant seeking reactivation of a license or certificate that was in inactive status pursuant to section 5 of P.L.1999, c.403 (C.45:1-7.1), who holds a valid, current, corresponding professional or occupational license, certificate of registration, or certification in good standing issued by another state, who submits proof of having satisfied that state's continuing education requirements for that license, certification of registration, or certification, shall be deemed to have satisfied paragraph (6) of subsection a. and paragraph (4) of subsection b. of this section.

d. To the extent that specific courses are required to satisfy the continuing education requirement for, or are required to have been satisfied prior to, the biennial or triennial period for which renewal is sought, a board may permit those courses to be taken in the 12 months following renewal. Credit for those courses may be applied to the continuing education requirement for the next renewal period.

e. If a board review of an application for reinstatement or reactivation under this section establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reinstatement or reactivation, the board may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other requirements as determined by the board prior to reinstatement or reactivation of the license. If that examination or assessment identifies clinical deficiencies or educational needs, the board may require the applicant, as a condition of reinstatement or reactivation of licensure, to take and successfully complete any education or training, or to submit to any supervision, monitoring, or limitations, as the board determines are necessary to assure that the applicant practices with reasonable skill and safety. The board, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time prescribed by the board following the restoration of the license.

C.45:1-7.5 Issuance of professional or occupational license, certificate of registration, or certification.

3. a. Upon receipt of a completed application, application fee, consent to a criminal history record background check, if applicable, and requisite fee for such a check, a board shall issue a professional or occupational license, certificate of registration, or certification to any person who documents that the person holds a valid, current corresponding professional or occupational license, certificate of registration, or certification in good standing issued by another state, if:

(1) the state that issued the license has, or had at the time of issuance, education, training, and examination requirements for licensure, registration, or certification substantially equivalent to the current standards of this State, as determined by the board or committee;

(2) the applicant had been practicing in the profession for which licensure in this State is sought, within the five years prior to the date of the application; and

(3) the requirements of subsection b. of this section have been satisfied with respect to the person.

b. Prior to the issuance of the license, certificate of registration, or certification pursuant to subsection a. of this section, the board or committee shall have received or obtained:

(1) documentation reasonably satisfactory to the board that the applicant's license, certificate of registration, or certification in that other state is valid, current, and in good standing;

(2) if a person is seeking licensure as a health care professional as defined in section 1 of P.L.2002, c.104 (C.45:1-28), or if a criminal history record background check is otherwise required prior to licensure in this State, the results of a criminal history record background check of the files of the Criminal Justice Information Services Division in the Federal Bureau of Investigation and the State Bureau of Identification in the Division of State Police that does not disclose a conviction for a disqualifying crime; and

(3) designation of an agent in this State for service of process if the applicant is not a New Jersey resident and does not have an office in New Jersey.

c. For purposes of this section, "good standing" means that:

(1) no action has been taken against the applicant's license by any licensing board;

(2) no action affecting the applicant's privileges to practice that applicant's profession has been taken by any out-of-State institution, organization, or employer;

(3) no disciplinary proceeding is pending that could affect the applicant's privileges to practice that applicant's profession;

(4) all fines levied by any out-of-State board have been paid; and

(5) there is no pending or final action by any criminal authority for violation of law or regulation, or any arrest or conviction for any criminal or quasi-criminal offense under the laws of the United States, this State, or any other state including, but not limited to: criminal homicide; aggravated assault; sexual assault, criminal sexual contact, or lewdness; or an offense involving any controlled dangerous substance or controlled dangerous substance analog.

d. For purposes of this section, a "substantially equivalent" examination need not be identical to the current examination requirements of this State, but such examination shall be nationally recognized and of comparable scope and rigor.

e. An applicant's experience may be considered by the board or committee to compensate for disparity in substantial equivalence in education and examination requirements under subsection a. of this section.

f. An applicant shall satisfy or shall have satisfied all applicable prerequisites required for initial licensure in this State, such as obtaining insurance, including malpractice insurance, a surety bond, or a pressure seal.

g. An applicant shall answer truthfully all questions asked of an applicant for initial licensure.

h. Not later than six months after the issuance of the license, the board or committee shall have received documentation reasonably satisfactory to the board verifying the person's education, training, and examination results.

i. A board or committee, after the licensee has been given notice and an opportunity to be heard, may revoke any license based on a license issued by another state obtained through fraud, deception, or misrepresentation.

j. Nothing contained in this section shall preclude a board from requiring an applicant for licensure based on an out-of-State license to take an on-line jurisprudence course or an orientation available to the applicant at any time.

k. Nothing contained in this section shall preclude a board from only granting a license, certificate of registration, or certification without examination to an applicant seeking reciprocity who holds a corresponding license, certificate of registration, or certification from another state if equal reciprocity is provided for a New Jersey applicant for licensure under the law of that other state.

l. Nothing in this section shall preclude a board from exercising its discretion to grant a license, certificate of registration, or certification without examination to an applicant seeking reciprocity who holds a corresponding license, certificate of registration, or certification from another state who does not meet the good standing requirement of subsection a. of this section due to a pending action by a licensing board, a pending action by an out-of-State institution, organization, or employer affecting the applicant's privileges to practice, a pending disciplinary proceeding, or a pending criminal charge or arrest for a crime.

m. Notwithstanding any law or regulation to the contrary, the provisions of this section shall apply to every holder of a professional or occupational license or certificate of registration or certification issued or renewed by a board specified in section 2 of P.L.1978, c.73 (C.45:1-15), except that the provisions of this section shall not apply to any holder of a license issued or renewed by the Board of Examiners of Electrical Contractors pursuant to P.L.1962, c.162 (C.45:5A-1 et seq.), the State Board of Examiners of Master Plumbers pursuant to P.L.1968, c. 362 (C.45:14C-1 et seq.), the

New Jersey Real Estate Commission pursuant to R.S.45:15-1 et seq., or the State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors pursuant to P.L.2007, c.211 (C.45:16A-1 et seq.).

Repealer.

4. The following sections are repealed:
Section 6 of P.L.1999, c.403 (C.45:1-7.2); and
Section 7 of P.L.1999, c.403 (C.45:1-7.3).

5. This act shall take effect on the first day of the sixth month following enactment.

Approved January 13, 2014.

CHAPTER 183

AN ACT concerning protective eyewear for children participating in sports and supplementing chapter 40 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:40-41.8 Findings, declarations relative to protective eyewear for children participating in sports.

1. The Legislature finds and declares that:
 - a. Eye injuries are the leading cause of preventable blindness and visual impairment in children, and most injuries occurring in school-aged children are sports-related;
 - b. Every 16 minutes a child incurs a sports-related eye injury severe enough to require a visit to the emergency room;
 - c. According to Prevent Blindness America, 90% of all eye injuries can be avoided by the use of appropriate eye protection; and
 - d. It is necessary and prudent to educate parents and children about sports-related eye injuries in order to reduce the needless loss of sight that can occur during sports activities.

C.18A:40-41.9 Development of educational fact sheet providing information relative to sports-related eye injuries.

2. a. The Commissioner of Education shall develop within 120 days of the effective date of this act, an educational fact sheet that provides infor-

mation about sports-related eye injuries. The educational fact sheet shall include, but need not be limited to:

- (1) a list of the most common sports-related eye injuries and the recognition of the symptoms of those injuries;
 - (2) a recommendation that children seek treatment and advice from a licensed health care professional regarding the appropriate amount of time to delay the return to sports competition or practice after sustaining an eye injury;
 - (3) a recommendation that all children participating in school sports or recreational sports wear protective eyewear;
 - (4) information concerning the purchase of appropriate protective eyewear; and
 - (5) any other information the commissioner deems appropriate.
- b. Each school district and nonpublic school shall distribute the educational fact sheet annually to the parents or guardians of the students.

3. This act shall take effect immediately.

Approved January 13, 2014.

CHAPTER 184

AN ACT providing electricity customers with price comparison information 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.

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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 such a 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 such a reclassification, subsection a. of this section shall no longer apply and the board shall determine such 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, such 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 pur-

suant 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 such 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 such filing and until the board has issued a decision thereon.

(4) If the board finds, as a result of any such 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 such 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, such 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 such 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 such 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 such 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, such fair competition and accounting standards as are necessary on an interim basis to implement retail electric choice. Such 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."

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 such 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 such 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.

1. The board may promulgate regulations to require each electric public utility, electric power supplier, marketer, government aggregator, and broker engaged in the provision of electricity to end use customers to provide the board with adequate and accurate price comparison information that will enable customers to make informed choices regarding the purchase of electric energy offered by that provider to customers. The board may compile that information into a single, understandable database and post the database on its Internet website in a manner that enables customers to compare prices and services on a uniform basis. 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. This act shall take effect immediately.

Approved January 13, 2014.

CHAPTER 185

AN ACT concerning declarations of death upon the basis of neurological criteria and amending P.L.1991, c.90.

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

1. Section 4 of P.L.1991, c.90 (C.26:6A-4) is amended to read as follows:

C.26:6A-4 Physician to declare death.

4. a. A declaration of death upon the basis of neurological criteria pursuant to section 3 of this act shall be made by a licensed physician professionally qualified by specialty or expertise, based upon the exercise of the physician's best medical judgment and in accordance with currently accepted medical standards that are based upon nationally recognized sources

of practice guidelines, including, but not limited to, those adopted by the American Academy of Neurology.

b. Subject to the provisions of this act, the Department of Health, jointly with the State Board of Medical Examiners, shall adopt, and from time to time revise, regulations setting forth requirements, by specialty or expertise, for physicians authorized to declare death upon the basis of neurological criteria. The regulations shall not require the use of any specific test or procedure in the declaration of death upon the basis of neurological criteria.

c. If the individual to be declared dead upon the basis of neurological criteria is or may be an organ donor, the physician who makes the declaration that death has occurred shall not be the organ transplant surgeon, the attending physician of the organ recipient, or otherwise an individual subject to a potentially significant conflict of interest relating to procedures for organ procurement.

d. If death is to be declared upon the basis of neurological criteria, the time of death shall be upon the conclusion of definitive clinical examinations and any confirmation necessary to determine the irreversible cessation of all functions of the entire brain, including the brain stem.

2. This act shall take effect on the first day of the third month next following the date of enactment, but the Department of Health, jointly with the State Board of Medical Examiners, may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 13, 2014.

CHAPTER 186

AN ACT concerning emergency operations plans in senior occupied buildings, and amending P.L.2001, c.80.

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

1. Section 1 of P.L.2001, c.80 (C.52:27D-224.1) is amended to read as follows:

C.52:27D-224.1 Evacuation, emergency building operations plan for certain multiple dwellings, filing with municipality.

1. a. An owner of a multiple dwelling, as defined under section 3 of P.L.1967, c.76 (C.55:13A-3), which is comprised of more than 20 dwelling units and reserves occupancy for residents who have attained the minimum age of 55, shall annually prepare and maintain an emergency building evacuation plan for the multiple dwelling, in coordination with the appropriate local fire and emergency response agencies. A copy of the plan shall be filed with the municipal emergency management coordinator.

If the health, safety or welfare of any resident of such a multiple dwelling cannot be maintained during the disruption of essential services as defined pursuant to section 2 of P.L.2003, c.53 (C.52:27D-224.2), the emergency evacuation plan shall provide for individualized evacuation of such a resident.

b. An owner of such a multiple dwelling, shall annually prepare and maintain an emergency building operations plan for the multiple dwelling, in coordination with the municipal emergency management coordinator, to prepare for any possible loss of essential services, such as adequate heat, water, hot water, electricity, gas, or telephone service, and any other substantial disruption to daily living that could result during an emergency. A copy of the plan shall be filed with the municipal emergency management coordinator, and with any public utility, as defined in R.S.48:2-13, providing service to the multiple dwelling.

2. This act shall take effect immediately.

Approved January 13, 2014.

CHAPTER 187

AN ACT concerning the employment contracts of school superintendents and supplementing chapter 17 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:17-19.1 Bonus in employment contract of superintendent prohibited under certain circumstances.

1. a. A board of education shall not include within the employment contract of a superintendent of schools a provision that offers a bonus for

reducing the number of students who are classified as eligible for special education programs and services pursuant to chapter 46 of Title 18A of the New Jersey Statutes who are enrolled in an out-of-district placement.

b. As used in this section, "bonus" means a special monetary award provided to a superintendent of schools in addition to any regular salary, compensation, or emolument.

2. This act shall take effect immediately, but shall not vacate any contract entered into prior to its enactment until the expiration of the original terms of the contract.

Approved January 13, 2014.

CHAPTER 188

AN ACT concerning the wastewater management planning process and amending and supplementing P.L.2011, c.203.

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

1. Section 2 of P.L.2011, c.203 is amended to read as follows:

2. As used in this act:

"Commissioner" means the Commissioner of Environmental Protection.

"Department" means the Department of Environmental Protection.

"Designated planning agency" means an agency designated by the Governor to conduct an areawide waste treatment management planning process pursuant to subsection b. of section 4 of the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-4).

"Disturbance" means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

"Individual subsurface sewage disposal system" means a collection of components for disposal of sanitary sewage into the ground which is designed and constructed to treat sanitary sewage in a manner that will retain most of the settleable solids in a septic tank or may incorporate an advanced wastewater pretreatment device and discharges the liquid effluent of a typical domestic strength to a disposal field.

“NJPDES groundwater permit” means a New Jersey Pollutant Discharge Elimination System Discharge to Groundwater permit issued by the department pursuant to the “Water Pollution Control Act,” P.L.1977, c.74 (C.58:10A-1 et seq.), or any rule or regulation adopted pursuant thereto.

“NJPDES surface water permit” means a New Jersey Pollutant Discharge Elimination System Discharge to Surface Water permit issued by the department pursuant to the “Water Pollution Control Act,” P.L.1977, c.74 (C.58:10A-1 et seq.), or any rule or regulation adopted pursuant thereto.

“Revision” means “revisions” as defined by the department’s Water Quality Management Planning rules at N.J.A.C.7:15-1.5.

“Sewer service area” means the land area identified in an areawide water quality management plan from which wastewater generated is designated to flow to a domestic treatment works or industrial treatment works.

“Site specific amendment” means an amendment to a wastewater management plan or a water quality management plan which permits a specific proposed development project or activity, either located in an existing sewer service area or proposing new sewer service area, and having a wastewater planning flow of less than 50,000 gallons per day, or a proposed sewer service area less than 100 acres in size, to become consistent with the applicable wastewater management plan or water quality management plan. A site specific amendment shall not include amendments or changes to the Statewide Water Quality Management Plan or changes to incorporate a total maximum daily load. “Site specific amendment” shall not include an amendment that proposes a new or updated county wastewater management plan for an entire county, or proposes a new or updated municipal chapter of a county wastewater management plan for an entire municipality.

“Wastewater management plan” means a written and graphic description of existing and future wastewater related jurisdictions, wastewater service areas, and selected environmental features and treatment works, and includes a wastewater management plan update.

“Wastewater management planning agency” means a governmental unit that has responsibility to prepare, submit, and periodically update a wastewater management plan pursuant to the department’s rules and regulations and provide comments on proposed amendments and revisions to the wastewater management plan.

“Wastewater service area” means a sewer service area, a general service area approved for wastewater facilities with planning flows of less than 20,000 gallons per day which discharge to groundwater, and a general service area for wastewater facilities with planning flows of less than 2,000 gallons per day which discharge to groundwater, as designated in a waste-

water management plan or water quality management plan adopted by the department.

“Water quality management plan” means a plan prepared pursuant to sections 208 and 303 of the federal Clean Water Act of 1977, Pub.L.95-217, 33 U.S.C. s.1251 et seq., and the “Water Quality Planning Act,” P.L.1977, c.75 (C.58:11A-1 et seq.).

“Water Quality Management Planning rules” means the rules and regulations adopted by the department pursuant to the “Water Quality Planning Act,” P.L.1977, c.75 (C.58:11A-1 et seq.), and codified at N.J.A.C.7:15-1.1 et seq.

2. Section 6 of P.L.2011, c.203 is amended to read as follows:

6. a. Following adoption by the department of that portion of the wastewater management plan designating a sewer service area, pursuant to section 4 of P.L.2011, c.203, or in the case of a wastewater management plan or water quality management plan that remains in effect pursuant to N.J.A.C.7:15-5.2(a), the department shall review any application submitted for an amendment or revision to the wastewater management plan or water quality management plan pursuant to the standards and procedures established in the Water Quality Management Planning rules, except as may otherwise be provided in this act.

b. An application for an amendment or revision to a wastewater management plan or water quality management plan may be submitted by or on behalf of any party, including, but not limited to, any county, municipality or individual landowner.

c. The department may require an applicant for a site specific amendment or a revision to a wastewater management plan or water quality management plan to submit to the department a written or graphic description of the proposed footprint of disturbance of the underlying project or activity, sufficient information to determine the water supply needs thereof and the potential wastewater generated therefrom, and any additional documentation necessary to determine compliance with regulatory criteria. There shall be a presumption that an applicant shall not be required to submit engineered subdivision or site plans, or stormwater management plans, to the department, absent the existence of a demonstrated need therefor. If the department finds a demonstrated need that requires the submission of engineered subdivision or site plans, or stormwater management plans, the department shall provide to the applicant, in writing, an explanation of the need and a detailed description thereof.

3. Section 7 of P.L.2011, c.203 is amended to read as follows:

7. When an application is made for a site specific amendment to a wastewater management plan or water quality management plan, and the underlying project or activity requires a NJPDES surface water permit, or requires both a NJPDES surface water permit and a NJPDES groundwater permit, the department shall review the application pursuant to the department's Water Quality Management Planning rules, except as otherwise provided pursuant to this section, as follows:

a. On or before the 60th day after receipt of an application for a site specific amendment to a wastewater management plan or water quality management plan pursuant to this section, the department shall complete a review of the application for administrative and technical completeness. The application shall be deemed complete after the 60th day following the date of receipt by the department unless the department notifies the applicant in writing that additional information is required. Upon receipt of such additional information, the department shall complete its administrative and technical review, unless the department has advised the applicant in writing that deficiencies remain and that additional information is required.

b. Any application for a site specific amendment pending before the department on January 17, 2012 shall be deemed complete, unless the department notifies the applicant in writing on or before the 60th day after January 17, 2012 that additional information is required.

c. On or before the 180th day after an application for a site specific amendment is deemed complete, the department shall review the application for compliance with regulatory criteria. Notwithstanding the provisions of any law, or rule or regulation adopted pursuant thereto, to the contrary, upon a determination of compliance with regulatory criteria, the department shall publish notice of the application in the DEP Bulletin no more than 30 days after receipt of confirmation that the designated planning agency is prepared to proceed to the public comment period portion of this process. Publication of notice in the DEP Bulletin shall be immediately followed by a 30-day public comment period on the application.

d. If any data, information, or arguments submitted during the public comment period or in response to a request for a written statement of consent appear to raise substantial new questions concerning a proposed site specific amendment, the department may:

(1) reopen or extend the public comment period for not more than 30 additional days in order to provide interested persons opportunity to comment on the information or arguments submitted;

(2) request additional information from the applicant within 30 days after conclusion of the public comment period; or

(3) return the application for a site specific amendment to the applicant for any changes deemed by the department to be necessary and substantial. If based upon the return of the application by the department the applicant submits a revised application, the department shall review the revised application in the same manner as set forth in this section.

e. On or before the 65th day after the conclusion of the public comment period, or receipt of additional information from the applicant, or receipt of the designated planning agency's final decision, or other required agency review, whichever comes later and as may be applicable, the department shall:

- (1) adopt the site specific amendment as proposed;
- (2) adopt the proposed site specific amendment with changes; or
- (3) disapprove the proposed site specific amendment.

f. The department and applicant may consent in writing to an extension of any time period established in this section.

g. The department shall publish notice of the final action on an application for a site specific amendment in the DEP Bulletin.

4. Section 8 of P.L.2011, c.203 is amended to read as follows:

8. When an application is made for a site specific amendment or revision to a wastewater management plan or water quality management plan, and the underlying project or activity requires a NJPDES groundwater permit but does not require a NJPDES surface water permit, the department shall review the application pursuant to the department's Water Quality Management Planning rules, except as otherwise provided pursuant to this section, as follows:

a. A proposed development or activity having a wastewater planning flow of 8,000 or more gallons per day that results in a discharge to groundwater shall be processed by the department as a site specific amendment to the applicable wastewater management plan or water quality management plan.

b. A proposed development or activity having a wastewater planning flow of more than 2,000 gallons per day and less than 8,000 gallons per day that results in a discharge to groundwater shall be processed by the department as a revision to the applicable wastewater management plan or water quality management plan.

c. (1) A site specific amendment or revision processed by the department pursuant to this section that includes the delineation of a sewer service

area shall comply with the regulatory criteria for the delineation of a sewer service area established at N.J.A.C. 7:15-5.24.

(2) Notwithstanding the provisions of any other rule or regulation to the contrary, when in compliance with the regulatory criteria for the delineation of a sewer service area established at N.J.A.C. 7:15-5.24, the underlying development or activity that is the subject of the site specific amendment or revision shall be deemed consistent with the applicable water quality management plan for purposes of applying for any department permit or approval.

d. On or before the 60th day after receipt of an application for a site specific amendment or revision to a wastewater management plan or water quality management plan pursuant to this section, the department shall complete a review of the application for administrative and technical completeness. The application shall be deemed complete after the 60th day following the date of receipt by the department unless the department notifies the applicant in writing that additional information is required. Upon receipt of such additional information, the department shall complete its administrative and technical review, unless the department has advised the applicant in writing that deficiencies remain and that additional information is required.

e. (1) Except as otherwise provided in paragraph (2) of this subsection, the department shall approve, conditionally approve, or disapprove an application for a site specific amendment or revision pursuant to this section on or before the latter of:

(a) the 90th day following the date that the application is deemed complete; or

(b) as may be applicable, the 30th day after:

(i) the conclusion of any required public comment period;

(ii) the date of receipt of additional information from the applicant;

(iii) the date of receipt of the designated planning agency's final decision; or

iv. the date of completion of any other required agency review.

(2) The time period established in paragraph (1) of this subsection may be extended for 30 days by the mutual consent of the applicant and the department.

(3) If the department fails to take action on an application for a site specific amendment or revision pursuant to this section within the period specified in this subsection, the application shall be deemed approved.

5. Section 9 of P.L.2011, c.203 is amended to read as follows:

9. Nothing in this act shall preclude a wastewater management planning agency from preparing and submitting, or the department from accepting, and adopting in a sequential or other manner deemed timely or expedient by the department, other portions of a wastewater management plan in addition to those portions that provide for the designation of a sewer service area pursuant to the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.).

6. When an application is made for an amendment to a wastewater management plan or water quality management plan, and the amendment does not propose a specific project or activity, the department shall review the application pursuant to this section, provided that the amendment does not delineate as a sewer service area a parcel exceeding 100 acres in size. The amendment shall be reviewed by the department pursuant to the Water Quality Management Planning rules, except as otherwise provided pursuant to this section, as follows:

a. On or before the 60th day after receipt of an application for an amendment to a wastewater management plan or water quality management plan pursuant to this section, the department shall complete a review of the application for administrative and technical completeness. The application shall be deemed complete after the 60th day following the date of receipt by the department unless the department notifies the applicant in writing that additional information is required. Upon receipt of such additional information, the department shall complete its administrative and technical review, unless the department has advised the applicant in writing that deficiencies remain and that additional information is required.

b. Any application for a plan amendment pending before the department on the effective date of this section shall be deemed complete, unless the department notifies the applicant in writing on or before the 60th day after the effective date of this section that additional information is required.

c. On or before the 180th day after an application for a plan amendment is deemed complete, the department shall review the application for compliance with regulatory criteria. Notwithstanding the provisions of any law, or rule or regulation adopted pursuant thereto, to the contrary, upon a determination of compliance with regulatory criteria, the department shall publish notice of the application in the DEP Bulletin no more than 30 days after receipt of confirmation that the designated planning agency is prepared to proceed to the public comment period portion of this process.

Publication of notice in the DEP Bulletin shall be immediately followed by a 30-day public comment period on the application.

d. If any data, information, or arguments submitted during the public comment period or in response to a request for a written statement of consent appear to raise substantial new questions concerning a proposed plan amendment, the department may:

(1) reopen or extend the public comment period for not more than 30 additional days in order to provide interested persons opportunity to comment on the information or arguments submitted;

(2) request additional information from the applicant within 30 days after conclusion of the public comment period; or

(3) return the application for a plan amendment to the applicant for any changes deemed by the department to be necessary and substantial. If based upon the return of the application by the department the applicant submits a revised application, the department shall review the revised application in the same manner as set forth in this section.

e. On or before the 65th day after the conclusion of the public comment period, or receipt of additional information from the applicant, or receipt of the designated planning agency's final decision, or other required agency review, whichever comes later and as may be applicable, the department shall:

(1) adopt the plan amendment as proposed;

(2) adopt the proposed plan amendment with changes; or

(3) disapprove the proposed plan amendment.

f. The department and applicant may consent in writing to an extension of any time period established in this section.

g. The department shall publish notice of the final action on an application for a plan amendment in the DEP Bulletin.

h. Nothing in this act shall preclude any county, municipality, or individual landowner, from proposing, or the department from adopting, an amendment to a wastewater management plan or water quality management plan that would delineate as a sewer service area a parcel, not to exceed 100 acres in size, that had been previously included in a formerly adopted sewer service area, provided that the applicant can demonstrate with the use of updated or more accurate information that the parcel complies with the regulatory criteria for the delineation of a sewer service area established at N.J.A.C. 7:15-5.24.

7. Section 11 of P.L.2011, c.203 is amended to read as follows:

11. Sections 1 through 5 inclusive, and 9 and 10 of P.L.2011, c.203 shall take effect immediately, and sections 6, 7, and 8 shall take effect on the 120th day after the date of enactment of P.L.2011, c.203; however, the Department of Environmental Protection may take such anticipatory actions as are necessary in advance of the effective date of sections 6, 7, and 8 to ensure the timely implementation of those sections on the effective date thereof. P.L.2011, c.203, as amended and supplemented by P.L.2013, c.188, shall expire on January 17, 2016, or upon the adoption of rules or regulations that the department specifically states in a notice in the New Jersey Register are intended to obviate the need for the provisions of P.L.2011, c.203 and meet the purposes of the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.), whichever is earlier.

8. This act shall take effect immediately and shall expire on January 17, 2016, or upon the adoption of rules or regulations that the department specifically states in a notice in the New Jersey Register are intended to obviate the need for the provisions of P.L.2011, c.203 and meet the purposes of the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.), whichever is earlier.

Approved January 15, 2014.

CHAPTER 189

AN ACT concerning the State Health Benefits Program and joint insurance funds and supplementing P.L.1961, c.49 (C.52:14-17.25 et seq.) and P.L.1983, c.337 (C.40A:10-36 et seq.).

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

C.52:14-17.37a Claims experience information provided by SHBP.

1. The State Health Benefits Program shall provide at no cost to the requestor, and not more than once in a 24-month period, complete claims experience data to a public employer other than the State that participates in the State Health Benefits Program and makes a written request for its claims experience information, including loss reports and large claims data. The State Health Benefits Program shall provide the information in an elec-

tronic and manual format to the participating public employer who has made a written request for its information, within 60 days of the receipt of the written request made by the public employer. Notwithstanding the above, the State Health Benefits Program shall issue claims experience data only in a manner that complies with the privacy requirements of the federal Health Insurance Portability and Accountability Act of 1996, Pub.L.104-191, and related regulations.

C.40A:10-38.15 Claims experience information provided by joint insurance fund.

2 A joint insurance fund established pursuant to P.L.1983, c.372 (C.40A:10-36 et seq.) and subsection e. of section 1 of P.L.1979, c.230 (C.40A:10-6) for the purposes of providing health benefits or health insurance coverage shall provide at no cost to the requestor, and not more than once in a 24-month period, complete claims experience data to a public employer that participates in the joint insurance fund and makes a written request for its claims experience information, including loss reports and large claims data. The joint insurance fund shall provide the information in an electronic and manual format to the participating public employer who has made a written request for its information, within 60 days of the receipt of the written request made by the public employer. Notwithstanding the above, the joint insurance fund shall issue claims experience data only in a manner that complies with the privacy requirements of the federal Health Insurance Portability and Accountability Act of 1996, Pub.L.104-191, and related regulations.

3. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 190

AN ACT concerning the powers of certain local authorities, amending and supplementing P.L.1957, c.183.

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

C.40:14B-40.1 Findings, declarations relative to infrastructure maintenance.

1. The Legislature finds and declares that:

Infrastructure maintenance and repair are vital to the economy and quality of life in the State of New Jersey.

Infrastructure maintenance and repair continue to be insufficiently funded throughout the State.

Property taxes in this State continue to be a serious burden to local property taxpayers and so cannot be relied upon to fund necessary infrastructure maintenance and repairs.

It is in the public interest to develop additional funding sources to provide for necessary maintenance and repair of infrastructure within the State.

County utilities authorities with surplus funds offer one such additional funding source and a pilot program should be developed to explore the efficacy of using those surplus funds for these infrastructure purposes.

C.40:14B-40.2 Pilot program to allow county utilities authorities to fund infrastructure improvements.

2. a. There is established a pilot program to evaluate the efficiency and functionality of allowing county utilities authorities in certain counties, through the use of their undesignated fund balance or unreserved retained earnings, to fund improvements to county infrastructure in municipalities that are located in those counties and that are served by those county utilities authorities, as another method to repair or replace aging county infrastructure through a means other than the local property tax.

b. Under this pilot program created herein, the participating county utilities authorities shall be those created by the pilot counties.

c. Upon application to and approval by the Director of Local Government Services in the Department of Community Affairs, the pilot county utilities authorities shall be permitted to fund improvements within the counties, and each shall report to the Director of Local Government Services annually on the county projects that have been funded by the county utilities authorities.

3. Section 3 of P.L.1957, c.183 (C.40:14B-3) is amended to read as follows:

C.40:14B-3 Definitions.

3. As used in this act, unless a different meaning clearly appears from the context:

(1) "Municipality" shall mean any city of any class, any borough, village, town, township, or any other municipality other than a county or a school district, and except when used in section 4, 5, 6, 11, 12, 13, 42 or 45

of this act, any agency thereof or any two or more thereof acting jointly or any joint meeting or other agency of any two or more thereof;

(2) "County" shall mean any county of any class;

(3) "Governing body" shall mean, in the case of a county, the board of chosen freeholders, or in the case of those counties organized pursuant to the provisions of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), the board of chosen freeholders and the county executive, the county supervisor or the county manager, as appropriate, and, in the case of a municipality, the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality;

(4) "Person" shall mean any person, association, corporation, nation, state or any agency or subdivision thereof, other than a county or municipality of the State or a municipal authority;

(5) "Municipal authority," "authority," or "water reclamation authority" shall mean a public body created or organized pursuant to section 4, 5 or 6 of this act and shall include a municipal utilities authority created by one or more municipalities and a county utilities authority created by a county;

(6) Subject to the exceptions provided in section 10, 11 or 12 of this act, "district" shall mean the area within the territorial boundaries of the county, or of the municipality or municipalities, which created or joined in or caused the creation or organization of a municipal authority;

(7) "Local unit" shall mean the county, or any municipality, which created or joined in or caused the creation or organization of a municipal authority;

(8) "Water system" shall mean the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by a municipal authority or by any person to whom a municipal authority has extended credit for this purpose for the purposes of the municipal authority, including reservoirs, basins, dams, canals, aqueducts, standpipes, conduits, pipelines, mains, pumping stations, water distribution systems, compensating reservoirs, waterworks or sources of water supply, wells, purification or filtration plants or other plants and works, connections, rights of flowage or division, and other plants, structures, boats, conveyances, and other real and personal property, and rights therein, and appurtenances necessary or useful and convenient for the accumulation, supply and redistribution of water;

(9) "Sewerage system" shall mean the plants, structures, on-site wastewater systems and other real and personal property acquired, con-

structed or operated or to be acquired, constructed, maintained or operated by a municipal authority or by any person to whom a municipal authority has extended credit for this purpose for the purposes of the municipal authority, including sewers, conduits, pipelines, mains, pumping and ventilating stations, sewage treatment or disposal systems, plants and works, connections, outfalls, compensating reservoirs, and other plants, structures, boats, conveyances, and other real and personal property, and rights therein, and appurtenances necessary or useful and convenient for the collection, treatment, purification or disposal in a sanitary manner of any sewage, liquid or solid wastes, night soil or industrial wastes;

(10) "Utility system" shall mean a water system, solid waste system, sewerage system, or a hydroelectric system or any combination of such systems, acquired, constructed or operated or to be acquired, constructed or operated by a municipal authority or by any person to whom a municipal authority has extended credit for this purpose;

(11) "Cost" shall mean, in addition to the usual connotations thereof, the cost of acquisition or construction of all or any part of a utility system and of all or any property, rights, easements, privileges, agreements and franchises deemed by the municipal authority to be necessary or useful and convenient therefor or in connection therewith and the cost of retiring the present value of the unfunded accrued liability due and owing by a municipal authority, as calculated by the system actuary for a date certain upon the request of a municipal authority, for early retirement incentive benefits granted by the municipal authority pursuant to P.L.1991, c.230 and P.L.1993, c.181, including interest or discount on bonds, cost of issuance of bonds, engineering and inspection costs and legal expenses, cost of financial, professional and other estimates and advice, organization, administrative, operating and other expenses of the municipal authority prior to and during such acquisition or construction, and all such other expenses as may be necessary or incident to the financing, acquisition, construction and completion of said utility system or part thereof and the placing of the same in operation, and also such provision or reserves for working capital, operating, maintenance or replacement expenses or for payment or security of principal of or interest on bonds during or after such acquisition or construction as the municipal authority may determine, and also reimbursements to the municipal authority or any county, municipality or other person of any moneys theretofore expended for the purposes of the municipal authority or to any county or municipality of any moneys theretofore expended for or in connection with water supply, solid waste, water distribution, sanitation or hydroelectric facilities;

(12) "Real property" shall mean lands both within or without the State, and improvements thereof or thereon, or any rights or interests therein;

(13) "Construct" and "construction" shall connote and include acts of construction, reconstruction, replacement, extension, improvement and betterment of a utility system;

(14) "Industrial wastes" shall mean liquid or other wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resource, and shall include any chemical wastes or hazardous wastes;

(15) "Sewage" shall mean the water-carried wastes created in and carried, or to be carried, away from, or to be processed by on-site wastewater systems, residences, hotels, apartments, schools, hospitals, industrial establishments, or any other public or private building, together with such surface or ground water and industrial wastes and leachate as may be present;

(16) "On-site wastewater system" means any of several facilities, septic tanks or other devices, used to collect, treat, reclaim, or dispose of wastewater or sewage on or adjacent to the property on which the wastewater or sewage is produced, or to convey such wastewater or sewage from said property to such facilities as the authority may establish for its disposal;

(17) "Pollution" means the condition of water resulting from the introduction therein of substances of a kind and in quantities rendering it detrimental or immediately or potentially dangerous to the public health, or unfit for public or commercial use;

(18) "Bonds" shall mean bonds or other obligations issued pursuant to this act;

(19) "Service charges" shall mean water service charges, solid waste service charges, sewer service charges, hydroelectric service charges or any combination of such charges, as said terms are defined in section 21 or 22 of this act or in section 7 of this amendatory and supplementary act;

(20) "Compensating reservoir" shall mean the structures, facilities and appurtenances for the impounding, transportation and release of water for the replenishment in periods of drought or at other necessary times of all or a part of waters in or bordering the State diverted into a utility system operated by a municipal authority;

(21) "Sewage or water reclamation authority" shall mean a public body created pursuant to the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et seq.) or the acts amendatory thereof or supplemental thereto;

(22) "County sewer authority" shall mean a sanitary sewer district authority created pursuant to the act entitled "An act relating to the establishment of sewerage districts in first- and second-class counties, the creation

of Sanitary Sewer District Authorities by the establishing of such districts, prescribing the powers and duties of any such authority and of other public bodies in connection with the construction of sewers and sewage disposal facilities in any such district, and providing the ways and means for paying the costs of construction and operation thereof," approved April 23, 1946 (P.L.1946, c.123), or the acts amendatory thereof or supplemental thereto;

(23) "Chemical waste" shall mean a material normally generated by or used in chemical, petrochemical, plastic, pharmaceutical, biochemical or microbiological manufacturing processes or petroleum refining processes, which has been selected for waste disposal and which is known to hydrolyze, ionize or decompose, which is soluble, burns or oxidizes, or which may react with any of the waste materials which are introduced into the landfill, or which is buoyant on water, or which has a viscosity less than that of water or which produces a foul odor. Chemical waste may be either hazardous or nonhazardous;

(24) "Effluent" shall mean liquids which are treated in and discharged by sewage treatment plants;

(25) "Hazardous wastes" shall mean any waste or combination of waste which poses a present or potential threat to human health, living organisms or the environment. "Hazardous waste" shall include, but not be limited to, waste material that is toxic, corrosive, irritating, sensitizing, radioactive, biologically infectious, explosive or flammable;

(26) "Leachate" shall mean a liquid that has been in contact with solid waste and contains dissolved or suspended materials from that solid waste;

(27) "Recycling" shall mean the separation, collection, processing or recovery of metals, glass, paper, solid waste and other materials for reuse or for energy production and shall include resource recovery;

(28) "Sludge" shall mean any solid, semisolid, or liquid waste generated from a municipal, industrial or other sewage treatment plant, water supply treatment plant, or air pollution control facility, or any other such waste having similar characteristics and effects; "sludge" shall not include effluent;

(29) "Solid waste" shall mean garbage, refuse, and other discarded materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities, and shall include all other waste materials including sludge, chemical waste, hazardous wastes and liquids, except for liquids which are treated in public sewage treatment plants and except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms;

(30) "Solid waste system" shall mean and include the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by an authority or by any person to whom a municipal authority has extended credit for this purpose pursuant to the provisions of this act, including transfer stations, incinerators, recycling facilities, including facilities for the generation, transmission and distribution of energy derived from the processing of solid waste, sanitary landfill facilities or other property or plants for the collection, recycling or disposal of solid waste and all vehicles, equipment and other real and personal property and rights thereon and appurtenances necessary or useful and convenient for the collection, recycling, or disposal of solid waste in a sanitary manner;

(31) "Hydroelectric system" shall mean the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by an authority pursuant to the provisions of this act, including all that which is necessary or useful and convenient for the generation, transmission and sale of hydroelectric power at wholesale;

(32) "Hydroelectric power" shall mean the production of electric current by the energy of moving water;

(33) "Sale of hydroelectric power at wholesale" shall mean any sale of hydroelectric power to any person for purposes of resale of such power;

(34) "Alternative electrical energy" shall mean electrical energy produced from solar, photovoltaic, wind, geothermal, or biomass technologies, provided that in the case of biomass technology, the biomass is cultivated and harvested in a sustainable manner;

(35) "Alternative electrical energy system" shall mean any system which uses alternative electrical energy to provide all or a portion of the electricity for the heating, cooling, or general electrical energy needs of a building;

(36) "Pilot county" shall mean a county of the second class having a population between 280,000 and 290,000, a population between 510,000 and 520,000, and a population between 530,000 and 540,000 according to the 2010 federal decennial census; and

(37) "Pilot county utilities authority" shall mean a county utilities authority in a county designated as a pilot county.

4. Section 19 of P.L.1957, c.183 (C.40:14B-19) is amended to read as follows:

C.40:14B-19 Purposes, acquisition of facilities; alternative electrical energy.

19. (a) The purposes of every municipal authority shall be (1) the provision and distribution of an adequate supply of water for the public and private uses of the local units, and their inhabitants, within the district, and (2) the relief of waters in or bordering the State from pollution arising from causes within the district and the relief of waters in, bordering or entering the district from pollution or threatened pollution, and the consequent improvement of conditions affecting the public health, (3) the provision of sewage collection and disposal service within or without the district, and (4) the provision of water supply and distribution service in such areas without the district as are permitted by the provisions of this act, and (5) the provision of solid waste services and facilities within or without the district in a manner consistent with the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) and in conformance with the solid waste management plans adopted by the solid waste management districts created therein, and (6) the generation, transmission and sale of hydroelectric power at wholesale, (7) the operation and maintenance of utility systems owned by other governments located within the district through contracts with said governments, and (8) in the case of an authority that is a pilot county utilities authority, to fund improvements to county infrastructure pursuant to the provisions of subsection b. of section 40 of P.L.1957, c.183 (C.40:14B-40).

(b) Every municipal authority is hereby authorized, subject to the limitations of this act, to acquire, in its own name but for the local unit or units, by purchase, gift, condemnation or otherwise, lease as lessee, and, notwithstanding the provisions of any charter, ordinance or resolution of any county or municipality to the contrary, to construct, maintain, operate and use such reservoirs, basins, dams, canals, aqueducts, standpipes, conduits, pipelines, mains, pumping and ventilating stations, treatment, purification and filtration plants or works, trunk, intercepting and outlet sewers, water distribution systems, waterworks, sources of water supply and wells at such places within or without the district, such compensating reservoirs within a county in which any part of the district lies, and such other plants, structures, boats and conveyances, as in the judgment of the municipal authority will provide an effective and satisfactory method for promoting purposes of the municipal authority.

(c) Every municipal authority is hereby authorized and directed, when in its judgment its sewerage system or any part thereof will permit, to collect from any and all public systems within the district all sewage and treat and dispose of the same in such manner as to promote purposes of the municipal authority.

(d) Every municipal utilities authority is authorized to promote the production and use of alternative electrical energy by contracting with producers of alternative electrical energy for the installation, construction, maintenance, repair, renewal, relocation, or removal of alternative electrical energy systems, and for the purchase of excess alternative electrical energy generated by a producer of alternative electrical energy. Any purchase or sale of alternative electrical energy where such energy is distributed using the infrastructure of a public utility, as that term is defined in R.S.48:2-13, shall include the payment by the purchaser of all relevant non-bypassable charges as provided for in the "Electric Discount and Energy Competition Act," P.L.1999, c.23 (C.48:3-49 et al.).

5. Section 20 of P.L.1957, c.183 (C.40:14B-20) is amended to read as follows:

C.40:14B-20 Powers.

20. Every municipal authority shall be a public body politic and corporate constituting a political subdivision of the State established as an instrumentality exercising public and essential governmental functions to provide for the public health and welfare and shall have perpetual succession and have the following powers:

- (1) To adopt and have a common seal and to alter the same at pleasure;
- (2) To sue and be sued;
- (3) In the name of the municipal authority and on its behalf, to acquire, hold, use and dispose of its service charges and other revenues and other moneys;
- (4) In the name of the municipal authority but for the local unit or units, to acquire, rent, hold, lease as lessor, use and dispose of other personal property for the purposes of the municipal authority;
- (5) In the name of the municipal authority but for the local unit or units and subject to the limitations of this act, to acquire by purchase, gift, condemnation or otherwise, or lease as lessee, real property and easements therein, necessary or useful and convenient for the purposes of the municipal authority, and subject to mortgages, deeds of trust or other liens, or otherwise, and to hold, lease as lessor, and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the municipal authority;
- (6) To produce, develop, purchase, accumulate, distribute and sell water and water services, facilities and products within or without the district, provided that no water shall be sold at retail in any municipality or county

without the district unless the governing body of such municipality or county shall have adopted a resolution requesting the municipal authority to sell water at retail in such municipality or county, and the board of public utility commissioners shall have approved such resolution as necessary and proper for the public convenience;

(7) 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;

(8) To accept gifts or grants of real or personal property, money, material, labor or supplies for the purposes of the municipal or county authority, and to make and perform such agreements and contracts as may be necessary or convenient in connection with the procuring, acceptance or disposition of such gifts or grants;

(9) To enter on any lands, waters or premises for the purpose of making surveys, borings, soundings and examinations for the purposes of the municipal authority, and whenever the operation of a septic tank or other component of an on-site wastewater system shall result in the creation of pollution or contamination source on private property such that under the provisions of R.S.26:3-49, a local board of health would have the authority to notify the owner and require said owner to abate the same, representatives of an authority shall have the power to enter, at all reasonable times, any premises on which such pollution or contamination source shall exist, for the purpose of inspecting, rehabilitating, securing samples of any discharges, improving, repairing, replacing, or upgrading such septic tank or other component of an on-site wastewater system;

(10) To establish an inspection program to be performed at least once every three years on all on-site wastewater systems installed within the district which inspection program shall contain the following minimum notice provisions: (i) not less than 30 days prior to the date of the inspection of any on-site wastewater system as described herein, the authority shall notify the owner and resident of the property that the inspection will occur; and (ii) not less than 60 days prior to the date of the performance of any work other than an inspection, the municipal authority shall provide notice to the owner and resident of the property in which the work will be performed. The notice to be provided to such owner and resident under this subsection shall include a description of the deficiency which necessitates the work and the proposed remedial action, and the proposed date for beginning and duration of the contemplated remedial action;

(11) To prepare and file in the office of the municipal authority records of all inspections, rehabilitation, maintenance, and work, performed with respect to on-site wastewater disposal systems;

(12) To make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of the utility system and any other of its properties, and to amend the same;

(13) To do and perform any acts and things authorized by this act under, through or by means of its own officers, agents and employees, or by contracts with any person;

(14) To enter into any and all contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the municipal authority or to carry out any power expressly given in this act subject to the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.);

(15) To extend credit or make loans to any person for the planning, designing, acquiring, constructing, reconstructing, improving, equipping, furnishing, and operating by that person of any part of a solid waste system, sewage treatment system, wastewater treatment or collection system for the provision of services and facilities within or without the district, which in the case of a solid waste system shall be in a manner consistent with the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) and in conformance with the solid waste management plans adopted by the solid waste management districts created therein. The credits or loans may be secured by loan and security agreements, mortgages, leases and any other instruments, upon such terms as the authority shall deem reasonable, including provision for the establishment and maintenance of reserve and insurance funds, and to require the inclusion in any mortgage, lease, contract, loan and security agreement or other instrument, provisions for the construction, use, operation and maintenance and financing of that part of the aforementioned systems as the authority may deem necessary or desirable;

(16) Upon the request of a customer: (i) to offer the customer the ability to receive or access, in electronic format, any periodic bill for service sent by the municipal authority to its customers and any additional information sent by the municipal authority to its customers as required by law, provided that any notice of disconnection, discontinuance or termination of service shall be sent to a customer in written form at the customer's legal mailing address in addition to being sent or being made available in electronic format; and (ii) to provide the customer the option of paying any such periodic bill via electronic means; and

(17) In the case of an authority that is a pilot county utilities authority, to fund improvements to county infrastructure pursuant to the provisions of subsection b. of section 40 of P.L.1957, c.183 (C.40:14B-40).

6. Section 40 of P.L.1957, c.183 (C.40:14B-40) is amended to read as follows:

C.40:14B-40 Additional powers.

40. a. In addition to other powers conferred by this act or by any other law, and not in limitation thereof, every municipal authority, in connection with construction or operation of any part of a utility system, shall have power to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles or any other equipment and appliances (herein called "facilities") of any public utility, as defined in section 48:2-13 of the Revised Statutes, in, on, along, over or under any real property, including public lands, waters, parks, roads, streets, highways, playgrounds and reservations. Whenever in connection with construction or operation of any part of a utility system, any municipal authority shall determine that it is necessary that any such facilities, which now are, or hereafter may be, located in, on, along, over or under any such real property, including public lands, waters, parks, roads, streets, highways, playgrounds and reservations, should be relocated in such real property, including public lands, waters, parks, roads, streets, highways, playgrounds and reservations, or should be removed therefrom, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the order of the municipal authority, provided, however, that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location, or new locations, and the cost of any lands or any rights or interest in lands, or any other rights acquired to accomplish such relocation or removal, less the cost of any lands or any rights or interests in lands or any other rights of the public utility paid to the public utility in connection with the relocation or removal of such property, shall be paid by the municipal authority and may be included in the cost of such utility system. In case of any such relocation or removal of facilities, as aforesaid, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location.

b. In addition to the powers conferred by subsection a. of this section, an authority that is a pilot county utilities authority also shall have the power to fund improvements to county infrastructure in municipalities that are located in the pilot county and are served by the pilot county utilities

authority, through the pilot county utilities authority's undesignated fund balance or unreserved retained earnings. Any such infrastructure improvements shall only be made by written agreement between the pilot county utilities authority and the governing body of the pilot county, and only following application to and approval by the Director of Local Government Services in the Department of Community Affairs.

7. This act shall take effect immediately and shall expire four years following the date of enactment.

Approved January 17, 2014.

CHAPTER 191

AN ACT authorizing the establishment of Yellow Dot programs and supplementing Title 40 of the Revised Statutes.

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

C.40:15A-1 Definitions relative to Yellow Dot programs.

1. For the purposes of this act:

"Emergency responder" means a municipal, county, or State law enforcement officer or firefighter or other person who has been trained to provide emergency medical first response services in a program recognized by the Commissioner of Health and licensed or otherwise authorized by the Department of Health to provide those services.

"Program participant" means an individual who has completed a health information card that includes health and emergency contact information, and affixed a Yellow Dot window decal provided pursuant to this act to the individual's vehicle.

C.40:15A-2 "Yellow Dot Program," establishment permitted.

2. a. The local governing body of any county or municipality in this State may establish a "Yellow Dot Program." The purpose of a "Yellow Dot Program" is to provide emergency responders with critical health and emergency contact information about program participants so that emergency responders may aid program participants when those individuals are

involved in motor vehicle emergencies or accidents and are unable to communicate.

b. A Yellow Dot Program window decal on a motor vehicle involved in a motor vehicle accident or emergency shall serve as notice to an emergency responder assisting the vehicle that the driver or any passenger in the vehicle may be a participant in a Yellow Dot Program established pursuant to this act.

c. If a motor vehicle is involved in a motor vehicle accident or emergency, and a Yellow Dot Program window decal is affixed to the vehicle, an emergency responder at the scene of such accident or emergency is authorized to search the glove compartment of the vehicle for a Yellow Dot Program envelope and health information card.

d. An emergency responder may use the information contained in the Yellow Dot Program envelope for the following purposes:

- (1) To identify a participant in the Yellow Dot Program;
- (2) To ascertain whether the program participant has a medical condition that may impede communications with the emergency responder;
- (3) To communicate with the program participant's emergency contacts about the location and general condition of the program participant; or
- (4) To consider the program participant's current medications and pre-existing medical conditions when emergency medical treatment is administered for any injury the participant suffers.

C.40:15A-3 Program materials.

3. a. In implementing a Yellow Dot Program and designing program materials, a local governing body shall give consideration to the program materials used by similar programs in the State and other states. The local governing body may also consult with interested parties, including, but not limited to, local law enforcement agencies, fire departments, emergency medical services personnel, agencies or organizations that have direct contact with senior citizens, and any other organizations that promote the health and safety of motorists.

b. Program materials shall include, but need not be limited to:

- (1) An adhesive yellow decal which will be affixed to the rear driver's side window of the program participant's vehicle;
- (2) A health information card which provides space for an individual to attach a recent photograph and indicate the individual's name, emergency contact information, physicians' names and contact information, medical conditions, recent surgeries, allergies, medications, and any other informa-

tion the local governing body shall deem to be relevant to emergency responders in the case of a motor vehicle accident or emergency; and

(3) A yellow envelope into which the health information card is to be inserted and which shall be placed in the program participant's glove compartment.

C.40:15A-4 Availability of program materials; fee.

4. a. Any local governing body that establishes a Yellow Dot Program pursuant to this act shall make program materials available for pick up at convenient and accessible locations by any person interested in becoming a program participant. The locations where program materials will be made available for pick up shall be determined by the local governing body. The local governing body may also establish a means whereby program materials may be obtained or ordered through the mail or electronically.

b. A local governing body may charge an individual seeking to participate in a Yellow Dot Program a nominal fee to cover the administrative cost of the program, which may include, but not be limited to, the cost of program materials, any public education campaign which may be undertaken to inform the public about the program, and any assistance provided to program participants.

C.40:15A-5 Immunity from liability for certain civil damages.

5. An emergency responder is not liable for any civil damages as a result of any acts or omissions undertaken in response to incomplete, incorrect, or outdated information provided on any health information card if the responder acted in good faith in rendering care at the scene of a motor vehicle accident or emergency to a program participant.

6. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 192

AN ACT concerning certain advertisements on real property and supplementing chapter 48 of Title 40 of the Revised Statutes.

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

C.40:48-2.66 Permission required for posting, display of certain advertisements.

1. a. A person shall not post or otherwise display any temporary commercial or business advertisement, to induce directly or indirectly any person to enter into any obligation or acquire title or interest in any property, object, ware, good, commodity, or service, on any real property located within a municipality, or any building, pole, post or other structure on the property, without the prior written permission of the owner of record for the property, or the building or other structure thereon. This subsection shall not apply to a person posting or otherwise displaying a temporary advertisement containing information and directional indicators inviting the public to purchase or lease real property at a real estate open house or similar event for that property.

b. The governing body of every municipality may make, amend, and repeal ordinances to enforce the provisions of subsection a. of this section. An ordinance so adopted shall set forth procedures for reporting violations and shall also prescribe penalties for violations in accordance with R.S.40:49-5. Ordinances adopted pursuant to this section shall be consistent with the purposes of P.L.1991, c.413 (C.27:5-5 et seq.) to the extent necessary to allow the State to carry out the policy as declared therein. In the event of conflict between an ordinance adopted pursuant to this section and the provisions of P.L.1991, c.413 (C.27:5-5 et seq.), or the regulations promulgated pursuant thereto, section 22 of P.L.1991, c.413 (C.27:5-26) shall govern.

c. (1) The municipality shall have the power to remove or cause to be removed any advertisement posted or displayed in violation of subsection a. of this section. The procedure for removal shall be set forth in any ordinance so adopted.

(2) (a) Whenever the municipality removes, or causes to be removed, an advertisement, the municipality may present the person who posted or otherwise displayed the removed advertisement, or the business advertised in the removed advertisement, by certified and regular mail, a detailed itemization of the costs of removal incurred by the municipality, requiring reimbursement by that person or business of the removal costs.

(b) If the person or business does not provide reimbursement within 30 days of receipt of the municipal itemization, the municipality may enforce the payment of these costs, together with interest and reasonable collection costs, by instituting an action at law for the collection thereof. The Superior Court, or the municipal court, shall have jurisdiction of any collection action.

d. The money collected by the municipality for advertisement removal shall be credited, along with any other funds made available, to a municipal advertisement removal fund, which the municipality shall establish by ordinance. The ordinance shall include guidelines establishing the parameters governing the expenditure of money from the fund, which shall be used exclusively to remove advertisements and otherwise enforce the provisions of this section, and to administer the fund.

e. The municipality may report to the Division of Consumer Affairs, in the Department of Law and Public Safety, for further investigation by the division, any pattern or practice of advertisements posted or otherwise displayed in violation of subsection a. of this section, which reasonably appears to violate the provisions of P.L.1960, c.39 (C.56:8-1 et seq.). Any report by a municipality to the division under this subsection shall be investigated by the division as may be warranted.

2. This act shall take effect on the 60th day following enactment.

Approved January 17, 2014.

CHAPTER 193

AN ACT concerning a sales tax exemption for certain services, amending P.L.1966, c.30, and designated as Jen's Law.

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

1. Section 3 of P.L.1966, c.30 (C.54:32B-3) is amended to read as follows:

C.54:32B-3 Imposition of sales tax.

3. There is imposed and there shall be paid a tax of 7% upon:

(a) The receipts from every retail sale of tangible personal property or a specified digital product for permanent use or less than permanent use, and regardless of whether continued payment is required, except as otherwise provided in this act.

(b) The receipts from every sale, except for resale, of the following services:

(1) Producing, fabricating, processing, printing or imprinting tangible personal property or a specified digital product, performed for a person who directly or indirectly furnishes the tangible personal property or specified digital product, not purchased by him for resale, upon which such services are performed.

(2) Installing tangible personal property or a specified digital product, or maintaining, servicing, repairing tangible personal property or a specified digital product not held for sale in the regular course of business, whether or not the services are performed directly or by means of coin-operated equipment or by any other means, and whether or not any tangible personal property or specified digital product is transferred in conjunction therewith, except (i) such services rendered by an individual who is engaged directly by a private homeowner or lessee in or about his residence and who is not in a regular trade or business offering his services to the public, (ii) such services rendered with respect to personal property exempt from taxation hereunder pursuant to section 13 of P.L.1980, c.105 (C.54:32B-8.1), (iii) (Deleted by amendment, P.L.1990, c.40), (iv) any receipts from laundering, dry cleaning, tailoring, weaving, or pressing clothing, and shoe repairing and shoeshining and (v) services rendered in installing property which, when installed, will constitute an addition or capital improvement to real property, property or land, other than landscaping services and other than installing carpeting and other flooring.

(3) Storing all tangible personal property not held for sale in the regular course of business; the rental of safe deposit boxes or similar space; and the furnishing of space for storage of tangible personal property by a person engaged in the business of furnishing space for such storage.

"Space for storage" means secure areas, such as rooms, units, compartments or containers, whether accessible from outside or from within a building, that are designated for the use of a customer and wherein the customer has free access within reasonable business hours, or upon reasonable notice to the furnisher of space for storage, to store and retrieve property. Space for storage shall not include the lease or rental of an entire building, such as a warehouse or airplane hangar.

(4) Maintaining, servicing or repairing real property, other than a residential heating system unit serving not more than three families living independently of each other and doing their cooking on the premises, whether the services are performed in or outside of a building, as distinguished from adding to or improving such real property by a capital improvement, but excluding services rendered by an individual who is not in a regular trade or business offering his services to the public, and excluding garbage re-

moval and sewer services performed on a regular contractual basis for a term not less than 30 days.

(5) Mail processing services for printed advertising material, except for mail processing services in connection with distribution of printed advertising material to out-of-State recipients.

(6) (Deleted by amendment, P.L.1995, c.184).

(7) Utility service provided to persons in this State, any right or power over which is exercised in this State.

(8) Tanning services, including the application of a temporary tan provided by any means.

(9) Massage, bodywork or somatic services, except such services provided pursuant to a doctor's prescription.

(10) Tattooing, including all permanent body art and permanent cosmetic make-up applications, except such services provided pursuant to a doctor's prescription in conjunction with reconstructive breast surgery.

(11) Investigation and security services.

(12) Information services.

(13) Transportation services originating in this State and provided by a limousine operator, as permitted by law, except such services provided in connection with funeral services.

(14) Telephone answering services.

(15) Radio subscription services.

Wages, salaries and other compensation paid by an employer to an employee for performing as an employee the services described in this subsection are not receipts subject to the taxes imposed under this subsection (b).

Services otherwise taxable under paragraph (1) or (2) of this subsection (b) are not subject to the taxes imposed under this subsection, where the tangible personal property or specified digital product upon which the services were performed is delivered to the purchaser outside this State for use outside this State.

(c) (1) Receipts from the sale of prepared food in or by restaurants, taverns, or other establishments in this State, or by caterers, including in the amount of such receipts any cover, minimum, entertainment or other charge made to patrons or customers, except for meals especially prepared for and delivered to homebound elderly, age 60 or older, and to disabled persons, or meals prepared and served at a group-sitting at a location outside of the home to otherwise homebound elderly persons, age 60 or older, and otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private, nonprofit food service project available to all such elderly or disabled persons resid-

ing within an area of service designated by the private nonprofit organization; and

(2) Receipts from sales of food and beverages sold through vending machines, at the wholesale price of such sale, which shall be defined as 70% of the retail vending machine selling price, except sales of milk, which shall not be taxed. Nothing herein contained shall affect other sales through coin-operated vending machines taxable pursuant to subsection (a) above or the exemption thereto provided by section 21 of P.L.1980, c.105 (C.54:32B-8.9).

The tax imposed by this subsection (c) shall not apply to food or drink which is sold to an airline for consumption while in flight.

(3) For the purposes of this subsection:

"Food and beverages sold through vending machines" means food and beverages dispensed from a machine or other mechanical device that accepts payment; and

"Prepared food" means:

(i) A. food sold in a heated state or heated by the seller; or

B. two or more food ingredients mixed or combined by the seller for sale as a single item, but not including food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration in Chapter 3, part 401.11 of its Food Code so as to prevent food borne illnesses; or

C. food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food; provided however, that

(ii) "prepared food" does not include the following sold without eating utensils:

A. food sold by a seller whose proper primary NAICS classification is manufacturing in section 311, except subsector 3118 (bakeries);

B. food sold in an unheated state by weight or volume as a single item; or

C. bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies, and tortillas.

(d) The rent for every occupancy of a room or rooms in a hotel in this State, except that the tax shall not be imposed upon a permanent resident.

(e) (1) Any admission charge to or for the use of any place of amusement in the State, including charges for admission to race tracks, baseball,

football, basketball or exhibitions, dramatic or musical arts performances, motion picture theaters, except charges for admission to boxing, wrestling, kick boxing or combative sports exhibitions, events, performances or contests which charges are taxed under any other law of this State or under section 20 of P.L.1985, c.83 (C.5:2A-20), and, except charges to a patron for admission to, or use of, facilities for sporting activities in which such patron is to be a participant, such as bowling alleys and swimming pools. For any person having the permanent use or possession of a box or seat or lease or a license, other than a season ticket, for the use of a box or seat at a place of amusement, the tax shall be upon the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by the holder, licensee or lessee, and shall be paid by the holder, licensee or lessee.

(2) The amount paid as charge of a roof garden, cabaret or other similar place in this State, to the extent that a tax upon such charges has not been paid pursuant to subsection (c) hereof.

(f) (1) The receipts from every sale, except for resale, of intrastate, interstate, or international telecommunications services and ancillary services sourced to this State in accordance with section 29 of P.L.2005, c.126 (C.54:32B-3.4).

(2) (Deleted by amendment, P.L.2008, c.123)

(g) (Deleted by amendment, P.L.2008, c.123)

(h) Charges in the nature of initiation fees, membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization in this State, except for: (1) membership in a club or organization whose members are predominantly age 18 or under; and (2) charges in the nature of membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization that is exempt from taxation pursuant to paragraph (1) of subsection (a) of section 9 of P.L.1966, c.30 (C.54:32B-9), or that is exempt from taxation pursuant to paragraph (1) or (2) of subsection (b) of section 9 of P.L.1966, c.30 and that has complied with subsection (d) of section 9 of P.L.1966, c.30.

(i) The receipts from parking, storing or garaging a motor vehicle, excluding charges for the following: residential parking; employee parking, when provided by an employer or at a facility owned or operated by the employer; municipal parking, storing or garaging; receipts from charges or fees imposed pursuant to section 3 of P.L.1993, c.159 (C.5:12-173.3) or pursuant to an agreement between the Casino Reinvestment Development Authority and a casino operator in effect on the date of enactment of

P.L.2007, c.105; and receipts from parking, storing or garaging a motor vehicle subject to tax pursuant to any other law or ordinance.

For the purposes of this subsection, "municipal parking, storing or garaging" means any motor vehicle parking, storing or garaging provided by a municipality or county, or a parking authority thereof.

2. This act shall take effect immediately, and shall be applicable to prescribed services that are provided on or after the act's effective date. The act shall not be retroactively applied to any services that were provided prior to this effective date.

Approved January 17, 2014.

CHAPTER 194

AN ACT concerning cemetery companies and supplementing P.L.2003, c.261 (C.45:27-1 et al.).

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

C.45:27-41 Registry of cemetery companies accepting payment for recipients of Work First New Jersey, SSL.

1. a. The board shall establish a registry of cemetery companies that voluntarily agree to be included in a list of cemetery companies for whom payment for burial expenses available for recipients of Work First New Jersey pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) and Supplemental Security Income pursuant to title III of Pub.L.92-603 (42 U.S.C. s.1381 et seq.), and certain other persons specified to be eligible for such payments pursuant to N.J.A.C.10:90-8.1 et seq., is sufficient for the purchase of an interment space and for any services rendered by the cemetery company. The board shall make the registry available to the public on the board's internet website and, by request, to members of the public by other means.

b. Any cemetery company may volunteer to be included in the registry established pursuant to subsection a. of this section, and the board shall include any cemetery company in the registry that elects to be included, provided the cemetery company agrees to accept any allowance or payment for burial expenses available for recipients of Work First New Jersey pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) and Supplemental Security In-

come pursuant to title III of Pub.L.92-603 (42 U.S.C. s.1381 et seq.), and certain other persons specified to be eligible for such payments pursuant to N.J.A.C.10:90-8.1 et seq., as full payment for the purchase of interment space and for any services rendered by the cemetery company. If, after electing to be included in the registry, a cemetery company requests to be removed from the registry, the board shall remove the cemetery company from the registry.

c. If a cemetery company elects to participate in the registry and accept payment pursuant to subsection b. of this section, the acceptance of that payment shall not: (1) entitle any person related to the decedent, or otherwise responsible for the interment of the decedent, to membership in the cemetery company or voting rights attendant thereto, as provided in section 10 of P.L.2003, c.261 (C.45:27-10); (2) require the cemetery company to use an interment space in violation of any religious restrictions on the use of that space; or (3) permit any person related to the decedent, or otherwise responsible for the interment of the decedent, to select the particular interment space in which the human remains will be interred.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 195

AN ACT concerning reporting of certain information by hospitals and supplementing Title 26 of the Revised Statutes.

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

1. The Commissioner of Health shall undertake a review of New Jersey's hospital financial reporting requirements and shall report any findings and recommendations directly to the Governor no later than six months from the date of enactment of this act. Specifically, the Commissioner shall examine the impact of, and make recommendations on, the following areas for all entities receiving Health Care Subsidy Fund payments from the State: Internal Revenue Service filings, Securities and Exchange Commission filings, and audited financial statements.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 196

AN ACT concerning mammograms, amending P.L.1991, c.279 and P.L.2004, c.86, and supplementing Title 26 of the Revised Statutes and P.L.2003, c.193 (C.17B:27D-1 et seq.).

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

1. Section 1 of P.L.1991, c.279 (C.17:48-6g) is amended to read as follows:

C.17:48-6g Hospital service corporation contract, mammogram examination benefits.

1. a. No group or individual hospital service corporation contract providing hospital or medical expense benefits shall be delivered, issued, executed, or renewed in this State or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, unless the contract provides benefits to any subscriber or other person covered thereunder for expenses incurred in conducting:

- (1) one baseline mammogram examination for women who are 40 years of age; a mammogram examination every year for women age 40 and over; and, in the case of a woman who is under 40 years of age and has a family history of breast cancer or other breast cancer risk factors, a mammogram examination at such age and intervals as deemed medically necessary by the woman's health care provider; and

- (2) an ultrasound evaluation, a magnetic resonance imaging scan, a three-dimensional mammography, or other additional testing of an entire breast or breasts, after a baseline mammogram examination, if the mammogram demonstrates extremely dense breast tissue, if the mammogram is abnormal within any degree of breast density including not dense, moderately dense, heterogeneously dense, or extremely dense breast tissue, or if the patient has additional risk factors for breast cancer including but not limited to family history of breast cancer, prior personal history of breast cancer, positive genetic testing, extremely dense breast tissue based on the

Breast Imaging Reporting and Data System established by the American College of Radiology, or other indications as determined by the patient's health care provider. The coverage required under this paragraph may be subject to utilization review, including periodic review, by the hospital service corporation of the medical necessity of the additional screening and diagnostic testing.

b. These benefits shall be provided to the same extent as for any other sickness under the contract.

c. The provisions of this section shall apply to all contracts in which the hospital service corporation has reserved the right to change the premium.

2. Section 2 of P.L.1991, c.279 (C.17:48A-7f) is amended to read as follows:

C.17:48A-7f Medical service corporation contract, mammogram examination benefits.

2. a. No group or individual medical service corporation contract providing hospital or medical expense benefits shall be delivered, issued, executed, or renewed in this State or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, unless the contract provides benefits to any subscriber or other person covered thereunder for expenses incurred in conducting:

(1) one baseline mammogram examination for women who are 40 years of age; a mammogram examination every year for women age 40 and over; and, in the case of a woman who is under 40 years of age and has a family history of breast cancer or other breast cancer risk factors, a mammogram examination at such age and intervals as deemed medically necessary by the woman's health care provider; and

(2) an ultrasound evaluation, a magnetic resonance imaging scan, a three-dimensional mammography, or other additional testing of an entire breast or breasts, after a baseline mammogram examination, if the mammogram demonstrates extremely dense breast tissue, if the mammogram is abnormal within any degree of breast density including not dense, moderately dense, heterogeneously dense, or extremely dense breast tissue, or if the patient has additional risk factors for breast cancer including but not limited to family history of breast cancer, prior personal history of breast cancer, positive genetic testing, extremely dense breast tissue based on the Breast Imaging Reporting and Data System established by the American College of Radiology, or other indications as determined by the patient's health care provider. The coverage required under this paragraph may be

subject to utilization review, including periodic review, by the medical service corporation of the medical necessity of the additional screening and diagnostic testing.

b. These benefits shall be provided to the same extent as for any other sickness under the contract.

c. The provisions of this section shall apply to all contracts in which the medical service corporation has reserved the right to change the premium.

3. Section 3 of P.L.1991, c.279 (C.17:48E-35.4) is amended to read as follows:

C.17:48E-35.4 Health service corporation contract, mammogram examination benefits.

3. a. No group or individual health service corporation contract providing hospital or medical expense benefits shall be delivered, issued, executed, or renewed in this State or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, unless the contract provides benefits to any subscriber or other person covered thereunder for expenses incurred in conducting:

(1) one baseline mammogram examination for women who are 40 years of age; a mammogram examination every year for women age 40 and over; and, in the case of a woman who is under 40 years of age and has a family history of breast cancer or other breast cancer risk factors, a mammogram examination at such age and intervals as deemed medically necessary by the woman's health care provider; and

(2) an ultrasound evaluation, a magnetic resonance imaging scan, a three-dimensional mammography, or other additional testing of an entire breast or breasts, after a baseline mammogram examination, if the mammogram demonstrates extremely dense breast tissue, if the mammogram is abnormal within any degree of breast density including not dense, moderately dense, heterogeneously dense, or extremely dense breast tissue, or if the patient has additional risk factors for breast cancer including but not limited to family history of breast cancer, prior personal history of breast cancer, positive genetic testing, extremely dense breast tissue based on the Breast Imaging Reporting and Data System established by the American College of Radiology, or other indications as determined by the patient's health care provider. The coverage required under this paragraph may be subject to utilization review, including periodic review, by the health ser-

vice corporation of the medical necessity of the additional screening and diagnostic testing.

b. These benefits shall be provided to the same extent as for any other sickness under the contract.

c. The provisions of this section shall apply to all contracts in which the health service corporation has reserved the right to change the premium.

4. Section 4 of P.L.1991, c.279 (C.17B:26-2.1e) is amended to read as follows:

C.17B:26-2.1e Individual health insurance policy, mammogram examination benefits.

4. a. No individual health insurance policy providing hospital or medical expense benefits shall be delivered, issued, executed, or renewed in this State or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, unless the policy provides benefits to any named insured or other person covered thereunder for expenses incurred in conducting:

(1) one baseline mammogram examination for women who are 40 years of age; a mammogram examination every year for women age 40 and over; and, in the case of a woman who is under 40 years of age and has a family history of breast cancer or other breast cancer risk factors, a mammogram examination at such age and intervals as deemed medically necessary by the woman's health care provider; and

(2) an ultrasound evaluation, a magnetic resonance imaging scan, a three-dimensional mammography, or other additional testing of an entire breast or breasts, after a baseline mammogram examination, if the mammogram demonstrates extremely dense breast tissue, if the mammogram is abnormal within any degree of breast density including not dense, moderately dense, heterogeneously dense, or extremely dense breast tissue, or if the patient has additional risk factors for breast cancer including but not limited to family history of breast cancer, prior personal history of breast cancer, positive genetic testing, extremely dense breast tissue based on the Breast Imaging Reporting and Data System established by the American College of Radiology, or other indications as determined by the patient's health care provider. The coverage required under this paragraph may be subject to utilization review, including periodic review, by the insurer of the medical necessity of the additional screening and diagnostic testing.

b. These benefits shall be provided to the same extent as for any other sickness under the policy.

c. The provisions of this section shall apply to all policies in which the insurer has reserved the right to change the premium.

5. Section 5 of P.L.1991, c.279 (C.17B:27-46.1f) is amended to read as follows:

C.17B:27-46.1f Group health insurance policy, mammogram examination benefits.

5. a. No group health insurance policy providing hospital or medical expense benefits shall be delivered, issued, executed, or renewed in this State or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, unless the policy provides benefits to any named insured or other person covered thereunder for expenses incurred in conducting:

(1) one baseline mammogram examination for women who are 40 years of age; a mammogram examination every year for women age 40 and over; and, in the case of a woman who is under 40 years of age and has a family history of breast cancer or other breast cancer risk factors, a mammogram examination at such age and intervals as deemed medically necessary by the woman's health care provider; and

(2) an ultrasound evaluation, a magnetic resonance imaging scan, a three-dimensional mammography, or other additional testing of an entire breast or breasts, after a baseline mammogram examination, if the mammogram demonstrates extremely dense breast tissue, if the mammogram is abnormal within any degree of breast density including not dense, moderately dense, heterogeneously dense, or extremely dense breast tissue, or if the patient has additional risk factors for breast cancer including but not limited to family history of breast cancer, prior personal history of breast cancer, positive genetic testing, extremely dense breast tissue based on the Breast Imaging Reporting and Data System established by the American College of Radiology, or other indications as determined by the patient's health care provider. The coverage required under this paragraph may be subject to utilization review, including periodic review, by the insurer of the medical necessity of the additional screening and diagnostic testing.

b. These benefits shall be provided to the same extent as for any other sickness under the policy.

c. The provisions of this section shall apply to all policies in which the insurer has reserved the right to change the premium.

6. Section 7 of P.L.2004, c.86 (C.17B:27A-7.10) is amended to read as follows:

C.17B:27A-7.10 Individual health benefits plan, mammogram examination benefits.

7. a. Every individual health benefits plan that is delivered, issued, executed, or renewed in this State pursuant to P.L.1992, c.161 (C.17B:27A-2 et seq.) or approved for issuance or renewal in this State, on or after the effective date of this act, shall provide benefits to any person covered thereunder for expenses incurred in conducting:

(1) one baseline mammogram examination for women who are 40 years of age; a mammogram examination every year for women age 40 and over; and, in the case of a woman who is under 40 years of age and has a family history of breast cancer or other breast cancer risk factors, a mammogram examination at such age and intervals as deemed medically necessary by the woman's health care provider; and

(2) an ultrasound evaluation, a magnetic resonance imaging scan, a three-dimensional mammography, or other additional testing of an entire breast or breasts, after a baseline mammogram examination, if the mammogram demonstrates extremely dense breast tissue, if the mammogram is abnormal within any degree of breast density including not dense, moderately dense, heterogeneously dense, or extremely dense breast tissue, or if the patient has additional risk factors for breast cancer including but not limited to family history of breast cancer, prior personal history of breast cancer, positive genetic testing, extremely dense breast tissue based on the Breast Imaging Reporting and Data System established by the American College of Radiology, or other indications as determined by the patient's health care provider. The coverage required under this paragraph may be subject to utilization review, including periodic review, by the carrier of the medical necessity of the additional screening and diagnostic testing.

b. The benefits shall be provided to the same extent as for any other medical condition under the health benefits plan.

c. The provisions of this section shall apply to all health benefit plans in which the carrier has reserved the right to change the premium.

7. Section 8 of P.L.2004, c.86 (C.17B:27A-19.13) is amended to read as follows:

C.17B:27A-19.13 Small employer health benefits plan, mammogram examination benefits.

8. a. Every small employer health benefits plan that is delivered, issued, executed, or renewed in this State pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.) or approved for issuance or renewal in this State,

on or after the effective date of this act, shall provide benefits to any person covered thereunder for expenses incurred in conducting:

(1) one baseline mammogram examination for women who are 40 years of age; a mammogram examination every year for women age 40 and over; and, in the case of a woman who is under 40 years of age and has a family history of breast cancer or other breast cancer risk factors, a mammogram examination at such age and intervals as deemed medically necessary by the woman's health care provider; and

(2) an ultrasound evaluation, a magnetic resonance imaging scan, a three-dimensional mammography, or other additional testing of an entire breast or breasts, after a baseline mammogram examination, if the mammogram demonstrates extremely dense breast tissue, if the mammogram is abnormal within any degree of breast density including not dense, moderately dense, heterogeneously dense, or extremely dense breast tissue, or if the patient has additional risk factors for breast cancer including but not limited to family history of breast cancer, prior personal history of breast cancer, positive genetic testing, extremely dense breast tissue based on the Breast Imaging Reporting and Data System established by the American College of Radiology, or other indications as determined by the patient's health care provider. The coverage required under this paragraph may be subject to utilization review, including periodic review, by the carrier of the medical necessity of the additional screening and diagnostic testing.

b. The benefits shall be provided to the same extent as for any other medical condition under the health benefits plan.

c. The provisions of this section shall apply to all health benefit plans in which the carrier has reserved the right to change the premium.

8. Section 6 of P.L.1991, c.279 (C.26:2J-4.4) is amended to read as follows:

C.26:2J-4.4 Health maintenance organization, mammogram examination benefits.

6. a. Notwithstanding any provision of law to the contrary, a certificate of authority to establish and operate a health maintenance organization in this State shall not be issued or continued by the Commissioner of Banking and Insurance on or after the effective date of this act unless the health maintenance organization provides health care services to any enrollee for the conduct of:

(1) one baseline mammogram examination for women who are 40 years of age; a mammogram examination every year for women age 40 and over; and, in the case of a woman who is under 40 years of age and has a

family history of breast cancer or other breast cancer risk factors, a mammogram examination at such age and intervals as deemed medically necessary by the woman's health care provider; and

(2) an ultrasound evaluation, a magnetic resonance imaging scan, a three-dimensional mammography, or other additional testing of an entire breast or breasts, after a baseline mammogram examination, if the mammogram demonstrates extremely dense breast tissue, if the mammogram is abnormal within any degree of breast density including not dense, moderately dense, heterogeneously dense, or extremely dense breast tissue, or if the patient has additional risk factors for breast cancer including but not limited to family history of breast cancer, prior personal history of breast cancer, positive genetic testing, extremely dense breast tissue based on the Breast Imaging Reporting and Data System established by the American College of Radiology, or other indications as determined by the patient's health care provider. The coverage required under this paragraph may be subject to utilization review, including periodic review, by the health maintenance organization of the medical necessity of the additional screening and diagnostic testing.

b. These health care services shall be provided to the same extent as for any other sickness under the enrollee agreement.

c. The provisions of this section shall apply to all enrollee agreements in which the health maintenance organization has reserved the right to change the schedule of charges.

9. Section 9 of P.L.2004, c.86 (C.52:14-17.29i) is amended to read as follows:

C.52:14-17.29i State Health Benefits Program, coverage for mammograms.

9. a. The State Health Benefits Commission shall provide benefits to each person covered under the State Health Benefits Program for expenses incurred in conducting:

(1) one baseline mammogram examination for women who are 40 years of age; a mammogram examination every year for women age 40 and over; and, in the case of a woman who is under 40 years of age and has a family history of breast cancer or other breast cancer risk factors, a mammogram examination at such age and intervals as deemed medically necessary by the woman's health care provider; and

(2) an ultrasound evaluation, a magnetic resonance imaging scan, a three-dimensional mammography, or other additional testing of an entire breast or breasts, after a baseline mammogram examination, if the mammogram demonstrates extremely dense breast tissue, if the mammogram is

abnormal within any degree of breast density including not dense, moderately dense, heterogeneously dense, or extremely dense breast tissue, or if the patient has additional risk factors for breast cancer including but not limited to family history of breast cancer, prior personal history of breast cancer, positive genetic testing, extremely dense breast tissue based on the Breast Imaging Reporting and Data System established by the American College of Radiology, or other indications as determined by the patient's health care provider. The coverage required under this paragraph may be subject to utilization review, including periodic review, by the carrier of the medical necessity of the additional screening and diagnostic testing.

b. The benefits shall be provided to the same extent as for any other medical condition under the contract.

C.26:2-184.3 Information included in mammography report.

10. A facility that provides a mammography report pursuant to the federal Mammography Quality Standards Act, 42 U.S.C. s.263b, shall include the following information, at a minimum, in the mammography report sent to the patient and the patient's health care provider: "Your mammogram may show that you have dense breast tissue as determined by the Breast Imaging Reporting and Data System established by the American College of Radiology. Dense breast tissue is very common and is not abnormal. However, in some cases, dense breast tissue can make it harder to find cancer on a mammogram and may also be associated with a risk factor for breast cancer. Discuss this and other risks for breast cancer that pertain to your personal medical history with your health care provider. A report of your results was sent to your health care provider. You may also find more information about breast density at the website of the American College of Radiology, www.acr.org."

C.26:2-184.4 Purpose of information required.

11. Notwithstanding the provisions of any other law to the contrary, the provisions of section 10 of P.L.2013, c.196 (C.26:2-184.3) shall not impose a standard of care obligation upon a patient's health care provider. The information required to be provided by section 10 of P.L.2013, c.196 (C.26:2-184.3) is intended to increase awareness of breast cancer and help facilitate a conversation between a patient and a patient's health care provider regarding the patient's risks for breast cancer.

C.26:2-184.5 Rules, regulations.

12. The Commissioner of Health, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt such rules

and regulations as are necessary to effectuate the purposes of sections 10 and 11 of P.L.2013, c.196 (C.26:2-184.3 and C.26:2-184.4).

C.17B:27D-10 Report by Mandated Health Benefits Advisory Commission.

13. a. Notwithstanding the provisions of any other law to the contrary, the Mandated Health Benefits Advisory Commission established pursuant to section 3 of P.L.2003, c.193 (C.17B:27D-3), shall prepare a report regarding the implementation and administration of P.L.2013, c.196 (C.26:2-184.3 et al.) at least once in each five-year period following the effective date of P.L.2013, c.196 (C.26:2-184.3 et al.).

b. The report shall provide a summary of the social and financial impact, as well as the medical efficacy, of the requirements imposed by P.L.2013, c.196 (C.26:2-184.3 et al.), and shall provide a summary of any recommendations the commission may have to improve the effectiveness of P.L.2013, c.196 (C.26:2-184.3 et al.).

c. The commission shall transmit a copy of a report prepared in accordance with this section to the Governor, and to the Legislature, in accordance with section 2 of P.L.1991, c.164 (C.52:14-19.1), within five days of the date the report is prepared.

C.17B:27D-11 Work group regarding risk factors for breast cancer, breast imaging options.

14. a. The Department of Health, in conjunction with the Medical Society of New Jersey, shall convene a work group to review and report on strategies to improve the dialogue between patients and health care professionals regarding risk factors for breast cancer and breast imaging options. The work group shall review breast imaging standards, the federal Mammography Quality Standards Act and breast imaging results protocols, and shall recommend strategies to improve the dialogue between patients and health care professionals regarding breast density and breast imaging options.

b. The department shall invite to participate in the work group representatives of patient advocacy groups and health care professionals' organizations. The work group shall organize as soon as practicable following the appointment of its members. The members of the work group shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties and within the limits of funds available to the work group.

c. The work group shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county, or municipal

department, board, bureau, commission, or agency as the work group may require and as may be available to the work group for its purposes.

d. The work group shall report its findings and recommendations to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), along with any legislative bills that it desires to recommend for adoption by the Legislature, on an annual basis. The work group shall submit its first report no later than 12 months after the initial meeting of the work group.

15. This act shall take effect on the first day of the fourth month next following the date of enactment. Sections 1 through 9 of this act shall apply to all contracts and policies that are delivered, issued, executed, or renewed or approved for issuance or renewal in this State on or after the effective date. The Commissioner of Banking and Insurance and 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 17, 2014.

CHAPTER 197

AN ACT concerning service contracts, and supplementing and amending P.L.1980, c.125.

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

C.56:12-87 Definitions relative to service contracts.

1. As used in this act:

"Administrator" means a person who performs the third-party administration of a service contract, pursuant to the provisions of section 5 of this act, on behalf of a provider.

"Consumer" means a natural person who buys other than for purposes of resale any property that is distributed in commerce and that is normally used for personal, family, or household purposes and not for business or research purposes.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

“Emergency, life safety, or property safety goods” means any goods provided for installation in, as part of, or for addition to, a system designed to prevent, respond to, alert regarding, suppress, control, or extinguish an emergency or the cause of an emergency, or assist evacuation in the event of an emergency, which emergency could threaten life or property. Examples of these systems include fire alarm, fire sprinkler, fire suppression, fire extinguisher, security, gas detection, intrusion detection, access control, video surveillance and recording, mass notification, public address, emergency lighting, patient wandering, infant tagging, and nurse call.

"Maintenance agreement" means a contract of limited duration that provides for scheduled maintenance only, and does not include repair or replacement of the property subject to the contract.

"Motor vehicle ancillary protection product" means a contract or agreement between a provider and a consumer for a specific duration, for a provider fee or other separately stated consideration, to perform one or more of the following with respect to a motor vehicle:

(1) the repair or replacement of tires or wheels on a motor vehicle damaged as a result of coming into contact with road hazards including but not limited to potholes, rocks, wood debris, metal parts, glass, plastic, curbs, or composite scraps;

(2) the removal of dents, dings, or creases on a motor vehicle that can be repaired using the process of paintless dent removal without affecting the existing paint finish and without replacing vehicle body panels, sanding, bonding, or painting;

(3) the repair of small motor vehicle windshield chips or cracks which may include replacement of the windshield for chips or cracks that cannot be repaired.

"Non-original manufacturer's part" means a replacement part not made for or by the original manufacturer of the property, commonly referred to as an "after market part."

"Person" means any natural person, company, corporation, association, society, firm, partnership, or other similar legal entity.

"Premium" means the consideration paid to an insurer for a reimbursement insurance policy, and is subject to any applicable premium tax.

"Provider" means a person who is contractually obligated to the service contract holder under the terms of the service contract.

"Provider fee" means the consideration paid by a consumer for a service contract, and is not subject to any premium tax.

"Reimbursement insurance policy" means a policy of insurance issued to a provider to either provide reimbursement to, or payment on behalf of,

the provider under the terms of the insured service contracts issued or sold by the provider, or, in the event of the provider's non-performance, to provide or pay for, on behalf of the provider, all covered contractual obligations incurred by the provider.

"Service contract" means a contract or agreement between a provider and a consumer for any duration, for a provider fee or other separately stated consideration, to perform, or to provide indemnification for the performance of, the maintenance, repair, replacement, or service of property for the operational or structural failure of the property due to a defect in materials or workmanship or due to normal wear and tear, and which may include additional provisions for incidental payment of indemnity under limited circumstances. In the case of a motor vehicle, such circumstances may include towing, rental, and emergency road services, and other road hazard protections. A service contract may provide for the maintenance, repair, replacement, or service of the property for damage resulting from power surges or interruption, or accidental damage from handling. A service contract also includes a motor vehicle ancillary protection product. Service contracts may provide for leak or repair coverage to house roofing systems. A "service contract" does not include a contract in writing to maintain structural wiring associated with the delivery of cable, telephone, or other broadband communication services or a contract in writing related to the delivery of satellite television or broadband communication services.

"Service contract holder" or "contract holder" means a consumer who is the purchaser of a service contract or is entitled to the contractual benefits under the terms of the contract.

"Warranty" means a warranty made solely by the manufacturer, importer, or seller of property or services without additional consideration, that is incidental to, and not negotiated or separated from, the sale of the property or services, that guarantees indemnity for defective materials, parts, mechanical or electrical breakdown, labor, or workmanship, or provides other remedial measures, including repair or replacement of the property or repetition of services.

C.56:12-88 Provisions for issuance of service contracts; exemptions.

2. a. Service contracts may be issued, offered for sale, or sold in this State only in accordance with the provisions of this act.

b. The following shall be exempt from the provisions of this act:

- (1) warranties;
- (2) maintenance agreements;

(3) service contracts on property if the property for which the service contract is sold has a purchase price of \$250 or less, excluding sales tax;

(4) mechanical breakdown insurance policies offered by licensed insurers pursuant to the insurance laws of this State;

(5) motor club or association membership contracts that primarily provide for roadside assistance and towing services in situations that involve impairment of the operation of a member's motor vehicle, for reasons that include, but are not limited to, mechanical breakdown or adverse road conditions;

(6) newspapers that accept or publish advertising for items that fall within the scope of this act;

(7) service contracts on emergency, life safety, or property safety goods; and

(8) service contracts issued, offered, or sold:

(a) by a public utility to the extent that the public utility is regulated by the Board of Public Utilities, or by a person providing central heating and air conditioning services, but only with respect to a service contract regarding the product sold to a consumer or installed or repaired for the consumer at the consumer's household by a utility, a subsidiary of a utility, or a person providing central heating and air conditioning services; or

(b) to any person other than a consumer.

c. Service contracts are not insurance in this State or otherwise regulated under Title 17 of the Revised Statutes. The making, proposing to make, issuing, marketing, offering, selling, administering of, or providing contractual obligations for, a service contract shall not be construed to be the business of insurance and shall be exempt from regulation as insurance pursuant to Title 17 of the Revised Statutes, however nothing in this act shall be construed to exempt the making, issuing, marketing, offering, or selling of a reimbursement insurance policy from any applicable provisions of Title 17 of the Revised Statutes.

C.56:12-89 Permitted names for service contract providers.

3. A provider of service contracts issued, offered for sale, or sold in this State, shall not use in its name the words "insurance," "casualty," "surety," "mutual" or any other word descriptive of the insurance, casualty, or surety business, or a name deceptively similar to the name or description of any insurance or surety corporation, or to the name of any other provider registered pursuant to section 4 of this act, but may use the word "guaranty" or similar word.

C.56:12-90 Assurance of faithful performance required to sell service contracts.

4. a. A person shall not issue, offer to sell, or sell service contracts in this State unless the provider complies with one or more of the following means of assuring faithful performance to its contract holders:

(1) each service contract shall be insured under a reimbursement insurance policy issued by an insurer licensed, registered, or otherwise authorized to transact the business of insurance in this State, and which complies with the provisions of section 6 of this act;

(2) a funded reserve account shall be established and maintained for its obligations under each contract issued and outstanding in this State, with reserves calculated at not less than 40% of gross consideration received, then less the amount of claims paid under those contracts. If those reserves fall below the minimum required, the provider has 90 days to come into compliance without violating this section. The reserve account shall be subject to examination and review by the director pursuant to section 10 of this act; or

(3) alone or together with the provider's parent or other affiliated corporation, the provider shall maintain a net worth or stockholders' equity of not less than \$100,000,000. Upon request by the director, the provider shall provide the director with a copy of the provider's or its parent's or other affiliated corporation's most recent Form 10-K or Form 20-F, or successor form containing substantially the same information, filed with the Securities and Exchange Commission within the last 12-month period, or if the provider, or parent or other affiliated corporation, does not file this form with the Securities and Exchange Commission, a copy of the entity's audited financial statements, which show a net worth of the provider, or parent or other affiliated corporation, of not less than \$100,000,000. If the provider's parent's or other affiliated corporation's form or financial statements are filed to meet the provider's means of assuring faithful performance to its contract holders, the parent or other affiliated corporation shall agree to guarantee the obligations of the provider.

b. Except for the requirements set forth in subsection a. of this section, the provider shall not be subject to any additional financial security requirements by the director in order to issue, offer, or sell service contracts in this State.

c. In addition to any applicable damages and penalties pursuant to subsection a. of section 10 of P.L.2013, c.197 (C.56:12-96), a person who sells a service contract that is not in compliance with P.L.2013, c.197 (C.56:12-87 et al.) or that is issued by a provider that is not in compliance with P.L.2013, c.197 (C.56:12-87 et al.) shall be jointly and severally liable

for all covered contractual obligations arising under the terms of such contract or any service contract sold at a time when the provider of the contract is non-compliant.

C.56:12-91 Appointment of administrator.

5. A provider of any service contract issued, offered for sale, or sold in this State may appoint an administrator to perform the third-party administration of any contract, which shall include, but not be limited to:

a. maintaining the accounts, books, papers, documents, and other records concerning the provider's activities and transactions regulated under this act;

b. performing or arranging the collection, maintenance, or disbursement of payments on behalf of the provider, related to any claim arising under the provider's contracts; or

c. participating in the processing or adjustment of any claim arising under the provider's contracts.

C.56:12-92 Requirements for issuance of reimbursement insurance policy.

6. a. An insurer issuing a reimbursement insurance policy to a provider for any service contract issued, offered for sale, or sold in this State shall:

(1) be deemed to have received the premium for the insurance upon the payment of the provider fee by a consumer for a service contract issued by an insured provider;

(2) (a) provide reimbursement to, or payment on behalf of, the provider under the terms of the contract; or

(b) in the event of the provider's non-performance, provide or pay for, on behalf of the provider, all covered contractual obligations incurred by the provider;

(3) accept a claim arising under the contract directly from a contract holder, if the provider does not comply with any contractual obligation pursuant to the contract within 60 days of presentation of a valid claim by the contract holder; and

(4) terminate or not renew the policy covering the contract only after a notice of termination or nonrenewal is presented to the director, at least 10 days prior to the termination or nonrenewal of the policy, which termination or nonrenewal shall not reduce the insurer's responsibility for any insured contract issued or sold prior to the date of termination or nonrenewal.

b. This section shall not be construed to limit the right of the insurer to seek indemnification or subrogation against the provider if the insurer

provides or pays, or is obligated to provide or pay, for any covered contractual obligation incurred by the provider.

C.56:12-93 Contents of service contract.

7. A service contract issued, offered for sale, or sold in this State shall be written in a simple, clear, understandable, and easily readable way and shall contain the requirements set forth in this section, as applicable:

a. the provider's name, principal or other appropriate business address, and telephone number;

b. the administrator's name, principal or other appropriate business address, and telephone number;

c. the service contract holder's name and address, to the extent this information is furnished by the contract holder, provided, however, that a provider that bills a consumer for the provider fee on a periodic basis at a physical or electronic address provided by the service contract holder shall be exempt from the requirement of this subsection;

d. the provider fee, or a reference to any other documentation which contains the provider fee and the terms under which the contract is sold;

e. the property subject to coverage by the service contract, the contractual obligations of the provider with respect to that property, any limitations, exceptions, and exclusions, a toll-free telephone number for claim service, and complete instructions for making a claim for service on or replacement of the property covered by the contract, or for reimbursement for service on or replacement of the property;

f. the amount of any deductible or service fee, as applicable;

g. whether the provider's use of refurbished, reconditioned, or non-original manufacturer's parts is permitted;

h. whether the service contract provides for consequential damages or preexisting conditions;

i. the contractual obligations of the service contract holder, including, but not limited to, the duty of the contract holder to comply with the provisions of the owner's manual for the property and to protect the property against any further damage;

j. the conditions governing the transferability of the service contract;

k. the conditions governing the cancellation of the service contract by the service contract holder, which shall:

(1) permit the contract holder, if the contract holder makes no claim arising under the contract, to cancel the contract:

(a) within 10 days of receipt of the contract, or a longer period specified in the contract, if delivered at the time of purchase; or

(b) within 20 days of the date the contract was sent to the contract holder, or a longer period specified in the contract, if not delivered at the time of purchase; and

(2) if cancelled within the time period specified in subparagraph (a) or (b) of paragraph (1) of this subsection, require the provider to provide the contract holder with the full purchase price or amount paid on the contract by refund or credit to the account of the contract holder, and to additionally pay the contract holder a 10% per month penalty, based upon the purchase price of the contract, if the refund or credit is not completed within 45 days of the cancellation of the contract;

1. the conditions governing cancellation of the service contract by the provider, prior to the expiration of the contract, which shall:

(1) require, except as provided in paragraph (2) of this subsection, that the provider mail a written notice to the contract holder at the contract holder's last known address:

(a) which contains the reason for the cancellation and the effective date of the cancellation; and

(b) is delivered at least five days prior to the effective date of the cancellation; and

(2) explain that a written notice shall not be required if the reason for cancellation is nonpayment of the provider fee, a material misrepresentation or omission, or a substantial breach of contractual obligations concerning the property or its use; and

m. whether the service contract is insured by a reimbursement insurance policy, and:

(1) if insured, the contract shall contain:

(a) the insurer's name, principal or other appropriate business address, and telephone number accompanied by a conspicuous statement in substantially the following form: "Obligations of the provider under this service contract are insured under a service contract reimbursement insurance policy"; and

(b) information concerning the procedure for the contract holder to present a claim arising under the contract directly to the reimbursement insurance company, pursuant to the insurer's obligations set forth in section 6 of this act, in the event that the provider does not comply with any contractual obligation pursuant to the contract within 60 days of presentation of a valid claim by the contract holder; or

(2) if not insured, the contract shall contain a conspicuous statement in substantially the following form: "Obligations of the provider under this service contract are backed by the full faith and credit of the provider."

C.56:12-94 Receipt, copy of service contract.

8. A service contract shall not be issued, offered for sale, or sold in this State unless the provider or seller, if not the provider, presents:

- a. a receipt for, or other written evidence of, the purchase of the service contract to the contract holder; and
- b. a copy of the service contract to the service contract holder, which may be presented electronically or in writing, at the point of sale or within a reasonable period of time from the date of purchase.

C.56:12-95 Records kept by provider; contents.

9. a. A provider of any service contract issued, offered for sale, or sold in this State shall keep accurate accounts, books, papers, documents, and other records concerning the activities and transactions regulated under this act.

b. The provider's accounts, books, papers, documents, and other records shall include:

- (1) a copy of each contract issued or sold;
- (2) the name and address of each service contract holder, to the extent this information is furnished by the contract holder; and
- (3) information concerning any claim arising under each contract, which shall include, but not be limited to, the date of claim filing, claim description, and provider's response.

c. (1) Except as provided by paragraph (2) of this subsection, the provider shall retain all records related to a contract required by the provisions of this section for at least one year after the expiration of all contractual obligations under the terms of the contract.

(2) A provider discontinuing business in this State shall maintain the means of assuring faithful performance to its contract holders as required by subsection a. of section 4 of this act and all records related to each contract issued or sold in this State until the provider submits appropriate proof, satisfactory to the director, that it discharged or transferred its contractual obligations for all contracts so issued or sold.

d. The records required and maintained pursuant to this section may be maintained electronically or through other record keeping technology, but if maintained in a format other than by hard copy, the records shall be capable of duplication to legible hard copy at the request of the director.

C.56:12-96 Violations deemed unlawful practice.

10. a. A violation of any of the provisions of this act shall be an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.).

b. In order to enforce the provisions of this act, the director may conduct examinations of any provider, administrator, seller, or other person subject to the provisions of this act. Upon request by the director, a provider, administrator, seller, or other person shall make any accounts, books, papers, documents and other records required and maintained pursuant to section 9 of this act available to the director for inspection which are necessary to enable the director to reasonably determine compliance with this act.

11. Section 1 of P.L.1980, c.125 (C.56:12-1) is amended to read as follows:

C.56:12-1 Definitions.

1. As used in this act:

"Consumer contract" means a written agreement in which an individual:

- a. Leases or licenses real or personal property;
- b. Obtains credit;
- c. Obtains insurance coverage, except insurance coverage contained in policies subject to the "Life and Health Insurance Policy Language Simplification Act," P.L.1979, c.167 (C.17B:17-17 et seq.);
- d. Borrows money;
- e. Purchases real or personal property;
- f. Contracts for services including professional services;
- g. Enters into a service contract, as defined in section 1 of P.L.2013, c.197 (C.56:12-87),

for cash or on credit and the money, property or services are obtained for personal, family or household purposes. "Consumer contract" includes writings required to complete the consumer transaction. "Consumer contract" does not include a written agreement involving a transaction in securities with a broker-dealer registered with the Securities and Exchange Commission, or a transaction in commodities with a futures commission merchant registered with the Commodity Futures Trading Commission.

12. This act shall take effect on the 180th day following enactment.

Approved January 17, 2014.

CHAPTER 198

AN ACT authorizing the State Treasurer to sell as surplus property certain land and improvements thereon now part of East Jersey Prison to Woodbridge Township in Middlesex County for a restricted use.

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

1. a. The Department of the Treasury, on behalf of the Department of Corrections, is authorized to sell and convey for a nominal value all of the State's interest in the 15.5+ acres of land and improvements thereon, that have been declared surplus to the needs of the State, now part of East Jersey Prison in Woodbridge Township, Middlesex County, designated as Block 908, Part of Lot 10 on the tax map of the township.

b. The sale and conveyance authorized by subsection a. of this section shall be executed subject to a restricted use in accordance with terms and conditions to be approved by the State House Commission at a meeting held after the effective date of this act.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 199

AN ACT concerning certain salary policies adopted by boards of education and amending N.J.S.18A:29-4.1.

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

1. N.J.S.18A:29-4.1 is amended to read as follows:

Salary policy schedules.

18A:29-4.1. A board of education of any district may adopt a one, two, three, four, or five year salary policy, including salary schedules for all full-time teaching staff members which shall not be less than those required by

law. The policy and schedules shall be binding upon the adopting board and upon all future boards in the same district for a period of one, two, three, four, or five years from the effective date of the policy but shall not prohibit the payment of salaries higher than those required by the policy or schedules nor the subsequent adoption of policies or schedules providing for higher salaries, increments or adjustments.

Every school budget adopted, certified or approved by the board, the voters of the district, the board of school estimate, the governing body of the municipality or municipalities, or the commissioner, as the case may be, shall contain such amounts as may be necessary to fully implement the policy and schedules for that budget year.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 200

AN ACT concerning the female genital mutilation of females under 18 years of age 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:24-10 Female genital mutilation of females under 18 years of age, third degree crime.

1. a. Except as otherwise provided in this section, a person is guilty of a crime of the third degree if the person:

(1) knowingly circumcises, excises, or infibulates, in whole or in part, the labia majora, labia minora, or clitoris of a female under 18 years of age;

(2) is a parent, guardian, or has immediate custody or control of a female under 18 years of age and knowingly consents to, or permits the circumcision, excision, or infibulation, in whole or in part of, the labia majora, labia minora, or clitoris of a female under 18 years of age; or

(3) knowingly removes or permits the removal of a female under 18 years of age from the State for the purpose of circumcising, excising, or infibulating, in whole or in part, the labia majora, labia minora, or clitoris of the female under 18 years of age.

b. The provisions of subsection a. of this section shall not apply if the circumcision, excision, or infibulation is:

(1) necessary to the health of the female on whom it is performed and it is performed by a licensed health care professional acting within the scope of the professional's license; or

(2) performed on a female in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a licensed health care professional acting within the scope of the professional's license or by a person in training to become such a licensed health care professional.

c. It shall not be a defense to a prosecution under this section that:

(1) the person engaging in the conduct prohibited by subsection a. of this section believed that the procedure was necessary or appropriate as a matter of custom, ritual, or standard practice; or

(2) the female on whom the circumcision, excision, or infibulation was performed, or the female's parent, guardian, or person who had immediate custody or control over the female, consented to the procedure.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 201

AN ACT concerning cemetery companies and supplementing P.L.2003, c.261 (C.45:27-1 et seq.).

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

C.45:27-15.1 Additional reporting requirements for certain cemetery companies.

1. a. In addition to the Maintenance and Preservation Fund report required pursuant to section 15 of P.L.2003, c.261 (C.45:27-15), every cemetery company:

(1) which files an Internal Revenue Service Form 990 shall also file a copy of that form and a copy of its annual financial report filed with the Attorney General pursuant to subsection d. of section 7 of P.L.1994, c.16 (C.45:17A-24) with the New Jersey Cemetery Board;

(2) which does not file an Internal Revenue Service Form 990 or which files an Internal Revenue Service Form 990 EZ shall file with the New Jersey Cemetery Board a copy of its annual financial report filed with the Attorney General pursuant to subsection d. of section 7 of P.L.1994, c.16 (C.45:17A-24); or

(3) which is not required to file an annual financial report with the Attorney General pursuant to subsection d. of section 7 of P.L.1994, c.16 (C.45:17A-24), shall file such other financial information as required by the board by regulation.

b. The form, information or report required by this section shall be filed at least annually and at the same time as the Maintenance and Preservation Fund report required pursuant to section 15 of P.L.2003, c.261 (C.45:27-15).

c. If the form, information or report filed pursuant to this section is inadequate to apprise the board of the information it requires to administer the provisions of this section effectively, it shall request a supplemental report and it may order an investigation of the operations of the cemetery company.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 202

AN ACT concerning criminal street gangs and amending P.L.1999, c.160.

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

1. Section 1 of P.L.1999, c.160 (C.2C:33-28) is amended to read as follows:

C.2C:33-28 Solicitation, recruitment to join criminal street gang; crime, degrees, sentencing.

1. a. An actor who solicits or recruits another to join or actively participate in a criminal street gang with the knowledge or purpose that the person who is solicited or recruited will promote, further, assist, plan, aid, agree, or attempt to aid in the commission of criminal conduct by a member of a criminal street gang commits a crime of the fourth degree. For purposes of

this section, the actor shall have the requisite knowledge or purpose if he knows that the person who is solicited or recruited will engage in some form, though not necessarily which form, of criminal activity. "Criminal street gang" shall have the meaning set forth in section 1 of P.L.2007, c.341 (C.2C:33-29).

b. An actor who, in the course of violating subsection a. of this section, threatens another with bodily injury on two or more separate occasions within a 30-day period commits a crime of the third degree.

c. An actor who, in the course of violating subsection a. of this section, inflicts significant bodily injury upon another commits a crime of the second degree.

d. Any defendant convicted of soliciting, recruiting, coercing or threatening a person under 18 years of age in violation of subsection a., b. or g. of this section shall be guilty of a crime of the second degree.

e. An actor who violates subsection a. of this section while under official detention commits a crime of the second degree. As used in this subsection, "official detention" means detention in any facility for custody of persons under charge or conviction of a crime or offense, or committed pursuant to chapter 4 of this Title, or alleged or found to be delinquent; detention for extradition or deportation; mandatory commitment to a residential treatment facility imposed as a condition of special probation pursuant to subsection d. of N.J.S.2C:35-14; or any other detention for law enforcement purposes. "Official detention" also includes supervision of probation or parole, or constraint incidental to release on bail. Notwithstanding the provisions of N.J.S.2C:44-5 or any other provision of law, the court shall order that the sentence imposed upon a violation of this section be served consecutively to the period or periods of detention the actor was serving at the time of the violation.

f. Any defendant convicted of soliciting, recruiting, coercing or threatening a person under 18 years of age in violation of subsection c. or e. of this section shall be sentenced by the court to an extended term of imprisonment as set forth in subsection a. of N.J.S.2C:43-7.

g. An actor who in the course of violating subsection a. of this section, does so on school property commits a crime of the third degree.

Notwithstanding the provisions of N.J.S.2C:1-8, N.J.S.2C:44-5 or any other provision of law, a conviction arising under this section shall not merge with a conviction for any criminal offense that the actor committed while involved in criminal street gang related activity, as defined in subsection h. of N.J.S.2C:44-3, nor shall the conviction for any such offense merge with a conviction pursuant to this section and the sentence imposed

upon a violation of this section shall be ordered to be served consecutively to that imposed upon any other such conviction.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 203

AN ACT concerning emergency shelters for the homeless and supplementing P.L.1985, c.48 (C.55:13C-1 et seq.).

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

C.55:13C-2.1 Refusal of admittance to homeless shelter to certain mentally ill people prohibited; exceptions.

1. No person shall be refused admittance to an emergency shelter for the homeless based on a perception or belief that the person has a mental illness, unless there is a reasonable basis to believe that the person poses a danger to self, others, or property, or if the basis for the refusal is otherwise authorized by law or regulation.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 204

AN ACT concerning emergency shelters for the homeless and amending and supplementing P.L.1985, c.48.

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

1. Section 2 of P.L.1985, c.48 (C.55:13C-2) is amended to read as follows:

C.55:13C-2 Definitions.

As used in this act:

"Emergency condition" means and includes, but is not limited to, a snow emergency, excessive cold or heat, storms or other weather-related conditions.

"Emergency shelter for the homeless" means a building or structure in which a public entity or a private, nonprofit organization provides shelter, or food and shelter, to individuals and families having neither a home nor the means to obtain a home or other temporary lodging.

"Licensed capacity" means the number of individuals specified by a public officer of a municipality or the Department of Community Affairs as the maximum occupancy level of an emergency shelter for the homeless, or the number of individuals indicated on the certificate of occupancy of the shelter.

C.55:13C-2.2 Grounds for refusal of services.

2. a. Except as provided in subsection b. of this section, an emergency shelter for the homeless shall not refuse to provide shelter, or food and shelter, for a minimum of 72 hours, to an individual or family seeking these services, unless the shelter is at its licensed capacity or the basis for refusal is otherwise authorized by law or regulation.

b. In the event of an emergency condition, an emergency shelter for the homeless, which has been authorized by a public officer of a municipality or the Department of Community Affairs to provide shelter, or food and shelter, to a specified number of individuals in excess of its licensed capacity because of emergency conditions, shall not refuse to provide shelter, or food and shelter, for a minimum of 24 hours from the commencement of the emergency condition or for the duration of the emergency condition, whichever is longer, to an individual or family seeking these services, unless the shelter is at its licensed capacity plus any authorized excess capacity or the basis for refusal is otherwise authorized by law or regulation.

C.55:13C-2.3 Rules, regulations.

3. 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 necessary to effectuate the purposes of this act.

4. This act shall take effect on the first day of the seventh month next following the date of enactment, but the Commissioner of Community Af-

fairs may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 17, 2014.

CHAPTER 205

AN ACT concerning offenses against service animals and guide dogs, designated as “Dusty’s Law,” and supplementing Title 2C of the New Jersey Statutes.

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

C.2C:29-3.2 Offenses against service animals, guide dogs, degree of crime; penalties, restitution.

1. a. Any person who recklessly kills a service animal or guide dog, or who recklessly permits a dog that the person owns or over which the person has immediate control, to injure or kill a service animal or guide dog, is guilty of a crime of the fourth degree.

b. Any person who recklessly injures a service animal or guide dog, or recklessly permits a dog that the person owns or over which the person has immediate control, to injure a service animal or guide dog, is guilty of a disorderly persons offense.

c. Any person who recklessly interferes with the use of a service animal or guide dog, or who recklessly permits a dog that the person owns or over which that person has immediate control, to interfere with a service animal or guide dog, by obstructing, intimidating, or otherwise jeopardizing the safety of that service animal or guide dog or its handler, is guilty of a petty disorderly persons offense.

d. A person who is convicted of a violation of this section, in addition to any other penalty, shall make full restitution for all damages that arise out of or are related to the offense, including incidental and consequential damages incurred by the handler of the service animal or guide dog. Restitution under this section shall include, but not be limited to:

- (1) the value of the service animal or guide dog;
- (2) replacement and training or retraining expenses for the service animal or guide dog and the handler;

(3) veterinary and other medical and boarding expenses for the service animal or guide dog;

(4) medical expenses for the handler; and

(5) lost wages or income incurred by the handler during any period that the handler is without the services of the service animal or guide dog.

e. As used in this section:

“Guide dog” shall mean a dog which has been or is being raised or trained to provide assistance to a blind or deaf person, including but not limited to a dog that has been or is being raised or trained by a volunteer puppy raiser or staff member of an organization generally recognized as being involved in the rehabilitation of the blind or deaf and reputable and competent to provide dogs with specialized training.

“Service animal” shall have the same meaning as set forth in the federal “Americans with Disabilities Act of 1990” (42 U.S.C. s.12101 et seq.) and any regulations under the act.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 206

AN ACT concerning attorney’s fees and expenses in landlord-tenant disputes 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:18-61.66 Payment of certain fees, expenses incurred in landlord-tenant disputes.

1. If a residential lease agreement provides that the landlord is or may be entitled to recover either attorney’s fees or expenses, or both, incurred as a result of the failure of the tenant to perform any covenant or agreement in the lease, or if the lease provides that such costs may be recovered as additional rent, the court shall read an additional parallel implied covenant into the lease. This implied covenant shall require the landlord to pay the tenant either the reasonable attorney’s fees or the reasonable expenses, or both, incurred by that tenant as the result of the tenant’s successful defense of any action or summary proceeding commenced by the landlord against the tenant, arising out of an alleged failure of the tenant to perform any covenant or agreement in the lease, or as the result of any successful action or summary

proceeding commenced by the tenant against the landlord, arising out of the failure of the landlord to perform any covenant or agreement in the lease.

The court shall order the landlord to pay such attorney's fees or expenses, or both, that are actually and reasonably incurred by a tenant who is the successful party in such actions or proceedings to the same extent the landlord is entitled to recover attorney's fees and expenses, or both, as provided in the lease. The court shall have discretion with respect to awards of attorney's fees or expenses, or both, for tenants to the same degree as it has with respect to awards of attorney's fees or expenses, or both, for landlords as provided under the lease either explicitly or implicitly. An order based on this implied covenant shall require the landlord to pay the tenant such costs either as money damages or a credit against future rent, as determined by the tenant. Any waiver of this section shall be void as against public policy.

Notwithstanding the foregoing, in an action or summary proceeding for non-payment of rent a tenant who pays all rent currently due and owing on or after the filing of the complaint but prior to entry of a final judgment, and whom the court finds presented no meritorious defense to the complaint other than said payment, shall not be deemed to have successfully defended against the action or summary proceeding for the purposes of the award of attorney's fees or expenses, or both.

As used in this act "expenses" shall include expenses directly related to the litigation including, but not limited to, court costs and expenses for witnesses. "Expenses" shall not include personal expenses for travel, reimbursement for missed work time, or child care.

C.2A:18-61.67 Notice provided in lease.

2. If a residential lease agreement provides that the landlord is or may be entitled to recover attorney's fees or expenses, or both from the tenant for any action or summary proceeding arising out of the lease, as described in section 1 of P.L.2013, c.206 (C.2A:18-61.66), the lease clause shall also contain the following provision in a bold typeface in a font size no less than one point larger than the point size of the rest of the lease clause or 11 points, whichever is larger:

IF THE TENANT IS SUCCESSFUL IN ANY ACTION OR SUMMARY PROCEEDING ARISING OUT OF THIS LEASE, THE TENANT SHALL RECOVER ATTORNEY'S FEES OR EXPENSES, OR BOTH FROM THE LANDLORD TO THE SAME EXTENT THE LANDLORD

IS ENTITLED TO RECOVER ATTORNEY'S FEES OR EXPENSES, OR BOTH AS PROVIDED IN THIS LEASE.

3. This act shall take effect immediately, and shall apply to all new lease agreements for real property executed on and after the first day of the month following enactment.

Approved January 17, 2014.

CHAPTER 207

AN ACT concerning joint purchases between State colleges and other units of State and local government and amending P.L.1971, c.198 and P.L.1986, c.43.

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

1. Section 10 of P.L.1986, c.43 (C.18A:64-61) is amended to read as follows:

C.18A:64-61 Joint action authorized.

10. The board of trustees of two or more State colleges may provide jointly by agreement for the purchasing of work, materials, or supplies for their respective colleges, and also may enter into a joint purchasing agreement with other units of State or local government, or one State college may provide for such purchase by joint agreement with other units of State or local government.

2. Section 10 of P.L.1971, c.198 (C.40A:11-10) is amended to read as follows:

C.40A:11-10 Joint agreements for provision and performance of goods and services; cooperative marketing; authorization.

10. Joint agreements for provision and performance of goods and services; cooperative marketing; authorization.

(a) (1) The governing bodies of two or more contracting units may provide by joint agreement for the provision and performance of goods and services for use by their respective jurisdictions.

(2) The governing bodies of two or more contracting units providing sewerage services pursuant to the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et seq.), the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), R.S.58:14-1 et seq. or R.S.40:63-68 et seq. may provide by joint agreement for the purchase of goods and services related to sewage sludge disposal.

(3) The governing body of two or more contracting units providing electrical distribution services pursuant to and in accordance with R.S.40:62-12 through R.S.40:62-25, may provide by joint agreement for the provision or performance of goods or services related to the distribution of electricity.

(4) The governing bodies of two or more contracting units may provide for the cooperative marketing of recyclable materials recovered through a recycling program.

(5) The governing bodies of two or more contracting units may provide by joint agreement for the purchase of 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 pursuant to R.S.40:48-1 et seq. and the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended and supplemented.

(6) The governing bodies of two or more contracting units may provide by joint agreement for the purchase of fire equipment.

(b) The governing body of any contracting unit may provide by joint agreement with the board of education of any school district or any State or county college for the provision and performance of goods and services for use by their respective jurisdictions.

(c) Such agreement shall be entered into by resolution adopted by each of the participating bodies and boards, which shall set forth the categories of goods or services to be provided or performed, the manner of advertising for bids and of awarding of contracts, the method of payment by each participating body and board, and other matters deemed necessary to carry out the purposes of the agreement.

(d) Each participating body's and board's share of expenditures for purchases under any such agreement shall be appropriated and paid in the manner set forth in the agreement and in the same manner as for other expenses of the participating body and board.

3. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 208

AN ACT concerning the compilation of certain information by the Department of Labor and Workforce Development and amending P.L.2005, c.354.

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

1. Section 27 of P.L.2005, c.354 (C.34:1A-86) is amended to read as follows:

C.34:1A-86 Center for Occupational Employment Information.

27. There is established in the Department of Labor and Workforce Development, the Center for Occupational Employment Information, which shall:

a. Serve as the entity designated to carry out the State level career information activities prescribed in the Perkins Act. In accordance with that act, the center shall, in cooperation with the New Jersey Department of Education and the Commission on Higher Education:

(1) Provide support for career guidance and academic counseling programs designed to promote improved career and education decision-making by individuals, especially in areas of career information delivery and use;

(2) Make information and planning resources that relate educational preparation to career goals and expectations available, on the Internet to the extent possible, to students, parents, teachers, administrators, counselors, job-seekers, workers and other clients of the workforce investment system, including the consumer report card on the effectiveness of qualified schools and other approved training providers placed on the State Eligible Training Provider List provided pursuant to subsection f. of this section and required to be made available pursuant to section 13 of P.L.2005, c.354 (C.34:15C-10.1), section 4 of P.L.1992, c.48 (C.34:15B-38), section 7 of P.L.1992, c.43 (C.34:15D-7) and section 3 of P.L.1992, c.47 (C.43:21-59);

(3) Equip workforce investment system professionals, including teachers, administrators, and counselors, with the knowledge and skills needed to assist clients of the workforce investment system, including students and parents, with career exploration, educational opportunities and education financing;

(4) Assist appropriate State entities in tailoring career-related educational resources and training for use by such entities;

(5) Improve coordination and communication among administrators and planners of programs included in the State's workforce investment system to ensure non-duplication of efforts and the appropriate use of shared information and data; and

(6) Provide ongoing means for clients of the workforce investment system, including students and parents, to provide comments and feedback on products and services and to update resources, as appropriate, to better meet customer requirements.

b. Design and implement a comprehensive workforce information system to meet the needs for the planning and operation of all public and private training and job placement programs, which is responsive to the economic demands of the employer community and education and training needs of the State and of Workforce Investment Board areas within the State, as recommended by the commission and designated by the Commissioner of Labor and Workforce Development. In doing so, the center shall insure that the information:

(1) Is delivered in a user friendly, timely and easily understood manner;

(2) Pays special attention to the particular needs of each Workforce Investment Board and is consistent with the labor market of each Workforce Investment Board; and

(3) Is delivered, to the extent possible, on the Internet in a format designed to meet the needs of all user groups.

c. Use the occupational employment information system to implement an electronic career information delivery system, which shall provide students, parents, counselors and other career decision makers with accurate, timely and locally relevant information on the careers available in the New Jersey labor market.

d. Analyze, not less than once every two years and on a regional basis, the relationship between the projected need for trained individuals in each of the career clusters and each of the career pathways, and the total number of individuals being trained in the skills or skill sets needed to work in each of the clusters and pathways. Based on this relationship, the center shall designate as a labor demand occupation any occupation that is in a cluster or pathway for which the number of individuals needed significantly exceeds, or shall exceed, the number being trained, and may designate as a labor demand occupation an occupation for which the center determines that the number of individuals needed significantly exceeds, or will exceed,

the number being trained, even if that is not the case for the entire career cluster or pathway to which the occupation belongs. In cases where a Workforce Investment Board established pursuant to section 18 of P.L.1989, c.293 (C.34:15C-15) submits information to the center that there is or is likely to be, in the region for which the board is responsible, a significant excess of demand over supply of adequately trained workers for an occupation, the center may conduct a survey of the need or anticipated need in that region for trained workers in that occupation and, whether or not it conducts that survey, shall, in conjunction with the board, determine whether to designate the occupation to be a labor demand occupation in that region. The center may utilize survey data obtained by other agencies or from other sources to fulfill its responsibilities under this subsection.

e. Assist the commission in preparing the New Jersey Unified Workforce Investment Plan pursuant to section 10 of P.L.1989, c.293 (C.34:15C-7) by providing information requested by the commission.

f. Compile information provided to the department by training providers on the State Eligible Training Provider List pursuant to sections 14 and 29 of P.L.2005, c.354 (C.34:15C-10.2 and C.34:1A-88) into a consumer report card on the effectiveness of qualified schools and other approved training providers. The consumer report card shall include, at a minimum, the following information compiled annually: the number of enrollees; the completion rate; placement in employment information, including the names of employers where placements are made; licensing information; examination results; enrollee demographic information; and information showing the long-term success of former trainees of each provider and school in obtaining permanent employment and increasing earnings over one or more time periods following the completion or other termination of training, including a period of two years following the completion or other termination of training.

g. Ensure that the data needed to produce a consumer report card, pursuant to subsection f. of this section, is submitted by the training providers and qualified schools to the department in a timely manner and, for those training providers and qualified schools that do not submit the data in a timely manner, implement and enforce a process to revoke or suspend the entity from the State Eligible Training Provider List, pursuant to section 14 of P.L.2005, c.354 (C.34:15C-10.2).

2. Section 14 of P.L.2005, c.354 (C.34:15C-10.2) is amended to read as follows:

C.34:15C-10.2 State Eligible Training Provider List.

14. a. The Department of Labor and Workforce Development shall maintain a Statewide list of approved training providers known as the State Eligible Training Provider List. In order to be placed and retained on the list, a training provider shall meet:

(1) The requirements of section 122 of the "Workforce Investment Act of 1998," Pub.L.105-220 (29 U.S.C. s.2842);

(2) The requirements of this section;

(3) Any requirement applicable to that training provider pursuant to section 13 of P.L.2005, c.354 (C.34:15C-10.1), section 6 of P.L.1992, c.48 (C.34:15B-40) and section 6 of P.L.1992, c.43 (C.34:15D-8);

(4) All reporting requirements of section 29 of P.L.2005, c.354 (C.34:1A-88); and

(5) Any other requirements established by the State Employment and Training Commission.

No training provider who is not an approved training provider included on the State Eligible Training Provider List shall receive any federal job training funds or State job training funds.

b. In order to be placed on the State Eligible Training Provider List, each training provider, including a school, shall obtain approval from an authorized government agency. Any provider that is not aligned with a specific cognizant agency shall be required to obtain approval from the Department of Labor and Workforce Development. Authorized government agencies shall include, but are not limited to, the following:

(1) The Commission on Higher Education: The commission shall approve programs from all institutions under its jurisdiction. This approval includes course work for degrees and certificates awarded by higher education institutions including public and private institutions.

(2) The Department of Education: The Department of Education shall approve all institutions in its jurisdiction. Programs operated by the Division of Vocational Rehabilitation Services shall be approved by the Department of Education cooperatively with the Department of Labor and Workforce Development. Private schools controlled or operated by a charitable institution or any school controlled or operated by a religious denomination requesting to be included on the State Eligible Training Provider List shall be approved by the Department of Labor and Workforce Development in consultation with the Department of Education or any other appropriate State agency. Appropriate fees may be charged for certification and annual renewal.

(3) State departments responsible for licensing: Training providers are approved by any State department authorized to license training providers for specific training programs.

(4) The federal government: Training providers required to be approved by an agency of the federal government shall be included on the State Eligible Training Provider List after submission of the application and documentation indicating approval by the appropriate agency.

(5) Out-of-state approval: Training providers located in other states may be on the State Eligible Training Provider List if they demonstrate that they are approved by an appropriate state agency in the state in which they are located. Those providers shall complete the appropriate application process, submit to the Center for Occupational Employment Information proof of their approval, agree to the established reports, agree to any other requirements established for in-State providers, and comply with the specific requirements of the funding source.

c. Where applicable, training programs shall align with or use existing nationally recognized, industry-based skill standards and certifications as the basis for developing competency based learning objectives, curricula, instructional methods, teaching materials and worksite activities; prepare students to satisfy employer knowledge and skill requirements assessed by related examination, and provide students with the opportunity to take exams and receive certifications or licenses.

d. Each training provider shall apply to be placed on the State Eligible Training Provider List and provide a record for each trainee enrolled. This information shall include, but not be limited to, the participant's Social Security number, gender, date of birth, date of enrollment, any date of completion, date of termination, date of start in a job, date of application for a license, licensing examination result, date of issue of a license, any credential issued, and other information as specified by the State Employment and Training Commission or Center for Occupational Employment Information. For individuals who do not have a Social Security number, the qualifying agency may substitute an alternate method of identification, except that, at the time of start into employment, the alternate code shall be cross-referenced with the individual's valid Social Security number. In addition, the training provider shall agree to provide any other information deemed appropriate by the State Employment and Training Commission, the Department of Labor and Workforce Development and the Department of Education for evaluation purposes.

e. Every training provider shall provide access for on site visitation and monitoring by the State or its designee upon request.

f. Objective performance standards and measures for evaluating training providers shall be jointly developed and implemented by the State Board of Education and the New Jersey State Employment and Training Commission. Policy makers and consumers shall be provided with information concerning training providers on the State Eligible Training Provider List and shall be provided a consumer report card, compiled by the Center for Occupational Employment Information pursuant to section 27 of P.L.2005, c.354 (C.34:1A-86), on the effectiveness of those training providers showing the long-term success of former trainees of each provider in obtaining permanent employment and increasing earnings over one or more time periods following the completion or other termination of training, including a period of two years following the completion or other termination of training.

g. Any qualifying school which has a currently valid certificate of approval issued pursuant to section 13 of P.L.2005, c.354 (C.34:15C-10.1) and complies with all requirements of this section applicable to the school shall be placed on the State Eligible Training Provider List and any qualifying school which has its certificate revoked or suspended shall be removed from the list until the certification is reinstated.

h. In order to be placed on and maintain eligibility for the State Eligible Training Provider List, each training provider, including a school, shall submit the required information for the compilation of consumer report cards pursuant to section 27 of P.L. 2005, c.354 (C.34:1A-86), to the Center for Occupational Employment Information in a timely manner. Any training provider or qualified school that does not submit the required information in a timely manner shall have its certificate revoked or suspended and shall be removed from the list until the certification is reinstated.

3. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 209

AN ACT concerning the health of student-athletes, amending P.L.2007, c.125, and supplementing chapter 3A of Title 15A and chapter 40 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:40-41e Short title.

1. Sections 2 through 5 of P.L.2013, c.209 (C.18A:40-41f through C.18A:40-41i) and P.L.2007, c.125 (C.18A:40-41) shall be known and may be cited as the “Sudden Cardiac Arrest Prevention Act.”

C.18A:40-41f Definition.

2. As used in sections 3 through 5 of P.L.2013, c.209 (C.18A:40-41g through C.18A:40-41i), “athletic activity” means: interscholastic athletics; an athletic contest or competition, other than interscholastic athletics, that is sponsored by or associated with a school district or nonpublic school, including cheerleading and club-sponsored sports activities; and any practice or interschool practice or scrimmage for those activities.

C.18A:40-41g Informational meeting.

3. A school district or nonpublic school may hold an informational meeting prior to the start of each athletic season for students-athletes, their parents or guardians, coaches, athletic trainers, the school physician, school nurses, and other school officials on the nature, risk, symptoms and early warning signs, prevention, and treatment of sudden cardiac arrest.

C.18A:40-41h Removal of athlete showing warning signs from activity; violations, penalties.

4. a. A student who exhibits symptoms or early warning signs of sudden cardiac arrest, as determined by an athletic trainer if one is on site, or if an athletic trainer is not on site, then a game official, team coach, licensed physician, or other official designated by the student’s school, while participating in an athletic activity, shall be immediately removed from the athletic activity by the coach. The student shall not be eligible to return to athletic activity until he is evaluated and receives written clearance from a licensed physician.

b. A student who exhibits symptoms or early warning signs of sudden cardiac arrest at any time prior to or following an athletic activity shall be prohibited from participating in an athletic activity. The student shall not be eligible to return to athletic activity until he is evaluated and receives written clearance from a licensed physician.

c. The board of education of a school district or the governing body or chief school administrator of a nonpublic school, as appropriate, shall ensure that a person who coaches a school district or nonpublic school athletic activity who knowingly violates the provisions of subsection a. or b. of this section shall be:

- (1) suspended from coaching any athletic activity for the remainder of the season for a first violation;
- (2) suspended from coaching any athletic activity for the remainder of the season and the entire next season for a second violation; and
- (3) permanently suspended from coaching any athletic activity for a third violation.

C.18A:40-41i Certification required for coaches.

5. A person who coaches a school district or nonpublic school athletic activity shall hold a current certification in cardio-pulmonary resuscitation from the American Red Cross, American Heart Association, or other training program recognized by the Department of Health.

C.18A:40-41j Nonprofit youth-serving organizations encouraged to promulgate information protocol.

6. All nonprofit youth-serving organizations as defined in section 1 of P.L.1999, c.432 (C.15A:3A-1) including, but not limited to, Little Leagues, Babe Ruth Leagues, Pop Warner Leagues, Police Athletic Leagues, and youth soccer leagues, which organize, sponsor, or are otherwise affiliated with youth athletic events, are encouraged to:

- a. direct the parent or guardian of each child participating in a youth athletic event to the sudden cardiac arrest information posted on the Department of Education's website pursuant to section 1 of P.L.2007, c.125 (C.18A:40-41); and
- b. follow the protocol concerning removal-from-play established pursuant to section 4 of P.L.2013, c.209 (C.18A:40-41h) of a child who exhibits symptoms or early warning signs of sudden cardiac arrest during a youth athletic event, or who exhibits symptoms or early warning signs of sudden cardiac arrest at any time prior to or following a youth athletic event.

7. Section 1 of P.L.2007, c.125 (C.18A:40-41) is amended to read as follows:

C.18A:40-41 Sudden cardiac arrest pamphlet; development, distribution.

1. a. The Commissioner of Education, in consultation with the Commissioner of Health, the American Heart Association, and the American Academy of Pediatrics, shall develop a pamphlet that provides information about sudden cardiac arrest to student-athletes and the parents or guardians of student athletes and shall post the information on the Department of Education's website. The pamphlet shall include: an explanation of sudden

cardiac arrest; its incidence among student athletes; a description of early warning signs, including fainting, labored breathing, chest pains, dizziness and abnormal heart rate, and the risks associated with continuing to play or practice after experiencing one or more of the symptoms; an overview of the options that are privately available to screen for cardiac conditions that may lead to sudden cardiac arrest, including a statement about the limitations of these options; and a form to be signed by the student athlete and his parent or guardian acknowledging receipt and review of the pamphlet.

b. The commissioner shall distribute the pamphlet, at no charge, to all school districts and nonpublic schools in the State and shall update the pamphlet as necessary.

c. Each school district and nonpublic school shall distribute the pamphlet to the parents or guardians of students participating in athletic activities.

d. A student participating in or desiring to participate in an athletic activity and the student's parent or guardian shall, each year and prior to participation by the student in an athletic activity, sign and return to the student's school the form developed by the commissioner pursuant to subsection a. of this section acknowledging the receipt and review of the informational pamphlet.

e. As used in this section, "athletic activity" means: interscholastic athletics; an athletic contest or competition, other than interscholastic athletics, that is sponsored by or associated with a school district or nonpublic school, including cheerleading and club-sponsored sports activities; and any practice or interschool practice or scrimmage for those activities.

8. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 210

AN ACT concerning reading disabilities among public school students and supplementing chapter 40 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:40-5.1 Definitions relative to reading disabilities.

1. As used in this act:

“Potential indicators of dyslexia or other reading disabilities” means indicators that include, but shall not be limited to, difficulty in acquiring language skills; inability to comprehend oral or written language; difficulty in rhyming words; difficulty in naming letters, recognizing letters, matching letters to sounds, and blending sounds when speaking and reading words; difficulty recognizing and remembering sight words; consistent transposition of number sequences, letter reversals, inversions, and substitutions; and trouble in replication of content.

C.18A:40-5.2 Distribution of information on screening instruments.

2. a. The Commissioner of Education shall distribute to each board of education information on screening instruments available to identify students who possess one or more potential indicators of dyslexia or other reading disabilities pursuant to section 3 of this act. The commissioner shall provide information on the screening instruments appropriate for kindergarten through second grade students and on screening instruments that may be suitably used for older students. A board of education shall select and implement age-appropriate screening instruments for the early diagnosis of dyslexia and other reading disabilities.

b. The commissioner shall develop and distribute to each board of education guidance on appropriate intervention strategies for students diagnosed with dyslexia or other reading disabilities.

C.18A:40-5.3 Screening for dyslexia, other reading disabilities.

3. a. A board of education shall ensure that each student enrolled in the school district who has exhibited one or more potential indicators of dyslexia or other reading disabilities is screened for dyslexia and other reading disabilities using a screening instrument selected pursuant to section 2 of this act no later than the student’s completion of the first semester of the second grade.

b. In the event that a student who would have been enrolled in kindergarten or grade one or two during or after the 2014-2015 school year enrolls in the district in kindergarten or grades one through six during or after the 2015-2016 school year and has no record of being previously screened for dyslexia or other reading disabilities pursuant to this act, the board of education shall ensure that the newly-enrolled student is screened for dyslexia and other reading disabilities using a screening instrument selected pursuant to section 2 of this act at the same time other students enrolled in

the student's grade are screened for dyslexia and other reading disabilities or, if other students enrolled in the student's grade have previously been screened, within 90 calendar days of the date the student is enrolled in the district.

c. The screening shall be administered by a teacher or other teaching staff member properly trained in the screening process for dyslexia and other reading disabilities.

C.18A:40-5.4 Comprehensive assessment for the learning disorder.

4. In the event that a student is determined through the screening conducted pursuant to section 3 of this act to possess one or more potential indicators of dyslexia or other reading disabilities, the board of education shall ensure that the student receives a comprehensive assessment for the learning disorder. In the event that a diagnosis of dyslexia or other reading disability is confirmed by the comprehensive assessment, the board of education shall provide appropriate evidence-based intervention strategies to the student, including intense instruction on phonemic awareness, phonics and fluency, vocabulary, and reading comprehension.

5. This act shall take effect immediately and shall first apply to the 2014-2015 school year; provided, however, that the Commissioner of Education shall take any anticipatory actions that the commissioner determines to be necessary and appropriate to effectuate the purposes of this act prior to the 2014-2015 school year.

Approved January 17, 2014.

CHAPTER 211

AN ACT concerning emergency administration of epinephrine at institutions of higher education and supplementing chapter 61D 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:61D-11 Short title.

1. This act shall be known and may be cited as the "Higher Education Epinephrine Emergency Treatment Act."

C.18A:61D-12 Findings, declarations relative to insect and food allergies.

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 institutions of higher education enroll students and attract faculty from around the country and around the world. They offer a broad array of educational opportunities for the students and faculty, both on and off campus, including trips and field studies to new environments that may expose them to different kinds of insects and foods for the first time. These are often remote settings where medical professionals or first responders are not available to provide emergency care for anaphylaxis;

d. The State of New Jersey in P.L.1997, c.368 (C.18A:40-12.5 et seq.) has already recognized the value of training non-medical professionals to administer this life-saving drug in K-12 educational settings when a medical professional is not physically present at the scene; and

e. It would be prudent to provide individuals in higher education settings who are responsible for the safety of one or more individuals with the tools to respond to emergency situations, particularly when placed in settings where exposure to unfamiliar insects or types of food is likely and where assistance from medical professionals and first responders is not readily available.

C.18A:61D-13 Definitions relative to administering epinephrine.

3. As used in this act:

“Institution of higher education” means a public or independent institution of higher education.

“Licensed campus medical professional” means a physician, physician assistant, advanced practice nurse, or registered nurse who is appropriately licensed by the State of New Jersey and is designated by an institution of higher education to oversee the institution's epinephrine administration and training program.

“Member of the campus community” means an individual who is a student, faculty, or staff member of an institution of higher education.

“Secretary” means the Secretary of Higher Education.

“Trained designee” means a member of the campus community trained by a licensed campus medical professional in the emergency administration of epinephrine via a pre-filled auto-injector mechanism.

C.18A:61D-14 Development of policy.

4. a. An institution of higher education may develop a policy, in accordance with the guidelines established by the secretary pursuant to section 6 of P.L.2013, c.211 (C.18A:61D-16), for the emergency administration of epinephrine via a pre-filled auto-injector mechanism to a member of the campus community for anaphylaxis when a medical professional is not available. The policy shall:

(1) permit a trained designee, under the guidance of a licensed campus medical professional, to administer epinephrine via a pre-filled auto-injector mechanism to a member of the campus community for whom the designee is responsible, when the designee in good faith believes that the member of the campus community is having an anaphylactic reaction;

(2) permit a trained designee, when responsible for the safety of one or more members of the campus 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; and

(3) provide that the licensed campus medical professional shall have responsibility for : training designees on how to identify an anaphylactic reaction, how to identify the indications for when to use epinephrine, and how to administer epinephrine via a pre-filled auto-injector mechanism; and distributing prescribed pre-filled epinephrine auto-injectors to trained designees.

b. Each institution of higher education that develops a policy pursuant to subsection a. of this section shall designate a physician, physician assistant, advanced practice nurse, or registered nurse who is appropriately licensed by the State of New Jersey to serve as the licensed campus medical professional.

c. A licensed campus medical professional is authorized to:

(1) establish and administer a standardized training protocol for the emergency administration of epinephrine by trained designees;

(2) ensure that trained designees have satisfactorily completed the training protocol;

(3) obtain a supply of pre-filled epinephrine auto-injectors under a standing protocol from a licensed physician; and

(4) control distribution to trained designees of pre-filled epinephrine auto-injectors.

C.18A:61D-15 Requirements for trained designee.

5. To become a trained designee, an individual must meet the following requirements:

- a. be 18 years of age or older;
- b. have, or reasonably expect to have, responsibility for at least one other member of the campus community as a result of the individual's occupational or volunteer status; and
- c. have satisfactorily completed a standardized training protocol established and administered by a licensed campus medical professional in accordance with guidelines developed by the secretary.

C.18A:61D-16 Guidelines for development of policy.

6. The secretary, in consultation with the Department of Health, shall establish guidelines for the development of a policy by an institution of higher education for the emergency administration of epinephrine to a member of the campus community for anaphylaxis when a medical professional is not available. The guidelines shall address issues including, but not limited to, the responsibilities of the institution of higher education, the licensed campus medical professional, and the trained designee for the emergency administration of epinephrine. The secretary shall disseminate the guidelines to the president of each institution of higher education.

C.18A:61D-17 Immunity from liability.

7. No licensed campus medical professional, trained designee, or physician providing a prescription under a standing protocol for epinephrine pursuant to this act, shall be held liable for any good faith act or omission committed in accordance with the provisions of this act. Good faith shall not include willful misconduct, gross negligence, or recklessness.

C.18A:61D-18 Construction of act.

8. 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 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 to a member of the campus community as a trained designee pursuant to this act.

9. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 212

AN ACT designating State Highway Route No. 53 as “Alex DeCroce Memorial Highway.”

WHEREAS, The Honorable Alex DeCroce, born June 10, 1936 in Morristown, New Jersey, was a life-long New Jersey resident who grew up in Morris County and attended Boonton High School and Seton Hall University; and

WHEREAS, As a pillar of the community in Morris County, Alex DeCroce served in numerous public offices, including the County College of Morris Board of Trustees, the Morris County Board of Elections, the Morris County Board of Taxation, the Morris County Republican Committee, the Morris County Board of Chosen Freeholders, and the New Jersey General Assembly; and

WHEREAS, Assemblyman DeCroce was sworn into the General Assembly on January 26, 1989, and, prior to his death, was the longest serving member of the General Assembly, representing the 26th Legislative District for 23 years; and

WHEREAS, As the Republican Leader in the General Assembly, Assemblyman DeCroce also served as the Deputy Speaker to the General Assembly, the Republican Conference Leader, the Co-Chairman to the Bipartisan Leadership Committee, and was a member of the Legislative Services Commission; and

WHEREAS, While in the General Assembly, Assemblyman DeCroce sponsored numerous pieces of legislation that improved the quality of life enjoyed by the citizens of this State, such as legislation to strengthen the rights of crime victims, reward special needs students, renew the State Transportation Trust Fund, and dedicate the Motor Fuel Tax for transportation infrastructure projects; and

WHEREAS, Following the final voting session of the 214th Legislature, Assemblyman Alex DeCroce passed away on January 9, 2012; and
WHEREAS, With an unwavering devotion to the people of Morris County and the State of New Jersey, it is fitting and proper for the Legislature of the State of the New Jersey to honor the memory of Assemblyman Alex DeCroce for his many contributions to the General Assembly and to the State by designating the entire length of State Highway Route No. 53 as the “Alex DeCroce 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 entire length of State Highway Route No. 53 as the “Alex DeCroce Memorial Highway” and erect appropriate signs bearing this designation and dedication.

2. No State or other public funds shall be used for producing, purchasing, or erecting signs bearing the designation established pursuant to section 1 of this act. The Commissioner of Transportation is authorized to receive gifts, grants, or other financial assistance from private sources for the purpose of funding or reimbursing the Department of Transportation for the costs associated with producing, purchasing, and erecting signs bearing the designation established pursuant to section 1 of this act and entering into agreements related thereto, with 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 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 17, 2014.

CHAPTER 213

AN ACT concerning pawnbrokers and amending R.S.45:22-22.

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

1. R.S.45:22-22 is amended to read as follows:

Interest chargeable; exceptions.

45:22-22. Notwithstanding the provisions of N.J.S.2C:21-19 to the contrary, a pawnbroker shall not charge or receive interest on a loan in excess of 4.5% per month or a fraction thereof, except that he may charge \$1.50 where the interest herein amounts to less. In no event shall any other charges be made for any reason whatsoever, except as permitted by the Commissioner of Banking and Insurance.

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

Approved January 17, 2014.

CHAPTER 214

AN ACT concerning sex offenders, revising various parts of the statutory law, 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 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read as follows:

C.2C:7-2 Registration of sex offenders; definition; requirements.

2. a. (1) A person who has been convicted, adjudicated delinquent or found not guilty by reason of insanity for commission of a sex offense as defined in subsection b. of this section shall register as provided in subsections c. and d. of this section.

(2) A person who in another jurisdiction is required to register as a sex offender and (a) is enrolled on a full-time or part-time basis in any public or private educational institution in this State, including any secondary school, trade or professional institution, institution of higher education or other post-secondary school, or (b) is employed or carries on a vocation in this State, on either a full-time or a part-time basis, with or without compensation, for more than 14 consecutive days or for an aggregate period exceed-

ing 30 days in a calendar year, shall register in this State as provided in subsections c. and d. of this section.

(3) A person who fails to register as required under this act shall be guilty of a crime of the third degree.

b. For the purposes of this act a sex offense shall include the following:

(1) Aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these crimes if the court found that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior, regardless of the date of the commission of the offense or the date of conviction;

(2) A conviction, adjudication of delinquency, or acquittal by reason of insanity for aggravated sexual assault; sexual assault; aggravated criminal sexual contact; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:24-4; endangering the welfare of a child pursuant to paragraph (3) or (4) or subparagraph (a) of paragraph (5) of subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6); criminal sexual contact pursuant to N.J.S.2C:14-3b. if the victim is a minor; kidnapping pursuant to N.J.S.2C:13-1, criminal restraint pursuant to N.J.S.2C:13-2, or false imprisonment pursuant to N.J.S.2C:13-3 if the victim is a minor and the offender is not the parent of the victim; knowingly promoting prostitution of a child pursuant to paragraph (3) or paragraph (4) of subsection b. of N.J.S.2C:34-1; or an attempt to commit any of these enumerated offenses if the conviction, adjudication of delinquency or acquittal by reason of insanity is entered on or after the effective date of this act or the offender is serving a sentence of incarceration, probation, parole or other form of community supervision as a result of the offense or is confined following acquittal by reason of insanity or as a result of civil commitment on the effective date of this act;

(3) A conviction, adjudication of delinquency or acquittal by reason of insanity for an offense similar to any offense enumerated in paragraph (2) or a sentence on the basis of criteria similar to the criteria set forth in paragraph (1) of this subsection entered or imposed under the laws of the United States, this State or another state;

(4) Notwithstanding the provisions of paragraph (1), (2) or (3) of this subsection, a sex offense shall not include an adjudication of delinquency

for endangering the welfare of a child pursuant to paragraph (4) or (5) of subsection b. of N.J.S.2C:24-4, provided that the actor demonstrates that:

(a) the facts of the case are limited to the creation, exhibition or distribution of a photograph depicting nudity as defined in N.J.S.2C:24-4 through the use of an electronic communications device, an interactive wireless communications device, or a computer;

(b) the creator and subject of the photograph are juveniles or were juveniles at the time of its making; and

(c) the subject of the photograph whose nudity is depicted knowingly consented to the making of the photograph.

c. A person required to register under the provisions of this act shall do so on forms to be provided by the designated registering agency as follows:

(1) A person who is required to register and who is under supervision in the community on probation, parole, furlough, work release, or a similar program, shall register at the time the person is placed under supervision or no later than 120 days after the effective date of this act, whichever is later, in accordance with procedures established by the Department of Corrections, the Department of Human Services, the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) or the Administrative Office of the Courts, whichever is responsible for supervision;

(2) A person confined in a correctional or juvenile facility or involuntarily committed who is required to register shall register prior to release in accordance with procedures established by the Department of Corrections, the Department of Human Services or the Juvenile Justice Commission and, within 48 hours of release, shall also register with the chief law enforcement officer of the municipality in which the person resides or, if the municipality does not have a local police force, the Superintendent of State Police;

(3) A person moving to or returning to this State from another jurisdiction shall register with the chief law enforcement officer of the municipality in which the person will reside or, if the municipality does not have a local police force, the Superintendent of State Police within 120 days of the effective date of this act or 10 days of first residing in or returning to a municipality in this State, whichever is later;

(4) A person required to register on the basis of a conviction prior to the effective date who is not confined or under supervision on the effective date of this act shall register within 120 days of the effective date of this act with the chief law enforcement officer of the municipality in which the per-

son will reside or, if the municipality does not have a local police force, the Superintendent of State Police;

(5) A person who in another jurisdiction is required to register as a sex offender and who is enrolled on a full-time or part-time basis in any public or private educational institution in this State, including any secondary school, trade or professional institution, institution of higher education or other post-secondary school shall, within ten days of commencing attendance at such educational institution, register with the chief law enforcement officer of the municipality in which the educational institution is located or, if the municipality does not have a local police force, the Superintendent of State Police;

(6) A person who in another jurisdiction is required to register as a sex offender and who is employed or carries on a vocation in this State, on either a full-time or a part-time basis, with or without compensation, for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year, shall, within ten days after commencing such employment or vocation, register with the chief law enforcement officer of the municipality in which the employer is located or where the vocation is carried on, as the case may be, or, if the municipality does not have a local police force, the Superintendent of State Police;

(7) In addition to any other registration requirements set forth in this section, a person required to register under this act who is enrolled at, employed by or carries on a vocation at an institution of higher education or other post-secondary school in this State shall, within ten days after commencing such attendance, employment or vocation, register with the law enforcement unit of the educational institution, if the institution has such a unit.

d. (1) Upon a change of address, a person shall notify the law enforcement agency with which the person is registered and shall re-register with the appropriate law enforcement agency no less than 10 days before he intends to first reside at his new address. Upon a change of employment or school enrollment status, a person shall notify the appropriate law enforcement agency no later than five days after any such change. A person who fails to notify the appropriate law enforcement agency of a change of address or status in accordance with this subsection is guilty of a crime of the third degree.

(2) A person required to register under this act shall provide the appropriate law enforcement agency with information as to whether the person has routine access to or use of a computer or any other device with Internet capability. A person who fails to notify the appropriate law enforcement agency of such information or of a change in the person's access to or use

of a computer or other device with Internet capability or who provides false information concerning the person's access to or use of a computer or any other device with Internet capability is guilty of a crime of the third degree.

e. A person required to register under paragraph (1) of subsection b. of this section or under paragraph (3) of subsection b. due to a sentence imposed on the basis of criteria similar to the criteria set forth in paragraph (1) of subsection b. shall verify his address with the appropriate law enforcement agency every 90 days in a manner prescribed by the Attorney General. A person required to register under paragraph (2) of subsection b. of this section or under paragraph (3) of subsection b. on the basis of a conviction for an offense similar to an offense enumerated in paragraph (2) of subsection b. shall verify his address annually in a manner prescribed by the Attorney General. In addition to address information, the person shall provide as part of the verification process any additional information the Attorney General may require. One year after the effective date of this act, the Attorney General shall review, evaluate and, if warranted, modify pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) the verification requirement. Any person who knowingly provides false information concerning his place of residence or who fails to verify his address with the appropriate law enforcement agency or other entity, as prescribed by the Attorney General in accordance with this subsection, is guilty of a crime of the third degree.

f. Except as provided in subsection g. of this section, a person required to register under this act may make application to the Superior Court of this State to terminate the obligation upon proof that the person has not committed an offense within 15 years following conviction or release from a correctional facility for any term of imprisonment imposed, whichever is later, and is not likely to pose a threat to the safety of others.

g. A person required to register under this section who has been convicted of, adjudicated delinquent, or acquitted by reason of insanity for more than one sex offense as defined in subsection b. of this section or who has been convicted of, adjudicated delinquent, or acquitted by reason of insanity for aggravated sexual assault pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not eligible under subsection f. of this section to make application to the Superior Court of this State to terminate the registration obligation.

2. Section 2 of P.L.2001, c.167 (C.2C:7-13) is amended to read as follows:

C.2C:7-13 Development, maintenance of system on the Internet registry.

2. a. Pursuant to the provisions of this section, the Superintendent of State Police shall develop and maintain a system for making certain information in the central registry established pursuant to subsection d. of section 4 of P.L.1994, c.133 (C.2C:7-4) publicly available by means of electronic Internet technology.

b. The public may, without limitation, obtain access to the Internet registry to view an individual registration record, any part of, or the entire Internet registry concerning all offenders:

- (1) whose risk of re-offense is high;
- (2) whose risk of re-offense is moderate or low and whose conduct was found to be characterized by a pattern of repetitive, compulsive behavior pursuant to the provisions of N.J.S.2C:47-3; or
- (3) for whom the court has ordered notification in accordance with paragraph (3) of subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8), regardless of the age of the offender.

c. Except as provided in subsection d. of this section, the public may, without limitation, obtain access to the Internet registry to view an individual registration record, any part of, or the entire Internet registry concerning offenders whose risk of re-offense is moderate and for whom the court has ordered notification in accordance with paragraph (2) of subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8).

d. The individual registration record of an offender whose risk of re-offense has been determined to be moderate and for whom the court has ordered notification in accordance with paragraph (2) of subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8) shall not be made available to the public on the Internet registry if the sole sex offense committed by the offender which renders him subject to the requirements of P.L.1994, c.133 (C.2C:7-1 et seq.) is one of the following:

- (1) An adjudication of delinquency for any sex offense as defined in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2);
- (2) A conviction or acquittal by reason of insanity for a violation of N.J.S.2C:14-2 or N.J.S.2C:14-3 under circumstances in which the offender was related to the victim by blood or affinity to the third degree or was a resource family parent, a guardian, or stood in loco parentis within the household; or
- (3) A conviction or acquittal by reason of insanity for a violation of N.J.S.2C:14-2 or N.J.S.2C:14-3 in any case in which the victim assented to the commission of the offense but by reason of age was not capable of giving lawful consent.

For purposes of this subsection, "sole sex offense" means a single conviction, adjudication of guilty or acquittal by reason of insanity, as the case may be, for a sex offense which involved no more than one victim, no more than one occurrence or, in the case of an offense which meets the criteria of paragraph (2) of this subsection, members of no more than a single household.

e. Notwithstanding the provisions of paragraph d. of this subsection, the individual registration record of an offender to whom an exception enumerated in paragraph (1), (2) or (3) of subsection d. of this section applies shall be made available to the public on the Internet registry if the offender's conduct was characterized by a pattern of repetitive, compulsive behavior, or the State establishes by clear and convincing evidence that, given the particular facts and circumstances of the offense and the characteristics and propensities of the offender, the risk to the general public posed by the offender is substantially similar to that posed by offenders whose risk of re-offense is moderate and who do not qualify under the enumerated exceptions.

f. Unless the offender's conduct was characterized by a pattern of repetitive, compulsive behavior, the individual registration records of offenders whose risk of re-offense is low or of offenders whose risk of re-offense is moderate but for whom the court has not ordered notification in accordance with paragraph (2) of subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8) shall not be available to the public on the Internet registry.

g. The information concerning a registered offender to be made publicly available on the Internet shall include: the offender's name and any aliases the offender has used or under which the offender may be or may have been known; any sex offense as defined in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2) for which the offender was convicted, adjudicated delinquent or acquitted by reason of insanity, as the case may be; the date and location of disposition; a brief description of any such offense, including the victim's gender and indication of whether the victim was less than 18 years old or less than 13 years old; a general description of the offender's modus operandi, if any; the determination of whether the risk of re-offense by the offender is moderate or high; the offender's age, race, sex, date of birth, height, weight, hair, eye color and any distinguishing scars or tattoos; a photograph of the offender and the date on which the photograph was entered into the registry; the make, model, color, year and license plate number of any vehicle operated by the offender; and the street address, zip code, municipality and county in which the offender resides.

3. N.J.S.2C:14-2 is amended to read as follows:

Sexual assault.

2C:14-2. Sexual assault. a. An actor is guilty of aggravated sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

- (1) The victim is less than 13 years old;
- (2) The victim is at least 13 but less than 16 years old; and
- (a) The actor is related to the victim by blood or affinity to the third degree, or
- (b) The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or
- (c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household;
- (3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson or criminal escape;
- (4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object;
- (5) The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion;
- (6) The actor uses physical force or coercion and severe personal injury is sustained by the victim;
- (7) The victim is one whom the actor knew or should have known was physically helpless or incapacitated, intellectually or mentally incapacitated, or had a mental disease or defect which rendered the victim temporarily or permanently incapable of understanding the nature of his conduct, including, but not limited to, being incapable of providing consent.

Aggravated sexual assault is a crime of the first degree.

b. An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim.

c. An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

- (1) The actor uses physical force or coercion, but the victim does not sustain severe personal injury;

(2) The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional or occupational status;

(3) The victim is at least 16 but less than 18 years old and:

(a) The actor is related to the victim by blood or affinity to the third degree; or

(b) The actor has supervisory or disciplinary power of any nature or in any capacity over the victim; or

(c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household;

(4) The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim.

Sexual assault is a crime of the second degree.

4. Section 2 of P.L.1994, c.130 (C.2C:43-6.4) is amended to read as follows:

C.2C:43-6.4 Special sentence of parole supervision for life.

2. a. Notwithstanding any provision of law to the contrary, a judge imposing sentence on a person who has been convicted of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1, endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:24-4, endangering the welfare of a child pursuant to paragraph (3) of subsection b. of N.J.S.2C:24-4, luring, violating a condition of a special sentence of community supervision for life pursuant to subsection d. of this section, or an attempt to commit any of these offenses shall include, in addition to any sentence authorized by this Code, a special sentence of parole supervision for life. Notwithstanding any provision of law to the contrary, a court imposing sentence on a person who has been convicted of endangering the welfare of a child pursuant to paragraph (4) or (5) of subsection b. of N.J.S.2C:24-4, or an attempt to commit either of these offenses shall include, upon motion of the prosecutor, a special sentence of parole supervision for life in addition to any sentence authorized by Title 2C of the New Jersey Statutes, unless the court finds on the record that the special sentence is not needed to protect the community or deter the defendant from future criminal activity.

b. The special sentence of parole supervision for life required by this section shall commence immediately upon the defendant's release from in-

carceration. If the defendant is serving a sentence of incarceration for another offense at the time he completes the custodial portion of the sentence imposed on the present offense, the special sentence of parole supervision for life shall not commence until the defendant is actually released from incarceration for the other offense. Persons serving a special sentence of parole supervision for life shall remain in the legal custody of the Commissioner of Corrections, shall be supervised by the Division of Parole of the State Parole Board, shall be subject to the provisions and conditions set forth in subsection c. of section 3 of P.L.1997, c.117 (C.30:4-123.51b) and sections 15 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.59 through 30:4-123.63 and 30:4-123.65), and shall be subject to conditions appropriate to protect the public and foster rehabilitation. Such conditions may include the requirement that the person comply with the conditions set forth in subsection f. of this section concerning use of a computer or other device with access to the Internet. If the defendant violates a condition of a special sentence of parole supervision for life, the defendant shall be subject to the provisions of sections 16 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63 and 30:4-123.65), and for the purpose of calculating the limitation on time served pursuant to section 21 of P.L.1979, c.441 (C.30:4-123.65) the custodial term imposed upon the defendant related to the special sentence of parole supervision for life shall be deemed to be a term of life imprisonment. When the court suspends the imposition of sentence on a defendant who has been convicted of any offense enumerated in subsection a. of this section, the court may not suspend imposition of the special sentence of parole supervision for life, which shall commence immediately, with the Division of Parole of the State Parole Board maintaining supervision over that defendant, including the defendant's compliance with any conditions imposed by the court pursuant to N.J.S.2C:45-1, in accordance with the provisions of this subsection. Nothing contained in this subsection shall prevent the court from at any time proceeding under the provisions of N.J.S.2C:45-1 through 2C:45-4 against any such defendant for a violation of any conditions imposed by the court when it suspended imposition of sentence, or prevent the Division of Parole from proceeding under the provisions of sections 16 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63 and C.30:4-123.65) against any such defendant for a violation of any conditions of the special sentence of parole supervision for life, including the conditions imposed by the court pursuant to N.J.S.2C:45-1. In any such proceeding by the Division of Parole, the provisions of subsection c. of section 3 of P.L.1997, c.117 (C.30:4-123.51b) authorizing revocation and return to prison shall be applicable to

such a defendant, notwithstanding that the defendant may not have been sentenced to or served any portion of a custodial term for conviction of an offense enumerated in subsection a. of this section.

c. A person sentenced to a term of parole supervision for life may petition the Superior Court for release from that parole supervision. The judge may grant a petition for release from a special sentence of parole supervision for life only upon proof by clear and convincing evidence that the person has not committed a crime for 15 years since the last conviction or release from incarceration, whichever is later, and that the person is not likely to pose a threat to the safety of others if released from parole supervision. Notwithstanding the provisions of section 22 of P.L.1979, c.441 (C.30:4-123.66), a person sentenced to a term of parole supervision for life may be released from that parole supervision term only by court order as provided in this subsection.

d. A person who violates a condition of a special sentence of community supervision for life or parole supervision for life imposed pursuant to this section without good cause is guilty of a crime of the third degree. Notwithstanding any other law to the contrary, a person sentenced pursuant to this subsection shall be sentenced to a term of imprisonment, unless the court is clearly convinced that the interests of justice so far outweigh the need to deter this conduct and the interest in public safety that a sentence to imprisonment would be a manifest injustice. Nothing in this subsection shall preclude subjecting a person who violates any condition of a special sentence of parole supervision for life to the provisions of sections 16 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63 and C.30:4-123.65) pursuant to the provisions of subsection c. of section 3 of P.L.1997, c.117 (C.30:4-123.51b).

e. A person who, while serving a special sentence of parole supervision for life imposed pursuant to this section, commits a violation of N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:11-5, subsection b. of N.J.S.2C:12-1, N.J.S.2C:13-1, section 1 of P.L.1993, c.291 (C.2C:13-6), N.J.S.2C:14-2, N.J.S.2C:14-3, N.J.S.2C:24-4, N.J.S.2C:18-2 when the offense is a crime of the second degree, or subsection a. of N.J.S.2C:39-4 shall be sentenced to an extended term of imprisonment as set forth in N.J.S.2C:43-7, which term shall, notwithstanding the provisions of N.J.S.2C:43-7 or any other law, be served in its entirety prior to the person's resumption of the term of parole supervision for life.

f. The special sentence of parole supervision for life required by this section may include any of the following Internet access conditions:

(1) Prohibit the person from accessing or using a computer or any other device with Internet capability without the prior written approval of the court except the person may use a computer or any other device with Internet capability in connection with that person's employment or search for employment with the prior approval of the person's parole officer;

(2) Require the person to submit to periodic unannounced examinations of the person's computer or any other device with Internet capability by a parole officer, law enforcement officer or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment or device to conduct a more thorough inspection;

(3) Require the person to submit to the installation on the person's computer or device with Internet capability, at the person's expense, one or more hardware or software systems to monitor the Internet use;

(4) Require the person to submit to any other appropriate restrictions concerning the person's use or access of a computer or any other device with Internet capability; and

(5) Require the person to disclose all passwords used by the person to access any data, information, image, program, signal or file on the person's computer or any other device with Internet capability.

5. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read as follows:

C.2C:46-4 Fines, assessments, penalties, restitution; collection; disposition.

3. a. All fines, assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all penalties imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.98) and restitution shall be collected as follows:

(1) All fines, assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all penalties imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.98) and restitution imposed by the Supe-

rior Court or otherwise imposed at the county level, shall be collected by the county probation division except when such fine, assessment or restitution is imposed in conjunction with a custodial sentence to a State correctional facility or in conjunction with a term of incarceration imposed pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) in which event such fine, assessment or restitution shall be collected by the Department of Corrections or the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170). An adult prisoner of a State correctional institution or a juvenile serving a term of incarceration imposed pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) who has not paid an assessment imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), a penalty imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), a penalty imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.98) or restitution shall have the assessment, penalty, fine or restitution deducted from any income the inmate receives as a result of labor performed at the institution or on any type of work release program or, pursuant to regulations promulgated by the Commissioner of the Department of Corrections or the Juvenile Justice Commission, from any personal account established in the institution for the benefit of the inmate.

(2) All fines, assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed by a municipal court shall be collected by the municipal court administrator except if such fine, assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered as a condition of probation in which event it shall be collected by the county probation division.

b. Except as provided in subsection c. with respect to fines imposed on appeals following convictions in municipal courts and except as provided in subsection i. with respect to restitution imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et al.), all fines imposed by the Superior Court or otherwise imposed at the county level, shall be paid over by the officer entitled to collect same to:

(1) The county treasurer with respect to fines imposed on defendants who are sentenced to and serve a custodial term, including a term as a condition of probation, in the county jail, workhouse or penitentiary except where such county sentence is served concurrently with a sentence to a State institution; or

(2) The State Treasurer with respect to all other fines.

c. All fines imposed by municipal courts, except a central municipal court established pursuant to N.J.S.2B:12-1 on defendants convicted of crimes, disorderly persons offenses and petty disorderly persons offenses, and all fines imposed following conviction on appeal therefrom, and all forfeitures of bail shall be paid over by the officer entitled to collect same to the treasury of the municipality wherein the municipal court is located.

In the case of an intermunicipal court, fines shall be paid into the municipal treasury of the municipality in which the offense was committed, and costs, fees, and forfeitures of bail shall be apportioned among the several municipalities to which the court's jurisdiction extends according to the ratios of the municipalities' contributions to the total expense of maintaining the court.

In the case of a central municipal court, established by a county pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of bail shall be paid into the county treasury of the county where the central municipal court is located.

d. All assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided in that section.

e. All mandatory Drug Enforcement and Demand Reduction penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded and deposited as provided for in that section.

f. All forensic laboratory fees assessed pursuant to N.J.S.2C:35-20 shall be forwarded and deposited as provided for in that section.

g. All restitution ordered to be paid to the Victims of Crime Compensation Agency pursuant to N.J.S.2C:44-2 shall be forwarded to the agency for deposit in the Victims of Crime Compensation Agency Account.

h. All assessments imposed pursuant to section 11 of P.L.1993, c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided in that section.

i. All restitution imposed on defendants under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law enforcement entity in extraditing the defendant from another jurisdiction shall be paid over by the officer entitled to collect same to the law enforcement entities which participated in the extradition of the defendant.

j. All penalties imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided in that section.

k. All penalties imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in that section.

l. All mandatory penalties imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as provided in that section.

m. All mandatory Computer Crime Prevention penalties imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8) shall be forwarded and deposited as provided in that section.

n. All mandatory Sex Offender Supervision penalties imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.98) shall be forwarded and deposited as provided in that section.

6. Section 13 of P.L.1991, c.329 (C.2C:46-4.1) is amended to read as follows:

C.2C:46-4.1 Application of moneys collected; priority.

13. Moneys that are collected in satisfaction of any assessment imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or in satisfaction of restitution or fines imposed in accordance with the provisions of Title 2C of the New Jersey Statutes or with the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be applied in the following order:

a. first, in satisfaction of all assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1);

b. second, except as provided in subsection f. of this section, in satisfaction of any restitution ordered;

c. third, in satisfaction of all assessments imposed pursuant to section 11 of P.L.1993, c.220 (C.2C:43-3.2);

d. fourth, in satisfaction of any forensic laboratory fee assessed pursuant to N.J.S.2C:35-20;

e. fifth, in satisfaction of any mandatory Drug Enforcement and Demand Reduction penalty assessed pursuant to N.J.S.2C:35-15;

f. sixth, in satisfaction of any anti-drug profiteering penalty imposed pursuant to N.J.S.2C:35A-1 et seq.;

g. seventh, in satisfaction of any anti-money laundering profiteering penalty imposed pursuant to section 9 of P.L.1999, c.25 (C.2C:21-27.2);

h. eighth, in satisfaction of restitution for any extradition costs imposed pursuant to section 4 of P.L.1997, c.253 (C.2C:43-3.4);

i. ninth, in satisfaction of any penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5);

j. tenth, in satisfaction of any penalty imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6);

k. eleventh, in satisfaction of the mandatory penalty imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10);

l. twelfth, in satisfaction of any mandatory Computer Crime Prevention penalty assessed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8);

m. thirteenth, in satisfaction of any mandatory Sex Offender Supervision penalty assessed pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.98); and

n. in satisfaction of any fine.

C.30:4-123.97 Additional penalty for certain sex offenders.

7. a. In addition to any fine, fee, assessment or penalty authorized under the provisions of Title 2C of the New Jersey Statutes, a person convicted of or adjudicated delinquent for a sex offense, as defined in section 2 of P.L.1994, c.133 (C.2C:7-2), shall be assessed a penalty of \$30 per month.

b. All penalties provided for in this section, collected as provided for the collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), shall be forwarded to the Department of the Treasury to be deposited in the "Sex Offender Supervision Fund" established pursuant to section 8 of P.L.2013, c.214 (C.30:4-123.98).

A person shall not be assessed the penalty established in subsection a. of this section if the person's income does not exceed 149 percent of the federal poverty level.

C.30:4-123.98 "Sex Offender Supervision Fund."

8. There is hereby established the "Sex Offender Supervision Fund" as a nonlapsing, revolving fund. This fund shall be administered by the Chairman of the State Parole Board, and all moneys deposited therein pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97) shall be used for operational expenses incurred by the board in supervising sex offenders who have been released from incarceration. These operational expenses shall include, but not be limited to, the cost of salary and benefits for the hiring of additional parole officers; the acquisition and operation of equipment utilized for continuous monitoring of sex offenders pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.); and the purchasing of equipment to expand the board's capabilities to supervise released sex offenders, including motor vehicles and computer equipment for parole officers. Operational expenses shall not include increments, cost of living increases, or administrative expenses.

C.30:4-123.99 Development of program, training for certain parole officers.

9. a. The Chairman of the State Parole Board shall develop a program for parole officers who supervise sex offenders to utilize computer and other high technology instruments to detect crimes or violations of conditions of parole.

b. Training for officers who participate in the program shall include, but not be limited to, instruction in the following subjects:

(1) conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments or have used these instruments to commit unlawful or criminal acts;

(2) forensic recovery, evidence preservation and analysis of data in computer systems that are seized because of suspected involvement in unlawful activity;

(3) monitoring the use of interactive computer services by supervised sex offenders, especially those offenders who are suspected of contacting or seeking to contact children under the age of 18 for the purpose of engaging in unlawful activity; and

(4) cooperation with other law enforcement agencies at the local, State and federal level in order to coordinate efforts in investigating and prosecuting unlawful activity by supervised sex offenders involving computers and other high technology instruments.

10. This act shall take effect on the first day of the sixth month after enactment; provided however, the Chairman of the State Parole Board may take any anticipatory action prior to the effective date needed for the timely implementation of this act.

Approved January 17, 2014.

CHAPTER 215

AN ACT concerning credit unions and amending P.L.1984, c.171.

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

1. Section 46 of P.L.1984, c.171 (C.17:13-124) is amended to read as follows:

C.17:13-124 Credit union advisory council.

46. a. A Credit Union Advisory Council is created which shall consult with, advise, and make recommendations to the commissioner on matters pertaining to the chartering, operation and supervision of credit unions.

b. The council shall consist of seven persons to be appointed by the Governor, with the advice and consent of the Senate, who are members of the State chartered and federally chartered credit unions within the State, at least two of whom shall be members of federally chartered credit unions within the State and at least four of whom shall be members of State chartered credit unions within the State. Four members of the council shall have had a minimum of three years' experience as a credit union officer or director or a similar management position. Appointments to the council shall be for terms of five years except that four of the initial appointments shall be for terms of four, three, two, and one years respectively, so that in each subsequent year one member shall be appointed to a full term. The two initial members of the federally chartered credit unions shall be appointed for terms of four and three years, respectively.

c. All members shall serve until their successors have been appointed and qualified. In the event a vacancy occurs, the appointment to fill the vacancy for the unexpired term shall be in the manner of the original appointment.

d. The chairman of the council shall be elected annually and from the members thereof.

e. The initial meeting of the council shall be called by the commissioner. Thereafter, regular meetings shall be held at times and places as shall be determined by the chairman, the commissioner, or a majority of the council members. The council may establish its own procedures and practices.

f. Expenses of the council shall be borne by the credit unions.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 216

AN ACT concerning cargo facility charges by the Port Authority of New York and New Jersey and supplementing Title 32 of the Revised Statutes.

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

C.32:23-226 Definitions relative to cargo facility charges.

1. As used in P.L.2013, c.216 (C.32:23-226 et seq.):

“Bill of lading” means a document evidencing the receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods.

“Cargo facility charge” means any fee applicable to cargo and cargo containers discharged from, or loaded onto, vessels at any marine facility owned or operated by the port authority.

“Carrier” means a carrier as that term is defined in 49 U.S.C. s.13102.

“Container” means any receptacle, box, carton, or crate which is specifically designed and constructed so that it may be repeatedly used for the carriage of freight by an ocean common carrier.

“Marine terminal operator” means any person, corporation, partnership, or any business organization which shall operate and maintain any of the marine terminals established, acquired, constructed, rehabilitated, or improved by the port authority by means of and through leasing agreements entered into by any such person, corporation, partnership, or any business organization with the port authority.

“Ocean common carrier” means an ocean common carrier as that term is defined in 46 U.S.C. s.40102.

“Rail carrier” means a rail carrier as that term is defined in 49 U.S.C. s.10102.

“Tariff” means a marine terminal operator schedule as that term is defined in 46 C.F.R. 525.2.

“User” means:

a. any person, company, or other entity that is named as the shipper or consignee on the ocean common carrier bill of lading issued for export or import cargo, or any person owning or entitled to the possession, or having a past or future interest in, the export or import cargo;

b. in the case of negotiable bills of lading, any other person, company, or other entity that is a bona fide holder of the bill of lading or who is entitled to receive delivery of export cargo or import cargo; or

c. any other bailor of export or import cargo.

C.32:23-227 Cargo facility charges not assessed, certain circumstances.

2. Notwithstanding any law, rule, regulation, or existing tariff to the contrary, the port authority shall not assess a user, ocean common carrier, marine terminal operator, carrier, or rail carrier a cargo facility charge on import and export cargo leaving any marine facility owned or operated by the port authority, except that the port authority may assess a user, ocean

common carrier, marine terminal operator, carrier, or rail carrier a cargo facility charge upon written mutual agreement between the user, ocean common carrier, marine terminal operator, carrier, or rail carrier and the port authority.

C.32:23-228 Effective date.

3. This act shall take effect immediately, but shall remain inoperative until the enactment into law of legislation substantially similar to P.L.2013, c.216 (C.32:23-226 et seq.) by the State of New York, but if such legislation shall have been enacted prior to the enactment of this act, this act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 217

AN ACT concerning stillbirths and supplementing Title 26 of the Revised Statutes, and designated the "Autumn Joy Stillbirth Research and Dignity Act."

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

C.26:8-40.27 Findings, declarations relative to stillbirths.

1. The Legislature finds and declares that:
 - a. Stillbirths are unintended fetal deaths and are traditionally identified as those which occur after 20 weeks of pregnancy or involve the unintended death of fetuses weighing 350 or more grams;
 - b. Approximately one in every 160 pregnancies in the United States ends in stillbirth each year, a rate which is high compared with other developed countries;
 - c. Families experiencing a stillbirth suffer severe anguish, and many health care facilities in the State do not adequately ensure that grieving families are treated with sensitivity and informed about what to expect when a stillbirth occurs, nor are families who have experienced a stillbirth always advised of the importance of an autopsy and thorough evaluation of the stillborn child;
 - d. While studies have identified many factors that may cause stillbirths, researchers still do not know the causes of a majority of stillbirths, in

part due to a lack of uniform protocols for evaluating and classifying stillbirths, and to decreasing autopsy rates;

e. The State currently collects some data related to fetal deaths, but full autopsy and laboratory data related to stillbirths could be more consistently collected and more effectively used to better understand risk factors and causes of stillbirths, and thus more effectively inform strategies for their prevention; and

f. It is in the public interest to establish mandatory protocols for health care facilities in the State, so that each child who is stillborn and each family experiencing a stillbirth in the State is treated with dignity, each family experiencing a stillbirth receives appropriate follow-up care provided in a sensitive manner, and comprehensive data related to stillbirths are consistently collected by the State and made available to researchers seeking to prevent and reduce the incidence of stillbirths.

C.26:8-40.28 Development of comprehensive policies, procedures.

2. a. The Commissioner of Health, in consultation with the State Board of Medical Examiners, the New Jersey Board of Nursing, the State Board of Psychological Examiners, and the State Board of Social Work Examiners, shall develop and prescribe by regulation comprehensive policies and procedures to be followed by health care facilities that provide birthing and newborn care services in the State when a stillbirth occurs.

b. The Commissioner of Health shall require as a condition of licensure that each health care facility in the State that provides birthing and newborn care services adhere to the policies and procedures prescribed in this section. The policies and procedures shall include, at a minimum:

(1) protocols for assigning primary responsibility to one physician, who shall communicate the condition of the fetus to the mother and family, and inform and coordinate staff to assist with labor, delivery, and postmortem procedures;

(2) guidelines to assess a family's level of awareness and knowledge regarding the stillbirth;

(3) the establishment of a bereavement checklist, and an informational pamphlet to be given to a family experiencing a stillbirth that includes information about funeral and cremation options;

(4) provision of one-on-one nursing care for the duration of the mother's stay at the facility;

(5) training of physicians, nurses, psychologists, and social workers to ensure that information is provided to the mother and family experiencing a stillbirth in a sensitive manner, including information about what to expect,

the availability of grief counseling, the opportunity to develop a plan of care that meets the family's social, religious, and cultural needs, and the importance of an autopsy and thorough evaluation of the stillborn child;

(6) best practices to provide psychological and emotional support to the mother and family following a stillbirth, including referring to the stillborn child by name, and offering the family the opportunity to cut the umbilical cord, hold the stillborn child with privacy and without time restrictions, and prepare a memory box with keepsakes, such as a handprint, footprint, blanket, bracelet, lock of hair, and photographs, and provisions for retaining the keepsakes for one year if the family chooses not to take them at discharge;

(7) protocols to ensure that the physician assigned primary responsibility for communicating with the family discusses the importance of an autopsy for the family, including the significance of autopsy findings on future pregnancies and the significance that data from the autopsy may have for other families;

(8) protocols to ensure coordinated visits to the family by a hospital staff trained to address the psychosocial needs of a family experiencing a stillbirth, provide guidance in the bereavement process, assist with completing any forms required in connection with the stillbirth and autopsy, and offer the family the opportunity to meet with the hospital chaplain or other individual from the family's religious community; and

(9) guidelines for educating health care professionals and hospital staff on caring for families after stillbirth.

c. The State Board of Medical Examiners and the New Jersey Board of Nursing shall require physicians and nurses, respectively, to adhere to the policies and procedures prescribed in subsection a. of this section.

C.26:8-40.29 Fetal death evaluation protocol.

3. The Department of Health shall establish a fetal death evaluation protocol, which a hospital licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) shall follow in collecting data relevant to each stillbirth. The information required to be collected shall include, but not be limited to:

a. the race, age of the mother, maternal and paternal family history, comorbidities, prenatal care history, antepartum findings, history of past obstetric complications, exposure to viral infections, smoking, drug and alcohol use, fetal growth restriction, placental abruption, chromosomal and genetic abnormalities obtained pre-delivery, infection in premature fetus, cord accident, including evidence of obstruction or circulatory compromise, history of thromboembolism, and whether the mother gave birth before; and

b. documentation of the evaluation of a stillborn child, placenta, and cytologic specimen that conform to the standards established by the American College of Obstetricians and Gynecologists and meet any other requirements deemed by the Commissioner of Health as necessary, including, but not limited to, the following components:

(1) if the parents consent to a complete autopsy: the weight of the stillborn child and placenta, head circumference, length of stillborn child, foot length if stillbirth occurred before 23 weeks of gestation, and notation of any dysmorphic feature; photograph of the whole body, frontal and profile of face, extremities and palms, close-up of any specific abnormalities; examination of the placenta and umbilical cord; and gross and microscopic examination of membranes and umbilical cord; or

(2) if the parents do not consent to a complete autopsy, an evaluation of a stillborn child as set forth in paragraph (1) of this subsection, and appropriate alternatives to a complete autopsy, including a placental examination, external examination, selected biopsies, X-rays, MRI, and ultrasound.

C.26:8-40.30 Establishment, maintenance of data base.

4. a. Within two years after the effective date of this act, the Department of Health shall establish and maintain a new database, or update an existing database, that contains a confidential record of all data obtained pursuant to section 3 of this act, except that if the department develops the technical capability, the department shall establish and maintain the new, or update the existing, database prior to the two years after the effective date of this act.

b. The data shall be made available to the public through the department website, except that no data shall identify any person to whom the data relate.

C.26:8-40.31 Evaluation of data, report to Governor, Legislature.

5. a. The Department of Health shall evaluate the data obtained pursuant to section 3 of this act for purposes of identifying the causes of, and ways to prevent, stillbirths, and may contract with a third party, including, but not limited to, a public institution of higher education in the State or a foundation, to undertake the evaluation.

b. No later than five years after the effective date of this section, the Commissioner of Health shall report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), on the findings of the evaluation required pursuant to this section, and shall include in the report any recommendations for legislative action that the commissioner deems appropriate.

C.26:8-40.32 Rules, regulations.

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

7. This act shall take effect one year after 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 17, 2014.

CHAPTER 218

AN ACT concerning the Board of Governors of Rutgers, The State University and amending N.J.S.18A:65-22.

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

1. N.J.S.18A:65-22 is amended to read as follows:

Quorums.

18A:65-22. a. Eight members of the board of governors shall constitute a quorum.

b. Such number, not less than 12, of the board of trustees as shall be determined by the board, and until so determined, 12 members, shall constitute a quorum.

c. A quorum of a joint meeting of the boards shall be present if eight governors and not less than a majority of the trustees then in office (other than those who are governors), are present.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 219

AN ACT concerning pepper spray and amending N.J.S.2C:39-6.

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

1. N.J.S.2C:39-6 is amended to read as follows:

Exemptions.

2C:39-6. a. Provided a person complies with the requirements of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

(1) Members of the Armed Forces of the United States or of the National Guard while actually on duty, or while traveling between places of duty and carrying authorized weapons in the manner prescribed by the appropriate military authorities;

(2) Federal law enforcement officers, and any other federal officers and employees required to carry firearms in the performance of their official duties;

(3) Members of the State Police and, under conditions prescribed by the superintendent, members of the Marine Law Enforcement Bureau of the Division of State Police;

(4) A sheriff, undersheriff, sheriff's officer, county prosecutor, assistant prosecutor, prosecutor's detective or investigator, deputy attorney general or State investigator employed by the Division of Criminal Justice of the Department of Law and Public Safety, investigator employed by the State Commission of Investigation, inspector of the Alcoholic Beverage Control Enforcement Bureau of the Division of State Police in the Department of Law and Public Safety authorized to carry such weapons by the Superintendent of State Police, State park police officer, or State conservation officer;

(5) Except as hereinafter provided, a prison or jail warden of any penal institution in this State or his deputies, or an employee of the Department of Corrections engaged in the interstate transportation of convicted offenders, while in the performance of his duties, and when required to possess the weapon by his superior officer, or a corrections officer or keeper of a penal institution in this State at all times while in the State of New Jersey, provided he annually passes an examination approved by the superintendent testing his proficiency in the handling of firearms;

(6) A civilian employee of the United States Government under the supervision of the commanding officer of any post, camp, station, base or other military or naval installation located in this State who is required, in the performance of his official duties, to carry firearms, and who is authorized to carry such firearms by said commanding officer, while in the actual performance of his official duties;

(7) (a) A regularly employed member, including a detective, of the police department of any county or municipality, or of any State, interstate, municipal or county park police force or boulevard police force, at all times while in the State of New Jersey;

(b) A special law enforcement officer authorized to carry a weapon as provided in subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14);

(c) An airport security officer or a special law enforcement officer appointed by the governing body of any county or municipality, except as provided in subparagraph (b) of this paragraph, or by the commission, board or other body having control of a county park or airport or boulevard police force, while engaged in the actual performance of his official duties and when specifically authorized by the governing body to carry weapons;

(8) A full-time, paid member of a paid or part-paid fire department or force of any municipality who is assigned full-time or part-time to an arson investigation unit created pursuant to section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson investigation unit in the county prosecutor's office, while either engaged in the actual performance of arson investigation duties or while actually on call to perform arson investigation duties and when specifically authorized by the governing body or the county prosecutor, as the case may be, to carry weapons. Prior to being permitted to carry a firearm, such a member shall take and successfully complete a firearms training course administered by the Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm;

(9) A juvenile corrections officer in the employment of the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) subject to the regulations promulgated by the commission;

(10) A designated employee or designated licensed agent for a nuclear power plant under license of the Nuclear Regulatory Commission, while in the actual performance of his official duties, if the federal licensee certifies that the designated employee or designated licensed agent is assigned to perform site protection, guard, armed response or armed escort duties and is appropriately trained and qualified, as prescribed by federal regulation, to perform those duties. Any firearm utilized by an employee or agent for a nuclear power plant pursuant to this paragraph shall be returned each day at the end of the employee's or agent's authorized official duties to the employee's or agent's supervisor. All firearms returned each day pursuant to this paragraph shall be stored in locked containers located in a secure area;

(11) A county corrections officer at all times while in the State of New Jersey, provided he annually passes an examination approved by the superintendent testing his proficiency in the handling of firearms.

b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

(1) A law enforcement officer employed by a governmental agency outside of the State of New Jersey while actually engaged in his official duties, provided, however, that he has first notified the superintendent or the chief law enforcement officer of the municipality or the prosecutor of the county in which he is engaged; or

(2) A licensed dealer in firearms and his registered employees during the course of their normal business while traveling to and from their place of business and other places for the purpose of demonstration, exhibition or delivery in connection with a sale, provided, however, that the weapon is carried in the manner specified in subsection g. of this section.

c. Provided a person complies with the requirements of subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5 do not apply to:

(1) A special agent of the Division of Taxation who has passed an examination in an approved police training program testing proficiency in the handling of any firearm which he may be required to carry, while in the actual performance of his official duties and while going to or from his place of duty, or any other police officer, while in the actual performance of his official duties;

(2) A State deputy conservation officer or a full-time employee of the Division of Parks and Forestry having the power of arrest and authorized to carry weapons, while in the actual performance of his official duties;

(3) (Deleted by amendment, P.L.1986, c.150.)

(4) A court attendant serving as such under appointment by the sheriff of the county or by the judge of any municipal court or other court of this State, while in the actual performance of his official duties;

(5) A guard in the employ of any railway express company, banking or building and loan or savings and loan institution of this State, while in the actual performance of his official duties;

(6) A member of a legally recognized military organization while actually under orders or while going to or from the prescribed place of meeting and carrying the weapons prescribed for drill, exercise or parade;

(7) A humane law enforcement officer of the New Jersey Society for the Prevention of Cruelty to Animals or of a county society for the prevention of cruelty to animals, while in the actual performance of his duties;

(8) An employee of a public utilities corporation actually engaged in the transportation of explosives;

(9) A railway policeman, except a transit police officer of the New Jersey Transit Police Department, at all times while in the State of New Jersey, provided that he has passed an approved police academy training program consisting of at least 280 hours. The training program shall include, but need not be limited to, the handling of firearms, community relations, and juvenile relations;

(10) A campus police officer appointed under P.L.1970, c.211 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a firearm, a campus police officer shall take and successfully complete a firearms training course administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm;

(11) (Deleted by amendment, P.L.2003, c.168).

(12) A transit police officer of the New Jersey Transit Police Department, at all times while in the State of New Jersey, provided the officer has satisfied the training requirements of the Police Training Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291 (C.27:25-15.1);

(13) A parole officer employed by the State Parole Board at all times. Prior to being permitted to carry a firearm, a parole officer shall take and successfully complete a basic course for regular police officer training administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm;

(14) A Human Services police officer at all times while in the State of New Jersey, as authorized by the Commissioner of Human Services;

(15) A person or employee of any person who, pursuant to and as required by a contract with a governmental entity, supervises or transports persons charged with or convicted of an offense;

(16) A housing authority police officer appointed under P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the State of New Jersey; or

(17) A probation officer assigned to the "Probation Officer Community Safety Unit" created by section 2 of P.L.2001, c.362 (C.2B:10A-2) while in the actual performance of the probation officer's official duties. Prior to being permitted to carry a firearm, a probation officer shall take and successfully complete a basic course for regular police officer training administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm.

d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to antique firearms, provided that such antique firearms are unloaded or are being

fired for the purposes of exhibition or demonstration at an authorized target range or in such other manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent.

(2) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to an antique cannon that is capable of being fired but that is unloaded and immobile, provided that the antique cannon is possessed by (a) a scholastic institution, a museum, a municipality, a county or the State, or (b) a person who obtained a firearms purchaser identification card as specified in N.J.S.2C:58-3.

(3) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is being transported by one eligible to possess it, in compliance with regulations the superintendent may promulgate, between its permanent location and place of purchase or repair.

(4) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to antique cannons that are being loaded or fired by one eligible to possess an antique cannon, for purposes of exhibition or demonstration at an authorized target range or in the manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent, provided that performer has given at least 30 days' notice to the superintendent.

(5) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to the transportation of unloaded antique cannons directly to or from exhibitions or demonstrations authorized under paragraph (4) of subsection d. of this section, provided that the transportation is in compliance with safety regulations the superintendent may promulgate. Nor do those subsections apply to transportation directly to or from exhibitions or demonstrations authorized under the law of another jurisdiction, provided that the superintendent has been given 30 days' notice and that the transportation is in compliance with safety regulations the superintendent may promulgate.

e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be construed to prevent a person keeping or carrying about his place of business, residence, premises or other land owned or possessed by him, any firearm, or from carrying the same, in the manner specified in subsection g. of this section, from any place of purchase to his residence or place of business, between his dwelling and his place of business, between one place of business or residence and another when moving, or between his dwelling or

place of business and place where such firearms are repaired, for the purpose of repair. For the purposes of this section, a place of business shall be deemed to be a fixed location.

f. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be construed to prevent:

(1) A member of any rifle or pistol club organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice, in going to or from a place of target practice, carrying such firearms as are necessary for said target practice, provided that the club has filed a copy of its charter with the superintendent and annually submits a list of its members to the superintendent and provided further that the firearms are carried in the manner specified in subsection g. of this section;

(2) A person carrying a firearm or knife in the woods or fields or upon the waters of this State for the purpose of hunting, target practice or fishing, provided that the firearm or knife is legal and appropriate for hunting or fishing purposes in this State and he has in his possession a valid hunting license, or, with respect to fresh water fishing, a valid fishing license;

(3) A person transporting any firearm or knife while traveling:

(a) Directly to or from any place for the purpose of hunting or fishing, provided the person has in his possession a valid hunting or fishing license; or

(b) Directly to or from any target range, or other authorized place for the purpose of practice, match, target, trap or skeet shooting exhibitions, provided in all cases that during the course of the travel all firearms are carried in the manner specified in subsection g. of this section and the person has complied with all the provisions and requirements of Title 23 of the Revised Statutes and any amendments thereto and all rules and regulations promulgated thereunder; or

(c) In the case of a firearm, directly to or from any exhibition or display of firearms which is sponsored by any law enforcement agency, any rifle or pistol club, or any firearms collectors club, for the purpose of displaying the firearms to the public or to the members of the organization or club, provided, however, that not less than 30 days prior to the exhibition or display, notice of the exhibition or display shall be given to the Superintendent of the State Police by the sponsoring organization or club, and the sponsor has complied with such reasonable safety regulations as the superintendent may promulgate. Any firearms transported pursuant to this section shall be transported in the manner specified in subsection g. of this section;

(4) A person from keeping or carrying about a private or commercial aircraft or any boat, or from transporting to or from such vessel for the pur-

pose of installation or repair a visual distress signaling device approved by the United States Coast Guard.

g. All weapons being transported under paragraph (2) of subsection b., subsection e., or paragraph (1) or (3) of subsection f. of this section shall be carried unloaded and contained in a closed and fastened case, gunbox, securely tied package, or locked in the trunk of the automobile in which it is being transported, and in the course of travel shall include only such deviations as are reasonably necessary under the circumstances.

h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to prevent any employee of a public utility, as defined in R.S.48:2-13, doing business in this State or any United States Postal Service employee, while in the actual performance of duties which specifically require regular and frequent visits to private premises, from possessing, carrying or using any device which projects, releases or emits any substance specified as being non-injurious to canines or other animals by the Commissioner of Health and which immobilizes only on a temporary basis and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the sole purpose of repelling canine or other animal attacks.

The device shall be used solely to repel only those canine or other animal attacks when the canines or other animals are not restrained in a fashion sufficient to allow the employee to properly perform his duties.

Any device used pursuant to this act shall be selected from a list of products, which consist of active and inert ingredients, permitted by the Commissioner of Health.

i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent any person who is 18 years of age or older and who has not been convicted of a crime, from possession for the purpose of personal self-defense of one pocket-sized device which contains and releases not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, but rather, is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air. Any person in possession of any device in violation of this subsection shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than \$100.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a health inspector or investigator operating pursuant to the provisions of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building inspector from possessing a device which is capable of releasing more than three-quarters of an ounce of a chemical substance, as described in paragraph (1), while in the actual per-

formance of the inspector's or investigator's duties, provided that the device does not exceed the size of those used by law enforcement.

j. A person shall qualify for an exemption from the provisions of N.J.S.2C:39-5, as specified under subsections a. and c. of this section, if the person has satisfactorily completed a firearms training course approved by the Police Training Commission.

Such exempt person shall not possess or carry a firearm until the person has satisfactorily completed a firearms training course and shall annually qualify in the use of a revolver or similar weapon. For purposes of this subsection, a "firearms training course" means a course of instruction in the safe use, maintenance and storage of firearms which is approved by the Police Training Commission. The commission shall approve a firearms training course if the requirements of the course are substantially equivalent to the requirements for firearms training provided by police training courses which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3) or (6) of subsection a. of this section shall be exempt from the requirements of this subsection.

k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to prevent any financial institution, or any duly authorized personnel of the institution, from possessing, carrying or using for the protection of money or property, any device which projects, releases or emits tear gas or other substances intended to produce temporary physical discomfort or temporary identification.

l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to prevent a law enforcement officer who retired in good standing, including a retirement because of a disability pursuant to section 6 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any substantially similar statute governing the disability retirement of federal law enforcement officers, provided the officer was a regularly employed, full-time law enforcement officer for an aggregate of four or more years prior to his disability retirement and further provided that the disability which constituted the basis for the officer's retirement did not involve a certification that the officer was mentally incapacitated for the performance of his usual law enforcement duties and any other available duty in the department which his employer was willing to assign to him or does not subject that retired officer to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which would disqualify the retired officer from possessing or carrying a firearm, who semi-annually qualifies in the use of the handgun he is permitted to carry in accordance with the requirements and procedures established by the Attorney General pursuant to subsection j. of this section and pays the actual costs associated

with those semi-annual qualifications, who is 75 years of age or younger, and who was regularly employed as a full-time member of the State Police; a full-time member of an interstate police force; a full-time member of a county or municipal police department in this State; a full-time member of a State law enforcement agency; a full-time sheriff, undersheriff or sheriff's officer of a county of this State; a full-time State or county corrections officer; a full-time county park police officer; a full-time county prosecutor's detective or investigator; a full-time federal law enforcement officer; or is a qualified retired law enforcement officer, as used in the federal "Law Enforcement Officers Safety Act of 2004," Pub.L.108-277, domiciled in this State from carrying a handgun in the same manner as law enforcement officers exempted under paragraph (7) of subsection a. of this section under the conditions provided herein:

(1) The retired law enforcement officer shall make application in writing to the Superintendent of State Police for approval to carry a handgun for one year. An application for annual renewal shall be submitted in the same manner.

(2) Upon receipt of the written application of the retired law enforcement officer, the superintendent shall request a verification of service from the chief law enforcement officer of the organization in which the retired officer was last regularly employed as a full-time law enforcement officer prior to retiring. The verification of service shall include:

- (a) The name and address of the retired officer;
- (b) The date that the retired officer was hired and the date that the officer retired;
- (c) A list of all handguns known to be registered to that officer;
- (d) A statement that, to the reasonable knowledge of the chief law enforcement officer, the retired officer is not subject to any of the restrictions set forth in subsection c. of N.J.S.2C:58-3; and
- (e) A statement that the officer retired in good standing.

(3) If the superintendent approves a retired officer's application or re-application to carry a handgun pursuant to the provisions of this subsection, the superintendent shall notify in writing the chief law enforcement officer of the municipality wherein that retired officer resides. In the event the retired officer resides in a municipality which has no chief law enforcement officer or law enforcement agency, the superintendent shall maintain a record of the approval.

(4) The superintendent shall issue to an approved retired officer an identification card permitting the retired officer to carry a handgun pursuant to this subsection. This identification card shall be valid for one year from

the date of issuance and shall be valid throughout the State. The identification card shall not be transferable to any other person. The identification card shall be carried at all times on the person of the retired officer while the retired officer is carrying a handgun. The retired officer shall produce the identification card for review on the demand of any law enforcement officer or authority.

(5) Any person aggrieved by the denial of the superintendent of approval for a permit to carry a handgun pursuant to this subsection may request a hearing in the Superior Court of New Jersey in the county in which he resides by filing a written request for such a hearing within 30 days of the denial. Copies of the request shall be served upon the superintendent and the county prosecutor. The hearing shall be held within 30 days of the filing of the request, and no formal pleading or filing fee shall be required. Appeals from the determination of such a hearing shall be in accordance with law and the rules governing the courts of this State.

(6) A judge of the Superior Court may revoke a retired officer's privilege to carry a handgun pursuant to this subsection for good cause shown on the application of any interested person. A person who becomes subject to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the superintendent, his identification card issued under paragraph (4) of this subsection to the chief law enforcement officer of the municipality wherein he resides or the superintendent, and shall be permanently disqualified to carry a handgun under this subsection.

(7) The superintendent may charge a reasonable application fee to retired officers to offset any costs associated with administering the application process set forth in this subsection.

m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to prevent duly authorized personnel of the New Jersey Division of Fish and Wildlife, while in the actual performance of duties, from possessing, transporting or using any device that projects, releases or emits any substance specified as being non-injurious to wildlife by the Director of the Division of Animal Health in the Department of Agriculture, and which may immobilize wildlife and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the purpose of repelling bear or other animal attacks or for the aversive conditioning of wildlife.

n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be construed to prevent duly authorized personnel of the New Jersey Division of Fish and Wildlife, while in the actual performance of duties, from possessing, transporting or using hand held pistol-like devices, rifles or shotguns that launch pyrotechnic missiles for the sole purpose of frightening, hazing

or aversive conditioning of nuisance or depredating wildlife; from possessing, transporting or using rifles, pistols or similar devices for the sole purpose of chemically immobilizing wild or non-domestic animals; or, provided the duly authorized person complies with the requirements of subsection j. of this section, from possessing, transporting or using rifles or shotguns, upon completion of a Police Training Commission approved training course, in order to dispatch injured or dangerous animals or for non-lethal use for the purpose of frightening, hazing or aversive conditioning of nuisance or depredating wildlife.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 220

AN ACT concerning discrimination based on pregnancy, childbirth or related medical conditions and amending and supplementing P.L.1945, c.169.

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

C.10:5-3.1 Findings, declarations relative to discrimination based on pregnancy, childbirth, related medical conditions.

1. The Legislature finds and declares:

a. That pregnant women are vulnerable to discrimination in the workplace in New Jersey, as indicated in reports that women who request an accommodation that will allow them to maintain a healthy pregnancy, or who need a reasonable accommodation while recovering from childbirth, are being removed from their positions, placed on unpaid leave, or fired;

b. It is the intent of the Legislature to combat this form of discrimination by requiring employers to provide reasonable accommodations to pregnant women and those who suffer medical conditions related to pregnancy and childbirth, such as bathroom breaks, breaks for increased water intake, periodic rest, assistance with manual labor, job restructuring or modified work schedules, and temporary transfers to less strenuous or hazardous work; and

c. It is not the intent of the Legislature to require such accommodations if their provision would cause an undue hardship in the conduct of an employer's business.

2. Section 11 of P.L.1945, c.169 (C.10:5-12) is amended to read as follows:

C.10:5-12 Unlawful employment practices, discrimination.

11. It shall be an unlawful employment practice, or, as the case may be, an unlawful discrimination:

a. For an employer, because of the race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information, pregnancy, sex, gender identity or expression, disability or atypical hereditary cellular or blood trait of any individual, or because of the liability for service in the Armed Forces of the United States or the nationality of any individual, or because of the refusal to submit to a genetic test or make available the results of a genetic test to an employer, to refuse to hire or employ or to bar or to discharge or require to retire, unless justified by lawful considerations other than age, from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment; provided, however, it shall not be an unlawful employment practice to refuse to accept for employment an applicant who has received a notice of induction or orders to report for active duty in the armed forces; provided further that nothing herein contained shall be construed to bar an employer from refusing to accept for employment any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification, reasonably necessary to the normal operation of the particular business or enterprise; provided further that nothing herein contained shall be construed to bar an employer from refusing to accept for employment or to promote any person over 70 years of age; provided further that it shall not be an unlawful employment practice for a club exclusively social or fraternal to use club membership as a uniform qualification for employment, or for a religious association or organization to utilize religious affiliation as a uniform qualification in the employment of clergy, religious teachers or other employees engaged in the religious activities of the association or organization, or in following the tenets of its religion in establishing and utilizing criteria for employment of an employee; provided further, that it shall not be an unlawful employment practice to require the retirement of any employee who, for the two-year period immediately before

retirement, is employed in a bona fide executive or a high policy-making position, if that employee is entitled to an immediate non-forfeitable annual retirement benefit from a pension, profit sharing, savings or deferred retirement plan, or any combination of those plans, of the employer of that employee which equals in the aggregate at least \$27,000.00; and provided further that an employer may restrict employment to citizens of the United States where such restriction is required by federal law or is otherwise necessary to protect the national interest.

The provisions of subsections a. and b. of section 57 of P.L.2003, c.246 (C.34:11A-20), and the provisions of section 58 of P.L.2003, c.246 (C.26:8A-11), shall not be deemed to be an unlawful discrimination under P.L.1945, c.169 (C.10:5-1 et seq.).

For the purposes of this subsection, a "bona fide executive" is a top level employee who exercises substantial executive authority over a significant number of employees and a large volume of business. A "high policy-making position" is a position in which a person plays a significant role in developing policy and in recommending the implementation thereof.

b. For a labor organization, because of the race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, gender identity or expression, disability, pregnancy, or sex of any individual, or because of the liability for service in the Armed Forces of the United States or nationality of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members, against any applicant for, or individual included in, any apprentice or other training program or against any employer or any individual employed by an employer; provided, however, that nothing herein contained shall be construed to bar a labor organization from excluding from its apprentice or other training programs any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of the particular apprentice or other training program.

c. For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment, or to make an inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, gender identity or expression, disability, nationality, pregnancy, or sex or liability of any applicant for employment for service in the Armed Forces of the

United States, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification.

d. For any person to take reprisals against any person because that person has opposed any practices or acts forbidden under this act or because that person has filed a complaint, testified or assisted in any proceeding under this act or to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this act.

e. For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this act, or to attempt to do so.

f. (1) For any owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation directly or indirectly to refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any person in the furnishing thereof, or directly or indirectly to publish, circulate, issue, display, post or mail any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, or privileges of any such place will be refused, withheld from, or denied to any person on account of the race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, pregnancy, sex, gender identity or expression, affectional or sexual orientation, disability or nationality of such person, or that the patronage or custom thereof of any person of any particular race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, pregnancy status, sex, gender identity or expression, affectional or sexual orientation, disability or nationality is unwelcome, objectionable or not acceptable, desired or solicited, and the production of any such written or printed communication, notice or advertisement, purporting to relate to any such place and to be made by any owner, lessee, proprietor, superintendent or manager thereof, shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained herein shall be construed to bar any place of public accommodation which is in its nature reasonably restricted exclusively to individuals of one sex, and which shall include but not be limited to any summer camp, day camp, or resort camp, bathhouse, dressing room, swimming pool, gymnasium, comfort station, dispensary, clinic or hospital, or school or educational institution which is restricted exclusively to individuals of one sex, provided individuals shall be admitted based on their gender identity or ex-

pression, from refusing, withholding from or denying to any individual of the opposite sex any of the accommodations, advantages, facilities or privileges thereof on the basis of sex; provided further, that the foregoing limitation shall not apply to any restaurant as defined in R.S.33:1-1 or place where alcoholic beverages are served.

(2) Notwithstanding the definition of "a place of public accommodation" as set forth in subsection l. of section 5 of P.L.1945, c.169 (C.10:5-5), for any owner, lessee, proprietor, manager, superintendent, agent, or employee of any private club or association to directly or indirectly refuse, withhold from or deny to any individual who has been accepted as a club member and has contracted for or is otherwise entitled to full club membership any of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any member in the furnishing thereof on account of the race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, pregnancy, sex, gender identity, or expression, affectional or sexual orientation, disability or nationality of such person.

In addition to the penalties otherwise provided for a violation of P.L.1945, c.169 (C.10:5-1 et seq.), if the violator of paragraph (2) of subsection f. of this section is the holder of an alcoholic beverage license issued under the provisions of R.S.33:1-12 for that private club or association, the matter shall be referred to the Director of the Division of Alcoholic Beverage Control who shall impose an appropriate penalty in accordance with the procedures set forth in R.S.33:1-31.

g. For any person, including but not limited to, any owner, lessee, sublessee, assignee or managing agent of, or other person having the right of ownership or possession of or the right to sell, rent, lease, assign, or sublease any real property or part or portion thereof, or any agent or employee of any of these:

(1) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, pregnancy, sex, gender identity or expression, affectional or sexual orientation, familial status, disability, nationality, or source of lawful income used for rental or mortgage payments;

(2) To discriminate against any person or group of persons because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, pregnancy, sex, gender identity or expression, affectional or sexual orientation, familial status, disability, nationality or

source of lawful income used for rental or mortgage payments in the terms, conditions or privileges of the sale, rental or lease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith;

(3) To print, publish, circulate, issue, display, post or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment or sublease of any real property or part or portion thereof, or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property, or part or portion thereof which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, pregnancy, sex, gender identity, or expression, affectional or sexual orientation, familial status, disability, nationality, or source of lawful income used for rental or mortgage payments, or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained in this subsection shall be construed to bar any person from refusing to sell, rent, lease, assign or sublease or from advertising or recording a qualification as to sex for any room, apartment, flat in a dwelling or residential facility which is planned exclusively for and occupied by individuals of one sex to any individual of the exclusively opposite sex on the basis of sex provided individuals shall be qualified based on their gender identity or expression;

(4) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of the source of any lawful income received by the person or the source of any lawful rent payment to be paid for the real property; or

(5) To refuse to rent or lease any real property to another person because that person's family includes children under 18 years of age, or to make an agreement, rental or lease of any real property which provides that the agreement, rental or lease shall be rendered null and void upon the birth of a child. This paragraph shall not apply to housing for older persons as defined in subsection mm. of section 5 of P.L.1945, c.169 (C.10:5-5).

h. For any person, including but not limited to, any real estate broker, real estate salesperson, or employee or agent thereof:

(1) To refuse to sell, rent, assign, lease or sublease, or offer for sale, rental, lease, assignment, or sublease any real property or part or portion thereof to any person or group of persons or to refuse to negotiate for the sale, rental, lease, assignment, or sublease of any real property or part or portion thereof to any person or group of persons because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, familial status, pregnancy, sex, gender identity or expression, affectional or sexual orientation, disability, nationality, or source of lawful income used for rental or mortgage payments, or to represent that any real property or portion thereof is not available for inspection, sale, rental, lease, assignment, or sublease when in fact it is so available, or otherwise to deny or withhold any real property or any part or portion of facilities thereof to or from any person or group of persons because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, familial status, pregnancy, sex, gender identity or expression, affectional or sexual orientation, disability or nationality;

(2) To discriminate against any person because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, familial status, pregnancy, sex, gender identity or expression, affectional or sexual orientation, disability, nationality, or source of lawful income used for rental or mortgage payments in the terms, conditions or privileges of the sale, rental, lease, assignment or sublease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith;

(3) To print, publish, circulate, issue, display, post, or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, familial status, pregnancy, sex, gender identity or expression, affectional or sexual orientation, disability, nationality, or source of lawful income used for rental or mortgage payments or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such

person; provided, however, that nothing contained in this subsection h., shall be construed to bar any person from refusing to sell, rent, lease, assign or sublease or from advertising or recording a qualification as to sex for any room, apartment, flat in a dwelling or residential facility which is planned exclusively for and occupied exclusively by individuals of one sex to any individual of the opposite sex on the basis of sex, provided individuals shall be qualified based on their gender identity or expression;

(4) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of the source of any lawful income received by the person or the source of any lawful rent payment to be paid for the real property; or

(5) To refuse to rent or lease any real property to another person because that person's family includes children under 18 years of age, or to make an agreement, rental or lease of any real property which provides that the agreement, rental or lease shall be rendered null and void upon the birth of a child. This paragraph shall not apply to housing for older persons as defined in subsection mm. of section 5 of P.L.1945, c.169 (C.10:5-5).

i. For any person, bank, banking organization, mortgage company, insurance company or other financial institution, lender or credit institution involved in the making or purchasing of any loan or extension of credit, for whatever purpose, whether secured by residential real estate or not, including but not limited to financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any real property or part or portion thereof or any agent or employee thereof:

(1) To discriminate against any person or group of persons because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, pregnancy, sex, gender identity or expression, affectional or sexual orientation, disability, familial status or nationality, in the granting, withholding, extending, modifying, renewing, or purchasing, or in the fixing of the rates, terms, conditions or provisions of any such loan, extension of credit or financial assistance or purchase thereof or in the extension of services in connection therewith;

(2) To use any form of application for such loan, extension of credit or financial assistance or to make record or inquiry in connection with applications for any such loan, extension of credit or financial assistance which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, pregnancy, sex, gender identity or expression, affectional or sexual orientation, disability, familial status or

nationality or any intent to make any such limitation, specification or discrimination; unless otherwise required by law or regulation to retain or use such information;

(3) (Deleted by amendment, P.L.2003, c.180).

(4) To discriminate against any person or group of persons because of the source of any lawful income received by the person or the source of any lawful rent payment to be paid for the real property; or

(5) To discriminate against any person or group of persons because that person's family includes children under 18 years of age, or to make an agreement or mortgage which provides that the agreement or mortgage shall be rendered null and void upon the birth of a child. This paragraph shall not apply to housing for older persons as defined in subsection mm. of section 5 of P.L.1945, c.169 (C.10:5-5).

j. For any person whose activities are included within the scope of this act to refuse to post or display such notices concerning the rights or responsibilities of persons affected by this act as the Attorney General may by regulation require.

k. For any real estate broker, real estate salesperson or employee or agent thereof or any other individual, corporation, partnership, or organization, for the purpose of inducing a transaction for the sale or rental of real property from which transaction such person or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, familial status, pregnancy, sex, gender identity or expression, affectional or sexual orientation, disability, nationality, or source of lawful income used for rental or mortgage payments of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including, but not limited to the lowering of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools or other facilities.

l. For any person to refuse to buy from, sell to, lease from or to, license, contract with, or trade with, provide goods, services or information to, or otherwise do business with any other person on the basis of the race, creed, color, national origin, ancestry, age, pregnancy, sex, gender identity or expression, affectional or sexual orientation, marital status, civil union status, domestic partnership status, liability for service in the Armed Forces of the United States, disability, nationality, or source of lawful income used

for rental or mortgage payments of such other person or of such other person's spouse, partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers. This subsection shall not prohibit refusals or other actions (1) pertaining to employee-employer collective bargaining, labor disputes, or unfair labor practices, or (2) made or taken in connection with a protest of unlawful discrimination or unlawful employment practices.

m. For any person to:

(1) Grant or accept any letter of credit or other document which evidences the transfer of funds or credit, or enter into any contract for the exchange of goods or services, where the letter of credit, contract, or other document contains any provisions requiring any person to discriminate against or to certify that he, she or it has not dealt with any other person on the basis of the race, creed, color, national origin, ancestry, age, pregnancy, sex, gender identity or expression, affectional or sexual orientation, marital status, civil union status, domestic partnership status, disability, liability for service in the Armed Forces of the United States, or nationality of such other person or of such other person's spouse, partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers.

(2) Refuse to grant or accept any letter of credit or other document which evidences the transfer of funds or credit, or refuse to enter into any contract for the exchange of goods or services, on the ground that it does not contain such a discriminatory provision or certification.

The provisions of this subsection shall not apply to any letter of credit, contract, or other document which contains any provision pertaining to employee-employer collective bargaining, a labor dispute or an unfair labor practice, or made in connection with the protest of unlawful discrimination or an unlawful employment practice, if the other provisions of such letter of credit, contract, or other document do not otherwise violate the provisions of this subsection.

n. For any person to aid, abet, incite, compel, coerce, or induce the doing of any act forbidden by subsections l. and m. of section 11 of P.L.1945, c.169 (C.10:5-12), or to attempt, or to conspire to do so. Such prohibited conduct shall include, but not be limited to:

(1) Buying from, selling to, leasing from or to, licensing, contracting with, trading with, providing goods, services, or information to, or otherwise doing business with any person because that person does, or agrees or attempts to do, any such act or any act prohibited by this subsection; or

(2) Boycotting, commercially blacklisting or refusing to buy from, sell to, lease from or to, license, contract with, provide goods, services or information to, or otherwise do business with any person because that person has not done or refuses to do any such act or any act prohibited by this subsection; provided that this subsection shall not prohibit refusals or other actions either pertaining to employee-employer collective bargaining, labor disputes, or unfair labor practices, or made or taken in connection with a protest of unlawful discrimination or unlawful employment practices.

o. For any multiple listing service, real estate brokers' organization or other service, organization or facility related to the business of selling or renting dwellings to deny any person access to or membership or participation in such organization, or to discriminate against such person in the terms or conditions of such access, membership, or participation, on account of race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, familial status, pregnancy, sex, gender identity or expression, affectional or sexual orientation, disability or nationality.

p. Nothing in the provisions of this section shall affect the ability of an employer to require employees to adhere to reasonable workplace appearance, grooming and dress standards not precluded by other provisions of State or federal law, except that an employer shall allow an employee to appear, groom and dress consistent with the employee's gender identity or expression.

q. (1) For any employer to impose upon a person as a condition of obtaining or retaining employment, including opportunities for promotion, advancement or transfers, any terms or conditions that would require a person to violate or forego a sincerely held religious practice or religious observance, including but not limited to the observance of any particular day or days or any portion thereof as a Sabbath or other holy day in accordance with the requirements of the religion or religious belief, unless, after engaging in a bona fide effort, the employer demonstrates that it is unable to reasonably accommodate the employee's religious observance or practice without undue hardship on the conduct of the employer's business. Notwithstanding any other provision of law to the contrary, an employee shall not be entitled to premium wages or premium benefits for work performed during hours to which those premium wages or premium benefits would ordinarily be applicable, if the employee is working during those hours only as an accommodation to his religious requirements. Nothing in this subsection q. shall be construed as reducing:

(a) The number of the hours worked by the employee which are counted towards the accruing of seniority, pension or other benefits; or

(b) Any premium wages or benefits provided to an employee pursuant to a collective bargaining agreement.

(2) For an employer to refuse to permit an employee to utilize leave, as provided for in this subsection q., which is solely used to accommodate the employee's sincerely held religious observance or practice. Except where it would cause an employer to incur an undue hardship, no person shall be required to remain at his place of employment during any day or days or portion thereof that, as a requirement of his religion, he observes as his Sabbath or other holy day, including a reasonable time prior and subsequent thereto for travel between his place of employment and his home; provided that any such absence from work shall, wherever practicable in the reasonable judgment of the employer, be made up by an equivalent amount of time and work at some other mutually convenient time, or shall be charged against any leave with pay ordinarily granted, other than sick leave, and any such absence not so made up or charged, may be treated by the employer of that person as leave taken without pay.

(3) (a) For purposes of this subsection q., "undue hardship" means an accommodation requiring unreasonable expense or difficulty, unreasonable interference with the safe or efficient operation of the workplace or a violation of a bona fide seniority system or a violation of any provision of a bona fide collective bargaining agreement.

(b) In determining whether the accommodation constitutes an undue hardship, the factors considered shall include:

(i) The identifiable cost of the accommodation, including the costs of loss of productivity and of retaining or hiring employees or transferring employees from one facility to another, in relation to the size and operating cost of the employer.

(ii) The number of individuals who will need the particular accommodation for a sincerely held religious observance or practice.

(iii) For an employer with multiple facilities, the degree to which the geographic separateness or administrative or fiscal relationship of the facilities will make the accommodation more difficult or expensive.

(c) An accommodation shall be considered to constitute an undue hardship if it will result in the inability of an employee to perform the essential functions of the position in which he or she is employed.

(d) (i) The provisions of this subsection q. shall be applicable only to reasonable accommodations of religious observances and shall not super-

seede any definition of undue hardship or standards for reasonable accommodation of the disabilities of employees.

(ii) This subsection q. shall not apply where the uniform application of terms and conditions of attendance to employees is essential to prevent undue hardship to the employer. The burden of proof regarding the applicability of this subparagraph (d) shall be upon the employer.

r. For any employer to take reprisals against any employee for requesting from any other employee or former employee of the employer information regarding the job title, occupational category, and rate of compensation, including benefits, of any employee or former employee of the employer, or the gender, race, ethnicity, military status, or national origin of any employee or former employee of the employer, regardless of whether the request was responded to, if the purpose of the request for the information was to assist in investigating the possibility of the occurrence of, or in taking of legal action regarding, potential discriminatory treatment concerning pay, compensation, bonuses, other compensation, or benefits. Nothing in this subsection shall be construed to require an employee to disclose such information about the employee herself to any other employee or former employee of the employer or to any authorized representative of the other employee or former employee.

s. For an employer to treat, for employment-related purposes, a woman employee that the employer knows, or should know, is affected by pregnancy in a manner less favorable than the treatment of other persons not affected by pregnancy but similar in their ability or inability to work. In addition, an employer of an employee who is a woman affected by pregnancy shall make available to the employee reasonable accommodation in the workplace, such as bathroom breaks, breaks for increased water intake, periodic rest, assistance with manual labor, job restructuring or modified work schedules, and temporary transfers to less strenuous or hazardous work, for needs related to the pregnancy when the employee, based on the advice of her physician, requests the accommodation, unless the employer can demonstrate that providing the accommodation would be an undue hardship on the business operations of the employer. The employer shall not in any way penalize the employee in terms, conditions or privileges of employment for requesting or using the accommodation. Workplace accommodation provided pursuant to this subsection and paid or unpaid leave provided to an employee affected by pregnancy shall not be provided in a manner less favorable than accommodations or leave provided to other employees not affected by pregnancy but similar in their ability or inability to work. This subsection shall not be construed as otherwise increasing or

decreasing any employee's rights under law to paid or unpaid leave in connection with pregnancy.

For the purposes of this section "pregnancy" means pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, including recovery from childbirth.

For the purposes of this subsection, in determining whether an accommodation would impose undue hardship on the operation of an employer's business, the factors to be considered include: the overall size of the employer's business with respect to the number of employees, number and type of facilities, and size of budget; the type of the employer's operations, including the composition and structure of the employer's workforce; the nature and cost of the accommodation needed, taking into consideration the availability of tax credits, tax deductions, and outside funding; and the extent to which the accommodation would involve waiver of an essential requirement of a job as opposed to a tangential or non-business necessity requirement.

3. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 221

AN ACT concerning eligibility for certain leave and benefits and amending P.L.1989, c.261, P.L.2013, c.82, and P.L.1948, c.110.

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

1. Section 3 of P.L.1989, c.261 (C.34:11B-3) is amended to read as follows:

C.34:11B-3 Definitions.

3. As used in this act:

- a. "Child" means a biological, adopted, or resource family child, step-child, legal ward, or child of a parent who is
 - (1) under 18 years of age; or
 - (2) 18 years of age or older but incapable of self-care because of a mental or physical impairment.

b. "Director" means the Director of the Division on Civil Rights.

c. "Division" means the Division on Civil Rights in the Department of Law and Public Safety.

d. "Employ" means to suffer or permit to work for compensation, and includes ongoing, contractual relationships in which the employer retains substantial direct or indirect control over the employee's employment opportunities or terms and conditions of employment.

e. "Employee" means a person who is employed for at least 12 months by an employer, with respect to whom benefits are sought under this act, for not less than 1,000 base hours during the immediately preceding 12-month period. Any time, up to a maximum of 90 calendar days, during which a person is laid off or furloughed by an employer due to that employer curtailing operations because of a state of emergency declared after October 22, 2012, shall be regarded as time in which the person is employed for the purpose of determining eligibility for leave time under this act. In making the determination, the base hours per week during the layoff or furlough shall be deemed to be the same as the average number of hours worked per week during the rest of the 12-month period.

f. "Employer" means a person or corporation, partnership, individual proprietorship, joint venture, firm or company or other similar legal entity which engages the services of an employee and which:

(1) With respect to the period of time from the effective date of this act until the 365th day following the effective date of this act, employs 100 or more employees for each working day during each of 20 or more calendar workweeks in the then current or immediately preceding calendar year;

(2) With respect to the period of time from the 366th day following the effective date of this act until the 1,095th day following the effective date of this act, employs 75 or more employees for each working day during each of 20 or more calendar workweeks in the then current or immediately preceding calendar year; and

(3) With respect to any time after the 1,095th day following the effective date of this act, employs 50 or more employees for each working day during each of 20 or more calendar workweeks in the then current or immediately preceding calendar year. "Employer" includes the State, any political subdivision thereof, and all public offices, agencies, boards or bodies.

g. "Employment benefits" means all benefits and policies provided or made available to employees by an employer, and includes group life insurance, health insurance, disability insurance, sick leave, annual leave, pensions, or other similar benefits.

h. "Parent" means a person who is the biological parent, adoptive parent, resource family parent, step-parent, parent-in-law or legal guardian, having a "parent-child relationship" with a child as defined by law, or having sole or joint legal or physical custody, care, guardianship, or visitation with a child.

i. "Family leave" means leave from employment so that the employee may provide care made necessary by reason of:

(1) the birth of a child of the employee;

(2) the placement of a child with the employee in connection with adoption of such child by the employee; or

(3) the serious health condition of a family member of the employee.

j. "Family member" means a child, parent, spouse, or one partner in a civil union couple.

k. "Reduced leave schedule" means leave scheduled for fewer than an employee's usual number of hours worked per workweek but not for fewer than an employee's usual number of hours worked per workday, unless agreed to by the employee and the employer.

l. "Serious health condition" means an illness, injury, impairment, or physical or mental condition which requires:

(1) inpatient care in a hospital, hospice, or residential medical care facility; or

(2) continuing medical treatment or continuing supervision by a health care provider.

m. "State of emergency" means a natural or man-made disaster or emergency for which a state of emergency has been declared by the President of the United States or the Governor, or for which a state of emergency has been declared by a municipal emergency management coordinator.

2. Section 2 of P.L.2013, c.82 (C.34:11C-2) is amended to read as follows:

C.34:11C-2 Definitions relative to victims of domestic, sexual violence.

2. As used in this act:

"Employee" means a person who is employed for at least 12 months by an employer, with respect to whom benefits are sought under this act, for not less than 1,000 base hours during the immediately preceding 12-month period. Any time, up to a maximum of 90 calendar days, during which a person is laid off or furloughed by an employer due to that employer curtailing operations because of a state of emergency declared after October 22, 2012, shall be regarded as time in which the person is employed for the

purpose of determining eligibility for leave time under this act. In making the determination, the base hours per week during the layoff or furlough shall be deemed to be the same as the average number of hours worked per week during the rest of the 12-month period.

"Employer" means a person or corporation, partnership, individual proprietorship, joint venture, firm or company, or other similar legal entity which engages the services of an employee and employs 25 or more employees for each working day during each of 20 or more calendar workweeks in the then current or immediately preceding calendar year. "Employer" includes the State, any political subdivision thereof, and all public offices, agencies, boards, or bodies.

"State of emergency" means a natural or man-made disaster or emergency for which a state of emergency has been declared by the President of the United States or the Governor, or for which a state of emergency has been declared by a municipal emergency management coordinator.

3. Section 3 of P.L.1948, c.110 (C.43:21-27) is amended to read as follows:

C.43:21-27 Definitions.

3. As used in this act, unless the context clearly requires otherwise:

(a) (1) "Covered employer" means, with respect to whether an employer is required to provide benefits during an employee's own disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, who is an employer subject to the "unemployment compensation law" (R.S.43:21-1 et seq.), except the State, its political subdivisions, and any instrumentality of the State unless such governmental entity elects to become a covered employer pursuant to paragraph (2) of this subsection (a); provided, however, that commencing with the effective date of this act, the State of New Jersey, including Rutgers, The State University and the New Jersey Institute of Technology, shall be deemed a covered employer, as defined herein.

"Covered employer" means, after June 30, 2009, with respect to whether the employer is an employer whose employees are eligible for benefits during periods of family temporary disability leave pursuant to P.L.1948, c.110 (C.43:21-25 et al.), and, after December 31, 2008, whether employees of the employer are required to make contributions pursuant to

R.S.43:21-7(d)(1)(G)(ii), any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company or domestic or foreign corporation, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, who is an employer subject to the "unemployment compensation law" (R.S.43:21-1 et seq.), including any governmental entity or instrumentality which is an employer under R.S.43:21-19(h)(5), notwithstanding that the governmental entity or instrumentality has not elected to be a covered employer pursuant to paragraph (2) of this subsection (a).

(2) Any governmental entity or instrumentality which is an employer under R.S.43:21-19(h)(5) may, with respect to the provision of benefits during an employee's own disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), elect to become a "covered employer" under this subsection beginning with the date on which its coverage under R.S.43:21-19(h)(5) begins or as of January 1 of any year thereafter by filing written notice of such election with the division within at least 30 days of the effective date. Such election shall remain in effect for at least two full calendar years and may be terminated as of January 1 of any year thereafter by filing with the division a written notice of termination at least 30 days prior to the termination date.

(b) (1) "Covered individual" means, with respect to whether an individual is eligible for benefits during an individual's own disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any person who is in employment, as defined in the "unemployment compensation law" (R.S.43:21-1 et seq.), for which the individual is entitled to remuneration from a covered employer, or who has been out of such employment for less than two weeks, except that a "covered individual" who is employed by the State of New Jersey, including Rutgers, The State University or the New Jersey Institute of Technology, or by any governmental entity or instrumentality which elects to become a "covered employer" pursuant to this amendatory act, shall not be eligible to receive any benefits under the "Temporary Disability Benefits Law" until such individual has exhausted all sick leave accumulated as an employee in the classified service of the State or accumulated under terms and conditions similar to classified employees or accumulated under the terms and conditions pursuant to the laws of this State or as the result of a negotiated contract with any governmental entity or instrumentality which elects to become a "covered employer."

"Covered individual" shall not mean, with respect to whether an individual is eligible for benefits during an individual's own disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any member of the Division of State Police in the Department of Law and Public Safety.

(2) "Covered individual" means, with respect to whether an individual is eligible for benefits during the individual's period of family temporary disability leave pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any individual who is in employment, as defined in the "unemployment compensation law" (R.S.43:21-1 et seq.), for which the individual is entitled to remuneration from a covered employer, or who has been out of that employment for less than two weeks.

(c) "Division" or "commission" means the Division of Temporary Disability Insurance of the Department of Labor and Workforce Development, and any transaction or exercise of authority by the director of the division shall be deemed to be performed by the division.

(d) "Day" shall mean a full calendar day beginning and ending at midnight.

(e) "Disability" shall mean such disability as is compensable under section 5 of P.L.1948, c.110 (C.43:21-29).

(f) "Disability benefits" shall mean any cash payments which are payable to a covered individual for all or part of a period of disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.).

(g) "Period of disability" with respect to any covered individual shall mean:

(1) The entire period of time during which the covered individual is continuously and totally unable to perform the duties of the covered individual's employment because of the covered individual's own disability, except that two periods of disability due to the same or related cause or condition and separated by a period of not more than 14 days shall be considered as one continuous period of disability; provided the individual has earned wages during such 14-day period with the employer who was the individual's last employer immediately preceding the first period of disability; and

(2) On or after July 1, 2009, the entire period of family temporary disability leave taken from employment by the covered individual.

(h) "Wages" shall mean all compensation payable by covered employers to covered individuals for personal services, including commissions and bonuses and the cash value of all compensation payable in any medium other than cash.

(i) (1) (Deleted by amendment, P.L.2001, c.17).

(2) (Deleted by amendment, P.L.2001, c.17).

(3) (Deleted by amendment, P.L.2013, c.221).

(4) "Base week" with respect to periods of disability commencing on or after January 1, 2001, means any calendar week of a covered individual's

base year during which the covered individual earned in employment from a covered employer remuneration not less than an amount 20 times the minimum wage in effect pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar year preceding the calendar year in which the benefit year commences, which amount shall be adjusted to the next higher multiple of \$1.00 if not already a multiple thereof, except that if in any calendar week an individual subject to this paragraph is in employment with more than one employer, the covered individual may in that calendar week establish a base week with respect to each of the employers from whom the covered individual earns remuneration equal to not less than the amount defined in this paragraph during that week.

(5) In the case of an individual who is laid off or furloughed by an employer curtailing operations because of a state of emergency declared after October 22, 2012, any week in which the individual is separated from employment due to that layoff or furlough, up to a maximum of 13 weeks, shall be regarded as a week which is a "base week" for the purpose of determining whether the individual becomes eligible for benefits pursuant to subsection (d) or (e) of section 17 of P.L.1948, c.110 (C.43:21-41), but shall not be regarded as a base week when calculating the "average weekly wage" pursuant to subsection (j) of this section.

(j) (1) "Average weekly wage" means the amount derived by dividing a covered individual's total wages earned from the individual's most recent covered employer during the base weeks in the eight calendar weeks immediately preceding the calendar week in which a period of disability commenced, by the number of such base weeks.

(2) If the computation in paragraph (1) of this subsection (j) yields a result which is less than the individual's average weekly earnings in employment with all covered employers during the base weeks in such eight calendar weeks, then the average weekly wage shall be computed on the basis of earnings from all covered employers during the base weeks in the eight calendar weeks immediately preceding the week in which the period of disability commenced.

(3) For periods of disability commencing on or after July 1, 2009, if the computations in paragraphs (1) and (2) of this subsection (j) both yield a result which is less than the individual's average weekly earnings in employment with all covered employers during the base weeks in the 26 calendar weeks immediately preceding the week in which the period of disability commenced, then the average weekly wage shall, upon a written request to the department by the individual on a form provided by the department, be computed by the department on the basis of earnings from all

covered employers of the individual during the base weeks in those 26 calendar weeks, and, in the case of a claim for benefits from a private plan, that computation of the average weekly wage shall be provided by the department to the individual and the individual's employer.

When determining the "average weekly wage" with respect to a period of family temporary disability leave for an individual who has a period of family temporary disability immediately after the individual has a period of disability for the individual's own disability, the period of disability is deemed to have commenced at the beginning of the period of disability for the individual's own disability, not the period of family temporary disability.

(k) "Child" means a biological, adopted, or foster child, stepchild or legal ward of a covered individual, child of a domestic partner of the covered individual, or child of a civil union partner of the covered individual, who is less than 19 years of age or is 19 years of age or older but incapable of self-care because of mental or physical impairment.

(l) "Domestic partner" means a domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3).

(m) "Civil union" means a civil union as defined in section 2 of P.L.2006, c.103 (C.37:1-29).

(n) "Family member" means a child, spouse, domestic partner, civil union partner or parent of a covered individual.

(o) "Family temporary disability leave" means leave taken by a covered individual from work with an employer to (1) participate in the providing of care, as defined in the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) and regulations adopted pursuant to that act, for a family member of the individual made necessary by a serious health condition of the family member; or (2) be with a child during the first 12 months after the child's birth, if the individual, or the domestic partner or civil union partner of the individual, is a biological parent of the child, or the first 12 months after the placement of the child for adoption with the individual. "Family temporary disability leave" does not include any period of time in which a covered individual is paid benefits pursuant to P.L.1948, c.110 (C.43:21-25 et al.) because the individual is unable to perform the duties of the individual's employment due to the individual's own disability.

(p) "Health care provider" means a health care provider as defined in the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.), and any regulations adopted pursuant to that act.

(q) "Parent of a covered individual" means a biological parent, foster parent, adoptive parent, or stepparent of the covered individual or a person

who was a legal guardian of the covered individual when the covered individual was a child.

(r) "Placement for adoption" means the time when a covered individual adopts a child or becomes responsible for a child pending adoption by the covered individual.

(s) "Serious health condition" means an illness, injury, impairment or physical or mental condition which requires: inpatient care in a hospital, hospice, or residential medical care facility; or continuing medical treatment or continuing supervision by a health care provider.

(t) "12-month period" means, with respect to an individual who establishes a valid claim for disability benefits during a period of family temporary disability leave, the 365 consecutive days that begin with the first day that the individual first establishes the claim.

(u) "State of emergency" means a natural or man-made disaster or emergency for which a state of emergency has been declared by the President of the United States or the Governor, or for which a state of emergency has been declared by a municipal emergency management coordinator.

4. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 222

AN ACT concerning certification of persons installing medical gas piping in certain facilities and amending P.L.2003, c.205.

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

1. Section 1 of P.L.2003, c.205 (C.45:14C-28) is amended to read as follows:

C.45:14C-28 Certification required for installation, maintenance of medical gas piping in certain facilities.

1. a. No person shall install, improve, repair or maintain medical gas piping unless certified by the State Board of Examiners of Master Plumbers in accordance with the provisions of this act.

b. No person shall provide instruction regarding the installation, improvement, repair or maintenance of medical gas piping unless certified by the State board in accordance with the provisions of this act.

For purposes of this act, "medical gas piping" means that medical gas piping within: a health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.); the office of a licensed dentist, or a dental clinic, as defined in section 1 of P.L.1951, c.199 (C.45:6-15.1); or an animal or veterinary facility as defined in section 1 of P.L.1983, c.98 (C.45:16-1.1), and located after the source valve and intended for patient or animal use.

2. This act shall take effect on the 180th day following enactment.

Approved January 17, 2014.

CHAPTER 223

AN ACT concerning trauma care and supplementing Title 26 of the Revised Statutes.

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

C.26:2KK-1 Findings, declarations relative to trauma care.

1. The Legislature finds and declares that:

a. Injury is the leading cause of death for New Jersey citizens aged one to 44, the fourth leading cause of death for all age groups, and accounts for more than 60,000 emergency department visits in the State each year, with direct medical costs estimated to be in excess of \$2 billion;

b. At the request of the Department of Health, the American College of Surgeons Trauma Systems Evaluation and Planning Committee assessed the State's trauma system and made numerous recommendations for its improvement. The committee found that, while the provision of trauma care in New Jersey has many dedicated trauma professionals, a sufficient number of ten trauma centers strategically located in the State, and 100 percent emergency medical services coverage, the trauma care system faces many challenges. Among the challenges noted by the committee are the absence of one lead State agency to oversee and ensure the coordination of a State-

wide trauma system and the absence of systematic data collection concerning the various aspects of trauma care in the State;

c. Among the recommendations made by the committee to address the challenges to the State trauma system were: establishment of a statutorily authorized lead agency to oversee the development of a formal State trauma system, appointment of a designated leader to coordinate stakeholders involved in all aspects of providing trauma care in the development, maintenance, and ongoing evaluation of a formal State trauma system, the creation of an advisory body to formulate policies that address all aspects of patient care, and the development of prevention strategies to help control injury as part of a formal State trauma system;

d. While there currently exists a Trauma Center Council in New Jersey which represents multidisciplinary trauma care within the State-designated trauma centers, this Council is focused on the activities and operations of New Jersey's State-designated trauma centers, with limitations in developing an effective trauma system for the State of New Jersey; and

e. In order to more effectively prevent injury, improve the care and outcomes of individuals who are injured in New Jersey, and save lives, it is appropriate to ensure the development and implementation of a formal State trauma system to serve injured patients in the State along the continuum of their care, and establish means for ongoing data collection and input from relevant stakeholders in the State's trauma care system to inform policies concerning trauma care in the State.

C.26:2KK-2 DOH designated lead agency.

2. The Department of Health shall serve as lead agency for the development of a formal State trauma system that defines the roles of all health care facilities in the State, taking into account their resources and capabilities, allowing for the provision of care to injured patients in the State along the continuum of care.

C.26:2KK-3 State Trauma Medical Director.

3. a. The Commissioner of Health shall appoint a State Trauma Medical Director, to oversee the planning, development, ongoing maintenance, and enhancement of the formal State trauma system, consistent with the recommendations of the American College of Surgeons Committee on Trauma, and, to the extent applicable, consistent with the processes outlined in the State Trauma System Planning Guide issued by the National Association of State Emergency Medical Services Officials. The State Trauma Medical Director shall be a physician who is licensed pursuant to Title 45 of the Re-

vised Statutes, is experienced in the provision of surgical critical care and trauma care, and is otherwise qualified to perform the duties of the position.

b. The State Trauma Medical Director shall, in collaboration with the State Trauma System Advisory Committee (STSAC) established pursuant to section 4 of this act, oversee the development of a Statewide trauma system plan, and once the plan has been adopted through regulations promulgated by the department in compliance with the provisions of this act, shall be responsible for implementing, maintaining, and providing ongoing evaluation of the plan. The director shall additionally ensure that the development and implementation of the plan involves broad-based collaboration with stakeholders representing disciplines relevant to trauma care in the State and interested citizens, including the commissioner, the director, or any other stakeholders that the STSAC determines may inform the process.

C.26:2KK-4 State Trauma System Advisory Committee.

4. a. The commissioner shall establish a multidisciplinary State Trauma System Advisory Committee (STSAC) to advise the commissioner and the State Trauma Medical Director on the development of a formal Statewide trauma system plan. In order to enable maximum input from stakeholders, the STSAC shall include, to the extent feasible, representatives of all aspects of trauma care. The members of the committee, who shall be appointed by the Governor, shall include, but need not be limited to, representatives of the following trauma care providers in the State:

(1) the medical director of each State-designated trauma center, provided that the trauma program managers of each State designated trauma center may serve as alternates for the medical director of each State-certified trauma center;

(2) the medical director of a State-certified burn treatment facility;

(3) the chairperson of the New Jersey Emergency Medical Services Council;

(4) the medical director of a rehabilitation facility in the State that treats patients with traumatic injuries, including traumatic brain injuries and traumatic spinal cord injuries;

(5) three representatives of pre-hospital care providers in the State, including an advanced life support provider as recommended by the State mobile intensive care advisory council, a volunteer basic life support provider as recommended by the New Jersey State First Aid Council, and a paid basic life support provider;

(6) The New Jersey licensed physician chairperson of the New Jersey Chapter of the American College of Surgeons Committee on Trauma;

(7) a New Jersey licensed physician recommended by the New Jersey Chapter of the American College of Emergency Physicians;

(8) a New Jersey licensed nurse recommended by the New Jersey Chapter of the Emergency Nurses Association;

(9) one individual with expertise in the prevention of injury; and

(10) one medical director of the emergency department of a New Jersey hospital that is not a State-designated trauma center.

b. (1) The STSAC shall have an executive committee appointed by the commissioner from among the members of the STSAC, consisting of two medical directors from State-designated Level One trauma centers; two medical directors from State designated Level Two trauma centers; one medical director of an emergency department from a New Jersey hospital that is not the site of a State-designated trauma center; one representative of pre-hospital care providers in the State; and the State Trauma Medical Director, who shall serve ex officio as chair of the executive committee of the STSAC.

(2) The executive committee of the STSAC shall set forth the times and agenda of the meetings of the STSAC, coordinate the policy recommendations of the STSAC, and draft the STSAC's initial and subsequent reports.

c. (1) Each member of the STSAC shall serve for a term of three years and may be reappointed to one or more subsequent terms, except that of the members first appointed, one third shall serve for a term of three years, one third for a term of two years, and one third for a term of one year. Vacancies in the membership of the committee shall be filled in the same manner provided for the original appointments.

(2) The STSAC shall organize as soon as practicable following the appointment of its members and shall hold its initial meeting no later than 90 days after the effective date of this act.

(3) The members of the STSAC shall select a chairperson and vice chair. The vice chair shall conduct the committee meetings when the chairperson is unable to attend.

(4) The members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties and within the limits of available funds.

d. (1) Consistent with the recommendations of the American College of Surgeons Committee on Trauma, and, to the extent applicable, consistent with the processes outlined in the State Trauma System Planning Guide issued by the National Association of State Emergency Medical Services Officials, the STSAC shall: analyze data related to trauma care in the State;

design a formal system of trauma care in the State with system-wide standards of pre-hospital triage and hospital-based care and policies; evaluate the State trauma system on an ongoing basis, and identify strategies to ensure optimal coordination of the Statewide trauma system. In fulfilling these responsibilities, the STSAC shall seek input from stakeholders representing all aspects of trauma care in the State.

(2) Within one year following the date of enactment of this act, the STSAC shall prepare and submit a report to the commissioner and the State Trauma Medical Director, which shall include a recommended comprehensive State trauma system plan. The plan shall address:

- (a) Best practices and standards for all trauma care providers;
- (b) Development and implementation of protocols for the stabilization and transfer of patients;
- (c) Training requirements for acute care hospital personnel with respect to identifying, stabilizing, and arranging for the transfer of a patient whose condition is beyond the scope of the hospital's capabilities;
- (d) Mandatory trauma triage practices to be performed by emergency medical service providers;
- (e) Any other issues that the STSAC determines to be appropriate for inclusion in the plan.

(3) Subsequent to the receipt of the initial report and recommendation submitted by the STSAC pursuant to this subsection, the commissioner shall promulgate regulations establishing and implementing a State trauma system plan.

(4) Subsequent to the preparation and issuance of its initial report pursuant to this subsection, the STSAC shall: systematically review strategies to maintain and improve the State trauma system; submit an annual report to the commissioner and the State Trauma Medical Director on its activities; and provide any recommendations it determines are necessary to improve the State trauma system.

C.26:2KK-5 Rules, regulations.

5. 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 necessary to effectuate the purposes of this act.

6. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 224

AN ACT concerning the operation of certain autobuses , designated as Angelie's Law, and supplementing Titles 39 and 56 of the Revised Statutes.

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

C.39:3-10.18a Valid license required to operate autobus; violations, fines.

1. The owner of an autobus shall not knowingly allow, require, permit, or authorize an operator of an autobus to operate the vehicle without a valid commercial driver license. An owner who is convicted of a violation of this section shall be subject to a fine of \$1,500 for a first violation, \$3,000 for a second violation, and \$5,000 for a third or subsequent violation. For the purposes of this section, the terms "owner," "operator," and "autobus" shall have the meanings provided in section 4 of P.L.2013, c.224 (C.56:16-2).

C.39:3-10.24a Blood sample from operator under certain circumstances.

2. A police officer shall obtain a blood sample from an operator of an autobus involved in an accident resulting in the death or serious bodily injury, as defined in N.J.S.2C:11-1, of any person; provided, however, the police officer shall not obtain a blood sample from the operator of an autobus involved in an accident resulting in death or serious bodily injury if the police officer determines that the operator of the autobus did not contribute in any way to the accident. A blood sample taken pursuant to this section shall not be taken forcibly or against physical resistance by an operator of an autobus. For the purposes of this section, the terms "autobus" and "operator" shall have the meanings provided in section 4 of P.L.2013, c.224 (C.56:16-2).

C.56:16-1 Short title.

3. Sections 3 through 10 of P.L.2013, c.224 (C.56:16-1 et seq.) shall be known and may be cited as the "Bill of Rights for Customers of Certain Autobuses Act."

C.56:16-2 Definitions relative to autobuses.

4. For the purposes of sections 3 through 9 of P.L.2013, c.224 (C.56:16-1 et seq.):

“Autobus” means a privately-owned autobus operated over the public highways in this State for the transportation of not more than 40 passengers for hire in intrastate or interstate business except that “autobus” shall not include:

(1) a vehicle engaged in motorbus regular route service as defined in section 3 of P.L.1979, c. 150 (C.27:25-3);

(2) a vehicle engaged in the transportation of passengers for hire in the manner and form commonly called taxicab service unless that service becomes or is held out to be regular service between stated termini;

(3) a hotel bus used exclusively for the transportation of hotel patrons to or from local railroad or other common carrier stations including local airports;

(4) a bus operated for the transportation of enrolled children and adults only when serving as chaperones to or from a school, school connected activity, day camp, summer day camp, nursery school, child care center, pre-school center, or other similar places of education, including "School Vehicle Type I" and "School Vehicle Type II" as defined in R.S.39:1-1;

(5) an autobus with a carrying capacity of not more than 13 passengers operated under municipal consent upon a route established wholly within the limits of a single municipality or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth or sixth class, which route in either case does not in whole or in part parallel upon the same street the line of any street railway or traction railway or any other autobus route;

(6) an autocab, limousine, or livery service as defined in R.S.48:16-13, unless that service becomes or is held out to be regular service between stated termini;

(7) a vehicle used in a "ridesharing" arrangement, as defined by the "New Jersey Ridesharing Act of 1981," P.L.1981, c.413 (C.27:26-1 et al.);

(8) a motor bus owned by, or operated under a contract with, the New Jersey Transit Corporation;

(9) charter bus operations, as defined in R.S.48:4-1;

(10) a vehicle designed to transport 8 or more, but less than 16, persons, including the driver, which is used exclusively for the transportation of persons between an off-airport parking facility and an airport; or

(11) a special paratransit vehicle, as defined in R.S.48:4-1.

“Bill of Rights for Customers of Certain Autobuses” means the consumer protections, obligations of the owners and operators of autobuses,

and basic expectations and guarantees of health, safety, and welfare established pursuant to section 6 of P.L.2013, c.224 (C.56:16-4).

"Operator" means a person who is in actual physical control of an autobus.

"Owner" means a person who holds the legal title of an autobus, or if an autobus is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of an autobus is entitled to possession, then the conditional vendee, lessee or mortgagor shall be considered the owner.

C.56:16-3 Findings, declarations relative to autobuses.

5. The Legislature finds and declares that:

a. The residents of this State rely on a variety of passenger vehicle transportation options. The provision of safe and lawful transportation options is vital to the economy of the State and to the health and welfare of New Jersey residents.

b. The proliferation of privately-owned autobuses which are operated in intrastate or interstate business over the public highways in this State for the transportation of not more than 40 passengers, often incorrectly referred to as jitneys, as a transportation option in the State has led to an increase in congestion on the roadways, presented public safety issues, engendered passenger service complaints, and posed environmental hazards.

c. In protecting the health, safety, and welfare of the thousands of New Jersey residents who use autobuses and other residents who encounter these autobuses on the highways, it is necessary and proper to ensure that the owners and operators of these autobuses uphold their obligations to provide safe and lawful services to their customers.

d. In order to ensure that autobuses provide safe and lawful services to the people of this State, it is appropriate for this Legislature to enact a bill of rights for customers of certain autobuses that establishes basic rights and guarantees that protect the health, safety, and welfare of customers.

C.56:16-4 "Bill of Rights for Customers of Certain Autobuses."

6. There is created a "Bill of Rights for Customers of Certain Autobuses" which shall provide the following consumer protections, obligations of the owners and operators of autobuses, and basic expectations and guarantees of health, safety, and welfare:

a. The owner of an autobus shall provide clear and conspicuous notice of customer complaint contact information by prominently displaying the telephone number, established by the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to subsection b. of section 7 of P.L.2013, c.224 (C.56:16-5), on the interior and exterior of the autobus.

b. The owner of an autobus shall respond to all complaints in a timely fashion and work to resolve any problems customers encounter regarding unsafe, poor, or inadequate service.

c. The owner of an autobus shall ensure that all operators are well-trained.

d. The operator of an autobus shall not allow an autobus to exceed the number of passengers that the autobus can safely accommodate.

e. The operator of an autobus shall ensure that the autobus is clean, well-maintained, and in good working condition at all times.

f. The operator of an autobus shall not operate an autobus while smoking or using a cellular telephone, or engage in any other action that may endanger the health, safety, or welfare of passengers.

g. The operator of an autobus shall comply with all federal and State laws governing the safe operation of a motor vehicle.

C.56:16-5 Duties of director.

7. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety shall:

a. establish a telephone number where customers may submit complaints regarding service provided by autobus owners and operators; and

b. initiate, investigate, attempt to resolve, and, if necessary, refer to the Attorney General any matter or complaint received concerning a violation of the Bill of Rights for Customers of Certain Autobuses established pursuant to section 6 of P.L.2013, c.224 (C.56:16-4). The division may conduct an investigation and may request in writing the production of documents and records as part of its investigation. Trade secrets and proprietary business information contained in the documents or records received by the division pursuant to a written request or a subpoena shall be confidential and shall not be deemed a "government record" under section 1 of P.L.1995, c.23 (C.47:1A-1.1 et seq.).

If the person of whom such request was made fails to produce the documents or records within 30 days after the date of the request, the division may issue and serve subpoenas to compel the production of those documents and records. If any person refuses to comply with a subpoena issued under this section, the division may petition the Superior Court to

enforce the subpoena by means of such sanctions as the court may direct. After completion of the investigation, the division shall either:

(1) dismiss the complaint following a determination that no violation occurred; or

(2) determine that a violation has likely occurred and, if so, shall attempt to resolve the matter by settlement, which may include a monetary settlement to cover the costs incurred by the division. If no settlement is achieved, then the division may take further action, including, if necessary, referring the matter to the Attorney General for further proceedings.

Any records, documents, papers, maps, books, tapes, photographs, files, sound recordings, or other business material, regardless of form or characteristics, obtained by the division pursuant to subpoena shall be confidential. At the conclusion of an investigation, any matter determined by the division, or by a federal or State judicial or administrative body, to be a trade secret or proprietary confidential business information held by the division pursuant to the investigation shall be considered confidential. The materials may be used in any administrative or judicial proceeding as long as the confidential or proprietary nature of the material is maintained.

C.56:16-6 Violations, penalties.

8. A person who violates any of the provisions of section 6 of P.L.2013, c.224 (C.56:16-4) shall be subject to a civil penalty of \$1,000 for a first violation, \$2,000 for a second violation, and \$5,000 for a third or subsequent violation. Each day upon which the violation continues shall constitute a separate offense. The penalty prescribed in this section shall be collected in a civil action by a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section. Process shall be in the nature of a summons or warrant which shall issue upon the complaint of the Attorney General or any other person.

C.56:16-7 Rules, regulations.

9. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate the purposes of sections 3 through 8 of P.L.2013, c.224 (C.56:16-1 through C.56:16-6).

10. Sections 1 and 2 of this act shall take effect immediately, and sections 3 through 9 of this act shall take effect on the first day of the 12th month following enactment, except that the Director of the Division of Consumer Affairs in the Department of Law and Public Safety may take any anticipatory administrative action in advance of that date as shall be necessary for the timely implementation of this act.

Approved January 17, 2014.

CHAPTER 225

AN ACT concerning employee leasing companies and unemployment compensation, amending P.L.2001, c.260, and supplementing chapter 21 of Title 43 of the Revised Statutes.

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

1. Section 6 of P.L.2001, c.260 (C.34:8-72) is amended to read as follows:

C.34:8-72 Co-employment of covered employees.

6. a. An employee leasing company registered under this act and the respective client companies with which it has entered into employee leasing agreements shall be the co-employers of their covered employees for the payment of wages and other employment benefits due, including the obligation under the workers' compensation law, R.S.34:15-1 et seq., to maintain insurance coverage for covered employees for personal injuries to, or for the death of, those employees by accident arising out of and in the course of employment through policies issued by an insurance carrier licensed in the State of New Jersey. Such policies shall state the name of the employee leasing company as the labor contractor for each client company, by name.

b. For purposes of P.L.2001, c.260 (C.34:8-67 et seq.), the agreement between the employee leasing company and the client company shall be one of co-employment, whereby the employee leasing company, having accepted the responsibilities set forth in section 2 of P.L.2001, c.260 (C.34:8-68), may submit reports to the department and make contributions to the Unemployment Compensation and State Disability Benefits Funds in the manner prescribed in section 7 of P.L.2001, c.260 (C.34:8-73), on be-

half of those covered employees covered by the employee leasing agreement. In addition, the provisions of R.S.34:15-8, regarding the exclusivity of the remedy under the workers' compensation law for personal injuries to, or for the death of, employees by accident arising out of and in the course of their employment, shall apply to the employee leasing company and the client company, and their employees.

c. The employee leasing company shall file reports prescribed under the "unemployment compensation law," R.S.43:21-1 et seq. on behalf of its covered employees as set forth in section 3 of P.L.2013, c.225 (C.43:21-7.8).

2. Section 7 of P.L.2001, c.260 (C.34:8-73) is amended to read as follows:

C.34:8-73 Actions upon entry, dissolution of leasing agreement.

7. a. Upon entering into the employee leasing agreement:

(1) If the employee leasing company acquires the client company's total workforce, the employee leasing company shall report wages and pay contributions pursuant to section 3 of P.L.2013, c.225 (C.43:21-7.8).

(2) If the employee leasing company acquires less than all of the client company's total workforce, the employee leasing company shall report wages and pay contributions pursuant to section 3 of P.L.2013, c.225 (C.43:21-7.8) with respect to that portion of the workforce so acquired.

b. Upon dissolution of the employee leasing agreement:

(1) If, under the dissolved employee leasing agreement, the employee leasing company used the Entity Level Reporting Method under subsection b. of section 3 of P.L.2013, c.225 (C.43:21-7.8) to report and pay all required contributions to the unemployment compensation fund as required under R.S.43:21-7, and the client company had leased all or a portion of its total workforce, the employee leasing company shall, at the time of dissolution, provide the department with the data necessary to calculate the benefit experience of the client company for purposes of determining the client company's separate benefit experience.

(2) If, under the dissolved employee leasing agreement, the employee leasing company elected to use the Client Level Reporting Method under subsection c. of section 3 of P.L.2013, c.225 (C.43:21-7.8), to report and pay all required contributions to the unemployment compensation fund as required under R.S. 43:21-7, and the client company had leased all or a portion of its total workforce, the department shall compute its benefit experience in accordance with subparagraph (f) of paragraph (4) of subsection c. of section 3 of P.L.2013, c.225 (C.43:21-7.8).

- (3) (Deleted by amendment, P.L.2013, c.225)
- (4) (Deleted by amendment, P.L.2013, c.225)
- (5) (Deleted by amendment, P.L.2013, c.225).

C.43:21-7.8 Responsibilities of employee leasing company.

3. a. For purposes of the “unemployment compensation law,” R.S.43:21-1 et seq., a covered employee is an employee of the employee leasing company. An employee leasing company is responsible for the payment of contributions, surcharges, penalties, and interest assessed under the “unemployment compensation law,” R.S.43:21-1 et seq. on wages paid by the employee leasing company to the covered employees during the term of the employee leasing agreement. An employee leasing company shall use the Entity Level Reporting Method to report and pay all required contributions to the unemployment compensation fund as required by R.S.43:21-7, unless the employee leasing company elects the Client Level Reporting Method under subsection c. of this section. An employee leasing company that does not initially elect the Client Level Reporting Method under subsection c. may subsequently elect the Client Level Reporting Method. An employee leasing company which, at sometime after the enactment of this act, elects to use the Client Level Reporting Method may switch back to the Entity Level Reporting Method in the future, but only with the approval of the department, which may not be granted to that employee leasing company more than one time. An employee leasing company and any related “controlled group of corporations” as that term is defined in section 1563 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 1563 shall use the same reporting method for all clients.

b. The Entity Level Reporting Method uses the State employer account number and contribution rate of the employee leasing company to report and pay all required contributions to the unemployment compensation fund as required by R.S.43:21-7 relating exclusively to covered employees. The following provisions apply to an employee leasing company that reports under the Entity Level Reporting Method:

(1) The employee leasing company shall file all quarterly contribution and wage reports in accordance with R.S.43:21-7 using the state tax identification number and the contribution rate of the employee leasing company as determined under the “unemployment compensation law,” R.S.43:21-1 et seq.;

(2) The employee leasing company and its client are subject to the provisions of R.S.43:21-7(c)(7), irrespective of whether there is common ownership, as follows:

(a) On July 1 of the year following the effective date of the employee leasing agreement, the department shall transfer the employment experience of the client company to the employee leasing company as a successor in interest, including any credit for past years, contributions paid, annual payrolls, or benefit charges applicable to the client company. The employee leasing company, however, upon the effective date of the employee leasing agreement, shall immediately receive credit for prior contributions paid on behalf of and relating to the covered employees by the client company or, if applicable, another employee leasing company, against wages in the tax year in which the employee leasing agreement begins and shall be immediately subject to the existing rate of the employee leasing company. The department shall provide to the employee leasing company, within 15 days of request, any data related to the client's prior unemployment insurance history, including but not limited to, contributions paid, annual payrolls and benefit charges, on or after the effective date of the employee leasing agreement.

(b) Upon dissolution of an employee leasing agreement, the department shall transfer all of the employment experience of the client company relating to covered employees as a successor in interest from the employee leasing company, including any credit for past years, contributions paid, annual payrolls, or benefit charges applicable to the client company. The employee leasing company shall provide the department with the data the department deems necessary to make that transfer.

(c) On the first July 1 following the termination of an employee leasing agreement, the department shall transfer the employment experience relating to the client company to the succeeding employee leasing company, if any, as a successor in interest, including any credit for past years, contributions paid, annual payrolls, or benefit charges applicable to the client company. The successor employee leasing company, however, upon the effective date of the employee leasing agreement, shall immediately receive credit for prior contributions paid on behalf of and relating to the covered employees by the predecessor employee leasing company, against wages in the tax year in which the new employee leasing agreement begins and the balance of wages due in the tax year shall be immediately subject to the existing rate of the successor employee leasing company. The department shall provide to either employee leasing company, within 15 days of a written request, any data related to the client company's prior unemployment insurance history, including but not limited to, contributions paid, annual payrolls and benefit charges, on or after the effective date of the employee leasing agreement;

(3) Whenever the employee leasing company enters into an employee leasing agreement with a client company, the employee leasing company shall notify the department not later than 30 days after the end of the quarter in which the employee leasing agreement became effective; and

(4) The employee leasing company shall notify the department in writing on forms prescribed by the department not later than 30 days after the date of the following:

(a) The termination of an employee leasing agreement; or

(b) The employee leasing company elects the Client Level Reporting Method under subsection c. of this section.

Upon dissolution of an employee leasing agreement: the client company's contribution rate and benefit experience shall be determined in accordance with subsection b. of section 7 of P.L.2001, c.260 (C.34:8-73); and the employee leasing company shall provide the department with the information required by subsection b. of section 7 of P.L.2001, c.260 (C.34:8-73).

c. (1) An employee leasing company may elect to use the Client Level Reporting Method, which uses the state employer account number and contribution rate of the client company to report and pay all required contributions to the unemployment compensation fund as required by R.S.43:21-7 relating exclusively to covered employees.

(2) An employee leasing company doing business in New Jersey as of the effective date of this act shall make the election to use the Client Level Reporting Method in writing to the department not later than:

(a) 60 days after the effective date of this act for reporting and payment of contributions under the "unemployment compensation law," R.S.43:21-1 et seq., for the 2014 calendar year; or

(b) September 30, 2014, for reporting and payment of contributions under the "unemployment compensation law," R.S.43:21-1 et seq., effective no later than July 1, 2015.

An employee leasing company not doing business in New Jersey or not registered pursuant to P.L.2001, c.260 (C.34:8-67 et seq.) as of the effective date of this act shall, if it so desires, make the election to use the Client Level Reporting Method and notify the department in writing of that election at the time of registration.

(3) An employee leasing company which uses the Entity Level Reporting Method may subsequently elect the Client Level Reporting Method, subject to the provisions of this section, including the following requirements:

(a) The employee leasing company shall make the election to use the Client Level Reporting Method not later than December 1 of the calendar year before the calendar year in which the election is to be effective;

(b) The election shall be made in a written notice submitted to the department; and

(c) The election shall be effective for the calendar year immediately following the year in which the department receives the notice of election.

(4) The following apply to an employee leasing company that elects to use the Client Level Reporting Method:

(a) Whenever the employee leasing company enters into an employee leasing agreement with a client company, the employee leasing company shall notify the department not later than 30 days after the end of the quarter in which the employee leasing agreement became effective;

(b) An employee leasing company reporting under the Entity Level Reporting Method which elects, in writing, to report under the Client Level Reporting Method shall, within 30 days, provide any data which the department deems necessary to the department to enable the department to calculate the benefit experience rate of each client company;

(c) If a client company is an employing unit when the employee leasing agreement becomes effective, the client company retains its experience balance, liabilities, and wage credits, and R.S. 43:21-7(c)(7) shall not apply to the client company or to the employee leasing company;

(d) Unless contrary to applicable law, if a client company is not an employing unit on the date the employee leasing agreement becomes effective, the client company immediately qualifies for an employer experience account under R.S. 43:21-7 and is subject to section 1 of P.L.1992, c.202 (C.43:21-7.7) for purposes of establishing an initial contribution rate;

(e) A client is associated with the employee leasing company's employer experience account by means of the employee leasing company's primary federal employer identification number (FEIN) for purposes of liability under the "unemployment compensation law," R.S.43:21-1 et seq. and federal certification; and

(f) Upon the dissolution of an employee leasing agreement, the client company shall retain the experience balance, liabilities, and wage credits for the client company's employing unit account; the client company's federal employer identification number (FEIN) shall become the primary FEIN on the employing unit's account; and the employee leasing company's FEIN shall not be associated with the client's company's employing unit account.

d. For the purposes of this section, the client company which reports under the Entity Level Reporting Method or the Client Level Reporting Method, and not the employee leasing company, shall remain solely liable for any and all liabilities which originated or preceded the effective date of the employee leasing agreement.

Regardless of the reporting method utilized by an employee leasing company, either the employee leasing company or the client can hold the short term private or public disability insurance policy covering the covered employees.

e. For the purposes of this section:

(1) The term "Client Level Reporting Method" has the meaning set forth in subsection c. of this section;

(2) The term "Entity Level Reporting Method" has the meaning set forth in subsection b. of this section; and

(3) The terms "client company," "covered employee," "employee leasing agreement" or "professional employer agreement," and "employee leasing company" or "professional employer organization" have the meanings set forth in section 1 of P.L.2001, c.260 (C.34:8-67).

4. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 226

AN ACT concerning liability exposure for mortgage guaranty insurance companies and amending P.L.1968, c.248.

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

1. Section 3 of P.L.1968, c.248 (C.17:46A-3) is amended to read as follows:

C.17:46A-3 Capital, surplus and contingency reserve requirements.

3. Capital, surplus and contingency reserve requirements.

(a) An insurance company shall not transact the business of mortgage guaranty insurance unless it has paid-in capital of at least \$1,000,000.00 and paid-in surplus of at least \$1,000,000.00.

(b) In addition to the paid-in capital and surplus provided in subsection (a), each mortgage guaranty insurance company shall establish a contingency reserve out of net premiums remaining (gross premiums less premiums returned to policyholders) after establishment of the unearned premium reserve. To the contingency reserve the insurance company shall contribute an amount equal to 50% of such remaining premiums. The yearly contributions to the contingency reserve made during each calendar year shall be maintained for a period of 180 months, except that withdrawals may be made by the insurance company in any given year in which the actual losses exceed the expected losses. The commissioner shall, by regulation, determine when an insurance company may make withdrawals from its contingency reserve.

(c) (1) Except as provided in paragraph (2) of this subsection, a mortgage guaranty insurance company shall not at any time have outstanding a total liability under its aggregate insurance policies exceeding 25 times its policyholders' surplus, such liability to be computed on the basis of the insurance company's liability under its election as provided in subsection (c) of section 4 of P.L.1968, c.248 (C.17:46A-4). In the event that any insurance company has outstanding total liability exceeding 25 times its policyholders' surplus, it shall cease transacting new business until such time as its total liability no longer exceeds 25 times its policyholders' surplus.

(2) On and after the first day of the third month following enactment of P.L.2010, c.93 and continuing for the 72 months thereafter, the commissioner may waive the limit on liability exposure set forth under paragraph (1) of this subsection at the written request of a mortgage guaranty insurance company. The commissioner may approve the request of the mortgage guaranty insurance company upon a finding that the company's financial position is reasonable in relation to the company's outstanding total liability under its aggregate insurance policies, as well as adequate to its financial needs. A company granted a waiver pursuant to this paragraph shall submit quarterly reports to the commissioner concerning the company's financial condition. The commissioner shall promulgate regulations concerning the process for a mortgage guaranty insurance company to submit a written request pursuant to this paragraph, and concerning the information to be indicated in the quarterly reports. The regulations shall specify the information deemed necessary by the commissioner to review the request and any factors to be considered in approving or disapproving the request. The commissioner shall provide an annual briefing to the Assembly Financial Institutions and Insurance Committee and the Senate Commerce Committee, or their successors, on the financial condition of the mortgage guaranty insurance industry.

(d) A mortgage guaranty insurance company shall not declare any dividends except from undivided profits remaining on hand over and above the aggregate of its paid-in capital, paid-in surplus and contingency reserve.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 227

AN ACT concerning higher education restructuring, amending P.L.1994, c.48, and amending and supplementing P.L.2012, c.45.

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

1. Section 6 of P.L.1994, c.48 (C.18A:3B-6) is amended to read as follows:

C.18A:3B-6 Powers, duties of governing boards of institutions of higher education.

6. The governing board of each public institution of higher education shall have the following general powers and duties to fulfill its mission and the Statewide goals in cooperation with other institutions and the State coordinating structures:

a. To develop an institutional plan and to determine the programs and degree levels to be offered by the institution consistent with this plan and the institution's programmatic mission;

b. To have authority over all matters concerning the supervision and operations of the institution including fiscal affairs, the employment and compensation of staff not classified under Title 11A of the New Jersey Statutes, and capital improvements in accordance with law;

c. To set tuition and fees; however, prior to the date of the adoption of a tuition or fee schedule or an overall institutional budget, and with reasonable notice thereof, the governing board shall conduct a public hearing at such times and places as will provide those members of the college community who wish to testify with an opportunity to be heard;

d. To establish admission standards and requirements and standards for granting diplomas, certificates and degrees;

e. To recommend for appointment by the Governor, members to the institution's governing board. The recommendation shall be made with regard to the mission of the institution and the diversity of the community to be served;

f. To have final authority to determine controversies and disputes concerning tenure, personnel matters of employees not classified under Title 11A of the New Jersey Statutes, and other issues arising under Title 18A of the New Jersey Statutes involving higher education except as otherwise provided herein. Any matter arising under this subsection may be assigned to an administrative law judge, an independent hearing officer or to a subcommittee of the governing board for hearing and initial decision by the board, except for tenure hearings under N.J.S.18A:6-18. Any hearings conducted pursuant to this section shall conform to the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The final administrative decision of a governing board of a public institution of higher education is appealable to the Superior Court, Appellate Division;

g. To invest and reinvest the funds of the institution; however, institutions which invest the funds of the institution through the Director of the Division of Investment in the Department of the Treasury on or before the effective date of this act shall continue to do so, unless this requirement is waived by the State Treasurer on an annual basis, which waiver shall not be unreasonably withheld;

h. To retain legal counsel of the institution's choosing. State entities may choose representation by the Attorney General; however, as to claims of a tortious nature, the institution shall elect within 75 days of the effective date of this act whether it, and its employees, shall be represented in all such matters by the Attorney General. If the institution elects not to be represented by the Attorney General, it shall be considered and its employees considered employees of a sue and be sued entity for the purposes of the "New Jersey Tort Claims Act" only. The institution shall be required in that circumstance to provide its employees with defense and indemnification consistent with the terms and conditions of the Tort Claims Act in lieu of the defense and indemnification that such employees would otherwise seek and be entitled to from the Attorney General pursuant to N.J.S.59:10-1 et seq. and P.L.1972, c.48 (C.59:10A-1 et seq.);

i. To be accountable to the public for fulfillment of the institution's mission and Statewide goals and for effective management of the institution;

j. To submit a request for State support to the Division of Budget and Accounting in the Department of the Treasury and to the commission in accordance with the provisions of this act;

k. To have prepared and made available to the public an annual financial statement, and a statement setting forth generally the moneys expended for government relations, public relations and legal costs;

l. To have prepared an annual independent financial audit, which audit and any management letters regarding that audit shall be deemed public documents.

These powers and duties are in addition to and not a limitation of the specific powers and duties provided for the governing board of each public institution under chapter 64, 64A, 64G, 64E, or 64M of Title 18A of the New Jersey Statutes. If the provisions of this section are inconsistent with these specific powers and duties, the specific powers and duties shall govern.

2. Section 41 of P.L.2012, c.45 (C.18A:64M-9) is amended to read as follows:

C.18A:64M-9 Powers, duties of board of trustees.

41. The board of trustees of Rowan University shall have the general supervision over and be vested with the conduct of the university. It shall have the power and duty, subject to the approval of the Rowan University-Rutgers Camden Board of Governors which shall be subject to the limitations set forth in section 34 of P.L.2012, c.45 (C.18A:64M-38), to:

- a. Adopt and use a corporate seal;
- b. Determine the educational curriculum and program of the university;
- c. Determine policies for the organization, administration, and development of the university;
- d. Study the educational and financial needs of the university, annually acquaint the Governor and Legislature with the condition of the university, and prepare and submit an annual request for appropriation to the Division of Budget and Accounting in the Department of the Treasury in accordance with law;
- e. Disburse all moneys appropriated to the university by the Legislature and all moneys received from tuition, fees, auxiliary services and other sources;
- f. Direct and control expenditures and transfers of funds appropriated to the university in accordance with the provisions of the State budget and appropriation acts of the Legislature, and, as to funds received from other sources, direct and control expenditures and transfers in accordance with the terms of any applicable trusts, gifts, bequests, or other special provi-

sions, reporting changes and additions thereto and transfers thereof to the Director of the Division of Budget and Accounting in the Department of the Treasury. All accounts of the university shall be subject to audit by the State at any time;

g. In accordance with the provisions of the State budget and appropriation acts of the Legislature, appoint and fix the compensation and term of office of a president of the university who shall be the executive officer of the university and an ex officio member of the board of trustees, without vote, and shall serve at the pleasure of the board of trustees;

h. In accordance with the provisions of the State budget and appropriation acts of the Legislature, appoint, upon nomination of the president, such deans and other members of the academic, administrative, and teaching staffs as shall be required and fix their compensation and terms of employment;

i. Consistent with the provisions of its budget, this act and any and all controlling collective bargaining agreements, have the power, upon nomination or recommendation of the president, to appoint, remove, promote and transfer all other officers, agents, or employees which may be required to carry out the provisions of this act and prescribe qualifications for those positions, and assign requisite duties and determine and fix respective compensation for those positions in accordance with duly adopted salary program parameters;

j. Grant diplomas, certificates or degrees;

k. Enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or with any public body, department or other agency of the State or the United States or with any individual, firm or corporation which are deemed necessary or advisable by the board for carrying out the provisions of this act. A contract or agreement pursuant to this subsection may require a municipality to undertake obligations and duties to be performed subsequent to the expiration of the term of office of the elected governing body of such municipality which initially entered into or approved said contract or agreement, and the obligations and duties so incurred by such municipality shall be binding and of full force and effect, notwithstanding that the term of office of the elected governing body of such municipality which initially entered into or approved said contract or agreement, shall have expired;

l. Exercise the right of eminent domain, pursuant to the provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.), to acquire any property or interest therein;

m. Adopt, after consultation with the president and faculty, bylaws and make and promulgate such rules, regulations, and orders, not inconsistent

with the provisions of this act as are necessary and proper for the administration and operation of the university and the carrying out of its purposes;

n. Establish fees for room and board sufficient for the operation, maintenance, and rental of student housing and food services facilities;

o. Fix and determine tuition rates and other fees to be paid by students;

p. Accept from any government or governmental department, agency or other public or private body or from any other source grants or contributions of money or property which the board may use for or in aid of any of its purposes;

q. Acquire, by gift, purchase, condemnation or otherwise, own, lease, dispose of, use and operate property, whether real, personal or mixed, or any interest therein, which is necessary or desirable for university purposes;

r. Employ architects to plan buildings; secure bids for the construction of buildings and for the equipment thereof; make contracts for the construction of buildings and for equipment; and supervise the construction of buildings;

s. Manage and maintain, and provide for the payment of all charges on and expenses in respect of, all properties utilized by the university;

t. Borrow money and to secure the same by a mortgage on its property or any part thereof, and to enter into any credit agreement for the needs of the university and projects of the Rowan University-Rutgers Camden Board of Governors, as deemed requisite by the board, in such amounts and for such time and upon such terms as may be determined by the board, provided that no such borrowing shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit or be payable out of property or funds, other than moneys appropriated for that purpose, of the State;

u. Authorize any new program, educational department or school consistent with the programmatic mission of the institution or approved by the Secretary of Higher Education;

v. Adopt standing operating rules and procedures for the purchase of all equipment, materials, supplies and services; however, no contract on behalf of the university shall be entered into for the purchase of services, materials, equipment and supplies, for the performance of any work, or for the hiring of equipment or vehicles, where the sum to be expended exceeds \$30,700 or the amount determined by the Governor as provided herein, unless the university shall first publicly advertise for bids and shall award the contract to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the university, price and other factors considered. Such advertising shall not be required in those exceptions created by the board of trustees of the university, which shall be in

substance those exceptions contained in sections 4 and 5 of P.L.1954, c.48 (C.52:34-9 and 10) and section 5 of P.L.1986, c.43 (C.18A:64-56) or for the supplying of any product or the rendering of any service by a public utility subject to the jurisdiction of the Board of Public Utilities of this State and tariffs and schedules of the charges made, charged, or exacted by the public utility for any such products to be supplied or services to be rendered are filed with the said board. Commencing July 1, 2013 and every two years thereafter, the Governor, in consultation with the Department of the Treasury, shall adjust the threshold amount set forth in this paragraph in direct proportion to the rise or fall of the consumer price index for all urban consumers in the New York City and the Philadelphia areas as reported by the United States Department of Labor. The Governor shall notify the university of the adjustment. The adjustment shall become effective on July 1 of the year in which it is reported.

This subsection shall not prevent the university from having any work performed by its own employees, nor shall it apply to repairs, or to the furnishing of materials, supplies or labor, or the hiring of equipment or vehicles, when the safety or protection of its or other public property or the public convenience requires or the exigency of the university's service will not admit of such advertisement. In such case, the university shall, by resolution passed by the affirmative vote of its board of trustees, declare the exigency or emergency to exist, and set forth in the resolution the nature and approximate amount to be expended; shall maintain appropriate records as to the reason for such awards; and shall report regularly to its board of trustees on all such purchases, the amounts and the reasons therefor;

w. Invest certain moneys in such obligations, securities and other investments as the board shall deem prudent, consistent with the purposes and provisions of this act and in accordance with State and federal law, as follows:

Investment in not-for-profit corporations or for-profit corporations organized and operated pursuant to the provisions of subsection x. of this section may utilize income realized from the sale or licensing of intellectual property as well as the reinvestment of earnings on intellectual property. Investment in not-for-profit corporations may also utilize income from the operation of faculty practice plans of the university and income from overhead grant fund recovery as permitted by federal law as well as other university funds except those specified in paragraph 5 of subsection x. of this section;

x. (1) Participate as the general partner or as a limited partner, either directly or through a subsidiary corporation created by the university, in limited partnerships, general partnerships, or joint ventures engaged in the

development, manufacture, or marketing of products, technology, scientific information or health care services and create or form for-profit or not-for-profit corporations to engage in such activities; provided that any such participation shall be consistent with the mission of the university and the board shall have determined that such participation is prudent;

(2) The decision to participate in any activity described in paragraph (1) of this subsection, including the creation or formation of for-profit or not-for-profit corporations, shall be articulated in the minutes of the board of trustees meeting in which the action was approved;

(3) The provisions of P.L.1971, c.182 (C.52:13D-12 et seq.) shall continue to apply to the university, its employees, and officers;

(4) Nothing herein shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit or be payable out of property or funds of the State;

(5) Funds directly appropriated to the university from the State or derived from the university's academic programs or derived from payment for coverage provided by the self insurance fund for claims accruing prior to the effective date of this act shall not be utilized by the for-profit or not-for-profit corporations organized and operated pursuant to this subsection in the development, manufacture, or marketing of products, technology or scientific information;

(6) Employees of any joint venture, subsidiary corporation, partnership, or other jural entity entered into or owned wholly or in part by the university shall not be deemed public employees;

(7) A joint venture, subsidiary corporation, partnership, or other jural entity entered into or owned wholly or in part by the university shall not be deemed an instrumentality of the State of New Jersey;

(8) Income realized by the university as a result of participation in the development, manufacture, or marketing of products, technology, or scientific information may be invested or reinvested pursuant to subsection w. of this section or any other provision of this act or State or federal law or retained by the board for use in furtherance of any of the purposes of this act or of other applicable statutes;

(9) The board shall annually report to the State Treasurer on the operation of all joint ventures, subsidiary corporations, partnerships, or such other jural entities entered into or owned wholly or in part by the university;

y. Sue and be sued in its own name;

z. Retain independent counsel including representation by the Attorney General in accordance with subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-6);

aa. (1) Procure and enter into contracts for any type of insurance and indemnify against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employees' liability, against any act of any member, officer, employee or servant of the university, whether part-time, full-time, compensated or non-compensated in the performance of the duties of his office or employment or any other insurable risk. In addition, the university shall carry its own liability insurance or maintain an actuarially sound program of self insurance. Any joint venture, subsidiary corporation, or partnership or such other jural entity entered into or owned wholly or in part by the university shall carry insurance or maintain reserves in such amounts as are determined by an actuary to be sufficient to meet its actual or accrued claims;

(2) Moneys in the fund known as the Self-Insurance Trust Fund administered by the State Treasurer shall continue to be available to the university solely to indemnify and defend claims against the university and its employees, officers and servants but only to the extent that the university has elected on behalf of itself and its employees to obtain representation from the Attorney General pursuant to subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-6) and such entity or individuals would have been entitled to defense and indemnification pursuant to the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., as a State entity or State employee but for the provision of subsection z. of this section. Any expenditure of such funds shall be made only in accordance with the provisions of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., including but not limited to the provisions of chapters 10, 10A and 11 of Title 59 of the New Jersey Statutes. Nothing herein shall be construed to authorize the use of the Self-Insurance Trust Fund to indemnify or insure in any way, directly or indirectly the activities of any joint venture, partnership or corporation entered into or created by the university pursuant to subsection x. of this section;

bb. Create auxiliary organizations subject to the provisions of P.L.1982, c.16 (C.18A:64-26 et seq.);

cc. Adopt a code of ethics that complies with the requirements of all statutes applicable to the institution, including, but not limited, to the "Higher Education Restructuring Act of 1994," P.L.1994, c.48 (C.18A:3B-1 et al.), the "New Jersey Conflicts of Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.), regulations of the State Ethics Commission, and any applicable executive orders; and

dd. Establish a procedure for the confidential, anonymous submission of employee concerns regarding alleged wrongdoing at the university.

3. Section 33 of P.L.2012, c.45 (C.18A:64M-37) is amended to read as follows:

C.18A:64M-37 Rowan University – Rutgers Camden Board of Governors.

33. There is established the Rowan University-Rutgers Camden Board of Governors.

a. The board shall be composed of seven members as follows: two members appointed by the board of trustees of Rowan University from among its members; two members appointed by the board of directors of Rutgers University-Camden from among its members; and three members appointed by the Governor with the advice and consent of the Senate. The board shall elect a chairperson from among its membership.

b. The term of office of a member of the board appointed by the board of trustees of Rowan University or the board of directors of Rutgers University-Camden shall be coterminous with his term on that board. The term of office of the Governor's appointees shall be six years. An appointed member may be removed for cause by the board of trustees or the board of directors that appointed the member, or by the Governor in the case of his appointees.

c. Each member shall serve until his successor is appointed and qualified, and vacancies shall be filled in the same manner as the original appointments for the remainder of the unexpired term.

d. Members of the board shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses.

e. The board may be staffed by employees of Rowan University and Rutgers University-Camden.

4. Section 34 of P.L.2012, c.45 (C.18A:64M-38) is amended to read as follows:

C.18A:64M-38 Authority, responsibilities of Rowan University – Rutgers Camden Board of Governors.

34. The Rowan University-Rutgers Camden Board of Governors shall have the authority and responsibility to act, in all cases subject to and not inconsistent with the requirements and standards of applicable accreditation authorities, to:

a. approve or disapprove of the establishment or expansion of any schools, programs, or departments after the effective date of this act in the area of the health sciences proposed by either the board of trustees of Rowan University or the board of directors of Rutgers University-Camden;

b. determine policies for the organization, administration, and development of curriculum and programs of Rowan University and Rutgers University-Camden in the area of the health sciences, including dual degree programs and partnerships between the institutions;

c. make recommendations to Rowan University and to Rutgers, The State University for joint faculty appointments to Rowan University and Rutgers University-Camden;

d. provide curricular oversight of joint programs in the area of the health sciences of Rowan University and Rutgers University-Camden; and

e. develop plans for the operation and governance of health science facilities, including plans concerning the development and financing of capital improvements or expansions of health science facilities.

"Health sciences" for purposes of this section shall include, but not be limited to, nursing, medicine, dentistry, pharmacy, pharmacology, biochemistry, biomedicine, genetics, bioengineering, public health, and physician-related studies.

The board shall not take any action to use, transfer, commit, or control the endowment funds or any other funds provided to or accumulated by and under the control of either institution without the respective approval of the Rowan University Board of Trustees or the Rutgers Board of Governors. The board shall have no authority over the tenure or contract rights of faculty at either Rutgers, The State University or Rowan University.

The board shall not take any action that would violate any of the bond covenants of Rutgers, The State University or Rowan University.

Rowan University and Rutgers University-Camden shall each appropriate \$2,500,000 per year to the Rowan University-Rutgers Camden Board of Governors for administration and other necessary expenses.

C.18A:64M-38.1 Additional powers, duties.

5. In addition to the authority and responsibility of the Rowan University-Rutgers Camden Board of Governors pursuant to section 34 of P.L.2012, c.45 (C.18A:64M-38), the board shall have the power and the duty, subject to the limitations set forth in that section including the appropriations limit applicable to Rowan University and Rutgers, The State University set forth therein, and consistent with the provisions of P.L.2012, c.45 (C.18A:64M-1 et al.), to:

a. Enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or with any public body, department, or other agency of the State or the United States or with any individual, firm, or corporation, which are deemed necessary or advisable by

the board for carrying out the provisions of P.L.2012, c.45 (C.18A:64M-1 et al.);

b. Exercise the right of eminent domain, pursuant to the provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.), to acquire any property or interest therein, provided that this right shall be exercised only in a municipality that has been under rehabilitation and economic recovery pursuant to the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.);

c. Accept from any government or governmental department, agency, or other public or private body or from any source grants or contributions of money or property which the board may use for or in aid of any of its purposes; and

d. Acquire, by gift, purchase, condemnation or otherwise, own, lease, dispose of, use and operate property, whether real, personal or mixed, or any interest therein, which is necessary or desirable for its purposes.

C.18A:64M-31.1 Intention of the Legislature to protect Rowan University; reimbursement.

6. In transferring the assets of the University of Medicine and Dentistry of New Jersey to Rowan University, it is the intention of the Legislature to protect Rowan University, and to hold it harmless, subject to future appropriation, for unexpected costs or losses associated with undisclosed liabilities of the University of Medicine and Dentistry of New Jersey that were not reasonably foreseeable or contemplated at the time of the transfers required by this act. Therefore, if Rowan University experiences, during fiscal years 2014 and 2015, costs or losses associated with liabilities of the University of Medicine and Dentistry of New Jersey that were not identified in the certified financial statements of the University of Medicine and Dentistry of New Jersey for the time periods preceding the incurrence of the cost or loss, the State shall reimburse Rowan University for such cost or loss, subject to appropriation by the Legislature.

C.18A:64M-9.1 Public – private partnership agreement.

7. Notwithstanding the provisions of section 43 of P.L.2009, c.90 (C.18A:64-85) to the contrary, Rowan University may enter into a public-private partnership agreement in accordance with the provisions of that section.

8. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 228

AN ACT concerning fire safety, 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-198.17 Definitions relative to fire safety.

1. a. As used in this section:

"Local enforcing agency" means the enforcing agency in any municipality provided for under the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

"Nonresidential structure" means any building designed and built for use as a factory or warehouse, or for retail or wholesale merchandising, office, workshop, school, hospital, hotel, or any other commercial, industrial or institutional purpose; or which, having been designed and built for residential use, has been altered, converted or reconstructed for nonresidential use.

"Residential structure" means any detached one or two family residential structure or any building providing multi-dwelling units for the accommodation of non-transient tenants.

"Solar photovoltaic system" means a technology or device such as a photovoltaic module that captures and converts solar radiation to produce energy.

b. The Commissioner of Community Affairs shall, pursuant to the authority under the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.), promulgate rules and regulations to require that, except for one or two family residential structures, an identifying emblem be affixed to the front of any structure if a solar photovoltaic system is affixed to the roof of that structure or if the structure is served by an adjacent solar photovoltaic system. The design and placement of the emblem shall be determined by the Commissioner of Community Affairs based upon national standards or a national model code, as applicable, and shall be installed and maintained by the owner of the structure.

c. Upon issuing a permit approving the installation or alteration of a roof mounted solar photovoltaic system for a residential structure or non-residential structure, the local enforcing agency shall, within 10 days after issuance, file a copy of the permit with the local fire official serving the municipality in which the residential structure or nonresidential structure is located.

d. The owner of any residential structure or nonresidential structure who installs or provides for the installation of a roof mounted solar photovoltaic system on or after the effective date of this act, or has installed or provided for the installation of a roof mounted solar photovoltaic system prior to the effective date of this act, shall provide a written notification to the local fire official which shall include but need not be limited to:

(1) the name of the property owner or owners as well as the address of the residential structure or nonresidential structure upon which the solar photovoltaic system has been installed, and the name of the owner or owners and the address of any other adjacent structure served by the solar photovoltaic system; and

(2) the year that the roof mounted solar photovoltaic system was installed on the residential structure or nonresidential structure.

The written notification shall be submitted in a format containing any additional information that the commissioner deems necessary as prescribed by rule or regulation.

e. A copy of a permit filed pursuant to subsection c. of this section or written notification issued pursuant to subsection d. of this section shall be kept on file by the chief of the local fire department, and the address of the residential structure or nonresidential structure, the address of any other adjacent structure served by the solar photovoltaic system, and any additional information regarding the solar photovoltaic system shall be maintained in a registry by the fire department. The information contained in the registry shall serve to alert firefighters, when responding to an emergency situation, that a residential structure or nonresidential structure is equipped with, or is served by, a roof mounted solar photovoltaic system and that reasonable precautions may be necessary when responding to the emergency.

f. The provisions of this act shall be enforced in accordance with enforcement procedures set forth in the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.).

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 229

AN ACT establishing a study of technology for the tracking of domestic violence offenders, designated "Lisa's Law."

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

1. On the 120th day following the effective date of P.L.2013, c.229, the Attorney General shall report to the Governor as to the availability of appropriate technology to monitor the location of dangerous domestic violence offenders and their victims so that the victims may be warned when their attacker is in the vicinity. The Attorney General shall immediately establish a study group to identify and investigate issues related to the availability of the technology that will inform the final report.

2. This act shall take effect immediately and shall expire upon submission of the report to the Governor.

Approved January 17, 2013.

CHAPTER 230

AN ACT concerning motor vehicle lighting, amending R.S.39:3-61, and supplementing chapter 3 of Title 39 of the Revised Statutes.

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

1. R.S.39:3-61 is amended to read as follows:

Lamps and reflectors required on particular vehicles.

39:3-61. (a) Every motor vehicle other than a motorcycle and other than a motor-drawn vehicle shall be equipped on the front with at least two headlamps, an equal number at each side, and with two turn signals, one on each side; and on the rear with two tail lamps, two or more stop lamps, as prescribed by section 2 of P.L.2013, c.230 (C.39:3-66.3), two turn signals, and two reflectors, one of each at each side; except that a passenger vehicle manufactured before July 2, 1954, and registered in this State may be equipped with one stop lamp, one reflector, and one tail lamp and is not required to be equipped with turn signals. In addition, every motor vehicle shall be equipped with adequate license plate illumination, and with one or more lamps capable of providing parking light as required in R.S.39:3-62. Turn signals are not required on the rear of a truck tractor equipped with

double-faced turn signals on or near the front and so constructed and located as to be visible to passing drivers.

(b) Every truck tractor manufactured after January 1, 1965, shall be equipped on the front with two clearance lamps, one at each side, and three identification lamps, which shall be in addition to the lamps provided for in paragraph (a) of this section. Where the cab is not more than 42 inches wide at the front roof line, a single lamp at the center of the cab shall be deemed to comply with the requirement for front identification lamps. Reflectors required on the rear of a truck tractor may be located on the rear of the cab, one at each side.

(c) Every truck 80 inches or more in over-all width except a dump truck and except a truck 80 inches or more in over-all width which is not in excess of 25 feet in over-all length and manufactured prior to January 1, 1965, shall be equipped with the following lamps and reflectors in addition to those provided for in paragraph (a) of this section;

On the front, two clearance lamps, one at each side, and three identification lamps except that where the cab is not more than 42 inches wide at the front roof line, a single lamp at the center of the cab shall be deemed to comply with the requirement for front identification lamps;

On the rear, two clearance lamps, one at each side, and three identification lamps;

On each side, one side-marker lamp and one reflector at or near the front, and one side-marker lamp and one reflector at or near the rear.

(d) Every trailer or semitrailer shall be equipped on the rear with two tail lamps, two stop lamps, two turn signals, and two reflectors, one of each at each side, and with adequate license plate illumination.

(e) Every trailer or semitrailer 80 inches or more in over-all width, except a dump truck trailer, a dump truck semitrailer, or a converter dolly, shall be equipped with the following lamps and reflectors in addition to those provided for in paragraph (d) of this section:

On the front, two clearance lamps, one at each side;

On the rear, two clearance lamps, one at each side, and except with respect to cable reel trailers, three identification lamps;

On each side, one side-marker lamp and one reflector at or near the front, and one side-marker lamp and one reflector at or near the rear; and on any trailer or semi-trailer vehicle 30 feet or more in length, at least one additional side-marker lamp at optional height and at least one additional reflector, the additional lamp or lamps and reflector or reflectors to be at or near the center or at approximately uniform spacing in the length of the vehicle.

(f) Every pole trailer shall be equipped as follows:

On the rear, two tail lamps, one at each side; two stop lamps, one at each side; two turn signals, one at each side; two reflectors, one at each side, placed to indicate extreme width of the pole trailer; three identification lamps mounted on the vertical center line of the pole trailer or in lieu thereof mounted on the vertical center line of the rear of the cab of the truck tractor drawing the pole trailer and higher than the load being transported.

On each side, one amber side-marker lamp at or near the front of the load; one amber reflector at or near the front of the load; on the rearmost support for the load, one combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer; on the rearmost support for the load, one red reflector.

Nothing in this subsection shall apply to a single axle, skeleton frame trailer, not exceeding 2,500 pounds net weight and not exceeding 80 inches in over-all width which is designed to transport poles and is owned by a public utility as defined in R.S.48:2-13 except that such vehicles shall be required to have on the rear, two tail lamps, one at each side; stop lamps, one at each side; two turn signals, one at each side; two reflectors, one at each side on each side; and one amber side-marker lamp at or near the front of the load.

(g) Every converter dolly not permanently attached to a semitrailer shall be equipped on the rear with one stop lamp, one tail lamp, two reflectors, one at each side, and adequate license plate illumination. These lamps need be lighted only when the converter dolly is being towed singly by another vehicle. A "converter dolly" is a vehicle with a fifth wheel lower half or equivalent mechanism, the attachment of which converts a semitrailer to a trailer.

(h) Every motorcycle shall be equipped with at least one and not more than two headlamps, one tail lamp, one stop lamp, at least one reflector on the rear, adequate license plate illumination and, if a side car or any other extension is attached to the side thereof, one lamp located on the outside limit of the attachment capable of displaying white light to the front.

(i) Required lamps and reflectors shall be of a type approved by the chief administrator. Turn signals shall be Class A Type 1 lamps except that on passenger cars, and on commercial vehicles less than 80 inches in over-all width they may be Class B lamps. Reflectors shall be Class A reflex reflectors except that on passenger cars they may be Class B reflex reflectors.

(j) Required headlamps, tail lamps, clearance lamps, identification lamps, and side-marker lamps shall be lighted and adequate license plate illumination displayed whenever the vehicle other than a converter dolly is upon a highway when lighted lamps are required except when parked and exhibiting lights as provided for in R.S.39:3-62 or when stopped and displaying emergency warning lights or devices as provided for in R.S.39:3-64 or

R.S.39:3-54. Lamps on a converter dolly shall be lighted as provided for in paragraph (g) of this section. Turn signals on the side toward which a vehicle turn is made shall be flashed to indicate the turning movement. Stop lamps shall be lighted as provided in section 9 of P.L.1964, c.136 (C.39:3-61.3).

(k) License plate illumination will be deemed to be adequate when either a tail lamp or a separate lamp is so constructed and placed as to illuminate with a white light the rear license plate on a vehicle and render it clearly legible from a distance of 50 feet to the rear. Any lamp or lamps providing illumination shall be lighted whenever the headlamps or other driving lamps are lighted.

(l) Whenever a law enforcement officer detects a motor vehicle with a lamp not in working order, the driver may be permitted to park the vehicle temporarily at some safe place nearby and make the necessary repairs or replacement to restore the lamp to working order before moving the vehicle, in which event, there is no violation of this Title.

(m) Every motorbus manufactured before January 1, 1960, that has been inspected and approved as to construction and safety devices by the Board of Public Utility Commissioners shall be deemed in compliance with the requirements of this section.

C.39:3-66.3 Stoplights required on particular motor vehicles.

2. Every motor vehicle, other than a motorcycle, shall be equipped on the rear with at least two stoplights, one at each side of the vertical centerline at the same height and as far apart as practical, except that a passenger vehicle manufactured before July 2, 1954, may be equipped with one stoplight.

All passenger automobiles manufactured on or after September 1, 1985, shall, in addition, be equipped with a high-mounted rear stoplight on the vertical centerline.

All multipurpose passenger vehicles, trucks, and modified buses whose overall width is less than 80 inches and whose GVWR is 10,000 pounds or less, manufactured on or after September 1, 1993, shall, in addition, be equipped with a high-mounted rear stoplight on the vertical centerline.

All multipurpose passenger vehicles, trucks, and modified buses whose overall width is less than 80 inches and whose GVWR is 10,000 pounds or less and whose vertical centerline, when the vehicle is viewed from the rear, is not located on a fixed body panel but separate one or two moveable body section, such as doors, and which lacks sufficient space to install a single high-mounted stoplight on the centerline above such body sections, and which is manufactured on or after September 1, 1993, shall, in addition, be equipped with two high-mounted rear stoplights.

All stoplights shall be of a type meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers, and approved by the chief administrator.

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

Approved January 17, 2014.

CHAPTER 231

AN ACT concerning eligibility for attendance 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:38-1.1 Certain students permitted to remain enrolled in current school district.

1. Notwithstanding the provisions of N.J.S.18A:38-1 or any other law, rule, or regulation to the contrary, a child who moves out of a school district as a result of domestic violence, sexual abuse or other family crises shall be permitted to remain enrolled in that district for the remainder of the school year. If the child remains enrolled in the district for the remainder of the school year, the school district shall provide transportation services to the child, provided the child lives remote from school, and the State shall reimburse the school district for the cost of the transportation services.

Nothing in this section shall be construed to affect the rights of homeless students pursuant to section 19 of P.L.1979, c.207 (C.18A:7B-12), section 3 of P.L.1989, c.290 (C.18A:7B-12.1), or any other applicable State or federal law.

C.18A:38-1.2 Rules.

2. The State Board of Education shall promulgate rules pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the provisions of this act. The rules shall include family crisis situations, other than those listed in section 1 of this act, which shall permit a child to remain enrolled in the school district.

3. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 232

AN ACT concerning notice of cable television rates and services and amending P.L.1972, c.186.

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

1. Section 11 of P.L.1972, c.186 (C.48:5A-11) is amended to read as follows:

C.48:5A-11 Rates, charges and classifications for services; filing; publication; notice; review; hearings; limitations on revenues; effective competition.

11. a. (1) The board, through the office, shall, consistent with federal law, prescribe just and reasonable rates, charges, and classifications for the services rendered by a CATV company.

(2) On an annual basis, a CATV company shall electronically file, using any reasonable means and format, a schedule of the CATV company's rates, terms, and conditions with the board and, as applicable, electronically file with the board any specific changes to the schedule of the CATV company's rates, terms, and conditions to the extent required by State or federal law.

b. The board shall, from time to time, cause the established rates and rate schedules of each CATV company for cable television reception service to be reviewed, and, if upon review, it shall appear to the board that, under federal law, the rates and rate schedules are or may be excessive, unreasonable, unjustly discriminatory, or unduly preferential, the board shall require the CATV company to establish to the board's satisfaction that the CATV company's rates are just, reasonable, and not excessive or unjustly preferential or discriminatory, and for that purpose, shall order the director to hold a hearing thereon. After a hearing upon notice and full opportunity to be heard afforded to the CATV company, the director may recommend amendment of the schedule of cable television reception service rates charged by that CATV company, and the amended schedule, if approved by the board, shall supersede and replace the schedule so amended.

c. Any hearing held pursuant to this section shall be open to the public, and notice thereof shall be published by the CATV company at least 10 days prior thereto in a newspaper or newspapers of general circulation in the certificated area wherein the rate schedule which is the subject of the hearing applies. Every municipality may intervene in any hearing held by

the director pursuant to this section affecting the municipality or the public within the municipality.

d. A CATV company shall not derive from the operations of cable television reception service or cable communications systems any revenues other than the fees, charges, and rates provided for in subsection a. of this section and in subsection g. of section 28 of P.L.1972, c.186 (C.48:5A-28).

e. Whenever, pursuant to the provisions of P.L.1972, c.186 (C.48:5A-1 et seq.), the board or the director is required to determine whether any of the rates, charges, fees, and classifications of a CATV company are unjust, unreasonable, discriminatory, or unduly preferential, there shall be taken into consideration any fees which are charged for the use of a CATV system, or part thereof, as an advertising medium, or for services ancillary to that use, and from which the CATV system derives revenue, directly or indirectly, and the effect thereof upon, the CATV company's requirements for revenue from the fees, rates, charges, and classifications subject to the provisions of this section.

f. The provisions of this section shall not apply in any area where there is effective competition as that term is used in 47 U.S.C. s.543.

g. (1) Notwithstanding the provisions of this section, or any other law, rule, regulation, or order to the contrary, and consistent with federal law, the director shall not require a CATV company to: (a) provide subscribers with a copy of the CATV company's schedule of prices, rates, charges, and services; (b) post a copy of the CATV company's schedule of prices, rates, charges, and services in its local business office; or (c) provide subscribers or applicants for cable television reception service with an explanation, in non-technical terms, of the CATV company's products and services offered, or the prices, rates, charges, and provisions applicable to the services furnished or available to those subscribers or applicants, if the CATV company provides currently available prices, rates, charges, and services in an electronic format on the CATV company's Internet website in a clear, concise, and readily accessible manner, using any reasonable means and format, that accurately conveys the content of the CATV company's notices, and that allows its subscribers and applicants to thereafter make informed decisions based on the information contained in the postings on the CATV company's Internet website.

(2) A CATV company that elects to provide notices on the CATV company's Internet website pursuant to paragraph (1) of this subsection, in lieu of providing notices or explanations to subscribers or applicants, or posting notices in its local business office, shall: (a) provide an explanation to each of the CATV company's subscribers on their bill periodically, though not

less than quarterly, of how subscribers are to obtain in written and electronic form the CATV company's currently available prices, rates, charges, and services; and (b) provide the CATV company's currently available prices, rates, charges, and services, upon request, to each of the CATV company's subscribers and applicants who are unable to access the Internet or are otherwise unable to obtain information from the CATV company's website via the Internet. Nothing in this section shall be construed to modify or expand a CATV company's existing obligations to provide information to the board under any other section of Title 48 of the Revised Statutes, to the extent that those obligations do not conflict with this section.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 233

AN ACT concerning emergency services peer counseling and supplementing chapter 84A 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:84A-22.17 Definitions relative to emergency services peer counseling.

1. a. As used in this act:

"Emergency services personnel" means a person who is employed as a law enforcement officer, emergency medical service technician, firefighter, emergency communications operator or in some related occupation or profession, or who serves as a volunteer member of a fire department, duly incorporated fire or first aid company, volunteer emergency, ambulance or rescue squad association or organization and provides emergency services for a local governmental unit.

"Emergency services provider" means a local law enforcement agency, emergency medical services unit, fire department or force, emergency communications provider, volunteer fire department, duly incorporated fire or first aid company, volunteer emergency, ambulance or rescue squad association or organization or company which provides emergency services.

"Emergency assistance program" means a program established by an emergency services provider to provide peer counseling and support services

to employees and volunteers who, while providing emergency services, have been involved in incidents which may produce personal or job-related depression, anxiety, stress or other psychological or emotional tensions, traumas, pressures or disorders. Such incidents may include, but not be limited to: an event involving the firing of a weapon; significant or serious bodily injury; death; a terroristic act; a hostage situation; or personal injury.

"Peer counselor" means a member of a law enforcement agency, emergency medical service unit, fire department or force, emergency communications provider, volunteer fire department, duly incorporated fire or first aid company, volunteer emergency, ambulance or rescue squad association or organization, an authorized representative of a collective bargaining unit or organization representing law enforcement officers or firefighters, or any private citizen designated by an emergency services provider to provide post traumatic counseling and support services for emergency services personnel.

b. Except as otherwise provided in subsection c. of this act:

(1) All information exchanged between a peer counselor and any emergency services personnel participating in an emergency assistance program shall be deemed confidential and shall not be disclosed to any other person; and

(2) A peer counselor shall be privileged against examination as a witness in any civil or criminal proceeding, or in any administrative or arbitration proceeding, with regard to the exchange of information that occurred in an emergency assistance program.

c. Nothing in this act shall be deemed to prohibit:

(1) A professional exchange of information between peer counselors, counseling supervisors and appropriately licensed or certified psychologists, social workers or mental health professionals designated by, or contracted by, the emergency services provider for the exclusive purpose of providing for the care and treatment of any emergency services personnel who have been involved in incidents which produced personal or job-related depression, anxiety, stress or other psychological or emotional tensions, traumas, pressures or disorders;

(2) An exchange of information concerning any threat or suggestion of suicide or physical harm;

(3) An exchange of information relating to child abuse or elder abuse; or

(4) An exchange of information relating to the commission of a crime.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 234

AN ACT concerning the delivery of building materials and amending P.L.1968, c.222.

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

1. Section 1 of P.L.1968, c.222 (C.51:4-23) is amended to read as follows:

C.51:4-23 Definitions.

1. As used in this act:

"Building materials" means lumber, wood and wood product materials regulated by the Superintendent of the Office of Weights and Measures pursuant to section 5 of P.L.1968, c.222 (C.51:4-27) and used in connection with the construction, fabrication and erection of residential, utility or business premises.

"Consumer" means any person who purchases building materials for incorporation into any type of structure.

"Dealer" means "equipped dealer" or "unequipped dealer."

"Deputy superintendent" means the deputy superintendent of the Office of Weights and Measures in the Division of Consumer Affairs in the Department of Law and Public Safety.

"Delivery," "deliver" or "delivered," except as otherwise in this act specifically provided, means transportation of building materials for sale or use in this State to a consumer by a dealer in vehicles owned, leased or rented by him.

"Delivery ticket" means any printed or electronic system that provides for: (1) (a) tickets serially numbered and used only in consecutive order; or (b) tickets with a unique identification of each transaction associated with that ticket only if the system of unique identification is established in such a manner that the Office of Weights and Measures may readily determine compliance with section 6 of P.L.1968, c.222 (C.51:4-28); (2) a means of providing the consumer with a copy of the delivery ticket; (3) a means by which the delivery ticket shall be readily available for inspection while materials are in transit and after delivery; and (4) a means of maintaining a copy of the ticket for a period of two years from the date of issuance of the

ticket. A record of delivery tickets shall be available for inspection and audit by the Office of Weights and Measures.

"Engaging in business," "engage in business" or "engaged in business" shall include any single transaction, act or sale.

"Equipped dealer" means any person who is regularly engaged in the business of selling or selling and delivering building materials to consumers in this State and who maintains unloading or loading, storage, transportation, communication, sales, services or other facilities therefor, with an office accessible to the public with a competent person on duty, commensurate with the nature and other requirements of the business and an "un-equipped dealer" means any person who is regularly engaged in the business of selling building materials at retail in this State to consumers in this State who does not maintain loading, unloading or storage facilities.

"Labeling" means all labels and other written, printed, branded, or graphic matter upon any building materials or accompanying such building materials.

"Lumber" means the wood obtained from the felling, trimming and working up of all kinds and types of trees for use as a structural material.

"Office" means the Office of Weights and Measures in the Division of Consumer Affairs in the Department of Law and Public Safety.

"Wood products" mean any product derived from trees as a result of any work or manufacturing process upon the same primarily intended for use as a building material.

"Mislabeled" or "misbranded" shall be deemed to mean the labeling is misleading, deceiving, or tends to be misleading or deceiving in any particular, and there shall also be taken into account, among other things, not only the representations made or suggested by any 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 such building materials, 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.

"Misrepresentation" means any manifestation by words or other conduct by one person to another that, under the circumstances, amounts to an assertion not in accordance with the facts.

"Offered for sale" or "exposed for sale" shall be construed to include the use of any advertising media or means.

"Person" includes corporation, companies, association, societies, firms, partnerships and joint stock companies as well as individuals.

"Superintendent" means the Superintendent of the Office of Weights and Measures.

"Vehicle" means any motor vehicle or motor-drawn vehicle under the control of a dealer in or upon which the products involved are loaded.

"Weights and measures officials" means a State or local weights and measures official.

2. Section 3 of P.L.1968, c.222 (C.51:4-25) is amended to read as follows:

C.51:4-25 License.

3. It shall be unlawful for any dealer to engage in the business of selling or selling and delivering building materials, to a consumer for use in this State unless he shall have obtained from the Office of Weights and Measures a license to engage in said business.

3. Section 4 of P.L.1968, c.222 (C.51:4-26) is amended to read as follows:

C.51:4-26 License; application, fee, expiration.

4. Applications for a license shall be made upon forms prescribed and furnished by the superintendent and shall list the places of business of the dealer. The fee for a dealer's license shall be \$100. Such license shall expire one year after date of issuance. Renewal notices shall be issued to licensees at least 30 days prior to the expiration of the license.

4. Section 6 of P.L.1968, c.222 (C.51:4-28) is amended to read as follows:

C.51:4-28 Delivery ticket, form and content; filing of voided tickets.

6. No dealer shall deliver or cause to be delivered by vehicles under his own control or the control of any contractor or other carrier any building materials without each delivery being accompanied by a delivery ticket. Each delivery ticket shall be serially numbered and used only in consecutive order or uniquely identified. On such tickets there shall be distinctly and indelibly expressed in ink or otherwise, the quantity, species, quality, or grade, name and type of each such building materials, trademark, name and address of the seller, the name and address of the purchaser and the date of delivery. One ticket shall be retained at the point of sale or place from which delivery commences; and the duplicate shall be delivered to the person receiving such building materials or his representative.

All voided delivery tickets, issued under the provisions of this act shall be kept on file at the place of business of the seller where the sale originated for a period of 2 years from date of issuance and shall be subject to inspection by any weights and measures official.

Any person issuing or directing the issuance of, or possessing a delivery ticket showing a different species, quantity, quality, or grade, name or type other than the species, quantity, quality or grade, name or type of building material being delivered or persons appearing at the place of delivery each with a delivery ticket for the same delivery, which tickets have different species, quantity, quality or grade, name or type appearing thereon, shall be deemed guilty of a violation of this act.

5. Section 10 of P.L.1968, c.222 (C.51:4-32) is amended to read as follows:

C.51:4-32 Administration and enforcement by superintendent; power and authority of weights and measures officials.

10. The superintendent shall have general supervision of the administration and enforcement of this act. All weights and measures officials shall have full power and authority to:

(a) Inspect and measure any building materials while in transit from the dealer to the consumer in vehicles owned, leased or rented by the dealer, after the same have been delivered to the consumer or after they have been incorporated in the building or structure in which they have become a part. They shall also have full power and authority to inspect the delivery tickets issued with any shipment and all records of the person, firm or corporation selling or selling and delivering such building materials in connection with the building materials so delivered.

(b) Issue stop-use, stop-removal, removal, condemnation, confiscation orders with reference to building materials, which he finds being used, sold, offered, exposed for sale, kept or in the process of delivery by a dealer in vehicles owned, leased or rented by him in violation of any of the provisions of this act or any rule, regulation, or order promulgated by the superintendent. Any such order shall be supported by legal processes, as provided in section 15 of P.L.1968, c.222 (C.51:4-37), by the superintendent within 30 days.

(c) Seize for use as evidence, any building materials, which he finds used, kept, sold, offered for sale or exposed for sale or in the process of delivery by a dealer in vehicles owned, leased or rented by him in violation of any of the provisions of this act or any rule, regulation, or order promul-

gated by the superintendent. No person shall use, remove from the premises specified, or fail to remove from the premises specified any building materials contrary to the terms of a stop-use order, stop-removal order, or removal order issued under the authority of this section.

6. Section 11 of P.L.1968, c.222 (C.51:4-33) is amended to read as follows:

C.51:4-33 Stop-use, stop-removal, removal, condemnation, or confiscating orders; liability of consumers.

11. In the event that the superintendent or any of his agents or employees or any weights and measures officials issue any stop-use, stop-removal, removal, condemnation, or confiscating orders with reference to building materials found being used, sold, offered, exposed for sale, kept or in the process of delivery by a dealer in vehicles owned or leased or rented by him in violation of any of the provisions of this act or any rule, regulation, or order promulgated by the superintendent then in that event the dealer shall be responsible as provided for in section 15 of P.L.1968, c.222 (C.51:4-37). The consumer shall not be primarily liable for any violation of any of the provisions of this act committed by the dealer nor shall the consumer be liable as a guarantor or surety for any violation of any provisions committed by the dealer nor shall the consumer be deemed to warrant any action or actions exercised by the dealer which actions are in violation of any of the provisions of this act.

7. Section 16 of P.L.1968, c.222 (C.51:4-38) is amended to read as follows:

C.51:4-38 Violations; penalties; collection and enforcement; process.

16. Any person who knowingly violates any of the provisions of this act for which specific penalty or punishment is not otherwise provided, shall pay a penalty of not less than \$50.00 nor more than \$100.00 for the first offense, not less than \$100.00 nor more than \$250.00 for the second offense, and not less than \$250.00 nor more than \$500.00 for each subsequent offense.

The Superior Court and municipal court shall have jurisdiction of proceedings for the collection and enforcement of a penalty imposed because of the violation, within the territorial jurisdiction of the court, of any provision of this act. The penalty shall be collected and enforced in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). Process shall be either in the nature of a summons or warrant and shall issue in the name of the State, upon the complaint of the superintendent or any other weights and measures official.

8. This act shall take effect on the 180th day following enactment.

Approved January 17, 2014.

CHAPTER 235

AN ACT concerning tenure of State college faculty and amending and supplementing P.L.1973, c.163.

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

1. Section 3 of P.L.1973, c.163 (C.18A:60-8) is amended to read as follows:

C.18A:60-8 Tenure in academic rank; conditions.

3. Faculty members at a county college shall be under tenure in their academic rank, but not in any administrative position, during good behavior, efficiency and satisfactory professional performance, as evidenced by formal evaluation and shall not be dismissed or reduced in compensation except for inefficiency, unsatisfactory professional performance, incapacity or other just cause and then only in the manner prescribed by subarticle B of article 2 of chapter 6 of Title 18A of the New Jersey Statutes, after employment in such college or by such board of trustees for

- a. 5 consecutive calendar years; or
- b. 5 consecutive academic years, together with employment at the beginning of the next academic year; or
- c. the equivalent of more than 5 academic years within a period of any 6 consecutive academic years.

C.18A:60-16 Tenure for faculty members at State college.

2. a. Faculty members at a State college shall be under tenure in their academic rank, but not in any administrative position, during good behavior, efficiency and satisfactory professional performance, as evidenced by formal evaluation and shall not be dismissed or reduced in compensation except for inefficiency, unsatisfactory professional performance, incapacity or other just cause and then only in the manner prescribed by subarticle B of article 2 of chapter 6 of Title 18A of the New Jersey Statutes, after employment in such college or by such board of trustees for

- (1) 6 consecutive calendar years; or
- (2) 6 consecutive academic years, together with employment at the beginning of the next academic year; or
- (3) the equivalent of more than 6 academic years within a period of any 7 consecutive academic years.

b. The board of trustees may, upon the hiring of a new faculty member, grant tenure to the member if he was previously under tenure at an accredited four-year institution of higher education. A State college shall develop procedures regarding the granting of tenure upon hiring to a new faculty member who was previously under tenure at an accredited four-year institution that are consistent with decisions for tenure at the State college, and shall include faculty members in the development of the procedures. The number of new faculty members receiving tenure upon hire in an academic year shall be limited to 15% of the total number of new full-time tenure-track faculty members hired at the institution in the prior academic year or one faculty member, whichever is greater.

C.18A:60-17 Tenure for previously-employed faculty members.

3. Notwithstanding the provisions of section 2 of P.L.2013, c.235 (C.18A:60-16), to the contrary, in the case of a faculty member who is employed at a State college prior to the effective date of P.L.2013, c.235 (C.18A:60-16 et al.), tenure shall be granted in accordance with the provisions of section 3 of P.L.1973, c.163 (C.18A:60-8) as it read prior to the effective date of P.L.2013, c.235 (C.18A:60-16 et al.).

4. This act shall take effect 180 days following the date of enactment.

Approved January 17, 2014.

CHAPTER 236

AN ACT concerning contested case hearings by the Office of Administrative Law and amending P.L.1978, c.67, and amending and supplementing P.L.1968, c.410.

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

1. Section 9 of P.L.1968, c.410 (C.52:14B-9) is amended to read as follows:

C.52:14B-9 Notice and hearing in contested cases.

9. (a) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.

(b) The notice shall include in addition to such other information as may be deemed appropriate:

(1) A statement of the time, place, and nature of the hearing;

(2) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(3) A reference to the particular sections of the statutes and rules involved;

(4) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.

(c) Opportunity shall be afforded all parties to respond, appear and present evidence and argument on all issues involved.

Pre-hearing conferences may be conducted, as prescribed by the director.

Witnesses may be permitted to testify, and motions may be considered, by means of a telephone or video conference call, as prescribed by the director and when the judge finds there is good cause for permitting the witness to testify by telephone or video conference.

(d) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, or consent order.

(e) Oral proceedings or any part thereof shall be transcribed on request of any party at the expense of such party.

(f) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(g) Unless otherwise provided by any law, agencies may place on any party the responsibility of requesting a hearing if the agency notifies him in writing of his right to a hearing and of his responsibility to request the hearing.

2. Section 10 of P.L.1968, c.410 (C.52:14B-10) is amended to read as follows:

C.52:14B-10 Evidence; judicial notice; recommended report and decision; final decision; effective date.

10. In a contested case:

(a) (1) The parties shall not be bound by rules of evidence whether statutory, common law, or adopted formally by the Rules of Court. All relevant evidence is admissible, except as otherwise provided herein. The administrative law judge may, in his discretion, exclude any evidence if he finds that its probative value is substantially outweighed by the risk that its admission will either necessitate undue consumption of time or create substantial danger of undue prejudice or confusion. The administrative law judge shall give effect to the rules of privilege recognized by law. Any party in a contested case may present his case or defense by oral and documentary evidence, submit rebuttal evidence and conduct such cross-examination as may be required, in the discretion of the administrative law judge, for a full and true disclosure of the facts.

(2) Where the case involves a permitting or licensing decision of the Department of Environmental Protection, the department shall be required to produce and certify a permitting record within 30 days after the filing of the contested case. This deadline may be extended by an administrative law judge upon the unanimous agreement of the parties. The production and certification of the department's permitting record, in accordance with this paragraph, shall not limit the ability of the parties to further supplement the record.

(b) Notice may be taken of judicially noticeable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the specialized knowledge of the agency or administrative law judge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The experience, technical competence, and specialized knowledge of the agency or administrative law judge may be utilized in the evaluation of the evidence, provided this is disclosed of record.

(c) All hearings of a State agency required to be conducted as a contested case under this act or any other law shall be conducted by an administrative law judge assigned by the Director and Chief Administrative Law Judge of the Office of Administrative Law, except as provided by this amendatory and supplementary act. A recommended report and decision which contains recommended findings of fact and conclusions of law and which shall be based upon sufficient, competent, and credible evidence

shall be filed, not later than 45 days after the hearing is concluded, with the agency in such form that it may be adopted as the decision in the case and delivered or mailed, to the parties of record with an indication of the date of receipt by the agency head; and an opportunity shall be afforded each party of record to file exceptions, objections, and replies thereto, and to present argument to the head of the agency or a majority thereof, either orally or in writing, as the agency may direct.

Unless the head of the agency or a party requests that the recommended report and decision be filed in writing, the recommended report and decision of the administrative law judge may be filed orally in such appropriate cases as prescribed by the director and if a transcript has been requested pursuant to subsection (e) of section 9 of P.L.1968, c.410 (C.52:14B-9).

An administrative law judge may file a recommended report and decision in the form of a checklist in such appropriate cases and formats as prescribed by the director after consultation with each State agency.

The head of the agency, upon a review of the record submitted by the administrative law judge, shall adopt, reject or modify the recommended report and decision no later than 45 days after receipt of such recommendations. In reviewing the decision of an administrative law judge, the agency head may reject or modify findings of fact, conclusions of law or interpretations of agency policy in the decision, but shall state clearly the reasons for doing so. The agency head may not reject or modify any findings of fact as to issues of credibility of lay witness testimony unless it is first determined from a review of the record that the findings are arbitrary, capricious or unreasonable or are not supported by sufficient, competent, and credible evidence in the record. In rejecting or modifying any findings of fact, the agency head shall state with particularity the reasons for rejecting the findings and shall make new or modified findings supported by sufficient, competent, and credible evidence in the record. Unless the head of the agency modifies or rejects the report within such period, the decision of the administrative law judge shall be deemed adopted as the final decision of the head of the agency. The recommended report and decision shall be a part of the record in the case. For good cause shown, upon certification by the director and the agency head, the time limits established herein may be subject to a single extension of not more than 45 days. Any additional extension of time shall be subject to, and contingent upon, the unanimous agreement of the parties.

(d) A final decision or order adverse to a party in a contested case shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law, separately stated and shall be based only

upon the evidence of record at the hearing, as such evidence may be established by rules of evidence and procedure promulgated by the director.

Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. The final decision may incorporate by reference any or all of the recommendations of the administrative law judge. Parties shall be notified either personally or by mail of any decision or order. Upon request a copy of the decision or order shall be delivered or mailed forthwith by registered or certified mail to each party and to his attorney of record.

(e) Except where otherwise provided by law, the administrative adjudication of the agency shall be effective on the date of delivery or on the date of mailing, of the final decision to the parties of record whichever shall occur first, or shall be effective on any date after the date of delivery or mailing, as the agency may provide by general rule or by order in the case. The date of delivery or mailing shall be stamped on the face of the decision.

(f) The head of an agency may order that, in certain appropriate cases, the recommended report and decision of the administrative law judge shall be deemed adopted, immediately on filing thereof with the agency, as the final decision of the head of the agency. The appropriate cases shall be described in a written order issued by the head of the agency, filed with the director, and made available to the public as a government record. The order shall not include any contested case for which the head of the agency is specifically required by State or federal law to review the recommended report and decision and adopt the final decision. The head of the agency may revise or revoke an order, issued pursuant to this subsection, whenever it is deemed appropriate. The order shall apply to all appropriate contested cases commenced with the agency after the order's issuance and until the order is rescinded or modified. In such appropriate contested cases, the head of the agency shall not have the opportunity to reject or modify the administrative law judge's recommended report and decision pursuant to subsection (c) of this section and the final decision by the administrative law judge shall comply with the requirements of and shall be given the same effect as a final decision of the head of the agency pursuant to subsection (d) of this section.

(g) Whenever the parties in a contested case stipulate to the factual record, and agree that there are no genuine issues of material fact to be adjudicated, the head of the agency may, in his discretion, render a final agency decision on the matter without obtaining the prior input of, or a recommended report and decision from, an administrative law judge.

3. Section 5 of P.L.1978, c.67 (C.52:14F-5) is amended to read as follows:

C.52:14F-5 Powers, duties of Director and Chief Administrative Law Judge.

5. The Director and Chief Administrative Law Judge of the Office of Administrative Law shall:

- a. Administer and cause the work of the office to be performed in such manner and pursuant to such program as may be required or appropriate;
- b. Organize and reorganize the office, and establish such bureaus as may be required or appropriate;
- c. Except as otherwise provided in subsections l. and t., below, appoint, pursuant to the provisions of Title 11A of the New Jersey Statutes, such clerical assistants and other personnel as may be required for the conduct of the office;
- d. Assign and reassign personnel to employment within the office;
- e. Develop uniform standards, rules of evidence, and procedures, including but not limited to standards for determining whether a summary or plenary hearing should be held to regulate the conduct of contested cases and the rendering of administrative adjudications;
- f. Promulgate and enforce such rules for the prompt implementation and coordinated administration of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as may be required or appropriate;
- g. Administer and supervise the procedures relating to the conduct of contested cases and the making of administrative adjudications, as defined by section 2 of P.L.1968, c.410 (C.52:14B-2), and develop and implement an electronic filing system for the conduct of contested cases in such a manner and within such a time period as deemed practicable within available resources;
- h. Advise agencies concerning their obligations under the Administrative Procedure Act, subject to the provisions of subsections b. and e. of section 4 of P.L.1944, c.20 (C.52:17A-4);
- i. Assist agencies in the preparation, consideration, publication and interpretation of administrative rules required or appropriate pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.);
- j. Employ the services of the several agencies and of the employees thereof in such manner and to such extent as may be agreed upon by the director and the chief executive officer of such agency;
- k. Have access to information concerning the several agencies to assure that they properly promulgate all rules required by law;

l. Assign permanent administrative law judges at supervisory and other levels who are qualified in the field of administrative law or in subject matter relating to the hearing functions of a State agency.

Administrative law judges shall receive such salaries as provided by section 4 of P.L.1978, c.67 (C.52:14F-4), as amended by P.L.1999, c.380, shall not engage in the practice of law and shall devote full time to their judicial duties.

Administrative law judges appointed after the effective date of this amendatory act shall have been attorneys-at-law of this State for a minimum of five years. An administrative law judge appointed prior to the effective date of this amendatory act shall not be required to be an attorney or, if an attorney, shall not be required to have been an attorney-at-law for five years in order to be reappointed;

m. Appoint additional administrative law judges, qualified in the field of administrative law or in a subject matter relating to the hearing functions of a State agency, on a temporary or case basis as may be necessary during emergency or unusual situations for the proper performance of the duties of the office, pursuant to a reasonable fee schedule established in advance by the director. Administrative law judges appointed pursuant to this procedure shall have the same qualifications for appointment as permanent administrative law judges;

n. Assign administrative law judges to conduct contested cases as required by sections 9 and 10 of P.L.1968, c.410 (C.52:14B-9 and 52:14B-10). Proceedings shall be scheduled for suitable locations, either at the offices of the Office of Administrative Law or elsewhere in the State, taking into consideration the convenience of the witnesses and parties, as well as the nature of the cases and proceedings;

o. Assign an administrative law judge or other personnel, if so requested by the head of an agency and if the director deems appropriate, to any agency to conduct or assist in administrative duties and proceedings other than those related to contested cases or administrative adjudications, including but not limited to rule-making and investigative hearings;

p. Assign an administrative law judge not engaged in the conduct of contested cases to perform other duties vested in or required of the office;

q. Secure, compile and maintain all reports of administrative law judges issued pursuant to this act, and such reference materials and supporting information as may be appropriate;

r. Develop and maintain a program for the continuing training and education of administrative law judges and agencies in regard to their responsibilities under this act;

s. Develop and implement a program of judicial evaluation to aid himself in the performance of his duties, and to assist in the making of re-appointments under section 4 of P.L.1978, c.67 (C.52:14F-4). This program of evaluation shall focus on three areas of judicial performance: competence, productivity, and demeanor. It shall include consideration of: industry and promptness in adhering to schedules, making rulings and rendering decisions; tolerance, courtesy, patience, attentiveness, and self-control in dealing with litigants, witnesses and counsel, and in presiding over contested cases; legal skills and knowledge of the law and new legal developments; analytical talents and writing abilities; settlement skills; quantity, nature and quality of caseload disposition; impartiality and conscientiousness. The director shall develop standards and procedures for this program, which shall include taking comments from selected litigants and lawyers who have appeared before a judge. The methods used by the judge but not the result arrived at by the judge in any case may be used in evaluating a judge. Before implementing any action based on the findings of the evaluation program, the director shall discuss the findings and the proposed action with the affected judge. The evaluation by the director and supporting data shall be submitted to the Governor at least 90 days before the expiration of any term. These documents shall remain confidential and shall be exempted from the requirements of P.L.1963, c.73 (C.47:1A-1 et seq.);

t. Promulgate and enforce rules for reasonable sanctions, including assessments of costs and attorneys' fees which may be imposed on a party, and attorney or other representative of a party who, without just excuse, fails to comply with any procedural order or with any standard or rule applying to a contested case and including the imposition of a fine not to exceed \$1,000.00 for misconduct which obstructs or tends to obstruct the conduct of contested cases;

u. Have power in connection with contested case hearings (1) to administer oaths to any and all persons, (2) to compel by subpoena the attendance of witnesses and the production of books, records, accounts, papers, and documents of any person or persons, (3) to entertain objections to subpoenas, and (4) to rule upon objections to subpoenas except, that any orders of administrative law judges regarding these objections may be reviewed by the agency head before the completion of the contested case in accordance with procedural rules, adopted by the Director and Chief Administrative Law Judge of the Office of Administrative Law. Misconduct by any party, attorney or representative of a party or witness which obstructs or tends to obstruct the conduct of a contested case or the failure of any witness, when duly subpoenaed to attend, give testimony or produce any record, or the

failure to pay any sanction assessed pursuant to subsection t. of this section, shall be punishable by the Superior Court in the same manner as such failure is punishable by such court in a case pending therein;

v. Assign any judge recalled pursuant to section 4 of P.L.1978, c.67 (C.52:14F-4) and fix the per diem allowance;

w. Assign an administrative law judge or other personnel to conduct arbitration, mediation, and other forms of alternative dispute resolution with regard to any contested case or any proceeding other than that related to a contested case or administrative adjudication; and

x. Schedule hearings in an expeditious and efficient manner taking into account the significance of the issues, the needs of the parties, available resources, costs to the parties, and other relevant factors. The director may, on a temporary basis when required by exigent circumstances, schedule hearings notwithstanding deadlines otherwise set forth in statute.

C.52:14B-9.1 Process for consideration and settlement of contested case.

4. Each State agency shall develop and implement a process for the consideration and settlement of a contested case. The process shall be set forth in writing and filed with the Director of the Office of Administrative Law. The director shall assist each State agency in the development of the process to ensure uniformity to the extent practicable. The head of an agency is hereby authorized to compromise and settle, at the discretion of the agency head, any penalty pursuant to such a settlement process as may appear appropriate and equitable under all of the circumstances, unless the compromise is specifically prohibited by State or federal law.

5. This act shall take effect on the 60th day following enactment.

Approved January 17, 2014.

CHAPTER 237

AN ACT concerning motor vehicle liability insurance coverage and amending P.L.1972, c.197.

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

1. Section 2 of P.L.1972, c.197 (C.39:6B-2) is amended to read as follows:

C.39:6B-2 Penalties.

2. An owner or registrant of a motor vehicle registered or principally garaged in this State who operates or causes to be operated a motor vehicle upon any public road or highway in this State without motor vehicle liability insurance coverage required by P.L.1972, c.197 (C.39:6B-1 et seq.), and an operator who operates or causes a motor vehicle to be operated and who knows or should know from the attendant circumstances that the motor vehicle is without motor vehicle liability insurance coverage required by P.L.1972, c.197 (C.39:6B-1 et seq.) shall be subject, for the first offense, to a fine of not less than \$300 nor more than \$1,000 and a period of community service to be determined by the court. The court also shall suspend the person's right to operate a motor vehicle over the highways of this State for a period of one year from the date of conviction; provided, however, the period of license suspension may be reduced or eliminated if the person provides the court with satisfactory proof of motor vehicle liability insurance at the time of the hearing. Upon subsequent conviction, the person shall be subject to a fine of up to \$5,000 and shall be subject to imprisonment for a term of 14 days and shall be ordered by the court to perform community service for a period of 30 days, which shall be of a form and on terms as the court shall deem appropriate under the circumstances, and shall forfeit the person's right to operate a motor vehicle for a period of two years from the date of the conviction, and, after the expiration of the forfeiture, the person may make application to the Chief Administrator of the New Jersey Motor Vehicle Commission for a license to operate a motor vehicle, which application may be granted at the discretion of the chief administrator. The chief administrator's discretion shall be based upon an assessment of the likelihood that the individual will operate or cause a motor vehicle to be operated in the future without the insurance coverage required by this act. A complaint for violation of this act may be made to a municipal court at any time within six months after the date of the alleged offense.

Failure to produce at the time of trial an insurance identification card or an insurance policy which was in force for the time of operation for which the offense is charged creates a rebuttable presumption that the person was uninsured when charged with a violation of this section.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 238

AN ACT concerning the burial of indigent veterans, amending R.S.38:17-1, R.S.38:17-3 and R.S.38:17-4, and supplementing chapter 17 of Title 38 of the Revised Statutes.

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

1. R.S.38:17-1 is amended to read as follows:

Interment of indigent veterans.

38:17-1. The board of chosen freeholders in each of the counties shall designate a proper authority, other than that designated by law for the care of paupers and the custody of criminals, who shall cause to be interred the bodies of all honorably discharged veterans of the United States Armed Forces, including the bodies of all honorably discharged members of the American Merchant Marine who served during World War II and have been declared by the United States Department of Defense to be eligible for federal veterans' benefits, who die without leaving means sufficient to defray funeral expenses. The expense of such funeral shall not exceed in any case the sum of \$1,250 for burial or cremation.

C.38:17-2.1 Identification of indigent deceased person; determination of veteran status.

2. The county medical examiner, or a designee, shall be responsible for the positive identification of an unidentified indigent deceased person. The supervisor of veterans' interment or county medical examiner, as appropriate, shall contact the Department of Military and Veterans' Affairs upon receipt of an unclaimed indigent deceased person to ascertain whether or not that person was a veteran. The supervisor of veterans' interment or county medical examiner, as appropriate, shall be notified upon determination of the veteran status of the person. If the person was a veteran, the supervisor of veterans' interment or county medical examiner, as appropriate, shall cause burial or cremation to occur within 72 hours of notification of veteran status.

3. R.S.38:17-3 is amended to read as follows:

Restriction as to interment; headstone.

38:17-3. Any interment provided for by sections 38:17-1 to 38:17-8 of this title shall not be made in any cemetery or plot used exclusively for the

burial of pauper dead, but may be made in a county veterans' cemetery or, if appropriate, the Brigadier General William C. Doyle Veterans' Memorial Cemetery. The graves of any such deceased veterans may be marked by a headstone containing the name of the deceased and, if possible, the organization to which he belonged or in which he served. Such headstone shall be of such design and materials as shall be approved by the governor, adjutant general and quartermaster general.

4. R.S.38:17-4 is amended to read as follows:

Liability for expenses of burial, cremation; exemptions.

38:17-4. The expense of the burial or cremation and headstone shall be borne and paid by the county in which the deceased shall be resident at the time of death, up to a cost of \$250. The State shall provide additional funds for such expenses, if necessary, through an annual appropriation and subject to the availability of funds. The total cost shall not exceed \$1,250 for burial or cremation.

If in any county there is located a home or other institution for the use, care, shelter and maintenance of such veterans not supported by the county, such county shall not be liable for the burial or cremation expenses and headstones of the deceased, unless the deceased was a bona fide resident of such county at the time of his admission to such home or institution, but the county in which he was resident at the time of his admission to such home or institution shall defray, bear and pay the cost of such burial or cremation and headstones.

5. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 239

AN ACT establishing the New Jersey Homeless Veterans Grant Program and allowing voluntary contributions on gross income tax returns to support homeless veterans, amending Title 38A and supplementing Title 54A of the New Jersey Statutes.

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

C.38A:3-6.2a Short title.

1. This act shall be known and may be cited as the “New Jersey Homeless Veterans Grant Program Act.”

2. 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).

C.38A:3-6.2b "New Jersey Homeless Veterans Grant Program."

3. There is established in the Department of Military and Veterans' Affairs the "New Jersey Homeless Veterans Grant Program." The purpose of this program shall be to award grants to organizations that assist homeless veterans in this State from funds appropriated to the department from the "Homeless Veterans Grant Fund" established pursuant to section 4 of P.L.2013, c.239 (C.54A:9-25.33). The grants shall be allocated on a competitive basis. The Adjutant General of the Department of Military and Veterans' Affairs shall develop criteria for the granting of awards. An organization that wishes to apply for a grant under this program shall submit an application to the Adjutant General. The application shall, at the minimum, include a description of how the organization will assist homeless veterans. The Adjutant General may adopt, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to effectuate the grant program.

C.54A:9-25.33 "Homeless Veterans Grant Fund."

4. a. There is established in the Department of the Treasury a special fund to be known as the "Homeless Veterans Grant 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 such fund in accordance with the provisions of section 1 of P.L.1999, c.21 (C.54A:9-25.14).

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 Di-

vision of Budget and Accounting in the Department of the Treasury. The State Treasurer shall deposit net contributions collected pursuant to this section into the "Homeless Veterans Grant Fund."

d. The Legislature shall annually appropriate all funds deposited in the "Homeless Veterans Grant Fund" to the Department of Military and Veterans' Affairs to be used exclusively for the awarding of grants to organizations that assist homeless veterans in this State under the New Jersey Homeless Veterans Grant Program established pursuant to section 3 of P.L.2013, c.239 (C.38A:3-6.2b). The Legislature may deposit funds not collected pursuant to this section into the "Homeless Veterans Grant Fund," as it may, from time to time, deem appropriate.

5. This act shall take effect immediately and section 4 of this act shall apply to taxable years beginning on or after January 1 next following the date of enactment.

Approved January 17, 2014.

CHAPTER 240

AN ACT concerning access to beaches 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.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 241

AN ACT concerning impersonation via electronic means and amending
N.J.S.2C:21-17.

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

1. N.J.S.2C:21-17 is amended to read as follows:

Impersonation; theft of identity; crime.

2C:21-17. Impersonation; Theft of identity; crime.

a. A person is guilty of a crime if the person engages in one or more of the following actions by any means including, but not limited to, the use of electronic communications or an Internet website:

(1) Impersonates another or assumes a false identity and does an act in such assumed character or false identity for the purpose of obtaining a benefit for himself or another or to injure or defraud another;

(2) Pretends to be a representative of some person or organization and does an act in such pretended capacity for the purpose of obtaining a benefit for himself or another or to injure or defraud another;

(3) Impersonates another, assumes a false identity or makes a false or misleading statement regarding the identity of any person, in an oral or written application for services, for the purpose of obtaining services;

(4) Obtains any personal identifying information pertaining to another person and uses that information, or assists another person in using the information, in order to assume the identity of or represent himself as another person, without that person's authorization and with the purpose to fraudulently obtain or attempt to obtain a benefit or services, or avoid the payment of debt or other legal obligation or avoid prosecution for a crime by using the name of the other person; or

(5) Impersonates another, assumes a false identity or makes a false or misleading statement, in the course of making an oral or written application for services, with the purpose of avoiding payment for prior services. Purpose to avoid payment for prior services may be presumed upon proof that the person has not made full payment for prior services and has imperson-

ated another, assumed a false identity or made a false or misleading statement regarding the identity of any person in the course of making oral or written application for services.

As used in this section:

"Benefit" means, but is not limited to, any property, any pecuniary amount, any services, any pecuniary amount sought to be avoided or any injury or harm perpetrated on another where there is no pecuniary value.

b. (Deleted by amendment, P.L.2005, c.224).

c. A person who violates subsection a. of this section is guilty of a crime as follows:

(1) If the actor obtains a benefit or deprives another of a benefit in an amount less than \$500 and the offense involves the identity of one victim, the actor shall be guilty of a crime of the fourth degree except that a second or subsequent conviction for such an offense constitutes a crime of the third degree; or

(2) If the actor obtains a benefit or deprives another of a benefit in an amount of at least \$500 but less than \$75,000, or the offense involves the identity of at least two but less than five victims, the actor shall be guilty of a crime of the third degree; or

(3) If the actor obtains a benefit or deprives another of a benefit in the amount of \$75,000 or more, or the offense involves the identity of five or more victims, the actor shall be guilty of a crime of the second degree.

d. A violation of N.J.S.2C:28-7, constituting a disorderly persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case where the person uses the personal identifying information of another to illegally purchase an alcoholic beverage or for using the personal identifying information of another to misrepresent his age for the purpose of obtaining tobacco or other consumer product denied to persons under 19 years of age shall not constitute an offense under this section if the actor received only that benefit or service and did not perpetrate or attempt to perpetrate any additional injury or fraud on another.

e. The sentencing court shall issue such orders as are necessary to correct any public record or government document that contains false information as a result of a theft of identity. The sentencing court may provide restitution to the victim in accordance with the provisions of section 4 of P.L.2002, c.85 (C.2C:21-17.1).

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 242

AN ACT concerning marriages and civil unions and amending R.S.37:1-13.

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

1. R.S.37:1-13 is amended to read as follows:

37:1-13. Authorization to solemnize marriages and civil unions.

Authorization to solemnize marriages and civil unions.

Each judge of the United States Court of Appeals for the Third Circuit, each judge of a federal district court, United States magistrate, judge of a municipal court, judge of the Superior Court, judge of a tax court, retired judge of the Superior Court or Tax Court, or judge of the Superior Court or Tax Court, the former County Court, the former County Juvenile and Domestic Relations Court, or the former County District Court who has resigned in good standing, surrogate of any county, county clerk, and any mayor or former mayor not currently serving on the municipal governing body or the deputy mayor when authorized by the mayor, or chairman of any township committee or village president of this State, and every minister of every religion, are hereby authorized to solemnize marriages or civil unions between such persons as may lawfully enter into the matrimonial relation or civil union; and every religious society, institution or organization in this State may join together in marriage or civil union such persons according to the rules and customs of the society, institution or organization.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 243

AN ACT concerning marriages and civil unions and amending R.S.37:1-13.

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

1. R.S.37:1-13 is amended to read as follows:

Authorization to solemnize marriages and civil unions.

- 37:1-13. a. Authorization to solemnize marriages and civil unions.

Each judge of the United States Court of Appeals for the Third Circuit, each judge of a federal district court, United States magistrate, judge of a municipal court, judge of the Superior Court, judge of a tax court, retired judge of the Superior Court or Tax Court, or judge of the Superior Court or Tax Court, the former County Court, the former County Juvenile and Domestic Relations Court, or the former County District Court who has resigned in good standing, surrogate of any county, county clerk, and any mayor or former mayor not currently serving on the municipal governing body or the deputy mayor when authorized by the mayor, or chairman of any township committee or village president of this State, every member of the clergy of every religion, and any civil celebrant who is certified by the Secretary of State to solemnize marriages or civil unions as set forth in subsection b. of this section, are hereby authorized to solemnize marriages or civil unions between such persons as may lawfully enter into the matrimonial relation or civil union; and every religious society, institution or organization in this State may join together in marriage or civil union such persons according to the rules and customs of the society, institution or organization.

b. A civil celebrant shall be authorized to solemnize marriages or civil unions if certified to do so by the Secretary of State.

(1) A civil celebrant shall receive a certification from the Secretary of State to solemnize marriages or civil unions if the celebrant:

(a) is at least 18 years of age and has graduated from a secondary school in this State or another state;

(b) has completed a civil celebrant course offered by a non-denominational or educational charitable organization that is registered with the State under the "Charitable Registration and Investigation Act," P.L.1994, c.16 (C.45:17A-18 et seq.), and which course:

(i) includes classes that meet weekly or with more frequency, either administered in person or by other means, over a period of not less than six months; and

(ii) educates on topics including, but not limited to, celebrant philosophy and history, ceremonial structure, and ceremonial presentations; and

(c) (i) submits a completed application form, developed by the secretary pursuant to regulation, which includes the name and address of the celebrant-applicant along with any other relevant information on the cele-

brant-applicant required by the secretary, and supporting documentation with respect to all certification requirements set forth in this subsection; and

(ii) pays to the Department of State, at the time of submitting the completed application, a fee of not less than \$50 or more than \$75, as determined by the secretary by regulation, to cover costs for processing applications, producing and issuing certificates, and maintaining records on applications and certificates issued or denied.

(2) (a) A celebrant-applicant shall not be authorized to solemnize marriages or civil unions until the application for certification is approved and the certificate received from the secretary.

(b) A civil celebrant who has received a certification from the secretary may have that certification revoked, through a hearing before an administrative law judge, if the secretary determines that any information provided in the celebrant's application was inaccurate or otherwise did not comply with the certification requirements set forth in this subsection. A civil celebrant subject to a revocation hearing before an administrative law judge or any appeal thereof shall not be authorized to solemnize marriages or civil unions, and shall only again be authorized to do so if a final determination is made permitting the civil celebrant to retain the certification.

2. This act shall take effect on the first day of the fourth month next following enactment, but the Secretary of State may take any anticipatory administrative action in advance thereof as determined necessary to implement this act.

Approved January 17, 2014.

CHAPTER 244

AN ACT concerning voluntary contributions through gross income tax returns to the New Jersey chapter of The Leukemia & Lymphoma Society, 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:9-25.34 "The Leukemia & Lymphoma Society – New Jersey Fund."

1. a. There is established in the Department of the Treasury a special fund to be known as "The Leukemia & Lymphoma Society - New Jersey Fund."

b. Each taxpayer shall have the opportunity to indicate on the taxpayer's New Jersey gross income tax return that a portion of the taxpayer's tax refund or an enclosed contribution shall be deposited in the special fund.

c. Any costs incurred by the Division of Taxation for collection or administration attributable to this act may be deducted from receipts collected pursuant to this act, as determined by the Director of the Division of Budget and Accounting. The State Treasurer shall deposit net contributions collected pursuant to this act into "The Leukemia & Lymphoma Society - New Jersey Fund."

d. The Legislature shall annually appropriate all funds deposited in "The Leukemia & Lymphoma Society - New Jersey Fund" established pursuant to this section to the New Jersey chapter of The Leukemia & Lymphoma Society, for the purposes of providing support programs for leukemia and lymphoma patients and their families, advocacy for research, and public education on the issues of leukemia and lymphoma.

2. This act shall take effect immediately and apply to taxable years beginning on or after January 1 following enactment.

Approved January 17, 2014.

CHAPTER 245

AN ACT removing statutory reference to the 9-1-1 Commission and amending P.L.2004, c.48.

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

1. Section 3 of P.L.2004, c.48 (C.52:17C-19) is amended to read as follows:

C.52:17C-19 "9-1-1 System and Emergency Response Trust Fund Account."

3. a. There is established in the Department of the Treasury within the General Fund a special account to be known as the "9-1-1 System and Emergency Response Trust Fund Account."

b. Funds credited to the "9-1-1 System and Emergency Response Trust Fund Account" shall be annually appropriated for the purposes of paying: (1) eligible costs pursuant to the provisions of sections 13 and 14 of P.L.1989, c.3 (C.52:17C-13 and 52:17C-14); (2) the costs of funding the

State's capital equipment (including debt service), facilities and operating expenses that arise from emergency response; (3) the cost of emergency response training, including any related costs or expenses of the Office of Emergency Management in the Division of State Police in the Department of Law and Public Safety; (4) the cost of operating the Office of Emergency Telecommunications Services created pursuant to section 3 of P.L.1989, c.3 (C.52:17C-3); (5) the cost of operating the Statewide Public Safety Communications Commission created pursuant to section 5 of P.L.2011, c.4 (C.52:17C-3.2); (6) any costs associated with implementing any requirement of the Federal Communications Commission concerning 9-1-1 service that is not otherwise allocated to a carrier and not eligible for reimbursement under law or regulation; (7) any costs associated with planning, designing or implementing an automatic location identification technology that is not otherwise allocated to a wireless carrier and not eligible for reimbursement under law or regulation; and (8) any costs associated with planning, designing or acquiring replacement equipment or systems (including debt service) related to the enhanced 9-1-1 network as defined by subsection e. of section 1 of P.L.1989, c.3 (C.52:17C-1).

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 246

AN ACT concerning the assessment of the State of New Jersey's community response to domestic violence and supplementing P.L.2005, c.204 (C.52:27D-43.36).

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

C.52:27D-43.37 Audit of effectiveness of response to domestic violence.

1. a. The Director of the Division on Women in the Department of Community Affairs shall audit the effectiveness of State, county and local response to domestic violence by sponsoring, at the county and local level, community safety and accountability audits throughout the state.

b. The audit shall include a systematic analysis of intra-agency and interagency policies and procedures used by:

(1) law enforcement agencies and the court system when investigating and prosecuting cases of domestic violence-related fatalities and near fatalities, as appropriate; and

(2) State and local agencies and organizations when providing services to victims of domestic violence.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 247

AN ACT concerning certain metals and jewelry and amending P.L.1981, c.96 and P.L.2009, c.214

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

1. Section 1 of P.L.1981, c.96 (C.51:6A-1) is amended to read as follows:

C.51:6A-1 Buyer on basis of bulk value; duties; serialized receipts; digital photographs.

1. Any person in the business of buying precious metals who buys, attempts to buy or offers to buy precious metals on the basis of bulk value from any person who is not in the business of selling precious metals shall:

a. Clearly and prominently display at the point of purchase:

(1) His name and address;

(2) The price being offered or paid by the buyer for precious metals expressed as price per standard measure of weight and fineness as prescribed by the Superintendent of Weights and Measures.

b. Include his name and address in all advertisements concerning such precious metals.

c. Weigh the precious metals in plain view of the seller on State certified scales with the certificate of inspection clearly and prominently displayed.

d. Test the fineness of precious metals, if any test is so performed, in plain view of the seller.

e. Issue to the seller and keep for his own records, for not less than one year, a serialized receipt for each purchase of precious metals containing the following:

- (1) The name and address of the buyer;
- (2) Date of the transaction;
- (3) The names of the precious metals purchased;
- (4) The finenesses of the precious metals purchased;
- (5) The weights of the precious metals purchased;
- (6) The prices paid for the precious metals at the standard measures of weight and fineness prescribed by the superintendent;
- (7) The name, address and signature of the seller of the precious metals.

f. Obtain proof of identity from each person who sells precious metals to him.

g. Retain any precious metals in the form in which they were purchased for a period of not less than two business days, minimum 48 hours.

h. Upon reasonable request, allow the inspection of the serialized receipts or precious metals provided for in subsections e. and g. respectively of this section by any law enforcement officer or weights and measures official.

i. Obtain a bond in an amount and form prescribed by regulations of the Office of Weights and Measures. The bond shall be obtained from a surety company authorized by law to do business in this State. The bond shall run to the State for the benefit of any person injured by the wrongful act, default, fraud or misrepresentation of the buyer of precious metals. No bond shall comply with the requirements of this subsection unless the bond contains a provision that it shall not be cancelled for any cause unless notice of intention to cancel is filed in the Office of Weights and Measures at least 30 days before the day upon which cancellation shall take effect. This subsection shall only apply to transient buyers.

j. Maintain, for not less than one year, digital photographs of the precious metals purchased.

2. Section 1 of P.L.2009, c.214 (C.2C:21-36) is amended to read as follows:

C.2C:21-36 Sale of secondhand jewelry.

1. Any person engaged in the business of retailing, wholesaling, or smelting jewelry who purchases any article of used or secondhand jewelry shall:

- a. Maintain, for five years:

(1) a record of the name, address and telephone number of the person from whom it was purchased;

(2) a descriptive list of any used jewelry purchased from that seller, including any identifying characteristics of that jewelry;

(3) digital photographs of any used jewelry purchased from that seller; and

(4) a photocopy of the identification of the seller provided pursuant to subsection b. of this section;

b. Verify the identity of the person selling the jewelry by requesting and examining a photograph-bearing, valid State or federal issued driver's license or other government issued form of identification bearing a photograph;

c. Deliver, on a weekly basis, to the police department having jurisdiction in the location of that person's place of business a copy of the record of all used jewelry purchased by that person during the preceding week;

d. Maintain in his possession any used jewelry purchased for not less than 10 business days following the delivery of the record of the purchase of that jewelry to the police department, as required by subsection c. of this section; provided, however, that a municipal ordinance adopted prior to the effective date of P.L.2009, c.214 (January 16, 2010) may provide a longer minimum length of time to maintain possession of used or secondhand jewelry; and

e. Maintain, for five years, a copy of any list provided by an individual pursuant to section 2 of P.L.2009, c.214 (C.2C:21-37).

Nothing in this section shall be construed to apply to pawnbrokers licensed and regulated pursuant to the pawnbroking law, R.S.45:22-1 et seq., or sales made through an Internet website. Nothing in this section shall be construed to apply to a person engaged in retail, provided the sale of jewelry is not his primary business and further provided the person does not engage in the purchase of used or secondhand jewelry on more than three days in a calendar year.

3. This act shall take effect on the 90 day next following enactment.

Approved January 17, 2014.

CHAPTER 248

AN ACT concerning the Department of Agriculture website and supplementing Title 4 of the Revised Statutes.

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

C.4:1-20.2 Information published on Department of Agriculture website.

1. a. The Department of Agriculture shall publish on its Internet website the location and contact information for every winery licensed in New Jersey. The department shall additionally post on its Internet website a link to any list of wineries that has been published on any other State agency Internet website, including, but not limited to, the website maintained by the Division of Travel and Tourism in the Department of State.

b. The Department of Agriculture shall publish on its Internet website the location and contact information for any community supported agriculture entity in New Jersey that has provided such information to the department. A community supported agriculture entity may also provide the department with information concerning the agricultural output of the entity, and this information may be published on the department's Internet website at the discretion of the Secretary of Agriculture.

c. In addition to publishing the information as required in subsections a. and b. of this section, the department may distribute the information by any other method it deems best adapted to the efficient dissemination thereof.

d. The department shall accept information, or changes thereto, from wineries and community supported agriculture entities through an electronic submission form made available by the department on its Internet website.

e. As used in this section, "community supported agriculture entity" means a commercial farm from which a person may purchase a share in the agricultural or horticultural output of the farm.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 249

AN ACT concerning produce served in schools and supplementing chapter 33 of Title 18A of the New Jersey Statutes.

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

C.18A:33-20 Public schools authorized to serve certain produce grown in community gardens.

1. a. As used in this section, “community garden” means public or private land upon which individuals have the opportunity to garden on pieces of land that they do not individually own.

b. Consistent with all other applicable laws, a school district may serve to students fresh produce that has been grown in a community garden, provided that:

(1) the soil in the community garden has been tested for contaminants and is safe for growing food for student consumption;

(2) water sources used for the community garden have been tested for contaminants and are safe for growing food for student consumption;

(3) the produce has been handled, stored, transported, and prepared safely and in accordance with applicable federal, State, and local health and sanitation requirements; and

(4) such other criteria as determined by the Secretary of Agriculture are met.

c. A school district and its employees shall be immune from any civil liability arising from good faith actions in the serving of produce from a community garden in accordance with the requirements of this act.

d. The Secretary of Agriculture, in consultation with 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.), necessary to effectuate the provisions of this act.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 250

AN ACT establishing the New Jersey Task Force on Lupus Education and Awareness in the Department of Health.

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

1. The Legislature finds and declares that:

a. It is estimated that as many as 43,000 New Jersey residents suffer from lupus, a lifelong autoimmune disease in which the immune system becomes unbalanced, causing inflammation, tissue damage, seizures, strokes, heart attacks, miscarriages, and organ failure;

b. Although anyone can develop lupus, it strikes mostly women of childbearing age, and African-American, Latina, Asian and Native American women are two to three times more likely than Caucasians to develop lupus;

c. Lupus can be difficult to diagnose, and often is misdiagnosed because the symptoms are similar to those of other illnesses; and

d. It is in the public interest for this State to establish an entity to develop and implement a comprehensive plan to improve education and awareness about lupus for health care providers and the general public.

2. There is established the New Jersey Task Force on Lupus Education and Awareness within the Department of Health.

a. The task force shall include five members as follows:

(1) The Commissioner of Health, or the commissioner's designee, as an ex officio member;

(2) four public members, appointed by the Governor, who are residents of this State, including: one person who has been diagnosed with lupus and has been recommended by the Lupus Foundation of America, New Jersey Chapter, Inc.; one representative of the Lupus Foundation of America, New Jersey Chapter, Inc.; and two other members of the public.

b. Vacancies in the membership of the task force shall be filled in the same manner as the original appointments.

c. 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.

d. The task force shall organize as soon as practicable after the appointment of its members and shall select a chairperson from among its members.

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.

3. The purpose of the task force shall be to ensure that a comprehensive lupus education and awareness plan is implemented in the State for health care providers and the general public.

a. The task force shall conduct an initial assessment of the state of education on lupus in the State.

b. Based on the assessment required pursuant to subsection a. of this section, the task force shall develop information on lupus that is endorsed by government agencies, including, but not limited to, the National Institutes of Health and the federal Centers for Disease Control and Prevention. The Department of Health shall post the information that the task force develops on its Internet website. Subject to available appropriations, the department may distribute this information to individuals with lupus, their family members, health care professionals, hospitals, local health departments, schools, agencies on aging, employers, health plans, women's health groups, and nonprofit and community-based organizations.

c. The task force shall develop a directory of lupus-related health care services, which shall be made available on the Internet website of the Department of Health, and shall include a list of health care providers who specialize in the diagnosis and treatment of lupus.

4. The task force shall 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 date of its initial meeting, on the task force's activities and may include any recommendations for legislative action that it deems appropriate.

5. This act shall take effect immediately and shall expire upon the issuance of the task force report.

Approved January 17, 2014.

CHAPTER 251

AN ACT concerning commemorations by State law and supplementing Title 36 of the Revised Statutes.

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

C.36:2-1.1 Special commemorations posted on Department of State website.

1. The Department of State shall post, within 60 days after the date of enactment of this act, and maintain on its Internet website a list of the specific days, weeks, or months designated by State law for special commemo-

rations each year, consistent with its mission to advance the cultural and historical heritage of the State and encourage the civic engagement of State residents.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 252

AN ACT concerning the Annual Transportation Capital Program and supplementing Title 27 of the Revised Statutes.

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

C.27:1A-5.22 Annual Transportation Capital Program, information posted on DOT website.

1. The Department of Transportation shall provide access to comprehensive information related to the Annual Transportation Capital Program on its website. The information available on the website shall, include, but not be limited to: the Annual Transportation Capital Program and Five-Year Capital Plan; the New Jersey Transportation Trust Fund Authority's financial plan; the Statewide Capital Investment Strategy; the State Transportation Improvement Program; New Jersey Transit Corporation's capital lease financing program; information on contractual payments made to the State or the New Jersey Transportation Trust Fund Authority by the New Jersey Turnpike Authority to fund the Annual Transportation Capital Program; information on contractual payments made to the State or the New Jersey Transportation Trust Fund Authority by the South Jersey Transportation Authority to fund the Annual Transportation Capital Program; information on Port Authority of New York and New Jersey reimbursement for projects in the Annual Transportation Capital Program; information on annual federal reimbursements related to the current and prior year Transportation Capital Program; the use of monies from the General Fund for the New Jersey Transportation Trust Fund as projected in the Annual Transportation Capital Program; the Financial Policy Review Board's State of the Condition of Transportation Financing certification and any corrective action plans related thereto; and any other information that the commissioner

deems relevant to providing transparency with regard to the Annual Transportation Capital Program and the financing thereof. Information available on the Department's website related to the Annual Transportation Capital Program shall be updated on a regular basis as may be appropriate, but all information shall be reviewed and updated at least annually.

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

Approved January 17, 2014.

CHAPTER 253

AN ACT concerning certain authorities, boards, commissions, councils, divisions, and task forces, amending and repealing various parts of the statutory law and supplementing Title 52 of the Revised Statutes.

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

1. Section 2 of P.L.1966, c.291 (C.13:1C-2) is amended to read as follows:

C.13:1C-2 Board of Recreation Examiners abolished, powers, duties; transferred.

2. a. There is hereby established in the Department of Community Affairs the Board of Recreation Examiners of the State of New Jersey, which shall consist of five members to be appointed by the Governor with the advice and consent of the Senate.

b. Upon the enactment of P.L.2013, c.253 (C.30:1-2.3a et al.) the Board of Recreation Examiners of the State of New Jersey is abolished, and the powers, functions, and duties of the board are transferred to and vested in the Commissioner of Community Affairs.

2. Section 20 of P.L.2001, c.131 (C.17:48E-68) is amended to read as follows:

C.17:48E-68 Foundations; board, membership.

20. a. (Deleted by amendment, P.L.2013, c.253)

b. The foundation created pursuant to section 19 of P.L.2001, c.131 (C.17:48E-67) shall have a board of directors consisting of 15 members. Seven members shall be appointed by the Governor, including two public members, one physician licensed to practice medicine in New Jersey, one licensed health care provider other than a physician, one representative of the dental community, one representative of a community based organization that provides or assists in providing health care or health care services to New Jersey residents and one representative of the AFL-CIO. Three members shall be appointed by the President of the Senate, including one public member, one representative of the hospital community and one physician licensed to practice medicine in New Jersey. One public member shall be appointed by the Minority Leader of the Senate. Three members shall be appointed by the Speaker of the General Assembly, including one public member, one representative of the hospital community and one representative of a community based organization that provides or assists in providing health care or health care services to New Jersey residents. One public member shall be appointed by the Minority Leader of the General Assembly. The members of the board of the foundation shall be appointed for a term of three years. Each member shall hold office until reappointed or a successor is appointed and qualified. A vacancy in the membership of the board shall be filled for an unexpired term in the same manner provided for the original appointment. Members shall serve without fee or compensation. The foundation shall commence its activities upon the appointment of at least a majority of its initial board of directors. In the event more than one foundation is established pursuant to P.L.2001, c.131 (C.17:48E-49 et seq.), the board of directors of any such additional foundations shall be appointed in compliance with the requirements of this subsection.

3. Section 77 of P.L.1991, c.187 (C.18A:62-15) is amended to read as follows:

C.18A:62-15 Institutions of higher education to offer health insurance coverage; rules, regulations.

77. a. The Department of Health shall require all public and private institutions of higher education in this State to offer health insurance coverage on a group or individual basis for purchase by students who are enrolled full-time at the institution.

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

4. Section 2 of P.L.1995, c.318 (C.26:2B-37) is amended to read as follows:

C.26:2B-37 "Alcohol and Drug Abuse Program for the Deaf, Hard of Hearing and Disabled."

2. a. The Commissioner of Health shall establish an "Alcohol and Drug Abuse Program for the Deaf, Hard of Hearing and Disabled".

b. Pursuant to Reorganization Plan No. 002-2004, the Commissioner of Human Services shall continue to operate the program established pursuant to subsection a. of this section through the Division of Mental Health and Addiction Services in the Department of Human Services, in consultation with the Governor's Council on Alcoholism and Drug Abuse.

5. Section 1 of P.L.1968, c.457 (C.27:7-21.8) is amended to read as follows:

C.27:7-21.8 Eradication of rats, other harmful rodents from public highways.

1. The Commissioner of Transportation is directed to devise and put into effect such programs as shall be necessary to provide for the eradication of rats and other harmful rodents from the public highways, giving special attention to highways, or sections thereof, adjacent to residential areas; and to enter into an agreement with, or otherwise secure the cooperation of, the New Jersey Turnpike Authority and the South Jersey Transportation Authority, in the formulation and implementation of programs designed to accomplish such purposes.

6. Section 2 of P.L.2002, c.77 (C.27:23-6.2) is amended to read as follows:

C.27:23-6.2 Registration of towing operators with New Jersey Turnpike Authority.

2. a. An operator awarded a contract for towing and storage services by the New Jersey Turnpike Authority shall register with the authority. Upon issuance of the registration, the authority shall provide the operator with two decals and accompanying notices for each tow truck owned or leased by that operator and to be used under the terms of the contract. The decals and the accompanying notices, which shall be of a distinctive design and color, shall be conspicuously displayed on the exterior of each such tow truck in a manner and location prescribed by the authority.

The decals shall set forth a specific registration number for each registered tow truck. The notices shall include a statement indicating substan-

tially the following: "This tow truck is registered with the New Jersey Turnpike Authority. The driver is required to provide you with a written schedule of the fees charged for towing and storage services before providing that service to you, including those services for which there is no fee. If the fee charged is in excess of the fee listed on the schedule, please notify the authority or the New Jersey Division of Consumer Affairs." An operator shall file a copy of the schedule of fees with the authority. Upon request of the Division of Consumer Affairs in the Department of Law and Public Safety, the authority shall provide a list of the registered tow trucks to the division, in addition to a copy of the schedule of fees.

b. Prior to providing any towing services, a driver of a tow truck shall provide the person whose vehicle is to be towed a written schedule of fees and shall recite the information contained in the notice.

c. An operator who fails to display the decals and notices required by subsection a. of this section or the driver of a tow truck who fails to provide a person to be towed the written schedule of fees or recite the information contained in the notice prior to providing a towing service as required by subsection b. of this section shall be subject to a fine of \$300 for the first offense. For the second and any subsequent offense the operator or the driver, as the case may be, shall be subject to a fine of \$600.

d. It shall be an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) for any person to charge a fee in excess of the fee listed in the written schedule of fees provided pursuant to subsection a. of this section.

e. If an operator or the driver of an operator's tow truck is convicted a third time for violation of any provisions of this section, the authority may, in its discretion, terminate the operator's contract for towing and storage services with the authority.

7. Section 2 of P.L.1991, c.252 (C.27:25A-2) is amended to read as follows:

C.27:25A-2 Findings, declarations.

2. The Legislature finds and declares that:

a. It is the public policy of this State to provide for the coordinated development and planning of the State's transportation system both on the State and regional level. Through the medium of the Transportation Executive Council, established by Executive Order No. 10 of 1990, the activities of the various transportation related authorities are coordinated on the State level. In the northern region of the State the Port Authority of New York

and New Jersey, the New Jersey Turnpike Authority, the Hackensack Meadowlands Development Commission, the North Jersey Transportation Coordinating Committee and other organizations exist to provide for the support and planning of the transportation system in that region.

b. In the southern region of the State an increase in residential development, the completion of Interstate Route 476 (also known as the "Blue Route") in Pennsylvania, the establishment of casino gaming in Atlantic City, and other factors, have caused an increase in vehicular traffic in southern New Jersey and have highlighted the need for a more coordinated effort on a regional basis to deal with the operation and possible extension of the region's highway system, the improvement and expansion of its aviation facilities, and the coordination of Atlantic County's transportation system within the larger regional system.

c. Concomitant with the development of the transportation system in southern New Jersey the need exists for the ancillary establishment of economic development facilities directly related to transportation projects in that region to be funded by a transportation authority.

d. It is in the public interest to create a South Jersey Transportation Authority, encompassing the counties of Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem, as a successor to the New Jersey Expressway Authority and the Atlantic County Transportation Authority, to provide more coordination of the region's transportation system and to deal particularly with the highway system, aviation facilities and the transportation problems of Atlantic County through the acquisition, construction, maintenance, operation and support of expressway and transportation projects and economic development facilities directly related to transportation projects authorized by this act. However, the activities of a transportation authority are not to supplant or replace the funding of projects by the Transportation Trust Fund Authority or the operation of public transportation services by the New Jersey Transit Corporation.

8. Section 3 of P.L.2002, c.77 (C.27:25A-8.1) is amended to read as follows:

C.27:25A-8.1 Registration of towing operators with South Jersey Transportation Authority.

3. a. An operator awarded a contract for towing and storage services by the South Jersey Transportation Authority shall register with the authority. Upon issuance of the registration, the authority shall provide the operator with two decals and accompanying notices for each tow truck owned or

leased by that operator and to be used under the terms of the contract. The decals and the accompanying notices, which shall be of a distinctive design and color, shall be conspicuously displayed on the exterior of each such tow truck in a manner and location prescribed by the authority.

The decals shall set forth a specific registration number for each registered tow truck. The notices shall include a statement indicating substantially the following: "This tow truck is registered with the South Jersey Transportation Authority. The driver is required to provide you with a written schedule of the fees charged for towing and storage services before providing that service to you, including those services for which there is no fee. If the fee charged is in excess of the fee listed on the schedule, please notify the authority or the New Jersey Division of Consumer Affairs." An operator shall file a copy of the schedule of fees with the authority. Upon request of the Division of Consumer Affairs in the Department of Law and Public Safety, the authority shall provide a list of the registered tow trucks to the division, in addition to a copy of the schedule of fees.

b. Prior to providing any towing services, a driver of a tow truck shall provide the person whose vehicle is to be towed a written schedule of fees and shall recite the information contained in the notice.

c. An operator who fails to display the decals and notices required by subsection a. of this section or the driver of a tow truck who fails to provide a person to be towed the written schedule of fees or recite the information contained in the notice prior to providing a towing service as required by subsection b. of this section shall be subject to a fine of \$300 for the first offense. For the second and any subsequent offense the operator or the driver, as the case may be, shall be subject to a fine of \$600.

d. It shall be an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) for any person to charge a fee in excess of the fee listed in the written schedule of fees provided pursuant to subsection a. of this section.

e. If an operator or the driver of an operator's tow truck is found to have been convicted a third time for violation of any provisions of this section, the authority may, in its discretion, terminate the operator's contract for towing and storage services with the authority.

9. R.S.30:1-1 is amended to read as follows:

Definitions.

30:1-1. As used in this Title:

"Commissioner" means the Commissioner of Human Services.

"Department" means the Department of Human Services.

10. R.S.30:1-2 is amended to read as follows:

Department of Human Services.

30:1-2. The Department of Human Services created as the Department of Institutions and Agencies by an act entitled "An act concerning the charitable, hospital, relief, training, correctional, reformatory and penal institutions, boards and commissions located and conducted in this State, which are supported in whole or in part from county, municipal or State funds," approved February 28, 1918 (L.1918, c.147, p.343, as amended by L.1919, c.97, p.222), and continued and reorganized by P.L.1976, c.98, is continued and is hereby constituted a principal department in the Executive Branch of the State Government. Such department shall consist of the Commissioner of Human Services, who shall be the head of the department and its principal executive officer, with such divisions, bureaus, branches, committees, officers, and employees specifically referred to in the act, or as may be constituted or employed by virtue of this Title.

11. R.S.30:1-7 is amended to read as follows:

Institutions, facilities covered by Title 30.

30:1-7. The long-term care facilities, institutions, and psychiatric facilities of this State, within the meaning of this Title, shall include the following, and, as well, any facilities established hereafter for any similar purpose:

Trenton Psychiatric Hospital,
Greystone Park Psychiatric Hospital,
Ancora Psychiatric Hospital,
Ann Klein Forensic Center,
North Jersey Developmental Center,
New Lisbon Developmental Center,
Woodbine Developmental Center,
Vineland Developmental Center,
Woodbridge Developmental Center,
Hunterdon Developmental Center.

12. R.S.30:4-60 is amended to read as follows:

Payments, determination of amount, liability therefor.

30:4-60. a. If the court shall determine that the person has a mental illness and is in need of treatment at a psychiatric facility, it may determine

the legal settlement of the person and, consistent with the laws governing civil commitment and the Rules of Court, direct the admission or hospitalization of the person to the care of the Commissioner of Human Services for treatment in a psychiatric facility, short-term care facility, or special psychiatric hospital in this State.

b. If the Department of Human Services determines that the person has a developmental disability and is eligible for functional services from the Division of Developmental Disabilities, the department, using a formula of financial ability to pay as promulgated annually by the Department of the Treasury, shall determine if the person with a developmental disability has sufficient income, assets, resources or estate to pay for the person's maintenance as fixed by the department, or is able to make any payment towards the person's maintenance, or if the person's chargeable relatives or other persons chargeable by contract are able to pay the person's maintenance or make any payment toward the person's maintenance on the person's behalf. The department shall determine the legal settlement of the developmentally disabled person pursuant to section 86 of P.L.1965, c.59 (C.30:4-165.3).

The department shall send written notice of the periodic payment amount to the person or the person's parent or guardian, chargeable relative, or other person chargeable by contract for the person's support. All required payments shall be made directly to the department unless otherwise specified in the notice. The notice may, in the discretion of the department, contain such direction as may seem proper concerning security to be given for the payment. The payment notice shall be separate and independent of any order of commitment to the care and custody of the commissioner or any order of guardianship.

The department shall annually review and revise, as appropriate, its payment calculations. If the financial circumstances of the person or persons chargeable by law or contract for the support of the developmentally disabled person change prior to the annual review, the chargeable person or persons shall immediately notify the department in writing.

c. (1) A person with mental illness who is 18 years of age or older and is being treated in a psychiatric facility as defined in section 2 of P.L.1987, c.116 (C.30:4-27.2) shall be liable for the full cost of the person's treatment, maintenance, and all necessary and related expenses of the person's hospitalization until the person is determined to be ineligible for or has exhausted any third party insurance benefits or medical assistance program that will pay an amount toward the facility's bill. The obligation by the person with mental illness for the remainder of the facility's bill, after the credit for all available third party insurance payments or medical assistance

program payment, will be in an amount based upon the sliding scale fee schedule established for charity care pursuant to subsection b. of section 10 of P.L.1992, c.160 (C.26:2H-18.60).

(2) The obligation of the parent of a person with mental illness under the age of 18 for the remainder of the facility's bill shall be based upon the lesser of the sliding scale fee schedule established for charity care pursuant to subsection b. of section 10 of P.L.1992, c.160 (C.26:2H-18.60), or the formula of financial ability to pay as promulgated annually by the Department of the Treasury pursuant to subsection b. of this section.

(3) A person with mental illness or a person responsible under a court order for the cost of care and maintenance of a person with mental illness who, without good cause, (a) refuses to submit information and authorizations sufficient to enable the facility to access any available third-party payer, or (b) refuses to apply for public medical assistance for which the person with mental illness may be eligible, shall be responsible for the full cost of the person's care and maintenance at the facility without the application of the criteria set forth in paragraphs (1) and (2) of this subsection.

(4) Based upon the criteria set forth in paragraphs (1) and (2) of this subsection, the Department of Human Services or county adjuster in the county of settlement, as applicable, shall make a determination of the amount the person with mental illness who is 18 years of age or older, or the parent of a person with mental illness under the age of 18, shall be liable to contribute toward the cost of the person's treatment, maintenance, and all necessary and related expenses of the person's hospitalization. The liability may be enforced by the Commissioner of Human Services in the manner set forth in section 1 of P.L.1962, c.207 (C.30:4-75.1).

(5) In the case of a person with mental illness who is married, the department shall establish a spousal share of the combined assets of the couple that shall be preserved for the noninstitutionalized spouse and immune from execution to satisfy the person's liability to contribute toward the cost of treatment, maintenance, and all necessary and related expenses of the person's hospitalization. In order to determine the spousal share of the combined assets to be preserved, the Commissioner of Human Services shall employ the same methodology used by the State Medicaid program to determine the resources that are preserved for the needs of the community spouse of an institutionalized individual in accordance with N.J.A.C.10:71-4.8.

(6) The Commissioner of Human Services shall act on any request by a person with mental illness who is 18 years of age or older, or the parent of a person with mental illness under the age of 18, to compromise for settlement of the obligation established pursuant to this section. With respect to

the request, the commissioner shall allow the person or parent to retain adequate funds to:

- (a) maintain the person's or parent's housing and usual standard of living in the community;
- (b) provide for any necessary medical expenses or special needs;
- (c) support any minor, disabled, elderly, or other dependent;
- (d) establish a trust to ensure future self-sufficiency; or
- (e) provide for any other genuine financial needs.

Requests to compromise for settlement of the obligation shall be liberally granted by the commissioner and shall promote the person's or the person's parent's opportunity to obtain and maintain employment, purchase property, both real and personal, and achieve full reintegration into the community, as applicable. The commissioner shall ensure that all persons and parents are notified of their right to request a compromise and the procedure for doing so.

13. R.S.30:4-63 is amended to read as follows:

Commitment of person with mental illness, payment.

30:4-63. a. The court may, after final hearing, commit any person with mental illness to any State or county psychiatric institution irrespective of the person's legal settlement where provision is made for the person's care and maintenance, in an amount approved by the department or by the board of chosen freeholders, as the case may be. The person may remain as a full paying patient in such institution as long as such sum shall be regularly paid out of the estate of the person, or by the person or persons chargeable by law with the person's care and maintenance, or under contract. In the event that such sum cannot be paid because of a change in the financial circumstances of the person with mental illness or the person's legally responsible relatives then the court may make such order as may be necessary with regard to the manner and the amount of maintenance which shall be paid on behalf of the person with mental illness and by whom.

b. The Department of Human Services may admit a person found eligible for functional services from the Division of Developmental Disabilities to a residential functional services placement irrespective of the person's legal settlement if provision is made for the payment of the full cost of the person's care and maintenance, in an amount approved by the department. The person may remain as a full paying person in the residential functional services placement, or in another residential functional services placement deemed appropriate by the department, as long as the full per

capita amount for the placement is regularly paid from the person's income, benefits, assets, resources, or estate, or by the person chargeable by law or under contract with the person's care and maintenance.

14. R.S.30:4-160 is amended to read as follows:

State hospitals.

30:4-160. The New Jersey State Hospitals, designated in R.S.30:1-7 as psychiatric hospitals, shall include the existing buildings and lands of Ancora Psychiatric Hospital, Greystone Park Psychiatric Hospital, Trenton Psychiatric Hospital, and the Ann Klein Forensic Center, and all grounds or places where the patients thereof may from time to time be maintained, kept, housed, or employed.

15. Section 4 of P.L.1951, c.138 (C.30:4C-4) is amended to read as follows:

C.30:4C-4 Powers of Department of Children and Families.

4. The Department of Children and Families shall have the requisite powers to:

(a) Exercise general supervision over children for whom care, custody or guardianship is provided in accordance with Article II of this act;

(b) Administer the powers and duties provided in chapter 3 of Title 9 of the Revised Statutes (Adoption), as amended and supplemented, as the same may be delegated and assigned by the department;

(c) Administer the powers and duties as provided in chapter 7 of Title 9 of the Revised Statutes (dependent children; bringing into State), as amended and supplemented, as the same may be delegated and assigned by the commissioner;

(d) Administer the powers and duties provided in R.S.30:1-14 through 30:1-17 of chapter 1 of Title 30 of the Revised Statutes (visitation and inspection), as amended and supplemented with respect to institutions, organizations, and noninstitutional agencies for the care, custody, and welfare of children;

(e) Provide care and exercise supervision over children paroled or released from State correctional institutions for juveniles in accordance with rules and regulations;

(f) Make investigations or provide supervision of any child in this State at the request and on behalf of a public or private agency or institution of any other State;

(g) Meet and confer, as the unmet needs of New Jersey's children may require, with representatives of the public welfare boards and the private agencies and institutions for the care of children in this State in order that the programs of such boards, agencies, and institutions may be developed and fully utilized and that there may be a coordination of all public and private facilities for the protection and care of children;

(h) Issue such reasonable rules and regulations as may be necessary for the purpose of carrying into effect the meaning of this act, which rules and regulations shall be binding so far as they are consistent with such purpose;

(i) Promulgate rules and regulations as may be necessary as a basis for the provision for payment for services rendered by privately sponsored agencies or institutions to children under the care, custody or guardianship of the division. Such rules and regulations shall include, but shall not be limited to, standards of professional training, experience and practices, and requirements relating to the moral responsibility of the trustees, officers or other persons supervising or conducting the program, the adequacy of the facilities, the maintenance of adequate casework records, and the furnishing of comprehensive reports;

(j) Enter into written agreements with public, private or voluntary agencies to provide maintenance, related services, and youth facility aid to such agencies, subject to a preaward qualification review of the agency's fiscal and programmatic abilities and periodic reviews.

16. Section 2 of P.L.1980, c.35 (C.30:4E-2) is amended to read as follows:

C.30:4E-2 Interagency Task Force on Home Care Services.

2. a. The Commissioner of Human Services shall organize an Interagency Task Force on Home Care Services, hereinafter known as the "task force," which shall consist of the commissioner, the Commissioner of Health, the Commissioner of Insurance, and the Commissioner of Community Affairs, or their designated representatives. The task force shall review and coordinate efforts among departments to develop home health care and homemaker services and shall consult on the propriety and effects of State and Federal home health care and homemaker legislation, rules, and regulations. The task force shall work toward regulatory and legislative change which it feels will promote the utilization of home health care and homemaker services as an alternative to institutional care.

b. The task force shall meet as frequently as its business may require and at least once in each calendar quarter of each year.

c. The task force shall consult on a regular basis with public and private nonprofit, proprietary, and hospital based providers of home health care and homemaker services. The task force shall also consult with service consumers.

17. Section 8 of P.L.1948, c.249 (C.34:6-47.8) is amended to read as follows:

C.34:6-47.8 Exceptions.

8. This act shall not be construed as applying to, shall not apply to, and is not intended to apply to, the construction, reconstruction, operations, and maintenance of overhead electrical conductors and their supporting structures and associated equipment by authorized and qualified electrical workers; nor to the authorized and qualified employees of any person engaged in the construction, reconstruction, operation, and maintenance of overhead electrical circuits or conductors and their supporting structures and associated equipment of rail transportation systems, or electrical generating, transmission, distribution, and communication systems. This exception when applied to railway systems, shall be construed as permitting operation of standard rail equipment, which is normally used in the transportation of freight or passengers or both and the operation of relief trains, or other equipment in emergencies, or in maintenance of way service, at a distance of less than 6 feet from any high-voltage conductor of such railway system; but this act shall be construed as prohibiting normal repair or construction operations at a distance of less than 6 feet from any high-voltage conductor by other than properly qualified and authorized persons or employees under the direct supervision of an authorized person who is familiar with the hazards involved, unless there has been compliance with the safety provisions of sections 2, 4, and 5 hereof.

This act shall not be construed as applying to, shall not apply to and is not intended to apply to, motor vehicle transportation across or along a public road or highway where such transportation is subject to the requirements of Title 39, Motor Vehicles and Traffic Regulation of the Revised Statutes, nor to motor vehicle transportation subject to the requirements of the New Jersey Turnpike Authority, P.L.1948, c.454 (C.27:23-1 et seq.).

18. Section 1 of P.L.2009, c.247 (C.34:6-158) is amended to read as follows:

C.34:6-158 Findings, declarations relative to procurement of apparel.

1. The Legislature finds and declares that:

- a. A significant portion of the apparel industry has a history of poor conditions for its workers;
- b. The largest part of the apparel purchases of the State of New Jersey are for State employee uniforms, which should project a positive image for the State and help to instill pride on the part of State employees;
- c. The State of New Jersey has, as a market participant, a compelling interest in guaranteeing that these uniforms and all of the other apparel it acquires are produced in the United States of America in conditions which are conducive to the reliable provision of high quality apparel and of which the State, its citizens, and its employees may be proud; and
- d. It is, therefore, an appropriate policy to ensure that the State's interests as a market participant are protected with respect to apparel contracts entered into by the State and its instrumentalities.

19. Section 2 of P.L.2009, c.247 (C.34:6-159) is amended to read as follows:

C.34:6-159 Definitions relative to procurement of apparel.

2. For the purpose of P.L.2009, c.247 (C.34:6-158 et seq.):

"Apparel" means any clothing, headwear, linens or fabric.

"Apparel contracts" shall include all purchases, rentals or other acquisitions of apparel products by the State of New Jersey, including authorizations by the State of New Jersey for vendors to sell apparel products through cash allowances or vouchers issued by the State of New Jersey, and license agreements with a public body.

"Apparel production" shall include the cutting and manufacturing of apparel products performed by the vendor or by any sub-contractors, not including the production of supplies or sundries such as buttons, zippers, and thread.

"Bidder" means any person making a bid with a public body to serve as a vendor to a public body.

"Commissioner" means the Commissioner of Labor and Workforce Development.

"Poverty line" means the official poverty line based on family size, established and adjusted under section 673 (2) of Subtitle B of the "Community Services Block Grant Act," Pub.L.97-35 (42 U.S.C. s.9902 (2)).

"Public body" means the State of New Jersey, any agency of the State or any authority created by the Legislature.

"Vendor" means any person or business selling or otherwise providing apparel to or for a public body or entering into a license agreement with a

public body to produce or provide items of apparel bearing names, trademarks or images of, or related to, the public body.

20. Section 3 of P.L.2009, c.247 (C.34:6-160) is amended to read as follows:

C.34:6-160 Apparel production in compliance with certain requirements.

3. When purchasing or otherwise obtaining apparel from a vendor, including approving a vendor for participation in allowance or voucher programs, a public body shall require that all apparel production is in compliance with each of the following requirements, except in the case of a requirement that is adjudicated to be unenforceable because of preemption by federal law:

a. All apparel production under the contract shall be performed in the United States, except in cases in which the commissioner determines that it is not possible for the public body to obtain apparel produced in the United States which meets the necessary requirements of the public body;

b. Apparel production workers employed to produce the apparel shall be provided a work environment that is safe, healthy, and free of discrimination on the basis of race, national origin, religion, sex and sexual preference;

c. Apparel production workers employed to produce the apparel shall be provided non-poverty compensation at an hourly rate determined by the commissioner to be not less than the poverty line for a family of three, based on 40 hours of work a week for 50 weeks a year;

d. Apparel production workers employed to produce the apparel shall not be terminated except for just-cause and vendors and their contractors and sub-contractors shall provide a mechanism to resolve all disputes with apparel production workers;

e. Vendors and their contractors and sub-contractors shall adopt a neutrality position with respect to attempts to organize by their employees, and agree to voluntarily recognize a union when a majority of workers have signed cards authorizing union representation;

f. The facilities where the apparel production occurs shall be open to inspection by the commissioner, any political subdivision of this State, any other state or other governmental or intergovernmental unit with which the commissioner cooperates, or by any appropriate consortia in which the commissioner participates; and

g. No contractor or sub-contractor involved in the providing or production of apparel has a pattern or practice of violation of legal employment protections, including laws and regulations governing wages and

hours, discrimination, occupational safety and health, child labor, industrial homework, workers' compensation, and occupational safety and health.

Every apparel contract and bid application shall contain a provision or provisions detailing the requirements of P.L.2009, c.247 (C.34:6-158 et seq.), and compliance with P.L.2009, c.247 (C.34:6-158 et seq.) shall be made a binding part of all apparel contracts.

21. Section 4 of P.L.2009, c.247 (C.34:6-161) is amended to read as follows:

C.34:6-161 Information provided to public body by bidder for apparel contract.

4. Every bidder for an apparel contract with a public body shall inform the public body in writing of the following information, which shall be made available by the public body to the public as soon as possible, but in no case less than 30 days before a decision is made to award an apparel contract to a bidder:

a. Every location where apparel production is to take place, including any sub-contractor locations;

b. The name, business address, and names of principal officers of each sub-contractor to be used for apparel production in fulfillment of an apparel contract; and

c. An affidavit that each apparel production location meets the requirements of P.L.2009, c.247 (C.34:6-158 et seq.).

Any changes to the reported information during the term of an apparel contract must be reported by the vendor to the public body. The public body shall report all information required under this section to the commissioner, who shall make the information available upon request to the public.

22. Section 3 of P.L.1997, c.415 (C.39:4-98.4) is amended to read as follows:

C.39:4-98.4 Definitions relative to 65 MPH speed limit.

3. As used in this act:

"Authorities" means the New Jersey Turnpike Authority and the South Jersey Transportation Authority.

"Commissioner" means the Commissioner of Transportation.

"Eligible public highways" means public highways as defined in section 3 of P.L.1984, c.73 (C.27:1B-3) of which portions have been determined by the commissioner to be appropriate for a 65 miles per hour speed limit based on such criteria as determined by the commissioner. Public

highways under the jurisdiction of counties and municipalities shall not be eligible public highways.

23. Section 1 of P.L.1993, c.332 (C.39:4-203.5) is amended to read as follows:

C.39:4-203.5 Offenses in area of highway construction, repair or designated safe corridor.

1. a. For the purposes of this act:

"Area of highway construction or repair" means that segment of any highway which is identified by properly posted traffic control devices or signs as undergoing construction, reconstruction, repair, or maintenance operation. An area of highway construction or repair shall consist of that area between the first traffic control device or sign informing motor vehicle operators of their approaching highway construction or repair and the last traffic control device or sign indicating all restrictions are removed and normal motor vehicle operations may resume.

"Highway" means any highway under the jurisdiction of the Department of Transportation, a county, a municipality, or a toll road authority.

"Safe corridor" or "safe corridor area" means a segment of highway under the jurisdiction of the Department of Transportation which, based upon accident rates, fatalities, traffic volume and other highway traffic safety criteria, is identified by the Commissioner of Transportation as a segment warranting designation as a "safe corridor."

"Toll road authority" means the New Jersey Turnpike Authority or the South Jersey Transportation Authority.

b. The fine for a motor vehicle offense embodied in the following sections of statutory law, when committed in an area of highway construction or repair, or when committed in a designated safe corridor, shall be double the amount specified by law:

Subsection b. of R.S.39:3-20;

R.S.39:4-52;

R.S.39:4-57;

R.S.39:4-71;

R.S.39:4-80;

R.S.39:4-81;

R.S.39:4-82;

R.S.39:4-83;

R.S.39:4-84;

R.S.39:4-85;

R.S.39:4-86;
R.S.39:4-88;
R.S.39:4-89;
R.S.39:4-90;
R.S.39:4-96;
R.S.39:4-97;
R.S.39:4-98;
R.S.39:4-99;
R.S.39:4-105;
R.S.39:4-115;
R.S.39:4-119;
R.S.39:4-122;
R.S.39:4-123;
R.S.39:4-124;
R.S.39:4-125;
R.S.39:4-127;
R.S.39:4-129;
R.S.39:4-144;
P.L.1955, c.217 (C.39:5C-1);
Section 48 of P.L.1951, c.23 (C.39:4-66.1);
Section 41 of P.L.1951, c.23 (C.39:4-82.1);
Section 51 of P.L.1951, c.23 (C.39:4-90.1);
Section 1 of P.L.2000, c.75 (C.39:4-97.2);
Section 6 of P.L.1997, c.415 (C.39:4-98.7);
Section 5 of P.L.1951, c.264 (C.27:23-29);
Section 18 of P.L.1952, c.16 (C.27:12B-18); and
Section 21 of P.L.1991, c.252 (C.27:25A-21).

When an area of highway construction or repair is within a safe corridor, the fine for a motor vehicle offense embodied in the preceding sections of statutory law shall be doubled only once. When a safe corridor is within an area of highway construction or repair, the fine for a motor vehicle offense embodied in the preceding sections of statutory law shall be doubled only once. Fines for violation of section 6 of P.L.1997, c.415 (C.39:4-98.7) in a safe corridor or an area of highway construction or repair shall be doubled only once. Notwithstanding any other provision of law, the increase from the doubled fines imposed and collected in designated safe corridor areas shall be forwarded by the person to whom they are paid to the State Treasurer, who shall annually deposit those moneys in the "Highway Safety Fund" established pursuant to section 5 of P.L.2003, c.131 (C.39:3-20.4).

c. (1) Signs designed in compliance with the specifications of the Department of Transportation or, if appropriate, the toll road authority having jurisdiction over the appropriate highway, shall be appropriately placed, by order of the Commissioner of Transportation, the appropriate local official, or the affected toll road authority, as the case may be, to notify drivers approaching areas of highway construction or repair, or designated safe corridor areas, that the fines are doubled for motor vehicle offenses in those areas.

(2) In addition, all traffic control signs and devices erected or displayed by the State Department of Transportation, a county, a municipality or a toll road authority within an area of highway construction or repair or safe corridor area shall conform to the uniform system specified in the most current "Manual on Uniform Traffic Control Devices for Streets and Highways," prepared by the Federal Highway Administration in the United States Department of Transportation.

d. It shall not be a defense to the imposition of the fines authorized under the provisions of P.L.1993, c.332 that a sign notifying drivers who are approaching highway construction or repair areas, or designated safe corridor areas, that fines are doubled for motor vehicle offenses in those areas was not posted, improperly posted, wrongfully removed or stolen, or that signs or devices were not placed in compliance with the most current "Manual on Uniform Traffic Control Devices for Streets and Highways" as required pursuant to paragraph (2) of subsection c. of this section.

e. The director shall include information concerning the penalties imposed pursuant to this act in any subsequent revision of the New Jersey Driver Manual and the New Jersey Motorist Guide.

f. Safe corridor areas shall be designated by traffic order issued pursuant to P.L.1998, c.28 (C.39:4-8.2 et seq.).

24. Section 2 of P.L.1983, c.2 (C.40:48-2.12a1) is amended to read as follows:

C.40:48-2.12a1 Inspection of buildings.

2. No exemption from inspection pursuant to the provisions of statutory law shall prevent any municipality from adopting an ordinance to provide for the inspection of buildings to assure the health, safety, and public welfare of the municipality and its residents.

25. Section 4 of P.L.1973, c.155 (C.43:7-18.1) is amended to read as follows:

C.43:7-18.1 Responsibility for operation of pension fund.

4. The Division of Pensions and Benefits in the Department of the Treasury shall have the general responsibility for the proper operation of the pension fund and shall have such powers and shall exercise such functions and duties, as may be necessary and appropriate for the proper operation of the fund, subject to the provisions of P.L.1955, c.70 (C.52:18A-95 et seq.). Any reference in a law, rule, regulation, judicial or administrative proceeding, or otherwise to the Prison Officers' Pension Commission shall mean and refer to the Division of Pensions and Benefits.

The division may make all necessary rules and regulations. Such rules and regulations shall be consistent with those adopted by the other pension funds within the Division of Pensions and Benefits in order to permit the most economical and uniform administration of all such retirement systems.

26. Section 13 of P.L.1941, c.220 (C.43:7-19) is amended to read as follows:

C.43:7-19 Control, management of fund.

13. The Division of Pensions and Benefits in the Department of the Treasury shall have control and management of said fund subject to the provisions of P.L.1950, c.270 (C.52:18A-79 et seq.), and of the retirement of said prison officers, and the division is hereby empowered to make all necessary rules and regulations regarding the same not inconsistent with this act. All moneys belonging to said pension fund shall be received and paid over to the Treasurer of the State of New Jersey, whose official bond shall cover the same. All moneys paid out of such pension fund shall be paid by the said treasurer upon warrants signed by the director of the division.

27. Section 15 of P.L.1941, c.220 (C.43:7-21) is amended to read as follows:

C.43:7-21 Execution of releases, acquittances, receipts, discharges.

15. The Division of Pensions and Benefits in the Department of the Treasury shall, on behalf of the said pension fund, execute any and all releases, acquittances, receipts, or discharges of any and all written evidences of indebtedness to said pension fund.

28. Section 16 of P.L.1941, c.220 (C.43:7-22) is amended to read as follows:

C.43:7-22 Annual report.

16. The Division of Pensions and Benefits in the Department of the Treasury shall make an annual report of the conditions of such fund and the manner in which same is invested.

29. Section 7 of P.L.1952, c.358 (C.43:16-6.2) is amended to read as follows:

C.43:16-6.2 Actuarial evaluation of fund, legal advice.

7. The Division of Pensions and Benefits in the Department of the Treasury shall keep, in convenient form, such data as may be necessary for the actuarial evaluation of the fund committed to its charge and to serve as a record of its experience in the administration of the pension system dependent upon such fund. The Attorney General shall act as the legal adviser for the fund, except that if the Attorney General determines that a conflict of interest would affect the ability of the Attorney General to represent the division on a matter affecting the retirement system, the division may select and employ legal counsel to advise and represent the division on that matter. The actuary of the fund shall be selected by the Retirement Systems Actuary Selection Committee established by P.L.1992, c.125. The actuary of the fund shall be the technical adviser of the division on all matters regarding the operation of the pension fund not otherwise prescribed by law.

30. R.S.43:16-7 is amended to read as follows:

Division designated trustee of funds.

43:16-7. The Division of Pensions and Benefits in the Department of the Treasury shall be the trustee of all the funds established by this act. The division shall have the general responsibility for the proper operation of the pension fund and shall have such powers and shall exercise such functions and duties as may be necessary and appropriate for the proper operation of the fund. Any reference in a law, rule, regulation, judicial or administrative proceeding, or otherwise to the Consolidated Police and Firemen's Pension Fund Commission shall mean and refer to the Division of Pensions and Benefits.

The division may make all necessary rules and regulations with regard thereto. Such rules and regulations shall be consistent with those adopted by the other pension funds within the Division of Pensions and Benefits in order to permit the most economical and uniform administration of all such retirement systems. All moneys and assets of and belonging to the funds consolidated and required by this chapter to be consolidated and transferred

to the pension fund, together with all increments and contributions thereto shall be received and paid over to the State Treasurer, whose official bond shall cover the same. No moneys shall be paid out of the consolidated fund except upon the warrant of the fund, signed by the director of the division. All pensions granted under this chapter shall be exempt from execution, garnishment, attachment, sequestration, or other legal process. All moneys not needed for the immediate payment of pensions under this chapter shall be invested by the Director of the Division of Investment established pursuant to the provisions of chapter 270 of the laws of 1950, subject to the limitations contained in section 11 of said chapter.

31. Section 12 of P.L.1944, c.253 (C.43:16-17) is amended to read as follows:

C.43:16-17 Definitions.

12. The following words and phrases as used in this act, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Member" shall mean a person who on July 1, 1944, was a member of a municipal police department or paid or part-paid fire department or county police department or a paid or part-paid fire department of a fire district located in a township and who has contributed to the pension fund established under chapter 16 of Title 43 of the Revised Statutes and shall hereafter contribute to said fund.

(2) "Active member" shall mean any "member" who is a police officer, firefighter, detective, line person, driver of police van, fire alarm operator or inspector of combustibles and who is subject to call for active service or duty as such.

(3) "Employee member" shall mean any "member" who is not subject to call for active service or duty as a police officer, firefighter, detective, line person, driver of police van, fire alarm operator or inspector of combustibles.

(4) "Commission" shall mean the board having the general responsibility for the proper operation of the pension fund created by this act, subject to the provisions of chapter 70 of the laws of 1955.

(5) "Physician or surgeon" shall mean the medical board composed of physicians who shall be called upon to determine the disability of members as provided by this act.

(6) "Employer" shall mean the county, municipality or agency thereof by which a member is employed.

(7) "Service" shall mean service rendered while a member is employed by a municipal police department, paid or part-paid fire department, county police department or paid or part-paid fire department of a fire district located in a township prior to the effective date of this act for such service to such departments thereafter.

(8) "Pension" shall mean the amount payable to a member or the member's beneficiary under the provisions of this act.

(9) "Average salary" shall mean the average salary paid during the last three years of a member's service.

(10) "Beneficiary" shall mean any person or persons, other than a member, receiving or entitled to receive a pension or benefits, as provided by this act.

(11) "Parent" shall mean the parent of a member who was receiving at least one-half of that parent's support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.

(12) "County police" shall mean all police officers having supervision of regulation of traffic upon county roads.

(13) (Deleted by amendment, P.L.1989, c.78.)

(14) "Surviving spouse" shall mean the person to whom a member was married before the date of retirement or at least two years before the date of the member's death and whose marriage to the member continued until the member's death.

(15) "Child" shall mean a deceased member's unmarried child either (a) under the age of 18 or (b) of any age who, at the time of the member's death, is disabled because of an intellectual disability or physical incapacity, is unable to do any substantial, gainful work because of the impairment and whose impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by the examining physicians of the fund.

(16) "Regular interest" shall mean interest as determined by the State Treasurer, after consultation with the Directors of the Divisions of Investment and Pensions and Benefits, and the actuary. It shall bear a reasonable relationship to the percentage rate of earnings on investments based on the market value of the assets but shall not exceed the assumed percentage rate of increase applied to salaries plus 3%, provided however that the average percentage rate of increase applied to salaries shall not be set below 6%.

(17) "Final compensation" shall mean the compensation received by the member in the last 12 months of service preceding retirement.

(18) "Compensation" shall mean the base salary, for services as a member as defined in this act, which is in accordance with established salary policies of the member's employer for all employees in the same position but shall not include individual salary adjustments which are granted primarily in anticipation of the member's retirement or additional remuneration for performing temporary duties beyond the regular workday.

32. Section 1 of P.L.1955, c.137 (C.43:16-19) is amended to read as follows:

C.43:16-19 Waiver of payment.

1. Any member or any beneficiary who has been or, in the future, may be retired, or receive a pension, benefit, or retirement allowance, including an annuity, pursuant to the provisions of the act to which this act is a supplement, may, by filing written request with the Division of Pensions and Benefits in the Department of the Treasury, waive payment of a portion of the pension, benefit, or retirement allowance, including annuity, to which the member or beneficiary may be entitled.

33. Section 2 of P.L.1955, c.137 (C.43:16-20) is amended to read as follows:

C.43:16-20 Reduced payments.

2. Upon the receipt of such a waiver, and until the same is withdrawn, altered, or revoked by a subsequent written request, similarly filed, the Division of Pensions and Benefits shall pay a reduced pension, benefit, retirement allowance, or annuity, as shall be requested in such waiver.

34. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read as follows:

C.45:1-15 Application of act.

2. The provisions of this act shall apply to the following boards and all professions or occupations regulated by, through or with the advice of those boards: the New Jersey State Board of Accountancy, the New Jersey State Board of Architects, the New Jersey State Board of Cosmetology and Hairstyling, the Board of Examiners of Electrical Contractors, the New Jersey State Board of Dentistry, the State Board of Mortuary Science of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Marriage and Family Therapy Examiners, the State Board of

Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the State Board of Examiners of Master Plumbers, the State Board of Court Reporting, the State Board of Veterinary Medical Examiners, the State Board of Chiropractic Examiners, the State Board of Respiratory Care, the State Real Estate Appraiser Board, the State Board of Social Work Examiners, the State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors, the Elevator, Escalator, and Moving Walkway Mechanics Licensing Board, the State Board of Physical Therapy Examiners, the State Board of Polysomnography, the Professional Counselor Examiners Committee, the New Jersey Cemetery Board, the Orthotics and Prosthetics Board of Examiners, the Occupational Therapy Advisory Council, the Electrologists Advisory Committee, the Acupuncture Advisory Committee, the Alcohol and Drug Counselor Committee, the Athletic Training Advisory Committee, the Certified Psychoanalysts Advisory Committee, the Fire Alarm, Burglar Alarm, and Locksmith Advisory Committee, the Home Inspection Advisory Committee, the Interior Design Examination and Evaluation Committee, the Hearing Aid Dispensers Examining Committee, the Perfusionists Advisory Committee, the Physician Assistant Advisory Committee, the Audiology and Speech-Language Pathology Advisory Committee, the New Jersey Board of Massage and Bodywork Therapy, the Genetic Counseling Advisory Committee and any other entity hereafter created under Title 45 to license or otherwise regulate a profession or occupation.

35. R.S.45:9-1 is amended to read as follows:

State Board of Medical Examiners; advisory committee.

45:9-1. The State Board of Medical Examiners, hereinafter in this chapter designated as the "board" shall consist of 21 members, one of whom shall be the Commissioner of Health, or the commissioner's designee, three of whom shall be public members and one an executive department designee as required pursuant to section 2 of P.L.1971, c.60 (C.45:1-2.2), and 16 of whom shall be persons of recognized professional ability and honor, and shall possess a license to practice their respective professions in New Jersey, and all of whom shall be appointed by the Governor in accordance with the provisions of section 2 of P.L.1971, c.60 (C.45:1-2.2); provided, however, that said board shall consist of 12 graduates of schools

of medicine or osteopathic medicine who shall possess the degree of M.D. or D.O. The number of osteopathic physicians on the board shall be a minimum of, but not limited to, two members. In addition the membership of said board shall comprise: one podiatric physician who does not possess a license to practice in any other health care profession regulated under Title 45 of the Revised Statutes; one physician assistant; one certified nurse midwife; and one licensed bio-analytical laboratory director, who may or may not be the holder of a degree of M.D. The term of office of members of the board hereafter appointed shall be three years or until their successors are appointed. A member is eligible for reappointment for one additional term of office, but no member shall serve more than two consecutive terms of office. Said appointees shall, within 30 days after receipt of their respective commissions, take and subscribe the oath or affirmation prescribed by law and file the same in the office of the Secretary of State.

36. Section 1 of P.L.2009, c.82 (C.45:22A-46.3) is amended to read as follows:

C.45:22A-46.3 Findings, declarations relative to affordable housing.

1. The Legislature finds and declares that:

a. While the cost of housing in New Jersey has declined under currently eroding economic conditions, the cost of both renting and homeownership remains unaffordable to a large percentage of New Jersey residents, including those who make vital contributions to their communities such as teachers, nurses, police officers, firefighters, and the general workforce population;

b. In recognition of this crisis, Governor Jon S. Corzine has committed to producing and preserving 100,000 units of affordable housing for low-, moderate- and middle-income families and individuals over the next 10 years;

c. According to the 2000 U.S. Census, 55 percent of these families are one and two person households, many of which are unable to find homes and apartments designed to meet their needs;

d. While no policy is singularly responsible for current housing conditions, zoning practices have resulted in a lack of land approved for housing which meets the needs of households requiring smaller housing units;

e. The shortage of affordably priced workforce housing has been exacerbated in recent years by a municipal preference for age-restricted housing which has resulted in an oversupply of age-restricted housing approvals

and an inability among the majority of New Jersey's workforce to live near their jobs;

f. (Deleted by amendment, P.L.2013, c.253.)

g. Although the maximum municipal percentage of affordable fair share housing which may be met by age-restricted units in a municipality has been reduced from 50 percent to 25 percent under the recently adopted rules of the Council on Affordable Housing, a mechanism is needed to permit an age-restricted development to change to a converted development to meet this rule, and to meet demographic needs; and

h. Under currently deteriorating national economic conditions, it is appropriate to take immediate action at this time to create the opportunity to increase the production and supply of workforce housing through the conversion of the over-supplied age-restricted market to meet the needs of New Jersey's residents who require smaller, more reasonably priced homes.

37. Section 10 of P.L.2001, c.416 (C.48:16-22.3b) is amended to read as follows:

C.48:16-22.3b Applicants to be tested for controlled dangerous substances; regulations.

10. Any person who owns a limousine service shall require an applicant for employment as a limousine operator or driver to be tested, at the applicant's expense, for dangerous controlled substances as defined in N.J.S.2C:35-2. The Chief Administrator of the New Jersey Motor Vehicle Commission shall adopt regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), for the licensing and testing of applicants for employment as limousine operators or drivers. The regulations shall be substantially similar to the regulations of New York City concerning the testing of an applicant for a for-hire vehicle driver's license pursuant to section 6-15 of Title 35 of the New York City Rules and Regulations.

38. Section 3 of P.L.2002, c.129 (C.52:17B-194.3) is amended to read as follows:

C.52:17B-194.3 Establishment of "Amber's Plan"; activation of Amber Alert; criteria.

3. a. The Attorney General shall establish "Amber's Plan," a program authorizing the broadcast media, upon notice from the State Police, to transmit an emergency alert to inform the public of a child abduction. The

program shall be a voluntary, cooperative effort between State and local law enforcement agencies and the broadcast media.

b. The Attorney General shall notify the broadcast media serving the State of New Jersey of the establishment of "Amber's Plan" and invite their voluntary participation.

c. The following criteria shall be met before the State Police activate the Amber Alert:

- (1) The child is believed to be abducted;
- (2) The child is 17 years of age or younger;
- (3) The child may be in danger of death or serious bodily injury; and
- (4) There is sufficient information available to indicate that an "Amber Alert" would assist in locating the child.

d. The participating media shall voluntarily agree, upon notice from the State Police, to transmit emergency alerts to inform the public of a child abduction that has occurred within their broadcast service regions. The notice shall be provided through the State Police operational dispatch unit.

The alerts shall be read after a distinctive sound tone and the statement: "This is an Amber Abducted Child Alert." The alerts shall be broadcast as often as possible, pursuant to the guidelines established by the New Jersey Broadcasters' Association, for the first three hours. After the initial three hours, the alert shall be rebroadcast at such intervals as the investigating authority, the State Police and the participating media deem appropriate.

The alerts shall include a description of the child, such details of the abduction and abductor as may be known, and such other information as the State Police may deem pertinent and appropriate. The State Police shall in a timely manner update the broadcast media with new information when appropriate concerning the abduction.

The alerts also shall provide information concerning how those members of the public who have information relating to the abduction may contact the State Police or other appropriate law enforcement agency.

Concurrent with the notice provided to the broadcast media, the State Police operational dispatch unit shall also notify the Department of Transportation, the New Jersey Turnpike Authority and the South Jersey Transportation Authority of the "Amber Alert." Through the use of their variable message signs, the department and the affected authorities shall inform the motoring public that an "Amber Alert" is in progress and provide information relating to the abduction and how motorists may report any information they have to the State Police or other appropriate law enforcement agency.

e. The alerts shall terminate upon notice from the State Police.

f. The Attorney General, with the assistance of the participating broadcast media, shall develop and undertake a public education campaign to inform the public about "Amber's Plan" and the emergency alert program established under this act.

g. The Attorney General may adopt guidelines to effectuate the purposes of this act.

39. Section 1 of P.L.1959, c.17 (C.52:18A-88.1) is amended to read as follows:

C.52:18A-88.1 Investment, reinvestment of moneys on behalf of specified agencies.

1. The Director of the Division of Investment, in addition to other investments, presently or from time to time hereafter authorized by law, shall have authority to invest and reinvest the moneys in, and to acquire for or on behalf of the funds of the following enumerated agencies:

The Consolidated Police and Firemen's Pension Fund;

The Police and Firemen's Retirement System of New Jersey;

The Prison Officers' Pension Fund;

The Public Employees' Retirement System of New Jersey;

The State Police Retirement System;

The Teachers' Pension and Annuity Fund;

The Judicial Retirement System of New Jersey;

The Trustees for the Support of Public Schools;

and all other funds in the custody of the State Treasurer, unless otherwise provided by law;

such investments which shall be authorized or approved for investment by regulation of the State Investment Council.

40. Section 4 of P.L.1985, c.494 (C.52:18A-208) is amended to read as follows:

C.52:18A-208 Vietnam Veterans' Memorial Fund.

4. There is created in the Department of the Treasury, a fund to be known as the Vietnam Veterans' Memorial Fund. The fund shall be credited with any moneys as may be donated by members of the public or appropriated to the fund by law. All interest on moneys in the fund shall be credited to the fund. The moneys in the fund shall be administered by the State Treasurer, to be held thereby in the fund until appropriated by law. Not later than July 21, 1986, and periodically thereafter, the State Treasurer shall certify to the Legislature the total amount of moneys in the fund.

41. Section 4 of P.L.1996, c.72 (C.52:18A-218) is amended to read as follows:

C.52:18A-218 Korean Veterans' Memorial Fund.

4. There is created in the Department of the Treasury, a fund to be known as the Korean Veterans' Memorial Fund. The fund shall be credited with any moneys that may be donated by members of the public, the money appropriated to the fund under section 6 of P.L.1996, c.72 and any other moneys appropriated to the fund by law. All interest on moneys in the fund shall be credited to the fund. The moneys in the fund shall be administered by the State Treasurer, to be held thereby in the fund until appropriated by law. Not later than January 22, 1997, and periodically thereafter, the State Treasurer shall certify to the Legislature the total amount of moneys in the fund.

42. Section 8 of P.L.2007, c.56 (C.52:18A-226) is amended to read as follows:

C.52:18A-226 Definitions relative to Office of Information Technology.

8. As used in this act:
- a. (Deleted by amendment, P.L.2013, c.253)
 - b. (Deleted by amendment, P.L.2013, c.253)
 - c. "Office" means the Office of Information Technology established by section 9 of P.L.2007, c.56 (C.52:18A-227).
 - d. "Project Review Board" means the New Jersey Information Technology Project Review Board established by section 14 of P.L.2007, c.56 (C.52:18A-232).

43. Section 9 of P.L.2007, c.56 (C.52:18A-227) is amended to read as follows:

C.52:18A-227 Office of Information Technology.

9. a. There is established an Office of Information Technology.
- b. The office shall be established in the Executive Branch of State Government and to comply with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the office shall be allocated in but not of the Department of the Treasury. Notwithstanding this allocation, the office shall be independent of any supervision or control by the State Treasurer, or the department, or by any division, board, office, or other officer thereof.
- c. The office shall be directed by the Chief Technology Officer, who shall report directly to the Governor.

d. The Chief Technology Officer shall submit requests for the budget of the office to the Division of Budget and Accounting in the Department of the Treasury.

e. Under the direction of the Chief Technology Officer, the office shall be responsible for providing and maintaining the information technology infrastructure of the Executive Branch of State Government, including all ancillary departments and agencies of the Executive Branch of State Government.

f. The functions, powers, and duties granted to the office by Executive Order No. 84 of 1984, Executive Order No. 87 of 1998, and Executive Order No. 42 of 2006 shall be continued, and any function, power, or duty granted to the office by the Executive Orders that is inconsistent with the provisions of this act shall be rescinded.

44. Section 12 of P.L.2007, c.56 (C.52:18A-230) is amended to read as follows:

C.52:18A-230 Authority of Chief Technology Officer.

12. The Chief Technology Officer shall be authorized to:

a. Establish the internal organizational structure of the Office of Information Technology in a manner appropriate to carrying out the duties and functions, and fulfilling the responsibilities, of the office;

b. Coordinate and conduct all information technology operations in the Executive Branch of State Government, including agency technology operations;

c. Draft and establish Service Level Agreements with each department and agency in the Executive Branch of State Government;

d. Review and analyze the results of the Statewide Information Technology Assessment Study; and

e. Enter into agreements, in accordance and consistent with applicable law, regulations, and existing contracts, with private and public entities or individuals to effectuate the purposes of sections 6 through 16 of P.L.2007, c.56 (C.52:18A-224 through C.52:18A-234).

45. Section 13 of P.L.2007, c.56 (C.52:18A-231) is amended to read as follows:

C.52:18A-231 Deputy Chief Technology Officers.

13. a. The Chief Technology Officer is authorized to appoint up to six Deputy Chief Technology Officers.

b. Each Deputy Chief Technology Officer shall be appointed by and serve at the pleasure of the Chief Technology Officer, and shall be responsible for information technology planning, coordination, budgeting, technical architecture, and management of large-scale information technology initiatives, in a single area of interest as determined by the Chief Technology Officer.

46. Section 14 of P.L.2007, c.56 (C.52:18A-232) is amended to read as follows:

C.52:18A-232 New Jersey Information Technology Project Review Board.

14. a. There is established the New Jersey Information Technology Project Review Board.

b. The Project Review Board shall report directly to the Chief Technology Officer and shall be comprised of between three and five Executive Branch officials, selected by the Governor.

c. The Project Review Board shall be responsible for the review, approval, and monitoring of large-scale information technology projects in the Executive Branch of State Government.

d. The Project Review Board shall meet at the discretion of the Chief Technology Officer or the Governor, and shall convene meetings and hearings at the times and in the places as a majority of the members of the board shall decide.

e. The Office of Information Technology shall provide such stenographic, clerical, and other administrative assistants, and such professional staff, as the Project Review Board requires to carry out its work. The board 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.

f. The Governor shall define the extent of large-scale information technology projects and establish a monetary threshold for information technology projects requiring the review and approval of the Project Review Board.

47. Section 16 of P.L.2007, c.56 (C.52:18A-234) is amended to read as follows:

C.52:18A-234 Cooperation required.

16. All Executive Branch departments and State agencies are directed to cooperate fully with the Office of Information Technology and the Chief

Technology Officer to implement the provisions of sections 6 through 16 of P.L.2007, c.56 (C.52:18A-224 through C.52:18A-234) and to ensure effective use of information technology within the Executive Branch of State Government.

The Governor shall define and establish the overall direction, standards, and priorities for the information technology community in the Executive Branch of State Government.

48. Section 6 of P.L.1966, c.293 (C.52:27D-6) is amended to read as follows:

C.52:27D-6 Organization of department.

6. (a) There is hereby established in the Department of Community Affairs an Office of Community Services, a Division of Local Finance, a Division of Housing and Urban Renewal, a Division of State and Regional Planning, a Division on Aging, a Division of Youth, and an Office of Economic Opportunity.

The commissioner also shall have authority to organize and maintain in the commissioner's offices an administrative division and to assign to employment therein such secretarial, clerical and other assistants in the department as his office and the internal operations of the department shall require.

(b) In addition, the commissioner shall have the authority to reorganize the department and the several divisions, offices, bureaus and agencies established therein, in any manner which he deems to be necessary and desirable.

49. Section 20 of P.L.1985, c.222 (C.52:27D-320) is amended to read as follows:

C.52:27D-320 "New Jersey Affordable Housing Trust Fund."

20. There is established in the Department of Community Affairs a separate trust fund, to be used for the exclusive purposes as provided in this section, and which shall be known as the "New Jersey Affordable Housing Trust Fund." The fund shall be a non-lapsing, revolving trust fund, and all monies deposited or received for purposes of the fund shall be accounted for separately, by source and amount, and remain in the fund until appropriated for such purposes. The fund shall be the repository of all State funds appropriated for affordable housing purposes, including, but not limited to, the proceeds from the receipts of the additional fee collected pursuant to paragraph (2) of subsection a. of section 3 of P.L.1968, c.49 (C.46:15-7), proceeds from available receipts of the Statewide non-residential development fees collected pursuant to section 35 of P.L.2008, c.46 (C.40:55D-8.4), monies lapsing or reverting from municipal development trust funds,

or other monies as may be dedicated, earmarked, or appropriated by the Legislature for the purposes of the fund. All references in any law, order, rule, regulation, contract, loan, document, or otherwise, to the "Neighborhood Preservation Nonlapsing Revolving Fund" shall mean the "New Jersey Affordable Housing Trust Fund." The department shall be permitted to utilize annually up to 7.5 percent of the monies available in the fund for the payment of any necessary administrative costs related to the administration of the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), or any costs related to administration of P.L.2008, c.46 (C.52:27D-329.1 et al.).

a. Except as permitted pursuant to subsection g. of this section, and by section 41 of P.L.2009, c.90 (C.52:27D-320.1), the commissioner shall award grants or loans from this fund for housing projects and programs in municipalities whose housing elements have received substantive certification from the council, in municipalities receiving State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.), in municipalities subject to a builder's remedy as defined in section 28 of P.L.1985, c.222 (C.52:27D-328) or in receiving municipalities in cases where the council has approved a regional contribution agreement and a project plan developed by the receiving municipality.

Of those monies deposited into the "New Jersey Affordable Housing Trust Fund" that are derived from municipal development fee trust funds, or from available collections of Statewide non-residential development fees, a priority for funding shall be established for projects in municipalities that have petitioned the council for substantive certification.

Programs and projects in any municipality shall be funded only after receipt by the commissioner of a written statement in support of the program or project from the municipal governing body.

b. The commissioner shall establish rules and regulations governing the qualifications of applicants, the application procedures, and the criteria for awarding grants and loans and the standards for establishing the amount, terms and conditions of each grant or loan.

c. For any period which the council may approve, the commissioner may assist affordable housing programs which are not located in municipalities whose housing elements have been granted substantive certification or which are not in furtherance of a regional contribution agreement; provided that the affordable housing program will meet all or part of a municipal low and moderate income housing obligation.

d. Amounts deposited in the "New Jersey Affordable Housing Trust Fund" shall be targeted to regions based on the region's percentage of the State's low and moderate income housing need as determined by the coun-

cil. Amounts in the fund shall be applied for the following purposes in designated neighborhoods:

(1) Rehabilitation of substandard housing units occupied or to be occupied by low and moderate income households;

(2) Creation of accessory apartments to be occupied by low and moderate income households;

(3) Conversion of non-residential space to residential purposes; provided a substantial percentage of the resulting housing units are to be occupied by low and moderate income households;

(4) Acquisition of real property, demolition and removal of buildings, or construction of new housing that will be occupied by low and moderate income households, or any combination thereof;

(5) Grants of assistance to eligible municipalities for costs of necessary studies, surveys, plans and permits; engineering, architectural and other technical services; costs of land acquisition and any buildings thereon; and costs of site preparation, demolition and infrastructure development for projects undertaken pursuant to an approved regional contribution agreement;

(6) Assistance to a local housing authority, nonprofit or limited dividend housing corporation or association or a qualified entity acting as a receiver under P.L.2003, c.295 (C.2A:42-114 et al.) for rehabilitation or restoration of housing units which it administers which: (a) are unusable or in a serious state of disrepair; (b) can be restored in an economically feasible and sound manner; and (c) can be retained in a safe, decent and sanitary manner, upon completion of rehabilitation or restoration; and

(7) Other housing programs for low and moderate income housing, including, without limitation, (a) infrastructure projects directly facilitating the construction of low and moderate income housing not to exceed a reasonable percentage of the construction costs of the low and moderate income housing to be provided and (b) alteration of dwelling units occupied or to be occupied by households of low or moderate income and the common areas of the premises in which they are located in order to make them accessible to handicapped persons.

e. Any grant or loan agreement entered into pursuant to this section shall incorporate contractual guarantees and procedures by which the division will ensure that any unit of housing provided for low and moderate income households shall continue to be occupied by low and moderate income households for at least 20 years following the award of the loan or grant, except that the division may approve a guarantee for a period of less than 20 years where necessary to ensure project feasibility.

f. Notwithstanding the provisions of any other law, rule or regulation to the contrary, in making grants or loans under this section, the department shall not require that tenants be certified as low or moderate income or that contractual guarantees or deed restrictions be in place to ensure continued low and moderate income occupancy as a condition of providing housing assistance from any program administered by the department, when that assistance is provided for a project of moderate rehabilitation if the project (1) contains 30 or fewer rental units and (2) is located in a census tract in which the median household income is 60 percent or less of the median income for the housing region in which the census tract is located, as determined for a three person household by the council in accordance with the latest federal decennial census. A list of eligible census tracts shall be maintained by the department and shall be adjusted upon publication of median income figures by census tract after each federal decennial census.

g. In addition to other grants or loans awarded pursuant to this section, and without regard to any limitations on such grants or loans for any other purposes herein imposed, the commissioner shall annually allocate such amounts as may be necessary in the commissioner's discretion, and in accordance with section 3 of P.L.2004, c.140 (C.52:27D-287.3), to fund rental assistance grants under the program created pursuant to P.L.2004, c.140 (C.52:27D-287.1 et al.). Such rental assistance grants shall be deemed necessary and authorized pursuant to P.L.1985, c.222 (C.52:27D-301 et al.), in order to meet the housing needs of certain low income households who may not be eligible to occupy other housing produced pursuant to P.L.1985, c.222 (C.52:27D-301 et al.).

h. The department and the State Treasurer shall submit the "New Jersey Affordable Housing Trust Fund" for an audit annually by the State Auditor or State Comptroller, at the discretion of the Treasurer. In addition, the department shall prepare an annual report for each fiscal year, and submit it by November 30th of each year to the Governor and the Legislature, and the Joint Committee on Housing Affordability, or its successor, and post the information to its web site, of all activity of the fund, including details of the grants and loans by number of units, number and income ranges of recipients of grants or loans, location of the housing renovated or constructed using monies from the fund, the number of units upon which affordability controls were placed, and the length of those controls. The report also shall include details pertaining to those monies allocated from the fund for use by the State rental assistance program pursuant to section 3 of P.L.2004, c.140 (C.52:27D-287.3) and subsection g. of this section.

i. The commissioner may award or grant the amount of any appropriation deposited in the "New Jersey Affordable Housing Trust Fund" pursuant to section 41 of P.L.2009, c.90 (C.52:27D-320.1) to municipalities pursuant to the provisions of section 39 of P.L.2009, c.90 (C.40:55D-8.8).

50. Section 2 of P.L.1986, c.103 (C.52:27D-331) is amended to read as follows:

C.52:27D-331 Findings, declarations.

2. The Legislature finds and declares that: continuing care retirement communities are becoming an important and increasingly preferred alternative for the long-term residential, social and health care needs of New Jersey's senior citizens; because senior citizens often expend a significant portion of their savings in order to purchase care in the retirement community and thereby expect to receive care at the retirement community for the rest of their lives, tragic consequences can result to senior citizens when a continuing care provider becomes insolvent or unable to provide responsible care; and there is a need for full disclosure concerning the terms of agreements made between prospective residents and the continuing care providers and the operations of the providers; therefore, it is the policy of this State that providers of continuing care shall register with and be monitored by the State Department of Community Affairs.

51. Section 19 of P.L.2004, c.120 (C.54:1-85) is amended to read as follows:

C.54:1-85 Distribution of funds; definitions.

19. a. (1) (Deleted by amendment, P.L.2013, c.253)

(2) (Deleted by amendment, P.L.2013, c.253)

b. The "Highlands Municipal Property Tax Stabilization Fund" is established in the General Fund as a special nonlapsing fund for the purpose of providing State aid to qualified municipalities pursuant to this section. There shall be credited each State fiscal year from the "Highlands Protection Fund" created pursuant to section 21 of P.L.2004, c.120 (C.13:20-19) to the Highlands Municipal Property Tax Stabilization Fund such sums as shall be necessary to provide State aid to qualified municipalities pursuant to this section. Every qualified municipality shall be eligible for a distribution from the fund pursuant to the provisions of this section.

c. The assessor of every qualified municipality shall certify to the county tax board on a form to be prescribed by the Director of the Division of Taxation in the Department of the Treasury, and on or before December

1 annually, a report of the assessed value of each parcel of vacant land in the base year and the change in the assessed value of each such parcel in the current tax year attributable to successful appeals of assessed values of vacant land to the county tax board pursuant to R.S.54:3-21 et seq. or attributable to a revaluation approved by the director and implemented or a reassessment approved by the county board of taxation. If a judgment or an appeal is overturned or modified, upon a final judgment an appropriate adjustment shall be made by the director in the payment of the entitlement due next following the judgment.

d. (1) Upon receipt of reports filed pursuant to subsection c. of this section, the county tax board shall compute and certify to the director on or before December 20 of each year, in such manner as to identify for each qualified municipality the aggregate decline, if any, in the true value of vacant land, comparing the current tax year to the base year. The aggregate changes so identified for each qualified municipality shall constitute its valuation base for purposes of this section.

(2) (Deleted by amendment, P.L.2013, c.253)

(3) (Deleted by amendment, P.L.2013, c.253)

e. The State Treasurer shall certify to each qualified municipality, on or before February 15, its property tax stabilization amount. A copy of the certified amounts shall be forwarded to the Director of the Division of Local Government Services in the Department of Community Affairs.

f. (1) The State Treasurer, upon warrant of the Director of the Division of Budget and Accounting in the Department of the Treasury, shall pay to each qualified municipality its entitlement as State aid from the sums available in the "Highlands Municipal Property Tax Stabilization Fund" in two equal installments pursuant to a schedule prescribed by the Division of Local Government Services.

(2) If the amount available in the "Highlands Municipal Property Tax Stabilization Fund" in any year is insufficient to pay the full amount to which each qualified municipality is entitled pursuant to this section, the payments shall be made on a pro rata basis.

(3) Notwithstanding any provisions of this section to the contrary, in the sixth, seventh, eighth, ninth, and tenth years of the State aid program created by this section, a qualified municipality shall be entitled to receive, respectively, 90%, 70%, 50%, 30%, and 10% of the sum it otherwise would have been paid pursuant to this subsection, and thereafter the program shall expire.

g. Any municipality receiving a certification from the State Treasurer pursuant to subsection e. of this section shall anticipate such sums in its

annual budget or any amendments or supplements thereto as a direct offset to the amount to be raised by taxation.

h. The Director of the Division of Taxation in reviewing the reports filed pursuant to subsection c. of this section may make such changes therein as the director deems necessary to ensure that the reports accurately reflect the change in the assessed value of vacant land.

i. The Director of the Division of Local Government Services shall make such changes in the budget of any qualified municipality to ensure that all sums received pursuant to this section are utilized as a direct offset to the amount to be raised by taxation and shall make such changes therein as the director deems necessary to ensure that the offset occurs.

j. Any sum received by a qualified municipality pursuant to this section shall not be considered as an exception or exemption under P.L.1976, c.68 (C.40A:4-45.1 et seq.).

k. Notwithstanding the provisions of the "Local Budget Law" (N.J.S.40A:4-1 et seq.), a qualified municipality which is due a property tax stabilization payment pursuant to this section may anticipate the amount of the entitlement in its annual budget for the year in which the payment is made.

l. The State Treasurer may deduct from the State aid a municipality would otherwise receive pursuant to this section an amount equivalent to that portion of any sums received by a municipality pursuant to section 1 of P.L.1999, c.225 (C.58:29-8) that the State Treasurer, in consultation with the Director of the Division of Local Government Services, determines to be duplicative of any State aid received pursuant to this section.

m. The Director of the Division of Taxation and the Director of the Division of Local Government Services shall each adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary to implement the provisions of this section.

n. As used in this section:

"Base year" means the calendar year 2003;

"Current tax year" means the most recent year for which a report is filed pursuant to subsection c. of this section;

"Highlands preservation area" means the preservation area of the Highlands Region designated by subsection b. of section 7 of P.L.2004, c.120 (C.13:20-7);

"Qualified municipality" means any municipality located wholly or partially in the Highlands preservation area, provided however, that after the adoption of the Highlands regional master plan by the Highlands Water Protection

and Planning Council pursuant to section 8 of P.L.2004, c.120 (C.13:20-8), qualified municipality shall mean only a municipality that has conformed its municipal master plan and development regulations to the Highlands regional master plan pursuant to section 14 of P.L.2004, c.120 (C.13:20-14);

“Tax rate” means that portion of the effective property tax rate for the current tax year which reflects local taxes to be raised for district school purposes and local municipal purposes, calculated by dividing the total of column 12, section C by net valuation on which county taxes are apportioned in column 11, both as reflected in the Abstract of Ratables for the current tax year, and expressed as a rate per \$100 of true value;

“True value of vacant land” or “true value” means the aggregate assessed value of vacant land divided by the average ratio of assessed-to-true value of real property (commonly known as the equalization rate) promulgated by the Director of the Division of Taxation in the Department of the Treasury and published in the table of equalized valuation; and

“Valuation base” means the change in the aggregate true value of vacant land directly attributable to the implementation of the “Highlands Water Protection and Planning Act,” P.L.2004, c.120 (C.13:20-1 et al.) in a qualified municipality when comparing the current tax year to the base year.

o. This section shall expire July 1 next following one year after the date the last State aid payment is made to a qualified municipality in the tenth year as provided pursuant to paragraph (3) of subsection f. of this section.

52. Section 2 of P.L.1999, c.92 (C.54A:9-25.16) is amended to read as follows:

C.54A:9-25.16 Appropriation of funds deposited.

2. The Legislature shall annually appropriate all funds deposited in the "Korean Veterans' Memorial Fund" to the Department of Military and Veterans' Affairs.

53. Section 3 of P.L.1967, c.76 (C.55:13A-3) is amended to read as follows:

C.55:13A-3 Definitions.

3. The following terms whenever used or referred to in P.L.1967, c.76 (C.55:13A-1 et seq.) shall have the following respective meanings for the purposes thereof, except in those instances where the context clearly indicates otherwise:

(a) The term "act" shall mean P.L.1967, c.76 (C.55:13A-1 et seq.), any amendments or supplements thereto, and any rules and regulations promulgated thereunder.

(b) The term "accessory building" shall mean any building which is used in conjunction with the main building of a hotel, whether separate therefrom or adjoining thereto.

(c) (Deleted by amendment, P.L.2013, c.253.)

(d) The term "bureau" shall mean the Bureau of Housing Inspection in the Department of Community Affairs.

(e) (Deleted by amendment.)

(f) The term "commissioner" shall mean the Commissioner of Community Affairs.

(g) The term "department" shall mean the Department of Community Affairs.

(h) The term "unit of dwelling space" or the term "dwelling unit" shall mean any room or rooms, or suite or apartment 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, including but not limited to the owner thereof, or any of the person's or persons' servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy thereof.

(i) The term "protective equipment" shall mean any equipment, device, system or apparatus, whether manual, mechanical, electrical or otherwise, permitted or required by the commissioner to be constructed or installed in any hotel or multiple dwelling for the protection of the occupants or intended occupants thereof, or of the public generally.

(j) The term "hotel" shall mean any building, including but not limited to any related structure, accessory building, and land appurtenant thereto, and any part thereof, which contains 10 or more units of dwelling space or has sleeping facilities for 25 or more persons and is kept, used, maintained, advertised as, or held out to be, a place where sleeping or dwelling accommodations are available to transient or permanent guests.

This definition shall also mean and include any hotel, motor hotel, motel, or established guesthouse, which is commonly regarded as a hotel, motor hotel, motel, or established guesthouse, as the case may be, in the community in which it is located; provided, that this definition shall not be construed to include any building or structure defined as a multiple dwelling in P.L.1967, c.76 (C.55:13A-1 et seq.), registered as a multiple dwelling with the Commissioner of Community Affairs as hereinafter provided, and oc-

cupied or intended to be occupied as such nor shall this definition be construed to include a rooming house or a boarding house as defined in the "Rooming and Boarding House Act of 1979," P.L.1979, c.496 (C.55:13B-1 et al.) or, except as otherwise set forth in P.L.1987, c.270 (C.55:13A-7.5, 55:13A-7.6, 55:13A-12.1, 55:13A-13.2), any retreat lodging facility, as defined in this section.

(k) The term "multiple dwelling" shall mean any building or structure of one or more stories and any land appurtenant thereto, and any portion thereof, in which three or more units of dwelling space are occupied, or are intended to be occupied by three or more persons who live independently of each other. This definition shall also mean any group of ten or more buildings on a single parcel of land or on contiguous parcels under common ownership, in each of which two units of dwelling space are occupied or intended to be occupied by two persons or households living independently of each other, and any land appurtenant thereto, and any portion thereof. This definition shall not include:

(1) any building or structure defined as a hotel in P.L.1967, c.76 (C.55:13A-1 et seq.), or registered as a hotel with the Commissioner of Community Affairs as hereinafter provided, or occupied or intended to be occupied exclusively as such;

(2) a building section containing not more than four dwelling units, provided the building has at least two exterior walls unattached to any adjoining building section and the dwelling units are separated exclusively by walls of such fire-resistant rating as comports with the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) at the time of their construction or with a rating as shall be established by the bureau in conformity with recognized standards and the building is held under a condominium or cooperative form of ownership, or by a mutual housing corporation, provided that if any units within such a building section are not occupied by an owner of the unit, then that unit and the common areas within that building section shall not be exempted from the definition of a multiple dwelling for the purposes of P.L.1967, c.76 (C.55:13A-1 et seq.). A condominium association, or a cooperative or mutual housing corporation shall provide the bureau with any information necessary to justify an exemption for a dwelling unit pursuant to this paragraph; or

(3) any building of three stories or less, owned or controlled by a non-profit corporation organized under any law of this State for the primary purpose to provide for its shareholders or members housing in a retirement community as same is defined under the provisions of the "Retirement Community Full Disclosure Act," P.L.1969, c.215 (C.45:22A-1 et seq.),

provided that the corporation meets the requirements of section 2 of P.L.1983, c.154 (C.55:13A-13.1).

(l) The term "owner" shall mean the person who owns, purports to own, or exercises control of any hotel or multiple dwelling. The term "owner" shall also mean and include any person who owns, purports to own, or exercises control over three or more dwelling units within a multiple dwelling.

(m) The term "person" shall mean any individual, corporation, association, or other entity, as defined in R.S.1:1-2.

(n) The term "continuing violation" shall mean any violation of P.L.1967, c.76 (C.55:13A-1 et seq.) or any regulation promulgated thereunder, where notice is served within two years of the date of service of a previous notice and where violation, premise and person cited in both notices are substantially identical.

(o) The term "project" shall mean a group of buildings subject to the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.), which are or are represented to be under common or substantially common ownership and which stand on a single parcel of land or parcels of land which are contiguous and which group of buildings is named, designated or advertised as a common entity. The contiguity of such parcels shall not be adversely affected by public rights-of-way incidental to such buildings.

(p) The term "mutual housing corporation" means a corporation not-for-profit incorporated under the laws of New Jersey on a mutual or cooperative basis within the scope of Title VI, s.607 of the "Lanham Public War Housing Act," 54 Stat. 1125, 42 U.S.C. s.1501 et seq., as amended, which acquired a National Defense Housing Project pursuant to said act.

(q) "Condominium" means the form of ownership so defined in the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.).

(r) "Cooperative" means a housing corporation or association which entitles the holder of a share or membership interest thereof to possess and occupy for dwelling purposes a house, apartment or other structure owned or leased by said corporation or association, or to lease or purchase a dwelling constructed or to be constructed by said corporation or association.

(s) "Retreat lodging facility" means a building or structure, including but not limited to any related structure, accessory building, and land appurtenant thereto, and any part thereof, owned by a nonprofit corporation or association which has tax-exempt charitable status under the federal Internal Revenue Code and which has sleeping facilities used exclusively on a transient basis by persons participating in programs of a religious, cultural or educational nature, conducted under the sole auspices of one or more

corporations or associations having tax-exempt charitable status under the federal Internal Revenue Code, which are made available without any mandatory charge to such participants.

54. Section 5 of P.L.1967, c.76 (C.55:13A-5) is amended to read as follows:

C.55:13A-5 Board of Housing Inspection abolished; powers, functions, duties transferred.

5. (a) The Board of Housing Inspection heretofore constituted in the Division of Housing and Urban Renewal in the Department of Community Affairs by section 23 of chapter 293 of the laws of 1966 is hereby abolished, except that the powers, functions and duties of said Board of Housing Inspection are hereby transferred to and vested in the commissioner.

(b) The office of supervisor of hotel fire safety heretofore constituted in the Bureau of Housing Inspection of the Division of Housing and Urban Renewal in the Department of Community Affairs by section 24 of chapter 293 of the laws of 1966 is hereby abolished, except that the powers, functions and duties of said office of supervisor of hotel fire safety are hereby transferred to and vested in the commissioner.

55. Section 6 of P.L.1967, c.76 (C.55:13A-6) is amended to read as follows:

C.55:13A-6 Powers of commissioner.

6. The commissioner is hereby granted and shall have and exercise, in addition to other powers herein granted, all the powers necessary and appropriate to carry out and execute the purposes of P.L.1967, c.76 (C.55:13A-1 et seq.), including but not limited to, the power:

(a) To provide owners or groups of owners with such advisory consultation and educational services as will assist said owners or groups of owners to discharge their responsibilities under P.L.1967, c.76 (C.55:13A-1 et seq.), and to suggest to said owners or groups of owners methods and procedures by which they may develop and implement health and safety programs;

(b) To enter and inspect, without prior notice, any hotel or multiple dwelling as provided by P.L.1967, c.76 (C.55:13A-1 et seq.), and to make such investigation as is reasonably necessary to carry out the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.);

(c) To administer and enforce the provisions of existing law, and any amendments and supplements thereto, and any rules or regulations promul-

gated thereunder, concerning the regulation of multiple dwellings, also commonly known as tenements, and hotels;

(d) To issue subpoenas to any person subject to P.L.1967, c.76 (C.55:13A-1 et seq.) which shall compel attendance at any hearing as a witness and shall compel production of such reports, documents, books or papers, in any part of the State before the commissioner or a member of the department designated by the commissioner, as the commissioner may deem necessary to implement the purposes of P.L.1967, c.76 (C.55:13A-1 et seq.). In any case where a person neglects or refuses to obey the command of such subpoena, the commissioner may apply ex parte to the Superior Court for an order compelling a person to testify or to produce files, books, papers, documents or other objects in accordance with the subpoena issued by the commissioner and, in addition, said person shall be subject to a penalty of \$100,000.00 for each instance in which the person does not comply with the subpoena issued by the commissioner, said penalty to be recovered pursuant to section 18 of P.L.1967, c.76 (C.55:13A-18);

(e) To issue and promulgate such rules and regulations as the commissioner may deem necessary to implement the purposes of P.L.1967, c.76 (C.55:13A-1 et seq.), which rules and regulations shall have the force and effect of law until revised, repealed or amended from time to time by the commissioner in the exercise of the commissioner's discretion; provided, that any such rules and regulations shall be filed with the Office of Administrative Law;

(f) To enforce and administer the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.), enter complaints against any person violating the provisions thereof, and to prosecute or cause to be prosecuted violations of the provisions thereof in administrative hearings and civil actions in State or local courts;

(g) To assess penalties and to compromise and settle any claim for a penalty for any violation of the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.) in such amount in the discretion of the commissioner as may appear appropriate and equitable under all of the circumstances of said violation in any of the actions or proceedings mentioned in subsection (f) of this section;

(h) To institute an in rem action against the property upon which a violation exists in cases where the owner, after diligent effort, cannot be served;

(i) To institute a quasi in rem action against the owner by attachment of the property upon which a violation exists, followed by service by publication, in cases where the owner, after diligent effort, cannot be served;

(j) To hold and exercise all the rights and remedies available to a judgment creditor where a judgment lien arises as a result of a penalty action or an administrative proceeding taken pursuant to enforcement of P.L.1967, c.76 (C.55:13A-1 et seq.); and

(k) To adopt, amend and repeal rules concerning the qualifications and licensing of persons employed by local agencies and municipalities to enforce this amendatory and supplementary act and fees to cover the cost of any licensing program.

56. Section 13 of P.L.1967, c.76 (C.55:13A-13) is amended to read as follows:

C.55:13A-13 Inspection; fees.

13. (a) Each multiple dwelling and each hotel shall be inspected at least once in every five years for the purpose of determining the extent to which each hotel or multiple dwelling complies with the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.) and regulations promulgated hereunder.

(b) Within 90 days of the most recent inspection, the owner of each hotel shall file with the commissioner, upon forms provided by the commissioner, an application for a certificate of inspection. Said application shall include such information as the commissioner shall prescribe to enforce the provisions of this law. Said application shall be accompanied by a fee as follows: \$15 per unit of dwelling space for the first 20 units of dwelling space in any building or project, \$12 per unit of dwelling space for the 21st through 100th unit in any building or project, \$8 per unit of dwelling space for the 101st through 250th unit in any building or project, and \$5 per unit of dwelling space for all units over 250 in any building or project, except that in the case of hotels open and operating less than six months in each year the fee shall be one-half that which would otherwise be required. A certificate of inspection and the fees therefor shall not be required more often than once every five years.

Additionally, there shall be reinspection fees for hotels in the amount of \$10 for each dwelling unit reinspected.

Within 90 days of the most recent inspection of any multiple dwelling occupied or intended to be occupied by three or more persons living independently of each other, the owner of each such multiple dwelling shall file with the commissioner, upon forms provided by the commissioner, an application for a certificate of inspection. Said application shall include such information as the commissioner shall prescribe to enforce the provisions of this law. Said application shall be accompanied by a fee of \$33 per unit

of dwelling space for the first 7 units in any building or project, \$21 per unit of dwelling space for the 8th through the 24th unit in any building or project, \$18 per unit for the 25th through the 48th unit in any building or project, and \$12 per unit of dwelling space for all units of dwelling space over 48 in any building or project, provided that the maximum total fee for owner-occupied three-unit multiple dwellings shall be limited to \$65 for owners having a household income that is less than 80 percent of the median income for households of similar size in the county in which the multiple dwelling is located, and the maximum total fee for owner-occupied four-unit multiple dwellings shall be limited to \$80 for owners having a household income that is less than 80 percent of the median income for households of similar size in the county in which the multiple dwelling is located. A certificate of inspection and the fees therefor shall not be required more often than once every five years.

Additionally, there shall be reinspection fees for multiple dwellings in the amount of \$40 for each dwelling unit reinspected, but only after the first reinspection.

The commissioner may waive the inspection fee for any unit upon a finding that the unit has been thoroughly inspected within the previous 12-month period under a municipal ordinance requiring inspection upon change of occupancy in accordance with the maintenance standards established by the commissioner under P.L.1967, c.76 (C.55:13A-1 et seq.), and has received a municipal certificate of occupancy as a result of that inspection.

If the commissioner finds that (1) a building has been thoroughly inspected prior to resale since the most recent inspection in accordance with this section, (2) the inspection prior to resale was conducted by the municipality in accordance with the maintenance standards established by the commissioner under P.L.1967, c.76 (C.55:13A-1 et seq.), and (3) a municipal certificate of occupancy was issued as a result of that inspection, the commissioner may accept the inspection done prior to resale in lieu of a current inspection under this section. If the commissioner accepts an inspection prior to resale in lieu of a current inspection, no fee shall be charged for any inspection done by the commissioner within five years after the date of the inspection so accepted.

(c) If the commissioner determines, as a result of the most recent inspection of any hotel or multiple dwelling as required by subsection (a) of this section, that any hotel or multiple dwelling complies with the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.) and regulations promulgated hereunder, then the commissioner shall issue to the owner thereof, upon receipt of the application and fee as required by subsection (b) of this section, a certificate

of inspection. Any owner to whom a certificate of inspection is issued shall keep said certificate posted in a conspicuous location in the hotel or multiple dwelling to which the certificate applies. The certificate of inspection shall be in such form as may be prescribed by the commissioner.

The commissioner may, upon finding a consistent pattern of compliance with the maintenance standards established under P.L.1967, c.76 (C.55:13A-1 et seq.) in at least 20 percent of the units in a building or project, issue a certificate of inspection for the building or project, in which case the inspection fee shall be charged on the basis of the number of units inspected.

The commissioner may by rule establish standards for self-inspection by condominium associations exercising control over buildings of not more than three stories, constructed after 1976, and certified by the local enforcing agency having jurisdiction as being in compliance with the Uniform Fire Code promulgated pursuant to P.L.1983, c.383 (C.52:27D-192 et seq.), in which at least 80 percent of the dwelling units are occupied by the unit owners. The commissioner shall issue a certificate of acceptance, which shall be in lieu of a certificate of inspection, upon acceptance of any such self-inspection and upon payment of a fee of \$25.

(d) If the commissioner determines, as a result of the most recent inspection of any hotel or multiple dwelling as required by subsection (a) of this section, that any hotel or multiple dwelling does not comply with the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.) and regulations promulgated thereunder, then the commissioner shall issue to the owner thereof a written notice stating the manner in which any such hotel or multiple dwelling does not comply with P.L.1967, c.76 (C.55:13A-1 et seq.) or regulations promulgated thereunder. Said notice shall fix such date, not less than 60 days nor more than 180 days, on or before which any such hotel or multiple dwelling must comply with the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.) and regulations promulgated thereunder. If any such hotel or multiple dwelling is made to comply with the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.) and regulations promulgated thereunder on or before the date fixed in said notice, then the commissioner shall issue to the owner thereof a certificate of inspection as described in subsection (c) of this section. If any such hotel or multiple dwelling is not made to comply with the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.) and regulations promulgated thereunder on or before the date fixed in said notice, then the commissioner shall not issue to the owner thereof a certificate of inspection as described in subsection (c) of this section, and shall enforce the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.) against the owner thereof.

(e) The commissioner shall annually review the cost of implementing and enforcing P.L.1967, c.76 (C.55:13A-1 et seq.), including the cost to municipalities of carrying out inspections pursuant to section 21 of P.L.1967, c.76 (C.55:13A-21), and shall establish by rule, not more frequently than once every three years, such fees as may be necessary to cover the costs of such implementation and enforcement; provided, however, that any increase or decrease shall be applied as a uniform percentage to each category of fee established herein, and provided, further, that the percentage amount of any increase shall not exceed the percentage increase in salaries paid to State employees since the then current fee schedule was established. The commissioner shall provide by rule to owners the option of paying inspection fees in installments in the form of an annual fee. The commissioner shall annually prepare and file with the presiding officers of the Senate and General Assembly and the legislative committees having jurisdiction in housing matters a report setting forth the amounts of fees and penalties received by the Bureau of Housing Inspection, the cost to the bureau of enforcing this act, and information concerning the productivity of the bureau. Copies of the report shall also be submitted to the Office of Administrative Law for publication in the New Jersey Register. If in any State fiscal year the fee revenue received by the bureau exceeds the cost of enforcement of P.L.1967, c.76 (C.55:13A-1 et seq.), the excess revenue shall be distributed pro rata to persons who paid inspection fees during that fiscal year. Such distribution shall be made within three months after the end of the fiscal year.

(f) Except as otherwise provided in section 2 of P.L.1991, c.179 (C.55:13A-26.1), the fees established by or pursuant to the provisions of this section are dedicated to meeting the costs of implementing and enforcing P.L.1967, c.76 (C.55:13A-1 et seq.) and shall not be used for any other purpose. All receipts in excess of \$2,200,000 are hereby appropriated for the purposes of P.L.1967, c.76 (C.55:13A-1 et seq.).

C.30:1-2.3a State Board of Human Services; abolished, functions, powers, duties; transferred.

57. a. The State Board of Human Services in the Department of Human Services, established as the State Board of Control of Institutions and Agencies pursuant to R.S.30:1-2 and continued as the State Board of Human Services pursuant to section 20 of P.L.1971, c.384 (C.30:1-2.2), is abolished; and all of its functions, powers, and duties are transferred to the Department of Human Services, subject to the provisions of P.L.2013, c.253 (C.30:1-2.3a et al.) and in accordance with the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

b. All appropriations and other monies available, and to become available, to the State Board of Human Services are continued in the Department of Human Services and shall be available for the objects and purposes for which these monies are appropriated, subject to the provisions of this act and any other terms, restrictions, limitations, or other requirements imposed by law.

c. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the State Board of Human Services, the same shall mean and refer to the Department of Human Services.

Repealer.

58. The following are repealed:

Section 6 of P.L.1994, c.128 (C.2C:7-11);

Sections 1 through 5 and 10 of P.L.1997, c.97 (C.12:6B-1 through C.12:6B-6);

Sections 1 and 3 through 19 of P.L.1966, c.291 (C.13:1C-1 and C.13:1C-3 through C.13:1C-19);

P.L.2008, c.82 (C.13:19-38 et seq.);

Section 16 of P.L.1996, c.45 (C.17:1-24);

Sections 9 and 10 of P.L.1993, c.327 (C.26:1A-36.13 and C.26:1A-36.14);

Sections 5 through 7 of P.L.2003, c.266 (C.26:2C-8.19 through C.26:2C-8.21);

P.L.1999, c.72 (C.26:2V-1 et seq.);

Sections 20 and 21 of P.L.1971, c.384 (C.30:1-2.2 and C.30:1-2.3);

Sections 21 and 24 of P.L.1976, c.98 (C.30:1B-21 and C.30:1B-23);

Section 3 of P.L.1950, c.166 (C.30:4B-3);

P.L.1947, c.252 (C.30:4-177.1 et seq.);

P.L.1997, c.402 (C.32:35-1 et seq.);

P.L.1997, c.87 (C.34:1A-81 et seq.);

P.L.1995, c.293 (C.34:1B-107 et seq.);

Section 6 of P.L.1997, c.97 (C.34:1B-140);

Section 21 of P.L.2008, c.27 (C.34:1B-230);

Section 22 of P.L.2008, c.27 (C.34:1B-231);

Section 26 of P.L.2008, c.27 (C.34:1B-235);

Section 30 of P.L.2003, c.13 (C.39:2A-30);

Section 12 of P.L.1941, c.220 (C.43:7-18);

Section 5 of P.L.1952, c.358 (C.43:16-6.1);

Section 17 of P.L.1999, c.356 (C.48:16-22.7);

P.L.1993, c.199 (C.52:9XX-1 et seq.);
P.L.1999, J.R.1 (C.52:14-15.111 et seq.);
Section 10 of P.L.2007, c.56 (C.52:18A-228);
Section 30 of P.L.1998, c.44 (C.52:27C-90);
Section 31 of P.L.1998, c.44 (C.52:27C-91);
Section 32 of P.L.1998, c.44 (C.52:27C-92);
Section 1 of P.L.1996, c.269 (C.52:27D-11);
Section 11 of P.L.1971, c.411 (C.52:27D-107);
Sections 21 through 30 of P.L.2008, c.46 (C.52:27D-329.10 through
C.52:27D-329.19);
P.L.1993, J.R.7;
P.L.1993, c.82;
Section 47 of P.L.1993, c.139;
P.L.1993, c.196;
P.L.1993, c.336;
P.L.1997, c.275;
P.L.1999, c.7;
Section 4 of P.L.2000, c.35;
P.L.2000, c.64;
Section 8 of P.L.2001, c.5;
Section 15 of P.L.2001, c.404;
P.L.2001, c.445;
P.L.2005, c.102;
P.L.2005, c.279;
P.L.2005, c.305;
P.L.2005, c.312;
Sections 1 through 3 of P.L.2005, c.321;
P.L.2005, c.339;
P.L.2005, J.R.8;
P.L.2007, c.173; and
Section 118 of P.L.2008, c.29.

59. The following boards, commissions, committees, and councils, however created, are hereby terminated:

The Advisory Council on Juvenile Justice; and
The Board of Family Development.

60. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 254

AN ACT concerning administration of vaccines by pharmacists and amending P.L.2003, c.280.

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

1. Section 24 of P.L.2003, c.280 (C.45:14-63) is amended to read as follows:

C.45:14-63 Administration of prescription medication directly to patient, immunizations.

24. a. No pharmacist shall administer a prescription medication directly to a patient without appropriate education or certification, as determined by the board in accordance with the requirements set forth in the rules jointly promulgated by the board and the State Board of Medical Examiners. Such medication shall only be for the treatment of a disease for which a nationally certified program is in effect, or as determined by the board, and only if utilized for the treatment of that disease for which the medication is prescribed or indicated or for which the collaborative drug therapy management permits.

b. (1) Notwithstanding any law, rule, or regulation to the contrary, a pharmacist may administer drugs to a patient 18 years of age or older, provided the pharmacist is appropriately educated and qualified, as determined by the board in accordance with the requirements set forth in the rules jointly promulgated by the board and the State Board of Medical Examiners, and provided the drugs are administered under any one of the following conditions:

(a) pursuant to a prescription by an authorized prescriber for a vaccine and related emergency medications;

(b) in immunization programs implemented pursuant to an authorized prescriber's standing order for the vaccine and related emergency medications; or

(c) in immunization programs and programs sponsored by governmental agencies that are not patient specific.

(2) A pharmacist may administer an influenza vaccine to a patient who is seven years of age or older. For a patient who is under 18 years of age, a pharmacist shall not administer a vaccine except with the permission of the patient's parent or legal guardian. For a patient who is under 12 years of

age, a pharmacist shall not administer a vaccine unless pursuant to a prescription by an authorized prescriber. Nothing in this subsection shall be construed to require a patient 12 years of age or older to obtain a prescription for an influenza vaccine.

2. This act shall take effect on the first day of the fourth month next following the date of enactment, except that the New Jersey State Board of Pharmacy and the State Board of Medical Examiners may take such anticipatory administrative action in advance thereof as may be necessary for the implementation of this act.

Approved January 17, 2014.

CHAPTER 255

AN ACT concerning municipal court and amending P.L. 2009, c.317.

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

1. Section 1 of P.L.2009, c.317 (C.2B:12-23.1) is amended to read as follows:

C.2B:12-23.1 Penalties payable in installments; alternative penalties.

1. a. Notwithstanding any other provision of law to the contrary, if a municipal court finds that a person does not have the ability to pay a penalty in full on the date of the hearing or has failed to pay a previously imposed penalty, the court may order the person to perform community service in lieu of the payment of a penalty; or, order the payment of the penalty in installments for a period of time determined by the court. If a person defaults on any payment and a municipal court finds that the defendant does not have the ability to pay, the court may:

(1) reduce the penalty, suspend the penalty, or modify the installment plan;

(2) order that credit be given against the amount owed for each day of confinement, if the court finds that the person has served jail time for the default;

(3) revoke any unpaid portion of the penalty, if the court finds that the circumstances that warranted the imposition have changed or that it would be unjust to require payment;

(4) order the person to perform community service in lieu of payment of the penalty; or

(5) impose any other alternative permitted by law in lieu of payment of the penalty.

b. For the purposes of this section, "penalty" means any fine, statutorily-mandated assessment, surcharge or other financial penalty imposed by a municipal court, except restitution or a surcharge assessed pursuant to subsection f. of section 1 of P.L.2000, c.75 (C.39:4-97.2).

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 256

AN ACT concerning employment information provided to certain students and supplementing chapter 15F of Title 34 of the Revised Statutes.

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

C.34:15F-17 Study, report on providing students with information and employment in high-demand industries.

1. The Commissioner of Education and the Commissioner of Labor and Workforce Development shall undertake a review of all existing efforts of their respective departments that provide middle and high school students with information concerning employment in high-demand industries and shall report directly to the Governor no later than three months after the effective date of this act on whether those efforts provide sufficient career guidance to such students.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 257

AN ACT concerning social media instruction in public school districts and supplementing chapter 35 of Title 18A of the New Jersey Statutes.

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

C.18A:35-4.27 Instruction on responsible use of social media.

1. a. Beginning with the 2014-2015 school year, each school district shall incorporate instruction on the responsible use of social media into the technology education curriculum for students in grades 6 through 8 as part of the district's implementation of the Core Curriculum Content Standards in Technology.

b. The instruction shall provide students with information on:

(1) the purpose and acceptable use of various social media platforms;

(2) social media behavior that ensures cyber safety, cyber security, and cyber ethics; and

(3) potential negative consequences, including cyber bullying, of failing to use various social media platforms responsibly.

c. The Commissioner of Education shall provide school districts with sample learning activities and resources designed to promote the responsible use of social media.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 258

AN ACT concerning certain fees charged by State departments and agencies and supplementing Title 52 of the Revised Statutes.

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

C.52:18-50 Certain State entities prohibited from charging certain fees.

1. Notwithstanding any law, rule, or regulation to the contrary, a State department, agency, board, bureau, authority, office, or any other entity or

instrumentality thereof, shall not impose a fee, fine, or penalty on any applicant who has completed and submits an application for a permit, certificate, or any other purpose, when that fee or penalty is imposed solely to correct clerical errors made by the applicant on the application. Nothing herein shall be construed to impair the State entity's ability to impose any fee, fine or penalty permitted by law or regulation on any applicant due to the applicant's provision of false, misleading, or fraudulent information on an application completed and submitted for a permit, certificate, or any other purpose.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 259

AN ACT concerning the use of electronic technology in agency rule-making, and amending P.L.1968, c.410.

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

1. Section 2 of P.L.1968, c.410 (C.52:14B-2) is amended to read as follows:

C.52:14B-2 Definitions.

2. As used in this act:

"Administrative adjudication" or "adjudication" includes any and every final determination, decision, or order made or rendered in any contested case.

"Administrative rule" or "rule," when not otherwise modified, means each agency statement of general applicability and continuing effect that implements or interprets law or policy, or describes the organization, procedure or practice requirements of any agency. The term includes the amendment or repeal of any rule, but does not include: (1) statements concerning the internal management or discipline of any agency; (2) intra-agency and inter-agency statements; and (3) agency decisions and findings in contested cases.

"Contested case" means a proceeding, including any licensing proceeding, in which the legal rights, duties, obligations, privileges, benefits or other legal relations of specific parties are required by constitutional right or by statute to be determined by an agency by decisions, determinations, or orders, addressed to them or disposing of their interests, after opportunity for an agency hearing, but shall not include any proceeding in the Division of Taxation, Department of the Treasury, which is reviewable de novo by the Tax Court.

"Director" means the Director and Chief Administrative Law Judge of the Office of Administrative Law, unless otherwise indicated by context.

"Electronic mailing list" means a computer program that allows agency website visitors, at their discretion, to subscribe to, or unsubscribe from, an e-mail discussion group or e-mail mailing list controlled by the agency, and which program enables the agency to automatically send e-mail messages to multiple e-mail addresses on the user-generated subscriber list.

"Head of the agency" means and includes the individual or group of individuals constituting the highest authority within any agency authorized or required by law to render an adjudication in a contested case.

"License" includes the whole or part of any agency license, permit, certificate, approval, chapter, registration or other form of permission required by law.

"Secretary" means the Secretary of State.

"State agency" or "agency" shall include each of the principal departments in the executive branch of the State Government, and all boards, divisions, commissions, agencies, departments, councils, authorities, offices or officers within any such departments now existing or hereafter established and authorized by statute to make, adopt or promulgate rules or adjudicate contested cases, except the office of the Governor.

"URL address" means a Uniform Resource Locator address, which is used for the purposes of Internet navigation and is commonly referred to as a website link, and which uses a protocol, such as "http", and a domain name to identify, and provide website visitors with direct access to, a particular Internet file or website page.

C.52:14B-31 Information required to be posted on State agency website.

2. a. Notwithstanding any law, rule, or regulation to the contrary, each State agency shall post, in a visible and publicly-accessible location on the agency's Internet website:

(1) the complete and current text of each State law under which the agency is granted its authority, and the complete and current text of each

rule or regulation that has been adopted by the agency, or that is proposed for, or is pending, agency adoption; or

(2) one or more URL addresses, which provide visitors to the agency's website with a direct link to the complete and current text of the documents listed in paragraph (1) of this subsection.

b. (1) An agency shall make regular and timely updates to the full text documents and URL addresses posted on its Internet website pursuant to subsection a. of this section, and shall take any other reasonable action necessary to ensure that the posted documents and URL addresses accurately reflect, or are directly linked to, as the case may be, the most recent version of the associated law, rule, or regulation, including any amendments or supplements thereto, or repeals thereof. The agency shall indicate on its Internet website, the frequency with which updates are made pursuant to this paragraph.

(2) An agency that posts one or more URL addresses on its Internet website pursuant to subsection a. of this section shall additionally: (a) verify, on a regular basis, the functionality of each URL address; and (b) provide a means by which website visitors can notify the agency, through e-mail communication, and through any other reasonable means, of any non-functional URL address.

3. Section 3 of P.L.1968, c.410 (C.52:14B-3) is amended to read as follows:

C.52:14B-3 Additional requirements for rule-making.

3. In addition to other rule-making requirements imposed by law, each agency shall:

(1) adopt as a rule a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests;

(2) adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the agency, and if not otherwise set forth in an agency's rules, a table of all permits and their fees, violations and penalties, deadlines, processing times and appeals procedures. A complete list of the agency's permits, fees, violations, penalties, deadlines, processing times, and appeals procedures shall also be made available for public viewing through publication on the agency's Internet website;

(3) make available for public viewing, through publication on the agency's Internet website, and through any other means, all final agency

orders, decisions, and opinions, in accordance with the provisions of chapter 73 of the laws of 1963 as amended and supplemented (C.47:1A-1 et seq.);

(4) make available for public viewing, through publication on the agency's Internet website, all of the agency's rule-making and public hearing notices, publicity documents, press releases, final and non-confidential agency reports, and rule-making petitions received by the agency pursuant to subsection (f) of section 4 of P.L.1968, c.410 (C.52:14B-4); and

(5) publish in the New Jersey Register a quarterly calendar setting forth a schedule of the agency's anticipated rule-making activities for the next six months. The calendar shall include the name of the agency and agency head, a citation to the legal authority authorizing the rule-making action and a synopsis of the subject matter and the objective or purpose of the agency's proposed rules.

In a manner prescribed by the Director of the Office of Administrative Law, each agency shall appropriately publicize that copies of its calendar are available to interested persons for a reasonable fee. The amount of the fee shall be set by the director.

An agency shall notify the Director of the Office of Administrative Law when it wishes to amend its calendar of rule-making activities. Any amendment which involves the addition of any rule-making activity to an agency's calendar shall provide that the agency shall take no action on that matter until at least 45 days following the first publication of the amended calendar in which the announcement of that proposed rule-making activity first appears.

The provisions of this paragraph shall not apply to rule-making:

(a) required or authorized by federal law when failure to adopt rules in a timely manner will prejudice the State;

(b) subject to a specific statutory authorization requiring promulgation in a lesser time period;

(c) involving an imminent peril subject to provisions of subsection (c) of section 4 of P.L.1968, c.410 (C.52:14B-4);

(d) for which the agency has published a notice of pre-proposal of a rule in accordance with rules adopted by the Director of the Office of Administrative Law; or

(e) for which a comment period of at least 60 days is provided.

A proposed rule falling within any of the exceptions to the provisions of this subsection shall so indicate in the notice of proposal.

4. Section 4 of P.L.1968, c.410 (C.52:14B-4) is amended to read as follows:

C.52:14B-4 Adoption, amendment, repeal of rules.

4. (a) Prior to the adoption, amendment, or repeal of any rule, except as may be otherwise provided, the agency shall:

(1) Give at least 30 days' notice of its intended action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon. The notice shall be mailed to all persons who have made timely requests of the agency for advance notice of its rule-making proceedings and, in addition to any other public notice required by law, shall be published in the New Jersey Register. Notice shall also be distributed to the news media maintaining a press office to cover the State House Complex, and made available for public viewing through publication on the agency's Internet website. Each agency shall additionally publicize the intended action and shall adopt rules to prescribe the manner in which it will do so. In order to inform those persons most likely to be affected by or interested in the intended action, each agency shall distribute notice of its intended action to interested persons, and shall publicize the same, through the use of an electronic mailing list or similar type of subscription-based e-mail service. Additional publicity methods that may be employed include publication of the notice in newspapers of general circulation or in trade, industry, governmental or professional publications, distribution of press releases to the news media and posting of notices in appropriate locations, including the agency's Internet website. The rules shall prescribe the circumstances under which each additional method shall be employed;

(2) Prepare for public distribution at the time the notice appears in the Register, and make available for public viewing through publication on the agency's Internet website, a statement setting forth a summary of the proposed rule, as well as a clear and concise explanation of the purpose and effect of the rule, the specific legal authority under which its adoption is authorized, a description of the expected socio-economic impact of the rule, a regulatory flexibility analysis, or the statement of finding that a regulatory flexibility analysis is not required, as provided in section 4 of P.L.1986, c.169 (C.52:14B-19), a jobs impact statement which shall include an assessment of the number of jobs to be generated or lost if the proposed rule takes effect, an agriculture industry impact statement as provided in section 7 of P.L.1998, c.48 (C.4:1C-10.3), and a housing affordability impact statement and a smart growth development impact statement, as provided in section 31 of P.L.2008, c.46 (C.52:14B-4.1b);

(3) Afford all interested persons a reasonable opportunity to submit data, views, comments, or arguments, orally or in writing. The agency shall consider fully all written and oral submissions respecting the proposed rule, including any written submissions that are received by the agency through its e-mail systems or electronic mailing lists. If within 30 days of the publication of the proposed rule sufficient public interest is demonstrated in an extension of the time for submissions, the agency shall provide an additional 30-day period for the receipt of submissions by interested parties. The agency shall not adopt the proposed rule until after the end of that 30-day extension.

The agency shall conduct a public hearing on the proposed rule at the request of a committee of the Legislature, or a governmental agency or subdivision, or if sufficient public interest is shown, provided such request is made to the agency within 30 days following publication of the proposed rule in the Register. The agency shall provide at least 15 days' notice of such hearing, shall publish such hearing notice on its Internet website, and shall conduct the hearing in accordance with the provisions of subsection (g) of this section.

The head of each agency shall adopt as part of its rules of practice adopted pursuant to section 3 of P.L.1968, c.410 (C.52:14B-3) definite standards of what constitutes sufficient public interest for conducting a public hearing and for granting an extension pursuant to this paragraph; and

(4) Prepare for public distribution, and make available for public viewing through publication on the agency's Internet website, a report listing all parties offering written or oral submissions concerning the rule, summarizing the content of the submissions and providing the agency's response to the data, views, comments, and arguments contained in the submissions.

(b) A rule prescribing the organization of an agency may be adopted at any time without prior notice or hearing. Such rules shall be effective upon filing in accordance with section 5 of P.L.1968, c.410 (C.52:14B-5) or upon any later date specified by the agency.

(c) If an agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than 30 days' notice and states in writing its reasons for that finding, and the Governor concurs in writing that an imminent peril exists, the agency may proceed to adopt the rule without prior notice or hearing, or upon any abbreviated notice and hearing that it finds practicable. The agency shall publish, on its Internet website, a summary of any rule adopted pursuant to this subsection, and the statement of reasons for the agency's finding that an imminent peril exists. Any rule adopted pursuant to this subsection shall be effective

for a period of not more than 60 days, unless each house of the Legislature passes a resolution concurring in its extension for a period of not more than 60 additional days. The rule shall not be effective for more than 120 days unless repromulgated in accordance with normal rule-making procedures.

(d) No rule hereafter adopted is valid unless adopted in substantial compliance with P.L.1968, c.410 (C.52:14B-1 et seq.). A proceeding to contest any rule on the ground of noncompliance with the procedural requirements of P.L.1968, c.410 (C.52:14B-1 et seq.) shall be commenced within one year from the effective date of the rule.

(e) An agency may file a notice of intent with respect to a proposed rule-making proceeding with the Office of Administrative Law, for publication in the New Jersey Register at any time prior to the formal notice of action required in subsection (a) of this section. The notice shall be for the purpose of eliciting the views of interested parties on an action prior to the filing of a formal rule proposal. Such notice shall be distributed to interested persons through the use of an electronic mailing list or similar type of subscription-based e-mail service, and made available for public viewing through publication on the agency's Internet website. The agency shall afford all interested persons a reasonable opportunity to submit data, views, comments, or arguments, orally or in writing, on the proposed action, and shall fully consider all written and oral submissions, including any written submissions received by the agency through its e-mail systems or electronic mailing lists. An agency may use informal conferences and consultations as means of obtaining the viewpoints and advice of interested persons with respect to contemplated rule-making. An agency may also appoint committees of experts or interested persons or representatives of the general public to advise it with respect to any contemplated rule-making.

(f) An interested person may petition an agency to adopt a new rule, or amend or repeal any existing rule. Such petition may be submitted to the agency through mail, e-mail, electronic mailing list, or through any other means. Each agency shall prescribe by rule the form for the petition and the procedure for the consideration and disposition of the petition. The petition shall state clearly and concisely:

- (1) The substance or nature of the rule-making which is requested;
- (2) The reasons for the request and the petitioner's interest in the request;
- (3) References to the authority of the agency to take the requested action.

The petitioner may provide the text of the proposed new rule, amended rule or repealed rule.

Within 60 days following receipt by an agency of any such petition, the agency shall either: (i) deny the petition, giving a written statement of its reasons; (ii) grant the petition and initiate a rule-making proceeding within 90 days of granting the petition; or (iii) refer the matter for further deliberations which shall be concluded within 90 days of referring the matter for further deliberations. Upon conclusion of such further deliberations, the agency shall either deny the petition and provide a written statement of its reasons or grant the petition and initiate a rule-making proceeding within 90 days. Upon the receipt of the petition, the agency shall file a notice stating the name of the petitioner and the nature of the request with the Office of Administrative Law for publication in the New Jersey Register. Notice of formal agency action on such petition shall also be filed with the Office of Administrative Law for publication in the Register, and shall be made available for public viewing through publication on the agency's Internet website.

If an agency fails to act in accordance with the time frame set forth in the preceding paragraph, upon written request by the petitioner, the Director of the Office of Administrative Law shall order a public hearing on the rule-making petition and shall provide the agency with a notice of the director's intent to hold the public hearing if the agency does not. If the agency does not provide notice of a hearing within 15 days of the director's notice, the director shall schedule, and provide the public with a notice of, that hearing at least 15 days prior thereto. Hearing notice shall also be made available for public viewing through publication on the agency's Internet website. If the public hearing is held by the Office of Administrative Law, it shall be conducted by an administrative law judge, a person on assignment from another agency, a person from the Office of Administrative Law assigned pursuant to subsection o. of section 5 of P.L.1978, c.67 (C.52:14F-5), or an independent contractor assigned by the director. The petitioner and the agency shall participate in the public hearing and shall present a summary of their positions on the petition, a summary of the factual information on which their positions on the petition are based and shall respond to questions posed by any interested party. The hearing procedure shall otherwise be consistent with the requirements for the conduct of a public hearing as prescribed in subsection (g) of section 4 of P.L.1968, c.410 (C.52:14B-4), except that the person assigned to conduct the hearing shall make a report summarizing the factual record presented and the arguments for and against proceeding with a rule proposal based upon the petition. This report shall be filed with the agency and delivered or mailed to the petitioner. A copy of the report shall be filed with the Legislature along with the petition for rule-making.

(g) All public hearings shall be conducted by a hearing officer, who may be an official of the agency, a member of its staff, a person on assignment from another agency, a person from the Office of Administrative Law assigned pursuant to subsection o. of section 5 of P.L.1978, c.67 (C.52:14F-5) or an independent contractor. The hearing officer shall have the responsibility to make recommendations to the agency regarding the adoption, amendment or repeal of a rule. These recommendations shall be made public. At the beginning of each hearing, or series of hearings, the agency, if it has made a proposal, shall present a summary of the factual information on which its proposal is based, and shall respond to questions posed by any interested party. Hearings shall be conducted at such times and in locations which shall afford interested parties the opportunity to attend. A verbatim record of each hearing shall be maintained, and copies of the record shall be available to the public at no more than the actual cost, which shall be that of the agency where the petition for rule-making originated.

5. This act shall take effect immediately, but shall be inoperative until the first day of the sixth month following the date of enactment.

Approved January 17, 2014.

CHAPTER 260

AN ACT creating a Veterans Haven North Council and amending P.L.2011, c.170 and P.L.2007, c.233.

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

1. Section 1 of P.L.2011, c.170 (C.38A:3-47) is amended to read as follows:

C.38A:3-47 Veterans Haven Councils.

1. a. There is created within the Division of Veterans' Services in the Department of Military and Veterans' Affairs two advisory councils to be known as Veterans Haven North Council and Veterans Haven South Council. The Veterans Haven North Council shall represent the northern facility and the Veterans Haven South Council shall represent the southern facility. The two councils shall have joint meetings no less than once each calendar year.

Each council shall consist of eight members, at least five of whom are veterans, and shall include no less than two women. The Deputy Commissioner of Veterans' Affairs, or a designee, shall serve as a nonvoting ex-officio member on each council. Each member shall be appointed by the Adjutant General with the approval of the Governor. The term of each council member shall be three years, except that of the first appointments pursuant to this section, two shall be for a term of one year, two for a term of two years, and three for a term of three years. At no time shall a member be allowed to serve more than two terms in the aggregate, or on both councils at the same time.

b. The members of each council shall nominate a chairperson by majority vote of the members, and four members shall constitute a majority. The chairperson of each council shall be its presiding officer and shall serve until a successor has been nominated by the council.

c. Any vacancy shall be filled for the unexpired term only. Members of the council shall be subject to removal by the Adjutant General at any time for good and sufficient cause.

d. The members of the council shall receive no compensation for their services but shall be reimbursed for actual expenditures incurred in the performance of their duties within the limits of funds appropriated or otherwise made available for this purpose.

2. Section 2 of P.L.2011, c.170 (C.38A:3-48) is amended to read as follows:

C.38A:3-48 Duties of Veterans Haven Councils.

2. Under general policies established by the Adjutant General, each Veterans Haven council shall:

a. Formulate comprehensive policies for the coordination of all services for the benefit of veterans housed at the Veterans Haven facilities;

b. Consult with and advise the Deputy Commissioner of Veterans' Affairs and the Director of Veterans' Services with respect to the work of each Veterans Haven facility;

c. Recommend standards and procedures for application and termination of eligibility for admission to each Veterans Haven facility; and

d. Recommend standards of care, treatment and discipline governing the relationship between each Veterans Haven facility and the persons admitted thereto.

3. Section 1 of P.L.2007, c.233 (C.54A:9-25.24) is amended to read as follows:

C.54A:9-25.24 "New Jersey Veterans Haven Support Fund," tax return contribution.

1. a. There is established in the Department of the Treasury a special fund to be known as the "New Jersey Veterans Haven Support Fund."

b. Each taxpayer shall have the opportunity to indicate on the taxpayer's New Jersey gross income tax return that a portion of the taxpayer's tax refund or an enclosed contribution shall be deposited in the special fund.

c. Any costs incurred by the Division of Taxation for collection or administration attributable to this act may be deducted from receipts collected pursuant to this act, as determined by the Director of the Division of Budget and Accounting in the Department of the Treasury. The State Treasurer shall deposit net contributions collected pursuant to this section to the "New Jersey Veterans Haven Support Fund."

d. The Legislature shall annually appropriate all funds deposited in the "New Jersey Veterans Haven Support Fund" to the Department of Military and Veterans' Affairs to support the vocational and transitional housing program at the New Jersey Veterans Haven facilities.

4. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 261

AN ACT exempting certain properties acquired by municipalities from taxation, amending various sections of statutory law, and supplementing chapter 4 of Title 54 of the Revised Statutes.

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

C.54:4-3.3g Definitions relative to certain properties acquired by municipalities.

1. a. As used in P.L.2013, c.261 (C.54:4-3.3g et al.), "blue acres property tax exemption" means the property tax exemption established in subsection b. of this section.

b. A parcel of real property acquired by a municipality using funds made available under a federal, county, municipal, or State program for the acquisition of parcels of real property situated in flood-prone areas of the municipality shall become tax exempt on the date of its acquisition by the municipality. For the purposes of this section, the grant of the right of possession, or vesting of title, whichever shall first occur, to the municipality, shall be deemed to be the acquisition with respect to such parcel of real property.

c. A municipality shall provide written notice of its intention to acquire a parcel or parcels of real property situated in a flood-prone area of the municipality to the county, the school board, and any board of fire commissioners in the municipality, not less than 15 calendar days prior to the adoption of their respective budgets. If federal, county, municipal, or State funds are not made available to a municipality for the purpose of acquiring flood-prone properties before the adoption of the county, school, and fire district budgets, the municipality shall provide the written notice of its intention to acquire the real property as soon as it is practicable, but not later than 15 calendar days after the receipt of such funds.

d. (1) If, at the time of any acquisition pursuant to subsection b. of this section, the property owner has paid the taxes for a period beyond the date of the acquisition by the municipality, the municipality shall reimburse to the property owner the amount of the property taxes paid by the property owner for the period beyond the date of acquisition. Such reimbursement shall be made to that property owner not later than 15 calendar days after the next regular meeting of the governing body of the municipality following the acquisition of the parcel of real property by the municipality.

(2) In the event of any dispute between the property owner and the municipality with respect to the amount of a reimbursement of the property taxes paid by the property owner for the remaining portion of the tax year beyond the date of acquisition, the Tax Court shall have jurisdiction to determine the amount of the reimbursement in a summary manner on the application of the property owner, and shall make any order as may be required and appropriate to carry out the court's determination.

e. If, at the time of any acquisition pursuant to subsection b. of this section, the municipality has paid any tax due to a county, school district, or fire district for a period beyond the date of the acquisition by the municipality, the municipality shall be entitled to credit against the next installment of tax due to be paid to a county, school district, or fire district the amount of the property taxes paid by the municipality for the period beyond the date of acquisition.

2. N.J.S.40A:14-79 is amended to read as follows:

Tax assessment; tax due.

40A:14-79. Upon proper certification pursuant to section 9 of P.L.1979, c.453 (C.40A:14-78.5), the assessor of the municipality in which the fire district is situate shall assess the amount to be raised by taxation to support the district budget against the taxable property therein, in the same manner as municipal taxes are assessed and the said amount shall be assessed, levied and collected at the same time and in the same manner as other municipal taxes.

For the purposes of this section:

"District tax due" or "tax due" means the amount so assessed less the district'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).

The collector or treasurer of the municipality in which said district is situate shall pay over all district tax due to the treasurer or custodian of funds of said fire district as follows: on or before April 1, an amount equaling 21.25% of all tax due; on or before July 1, an amount equaling 22.5% of all tax due; on or before October 1, an amount equaling 25% of all tax due; and on or before December 31, an amount equaling the difference between the total of all tax due, and the total of the quarterly amounts of such moneys previously paid over to the fire district. These moneys are to be held and expended for the purpose of providing and maintaining means for extinguishing fires in such district.

Notwithstanding anything herein to the contrary, the municipal governing body may authorize, in the cash management plan adopted by it pursuant to N.J.S.40A:5-14, a schedule of payments of fire district tax due by which an amount greater than required on any of the first three payment dates cited herein may be paid over. The municipal governing body and board of fire commissioners may, by concurrent resolution, adopt a schedule of payments of fire district tax due by which an amount less than required on any of the first three payment dates cited herein may be paid over. Such resolution shall be included in the cash management plan adopted by the municipal governing body pursuant to N.J.S.40A:5-14.

The commissioners may also pay back, or cause to be paid back to such municipality, any funds or any part thereof paid to the treasurer or custodian of funds of such fire district by the collector or treasurer of the mu-

municipality, representing taxes levied for fire district purposes but not actually collected in cash by said collector or treasurer.

3. 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).

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.

4. R.S.54:4-75 is amended to read as follows:

Payment by municipality of school moneys to board secretary or treasurer.

54:4-75. For the purpose of this section:

"School tax due" or "tax due" means the amount so assessed less the school district'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).

The governing body of each municipality shall pay over to the board secretary or treasurer of school moneys, as appropriate, in the case of school districts in which appropriations for school purposes are made by the inhabitants of the school district, within forty days after the beginning of the school year, twenty per centum (20%) of the moneys from school tax due, and thereafter, but prior to the last day of the school year, the balance of the moneys from school tax due for school purposes in such amounts as may be requested from time to time by the Board of Education, within thirty days after each request. The Board of Education shall not request any more money at any one time than shall be required for its expenditures for a period of eight weeks in advance; provided, however, that the Board of Education may at any time, but not earlier than fifteen days prior to the beginning of the school year, request sufficient moneys to meet all interest and debt redemption charges maturing during the first forty days of the school year. The governing body may make payments of such moneys in advance of the time and in excess of the amounts required by this section. Notwithstanding provisions of this section to the contrary, in those years when the third installment of property taxes 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 1.

5. R.S.54:4-76 is amended to read as follows:

Payment of taxes due by municipality, county; borrowing permitted, interest.

54:4-76. The governing body of the municipality or the county shall cause the county tax due, as calculated pursuant to R.S.54:4-74, and other county taxes levied, school tax due, as calculated pursuant to R.S.54:4-75, taxes due to other taxing districts, and State taxes to be paid as and when due for payment. If there shall not be sufficient funds in the treasury available for such payments, the governing body shall immediately borrow sufficient money and pay such taxes due. The board of chosen freeholders of each county may by resolution fix the rate of discount to be allowed for the payment to the county treasurer of county taxes previous to the date on which they will become due for payment. The rate so fixed shall not ex-

ceed six per centum per annum, and shall be allowed only in case of payment on or before the thirtieth day previous to the date on which said taxes will become due for payment to the county treasurer. On any part of the taxes payable to the county treasurer and on any part of the taxes payable to the State by the county treasurer, which shall remain unpaid after the time within which they are required to be paid by this chapter, the taxing district or county in arrears shall pay to the county or State, as the case may be, interest at the rate of six per centum per annum upon the delayed payment.

6. This act shall take effect immediately and shall be retroactive to October 29, 2012.

Approved January 17, 2014.

CHAPTER 262

AN ACT concerning school district joint purchasing agreements and amending N.J.S.18A:18A-11.

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

1. N.J.S.18A:18A-11 is amended to read as follows:

Joint purchases by districts, municipalities, counties; authority.

18A:18A-11. a. The boards of education of two or more districts may provide jointly by agreement for the provision and performance of goods and services for their respective districts, or one or more boards of education may provide for such provision or performance of goods or services by joint agreement with the governing body of any municipality or county.

Any joint purchasing agreement between the boards of education of two or more school districts may include, as additional participating bodies, nonpublic schools located within the municipalities that comprise those school districts.

b. As used in this section, "nonpublic school" means an elementary or secondary school within the State, other than a public school, offering education for grades kindergarten through 12, or any combination of them, wherein any child may legally fulfill compulsory school attendance re-

quirements and which complies with the requirements of Title VI of the Civil Rights Act of 1964, Pub.L.88-352 (42 U.S.C. s.2000d et seq.).

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 263

AN ACT concerning certain advertising and marketing standards for the provision of electric power and gas supply and amending P.L.1999, c.23.

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

1. Section 3 of P.L.1999, c.23 (C.48:3-51) is amended to read as follows:

C.48:3-51 Definitions relative to competition in the electric power, gas, solar energy and offshore wind industries.

3. As used in P.L.1999, c.23 (C.48:3-49 et al.):

"Assignee" means a person to which an electric public utility or another assignee assigns, sells or transfers, other than as security, all or a portion of its right to or interest in bondable transition property. Except as specifically provided in P.L.1999, c.23 (C.48:3-49 et al.), an assignee shall not be subject to the public utility requirements of Title 48 or any rules or regulations adopted pursuant thereto;

"Base load electric power generation facility" means an electric power generation facility intended to be operated at a greater than 50 percent capacity factor including, but not limited to, a combined cycle power facility and a combined heat and power facility;

"Base residual auction" means the auction conducted by PJM, as part of PJM's reliability pricing model, three years prior to the start of the delivery year to secure electrical capacity as necessary to satisfy the capacity requirements for that delivery year;

"Basic gas supply service" means gas supply service that is provided to any customer that has not chosen an alternative gas supplier, whether or not the customer has received offers as to competitive supply options, includ-

ing, but not limited to, any customer that cannot obtain such service for any reason, including non-payment for services. Basic gas supply service is not a competitive service and shall be fully regulated by the board;

"Basic generation service" or "BGS" means electric generation service that is provided, to any customer that has not chosen an alternative electric power supplier, whether or not the customer has received offers for competitive supply options, including, but not limited to, any customer that cannot obtain such service from an electric power supplier for any reason, including non-payment for services. Basic generation service is not a competitive service and shall be fully regulated by the board;

"Basic generation service provider" or "provider" means a provider of basic generation service;

"Basic generation service transition costs" means the amount by which the payments by an electric public utility for the procurement of power for basic generation service and related ancillary and administrative costs exceeds the net revenues from the basic generation service charge established by the board pursuant to section 9 of P.L.1999, c.23 (C.48:3-57) during the transition period, together with interest on the balance at the board-approved rate, that is reflected in a deferred balance account approved by the board in an order addressing the electric public utility's unbundled rates, stranded costs, and restructuring filings pursuant to P.L.1999, c.23 (C.48:3-49 et al.). Basic generation service transition costs shall include, but are not limited to, costs of purchases from the spot market, bilateral contracts, contracts with non-utility generators, parting contracts with the purchaser of the electric public utility's divested generation assets, short-term advance purchases, and financial instruments such as hedging, forward contracts, and options. Basic generation service transition costs shall also include the payments by an electric public utility pursuant to a competitive procurement process for basic generation service supply during the transition period, and costs of any such process used to procure the basic generation service supply;

"Board" means the New Jersey Board of Public Utilities or any successor agency;

"Bondable stranded costs" means any stranded costs or basic generation service transition costs of an electric public utility approved by the board for recovery pursuant to the provisions of P.L.1999, c.23 (C.48:3-49 et al.), together with, as approved by the board: (1) the cost of retiring existing debt or equity capital of the electric public utility, including accrued interest, premium and other fees, costs and charges relating thereto, with the proceeds of the financing of bondable transition property; (2) if requested by an electric public utility in its application for a bondable stranded costs rate

order, federal, State and local tax liabilities associated with stranded costs recovery or basic generation service transition cost recovery or the transfer or financing of such property or both, including taxes, whose recovery period is modified by the effect of a stranded costs recovery order, a bondable stranded costs rate order or both; and (3) the costs incurred to issue, service or refinance transition bonds, including interest, acquisition or redemption premium, and other financing costs, whether paid upon issuance or over the life of the transition bonds, including, but not limited to, credit enhancements, service charges, overcollateralization, interest rate cap, swap or collar, yield maintenance, maturity guarantee or other hedging agreements, equity investments, operating costs and other related fees, costs and charges, or to assign, sell or otherwise transfer bondable transition property;

"Bondable stranded costs rate order" means one or more irrevocable written orders issued by the board pursuant to P.L.1999, c.23 (C.48:3-49 et al.) which determines the amount of bondable stranded costs and the initial amount of transition bond charges authorized to be imposed to recover such bondable stranded costs, including the costs to be financed from the proceeds of the transition bonds, as well as on-going costs associated with servicing and credit enhancing the transition bonds, and provides the electric public utility specific authority to issue or cause to be issued, directly or indirectly, transition bonds through a financing entity and related matters as provided in P.L.1999, c.23 (C.48:3-49 et al.), which order shall become effective immediately upon the written consent of the related electric public utility to such order as provided in P.L.1999, c.23 (C.48:3-49 et al.);

"Bondable transition property" means the property consisting of the irrevocable right to charge, collect and receive, and be paid from collections of, transition bond charges in the amount necessary to provide for the full recovery of bondable stranded costs which are determined to be recoverable in a bondable stranded costs rate order, all rights of the related electric public utility under such bondable stranded costs rate order including, without limitation, all rights to obtain periodic adjustments of the related transition bond charges pursuant to subsection b. of section 15 of P.L.1999, c.23 (C.48:3-64), and all revenues, collections, payments, money and proceeds arising under, or with respect to, all of the foregoing;

"British thermal unit" or "Btu" means the amount of heat required to increase the temperature of one pound of water by one degree Fahrenheit;

"Broker" means a duly licensed electric power supplier that assumes the contractual and legal responsibility for the sale of electric generation service, transmission or other services to end-use retail customers, but does not take title to any of the power sold, or a duly licensed gas supplier that

assumes the contractual and legal obligation to provide gas supply service to end-use retail customers, but does not take title to the gas;

"Brownfield" means any former or current commercial or industrial site that is currently vacant or underutilized and on which there has been, or there is suspected to have been, a discharge of a contaminant;

"Buydown" means an arrangement or arrangements involving the buyer and seller in a given power purchase contract and, in some cases third parties, for consideration to be given by the buyer in order to effectuate a reduction in the pricing, or the restructuring of other terms to reduce the overall cost of the power contract, for the remaining succeeding period of the purchased power arrangement or arrangements;

"Buyout" means an arrangement or arrangements involving the buyer and seller in a given power purchase contract and, in some cases third parties, for consideration to be given by the buyer in order to effectuate a termination of such power purchase contract;

"Class I renewable energy" means electric energy produced from solar technologies, photovoltaic technologies, wind energy, fuel cells, geothermal technologies, wave or tidal action, small scale hydropower facilities with a capacity of three megawatts or less and put into service after the effective date of P.L.2012, c.24, and methane gas from landfills or a biomass facility, provided that the biomass is cultivated and harvested in a sustainable manner;

"Class II renewable energy" means electric energy produced at a hydropower facility with a capacity of greater than three megawatts or a resource recovery facility, provided that such facility is located where retail competition is permitted and provided further that the Commissioner of Environmental Protection has determined that such facility meets the highest environmental standards and minimizes any impacts to the environment and local communities;

"Co-generation" means the sequential production of electricity and steam or other forms of useful energy used for industrial or commercial heating and cooling purposes;

"Combined cycle power facility" means a generation facility that combines two or more thermodynamic cycles, by producing electric power via the combustion of fuel and then routing the resulting waste heat by-product to a conventional boiler or to a heat recovery steam generator for use by a steam turbine to produce electric power, thereby increasing the overall efficiency of the generating facility;

"Combined heat and power facility" or "co-generation facility" means a generation facility which produces electric energy and steam or other forms

of useful energy such as heat, which are used for industrial or commercial heating or cooling purposes. A combined heat and power facility or cogeneration facility shall not be considered a public utility;

"Competitive service" means any service offered by an electric public utility or a gas public utility that the board determines to be competitive pursuant to section 8 or section 10 of P.L.1999, c.23 (C.48:3-56 or C.48:3-58) or that is not regulated by the board;

"Commercial and industrial energy pricing class customer" or "CIEP class customer" means that group of non-residential customers with high peak demand, as determined by periodic board order, which either is eligible or which would be eligible, as determined by periodic board order, to receive funds from the Retail Margin Fund established pursuant to section 9 of P.L.1999, c.23 (C.48:3-57) and for which basic generation service is hourly-priced;

"Comprehensive resource analysis" means an analysis including, but not limited to, an assessment of existing market barriers to the implementation of energy efficiency and renewable technologies that are not or cannot be delivered to customers through a competitive marketplace;

"Connected to the distribution system" means, for a solar electric power generation facility, that the facility is: (1) connected to a net metering customer's side of a meter, regardless of the voltage at which that customer connects to the electric grid, (2) an on-site generation facility, (3) qualified for net metering aggregation as provided pursuant to paragraph (4) of subsection e. of section 38 of P.L.1999, c.23 (C.48:3-87), (4) owned or operated by an electric public utility and approved by the board pursuant to section 13 of P.L.2007, c.340 (C.48:3-98.1), (5) directly connected to the electric grid at 69 kilovolts or less, regardless of how an electric public utility classifies that portion of its electric grid, and is designated as "connected to the distribution system" by the board pursuant to subsections q. through s. of section 38 of P.L.1999, c.23 (C.48:3-87), or (6) is certified by the board, in consultation with the Department of Environmental Protection, as being located on a brownfield, on an area of historic fill, or on a properly closed sanitary landfill facility. Any solar electric power generation facility, other than that of a net metering customer on the customer's side of the meter, connected above 69 kilovolts shall not be considered connected to the distribution system;

"Customer" means any person that is an end user and is connected to any part of the transmission and distribution system within an electric public utility's service territory or a gas public utility's service territory within this State;

"Customer account service" means metering, billing, or such other administrative activity associated with maintaining a customer account;

"Delivery year" or "DY" means the 12-month period from June 1st through May 31st, numbered according to the calendar year in which it ends;

"Demand side management" means the management of customer demand for energy service through the implementation of cost-effective energy efficiency technologies, including, but not limited to, installed conservation, load management and energy efficiency measures on and in the residential, commercial, industrial, institutional and governmental premises and facilities in this State;

"Electric generation service" means the provision of retail electric energy and capacity which is generated off-site from the location at which the consumption of such electric energy and capacity is metered for retail billing purposes, including agreements and arrangements related thereto;

"Electric power generator" means an entity that proposes to construct, own, lease or operate, or currently owns, leases or operates, an electric power production facility that will sell or does sell at least 90 percent of its output, either directly or through a marketer, to a customer or customers located at sites that are not on or contiguous to the site on which the facility will be located or is located. The designation of an entity as an electric power generator for the purposes of P.L.1999, c.23 (C.48:3-49 et al.) shall not, in and of itself, affect the entity's status as an exempt wholesale generator under the Public Utility Holding Company Act of 1935, 15 U.S.C. s.79 et seq., or its successor;

"Electric power supplier" means a person or entity that is duly licensed pursuant to the provisions of P.L.1999, c.23 (C.48:3-49 et al.) to offer and to assume the contractual and legal responsibility to provide electric generation service to retail customers, and includes load serving entities, marketers and brokers that offer or provide electric generation service to retail customers. The term excludes an electric public utility that provides electric generation service only as a basic generation service pursuant to section 9 of P.L.1999, c.23 (C.48:3-57);

"Electric public utility" means a public utility, as that term is defined in R.S.48:2-13, that transmits and distributes electricity to end users within this State;

"Electric related service" means a service that is directly related to the consumption of electricity by an end user, including, but not limited to, the installation of demand side management measures at the end user's premises, the maintenance, repair or replacement of appliances, lighting, motors or other energy-consuming devices at the end user's premises, and the provision of energy consumption measurement and billing services;

"Electronic signature" means an electronic sound, symbol or process, attached to, or logically associated with, a contract or other record, and executed or adopted by a person with the intent to sign the record;

"Eligible generator" means a developer of a base load or mid-merit electric power generation facility including, but not limited to, an on-site generation facility that qualifies as a capacity resource under PJM criteria and that commences construction after the effective date of P.L.2011, c.9 (C.48:3-98.2 et al.);

"Energy agent" means a person that is duly registered pursuant to the provisions of P.L.1999, c.23 (C.48:3-49 et al.), that arranges the sale of retail electricity or electric related services or retail gas supply or gas related services between government aggregators or private aggregators and electric power suppliers or gas suppliers, but does not take title to the electric or gas sold;

"Energy consumer" means a business or residential consumer of electric generation service or gas supply service located within the territorial jurisdiction of a government aggregator;

"Energy efficiency portfolio standard" means a requirement to procure a specified amount of energy efficiency or demand side management resources as a means of managing and reducing energy usage and demand by customers;

"Energy year" or "EY" means the 12-month period from June 1st through May 31st, numbered according to the calendar year in which it ends;

"Existing business relationship" means a relationship formed by a voluntary two-way communication between an electric power supplier, gas supplier, broker, energy agent, marketer, private aggregator, sales representative, or telemarketer and a customer regardless of an exchange of consideration, on the basis of an inquiry, application, purchase, or transaction initiated by the customer regarding products or services offered by the electric power supplier, gas supplier, broker, energy agent, marketer, private aggregator, sales representative, or telemarketer; however, a consumer's use of electric generation service or gas supply service through the consumer's electric public utility or gas public utility shall not constitute or establish an existing business relationship for the purpose of P.L.2013, c.263;

"Farmland" means land actively devoted to agricultural or horticultural use that is valued, assessed, and taxed pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.);

"Federal Energy Regulatory Commission" or "FERC" means the federal agency established pursuant to 42 U.S.C. s.7171 et seq. to regulate the interstate transmission of electricity, natural gas, and oil;

"Final remediation document" shall have the same meaning as provided in section 3 of P.L.1976, c.141 (C.58:10-23.11b);

"Financing entity" means an electric public utility, a special purpose entity, or any other assignee of bondable transition property, which issues transition bonds. Except as specifically provided in P.L.1999, c.23 (C.48:3-49 et al.), a financing entity which is not itself an electric public utility shall not be subject to the public utility requirements of Title 48 or any rules or regulations adopted pursuant thereto;

"Gas public utility" means a public utility, as that term is defined in R.S.48:2-13, that distributes gas to end users within this State;

"Gas related service" means a service that is directly related to the consumption of gas by an end user, including, but not limited to, the installation of demand side management measures at the end user's premises, the maintenance, repair or replacement of appliances or other energy-consuming devices at the end user's premises, and the provision of energy consumption measurement and billing services;

"Gas supplier" means a person that is duly licensed pursuant to the provisions of P.L.1999, c.23 (C.48:3-49 et al.) to offer and assume the contractual and legal obligation to provide gas supply service to retail customers, and includes, but is not limited to, marketers and brokers. A non-public utility affiliate of a public utility holding company may be a gas supplier, but a gas public utility or any subsidiary of a gas utility is not a gas supplier. In the event that a gas public utility is not part of a holding company legal structure, a related competitive business segment of that gas public utility may be a gas supplier, provided that related competitive business segment is structurally separated from the gas public utility, and provided that the interactions between the gas public utility and the related competitive business segment are subject to the affiliate relations standards adopted by the board pursuant to subsection k. of section 10 of P.L.1999, c.23 (C.48:3-58);

"Gas supply service" means the provision to customers of the retail commodity of gas, but does not include any regulated distribution service;

"Government aggregator" means any government entity subject to the requirements of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.), the "Public School Contracts Law," N.J.S.18A:18A-1 et seq., or the "County College Contracts Law," P.L.1982, c.189 (C.18A:64A-25.1 et seq.), that enters into a written contract with a licensed electric power supplier or a licensed gas supplier for: (1) the provision of electric generation service, electric related service, gas supply service, or gas related service for its own use or the use of other government aggregators; or (2) if a municipal or county government, the provision of electric

generation service or gas supply service on behalf of business or residential customers within its territorial jurisdiction;

"Government energy aggregation program" means a program and procedure pursuant to which a government aggregator enters into a written contract for the provision of electric generation service or gas supply service on behalf of business or residential customers within its territorial jurisdiction;

"Governmental entity" means any federal, state, municipal, local or other governmental department, commission, board, agency, court, authority or instrumentality having competent jurisdiction;

"Greenhouse gas emissions portfolio standard" means a requirement that addresses or limits the amount of carbon dioxide emissions indirectly resulting from the use of electricity as applied to any electric power suppliers and basic generation service providers of electricity;

"Historic fill" means generally large volumes of non-indigenous material, no matter what date they were emplaced on the site, used to raise the topographic elevation of a site, which were contaminated prior to emplacement and are in no way connected with the operations at the location of emplacement and which include, but are not limited to, construction debris, dredge spoils, incinerator residue, demolition debris, fly ash, and non-hazardous solid waste. "Historic fill" shall not include any material which is substantially chromate chemical production waste or any other chemical production waste or waste from processing of metal or mineral ores, residues, slags, or tailings;

"Incremental auction" means an auction conducted by PJM, as part of PJM's reliability pricing model, prior to the start of the delivery year to secure electric capacity as necessary to satisfy the capacity requirements for that delivery year, that is not otherwise provided for in the base residual auction;

"Leakage" means an increase in greenhouse gas emissions related to generation sources located outside of the State that are not subject to a state, interstate or regional greenhouse gas emissions cap or standard that applies to generation sources located within the State;

"Locational deliverability area" or "LDA" means one or more of the zones within the PJM region which are used to evaluate area transmission constraints and reliability issues including electric public utility company zones, sub-zones, and combinations of zones;

"Long-term capacity agreement pilot program" or "LCAPP" means a pilot program established by the board that includes participation by eligible generators, to seek offers for financially-settled standard offer capacity agreements with eligible generators pursuant to the provisions of P.L.2011, c.9 (C.48:3-98.2 et al.);

"Market transition charge" means a charge imposed pursuant to section 13 of P.L.1999, c.23 (C.48:3-61) by an electric public utility, at a level determined by the board, on the electric public utility customers for a limited duration transition period to recover stranded costs created as a result of the introduction of electric power supply competition pursuant to the provisions of P.L.1999, c.23 (C.48:3-49 et al.);

"Marketer" means a duly licensed electric power supplier that takes title to electric energy and capacity, transmission and other services from electric power generators and other wholesale suppliers and then assumes the contractual and legal obligation to provide electric generation service, and may include transmission and other services, to an end-use retail customer or customers, or a duly licensed gas supplier that takes title to gas and then assumes the contractual and legal obligation to provide gas supply service to an end-use customer or customers;

"Mid-merit electric power generation facility" means a generation facility that operates at a capacity factor between baseload generation facilities and peaker generation facilities;

"Net metering aggregation" means a procedure for calculating the combination of the annual energy usage for all facilities owned by a single customer where such customer is a State entity, school district, county, county agency, county authority, municipality, municipal agency, or municipal authority, and which are served by a solar electric power generating facility as provided pursuant to paragraph (4) of subsection e. of section 38 of P.L.1999, c.23 (C.48:3-87);

"Net proceeds" means proceeds less transaction and other related costs as determined by the board;

"Net revenues" means revenues less related expenses, including applicable taxes, as determined by the board;

"Offshore wind energy" means electric energy produced by a qualified offshore wind project;

"Offshore wind renewable energy certificate" or "OREC" means a certificate, issued by the board or its designee, representing the environmental attributes of one megawatt hour of electric generation from a qualified offshore wind project;

"Off-site end use thermal energy services customer" means an end use customer that purchases thermal energy services from an on-site generation facility, combined heat and power facility, or co-generation facility, and that is located on property that is separated from the property on which the on-site generation facility, combined heat and power facility, or co-generation

facility is located by more than one easement, public thoroughfare, or transportation or utility-owned right-of-way;

"On-site generation facility" means a generation facility, including, but not limited to, a generation facility that produces Class I or Class II renewable energy, and equipment and services appurtenant to electric sales by such facility to the end use customer located on the property or on property contiguous to the property on which the end user is located. An on-site generation facility shall not be considered a public utility. The property of the end use customer and the property on which the on-site generation facility is located shall be considered contiguous if they are geographically located next to each other, but may be otherwise separated by an easement, public thoroughfare, transportation or utility-owned right-of-way, or if the end use customer is purchasing thermal energy services produced by the on-site generation facility, for use for heating or cooling, or both, regardless of whether the customer is located on property that is separated from the property on which the on-site generation facility is located by more than one easement, public thoroughfare, or transportation or utility-owned right-of-way;

"Person" means an individual, partnership, corporation, association, trust, limited liability company, governmental entity or other legal entity;

"PJM Interconnection, L.L.C." or "PJM" means the privately-held, limited liability corporation that is a FERC-approved Regional Transmission Organization, or its successor, that manages the regional, high-voltage electricity grid serving all or parts of 13 states including New Jersey and the District of Columbia, operates the regional competitive wholesale electric market, manages the regional transmission planning process, and establishes systems and rules to ensure that the regional and in-State energy markets operate fairly and efficiently;

"Preliminary assessment" shall have the same meaning as provided in section 3 of P.L.1976, c.141 (C.58:10-23.11b);

"Private aggregator" means a non-government aggregator that is a duly-organized business or non-profit organization authorized to do business in this State that enters into a contract with a duly licensed electric power supplier for the purchase of electric energy and capacity, or with a duly licensed gas supplier for the purchase of gas supply service, on behalf of multiple end-use customers by combining the loads of those customers;

"Properly closed sanitary landfill facility" means a sanitary landfill facility, or a portion of a sanitary landfill facility, for which performance is complete with respect to all activities associated with the design, installation, purchase, or construction of all measures, structures, or equipment required by the Department of Environmental Protection, pursuant to law,

in order to prevent, minimize, or monitor pollution or health hazards resulting from a sanitary landfill facility subsequent to the termination of operations at any portion thereof, including, but not necessarily limited to, the placement of earthen or vegetative cover, and the installation of methane gas vents or monitors and leachate monitoring wells or collection systems at the site of any sanitary landfill facility;

"Public utility holding company" means: (1) any company that, directly or indirectly, owns, controls, or holds with power to vote, ten percent or more of the outstanding voting securities of an electric public utility or a gas public utility or of a company which is a public utility holding company by virtue of this definition, unless the Securities and Exchange Commission, or its successor, by order declares such company not to be a public utility holding company under the Public Utility Holding Company Act of 1935, 15 U.S.C. s.79 et seq., or its successor; or (2) any person that the Securities and Exchange Commission, or its successor, determines, after notice and opportunity for hearing, directly or indirectly, to exercise, either alone or pursuant to an arrangement or understanding with one or more other persons, such a controlling influence over the management or policies of an electric public utility or a gas public utility or public utility holding company as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that such person be subject to the obligations, duties, and liabilities imposed in the Public Utility Holding Company Act of 1935 or its successor;

"Qualified offshore wind project" means a wind turbine electricity generation facility in the Atlantic Ocean and connected to the electric transmission system in this State, and includes the associated transmission-related interconnection facilities and equipment, and approved by the board pursuant to section 3 of P.L.2010, c.57 (C.48:3-87.1);

"Registration program" means an administrative process developed by the board pursuant to subsection u. of section 38 of P.L.1999, c.23 (C.48:3-87) that requires all owners of solar electric power generation facilities connected to the distribution system that intend to generate SRECs, to file with the board documents detailing the size, location, interconnection plan, land use, and other project information as required by the board;

"Regulatory asset" means an asset recorded on the books of an electric public utility or gas public utility pursuant to the Statement of Financial Accounting Standards, No. 71, entitled "Accounting for the Effects of Certain Types of Regulation," or any successor standard and as deemed recoverable by the board;

"Related competitive business segment of an electric public utility or gas public utility" means any business venture of an electric public utility or gas public utility including, but not limited to, functionally separate business units, joint ventures, and partnerships, that offers to provide or provides competitive services;

"Related competitive business segment of a public utility holding company" means any business venture of a public utility holding company, including, but not limited to, functionally separate business units, joint ventures, and partnerships and subsidiaries, that offers to provide or provides competitive services, but does not include any related competitive business segments of an electric public utility or gas public utility;

"Reliability pricing model" or "RPM" means PJM's capacity-market model, and its successors, that secures capacity on behalf of electric load serving entities to satisfy load obligations not satisfied through the output of electric generation facilities owned by those entities, or otherwise secured by those entities through bilateral contracts;

"Renewable energy certificate" or "REC" means a certificate representing the environmental benefits or attributes of one megawatt-hour of generation from a generating facility that produces Class I or Class II renewable energy, but shall not include a solar renewable energy certificate or an offshore wind renewable energy certificate;

"Resource clearing price" or "RCP" means the clearing price established for the applicable locational deliverability area by the base residual auction or incremental auction, as determined by the optimization algorithm for each auction, conducted by PJM as part of PJM's reliability pricing model;

"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, which the Department of Environmental Protection has determined to be in compliance with current environmental standards, including, but not limited to, all applicable requirements of the federal "Clean Air Act" (42 U.S.C. s.7401 et seq.);

"Restructuring related costs" means reasonably incurred costs directly related to the restructuring of the electric power industry, including the closure, sale, functional separation and divestiture of generation and other competitive utility assets by a public utility, or the provision of competitive services as such costs are determined by the board, and which are not stranded costs as defined in P.L.1999, c.23 (C.48:3-49 et al.) but may include, but not be limited to, investments in management information systems, and which shall include expenses related to employees affected by restructuring which result in efficiencies and which result in benefits to

ratepayers, such as training or retraining at the level equivalent to one year's training at a vocational or technical school or county community college, the provision of severance pay of two weeks of base pay for each year of full-time employment, and a maximum of 24 months' continued health care coverage. Except as to expenses related to employees affected by restructuring, "restructuring related costs" shall not include going forward costs;

"Retail choice" means the ability of retail customers to shop for electric generation or gas supply service from electric power or gas suppliers, or opt to receive basic generation service or basic gas service, and the ability of an electric power or gas supplier to offer electric generation service or gas supply service to retail customers, consistent with the provisions of P.L.1999, c.23 (C.48:3-49 et al.);

"Retail margin" means an amount, reflecting differences in prices that electric power suppliers and electric public utilities may charge in providing electric generation service and basic generation service, respectively, to retail customers, excluding residential customers, which the board may authorize to be charged to categories of basic generation service customers of electric public utilities in this State, other than residential customers, under the board's continuing regulation of basic generation service pursuant to sections 3 and 9 of P.L.1999, c.23 (C.48:3-51 and 48:3-57), for the purpose of promoting a competitive retail market for the supply of electricity;

"Sales representative" means a person employed by, acting on behalf of, or as an independent contractor for, an electric power supplier, gas supplier, broker, energy agent, marketer, or private aggregator who, by any means, solicits a potential residential customer for the provision of electric generation service or gas supply service;

"Sanitary landfill facility" shall have the same meaning as provided in section 3 of P.L.1970, c.39 (C.13:1E-3);

"School district" means a local or regional school district established pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes, a county special services school district established pursuant to article 8 of chapter 46 of Title 18A of the New Jersey Statutes, a county vocational school district established pursuant to article 3 of chapter 54 of Title 18A of the New Jersey Statutes, and a district under full State intervention pursuant to P.L.1987, c.399 (C.18A:7A-34 et al.);

"Shopping credit" means an amount deducted from the bill of an electric public utility customer to reflect the fact that such customer has switched to an electric power supplier and no longer takes basic generation service from the electric public utility;

"Site investigation" shall have the same meaning as provided in section 3 of P.L.1976, c.141 (C.58:10-23.11b);

"Small scale hydropower facility" means a facility located within this State that is connected to the distribution system, and that meets the requirements of, and has been certified by, a nationally recognized low-impact hydropower organization that has established low-impact hydropower certification criteria applicable to: (1) river flows; (2) water quality; (3) fish passage and protection; (4) watershed protection; (5) threatened and endangered species protection; (6) cultural resource protection; (7) recreation; and (8) facilities recommended for removal;

"Social program" means a program implemented with board approval to provide assistance to a group of disadvantaged customers, to provide protection to consumers, or to accomplish a particular societal goal, and includes, but is not limited to, the winter moratorium program, utility practices concerning "bad debt" customers, low income assistance, deferred payment plans, weatherization programs, and late payment and deposit policies, but does not include any demand side management program or any environmental requirements or controls;

"Societal benefits charge" means a charge imposed by an electric public utility, at a level determined by the board, pursuant to, and in accordance with, section 12 of P.L.1999, c.23 (C.48:3-60);

"Solar alternative compliance payment" or "SACP" means a payment of a certain dollar amount per megawatt hour (MWh) which an electric power supplier or provider may submit to the board in order to comply with the solar electric generation requirements under section 38 of P.L.1999, c.23 (C.48:3-87);

"Solar renewable energy certificate" or "SREC" means a certificate issued by the board or its designee, representing one megawatt hour (MWh) of solar energy that is generated by a facility connected to the distribution system in this State and has value based upon, and driven by, the energy market;

"Standard offer capacity agreement" or "SOCA" means a financially-settled transaction agreement, approved by board order, that provides for eligible generators to receive payments from the electric public utilities for a defined amount of electric capacity for a term to be determined by the board but not to exceed 15 years, and for such payments to be a fully non-bypassable charge, with such an order, once issued, being irrevocable;

"Standard offer capacity price" or "SOCP" means the capacity price that is fixed for the term of the SOCA and which is the price to be received by eligible generators under a board-approved SOCA;

"State entity" means a department, agency, or office of State government, a State university or college, or an authority created by the State;

"Stranded cost" means the amount by which the net cost of an electric public utility's electric generating assets or electric power purchase commitments, as determined by the board consistent with the provisions of P.L.1999, c.23 (C.48:3-49 et al.), exceeds the market value of those assets or contractual commitments in a competitive supply marketplace and the costs of buydowns or buyouts of power purchase contracts;

"Stranded costs recovery order" means each order issued by the board in accordance with subsection c. of section 13 of P.L.1999, c.23 (C.48:3-61) which sets forth the amount of stranded costs, if any, the board has determined an electric public utility is eligible to recover and collect in accordance with the standards set forth in section 13 of P.L.1999, c.23 (C.48:3-61) and the recovery mechanisms therefor;

"Telemarketer" shall have the same meaning as set forth in section 2 of P.L.2003, c.76 (C.56:8-120);

"Telemarketing sales call" means a telephone call made by a telemarketer to a potential residential customer as part of a plan, program, or campaign to encourage the customer to change the customer's electric power supplier or gas supplier. A telephone call made to an existing customer of an electric power supplier, gas supplier, broker, energy agent, marketer, private aggregator, or sales representative, for the sole purpose of collecting on accounts or following up on contractual obligations, shall not be deemed a telemarketing sales call. A telephone call made in response to an express written request of a customer shall not be deemed a telemarketing sales call;

"Thermal efficiency" means the useful electric energy output of a facility, plus the useful thermal energy output of the facility, expressed as a percentage of the total energy input to the facility;

"Transition bond charge" means a charge, expressed as an amount per kilowatt hour, that is authorized by and imposed on electric public utility ratepayers pursuant to a bondable stranded costs rate order, as modified at any time pursuant to the provisions of P.L.1999, c.23 (C.48:3-49 et al.);

"Transition bonds" means bonds, notes, certificates of participation or beneficial interest or other evidences of indebtedness or ownership issued pursuant to an indenture, contract or other agreement of an electric public utility or a financing entity, the proceeds of which are used, directly or indirectly, to recover, finance or refinance bondable stranded costs and which are, directly or indirectly, secured by or payable from bondable transition property. References in P.L.1999, c.23 (C.48:3-49 et al.) to principal, interest, and acquisition or redemption premium with respect to transition bonds

which are issued in the form of certificates of participation or beneficial interest or other evidences of ownership shall refer to the comparable payments on such securities;

"Transition period" means the period from August 1, 1999 through July 31, 2003;

"Transmission and distribution system" means, with respect to an electric public utility, any facility or equipment that is used for the transmission, distribution or delivery of electricity to the customers of the electric public utility including, but not limited to, the land, structures, meters, lines, switches and all other appurtenances thereof and thereto, owned or controlled by the electric public utility within this State;

"Universal service" means any service approved by the board with the purpose of assisting low-income residential customers in obtaining or retaining electric generation or delivery service; and

"Unsolicited advertisement" means any advertising claims of the commercial availability or quality of services provided by an electric power supplier, gas supplier, broker, energy agent, marketer, private aggregator, sales representative, or telemarketer which is transmitted to a potential customer without that customer's prior express invitation or permission.

2. 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 consumer's electric power supplier or gas supplier, for the prohibition of discriminatory marketing, for advertising and for disclosure. Such 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."

(1) Contract standards shall include, but not be limited to, requirements that electric power supply contracts or gas supply contracts must conspicu-

ously disclose the duration of the contract; state the price per kilowatt hour or per therm or other pricing determinant approved by the board; have the customer's written signature; the customer's 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 such alternative forms of verification as the board, in consultation with the Division of Consumer Affairs, 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.

(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 such standards.

(3) Advertising standards for electric power suppliers or gas suppliers shall provide, at a minimum, that optional charges to the consumer 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 consumer's request, an estimate of the cost per kilowatt hour or per therm. Any optional charges to the consumer 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 num-

ber, 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.

(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 subsection b. of this section, 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 such 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 such information if such 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 such 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 such services and other electric power suppliers, gas suppliers, or electric and gas public utilities from fraudulent, abusive, or unlawful use of, or subscription to, such 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 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. Such 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.

3. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 264

AN ACT concerning professional or occupational licensure for certain military spouses and supplementing Title 45 of the Revised Statutes.

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

C.45:1-15.5 Definitions relative to professional, occupational licenses for certain military spouses.

1. a. As used in this section:

“Another jurisdiction” means the District of Columbia, a territory of the United States, or a state other than New Jersey.

“Board” means a professional or occupational board designated in section 2 of P.L.1978, c.73 (C.45:1-15) that issues a professional or occupational license, certificate of registration, or certification.

“Nonresident military spouse” means a person who is not domiciled in this State who is the spouse of an active duty member of the Armed Forces of the United States who has been transferred to this State in the course of the member’s service, is legally domiciled in this State, or has moved to this State on a permanent change-of-station basis.

b. Notwithstanding the provisions of any law, rule or regulation to the contrary, each board shall issue, upon application, a license to a nonresident military spouse who meets the requirements of this section, so that the nonresident military spouse may practice lawfully the person’s profession or occupation. At the discretion of the board, a nonresident military spouse shall receive a license under this subsection:

(1) pursuant to any law, rule, or regulation providing for licensure by endorsement or reciprocity in the profession or occupation regulated by the board; or

(2) pursuant to an application for a temporary courtesy license pursuant to subsection d. of this section.

c. Notwithstanding the provisions of any other law, rule, or regulation to the contrary, each board shall establish criteria for the issuance of a temporary courtesy license to a nonresident military spouse so that the nonresident military spouse may lawfully practice the profession or occupation regulated by that board in this State on a temporary basis, subject to the requirements of subsection d. of this section when applicable.

d. A nonresident military spouse who applies for a temporary courtesy license pursuant to paragraph (2) of subsection b. of this section shall be entitled to receive that license if that person:

(1) holds a current license to practice the profession or occupation in another jurisdiction that the board determines has licensure requirements to practice the profession or occupation that are equivalent to those adopted by the board;

(2) was engaged in the active practice of the profession or occupation in another jurisdiction for at least two of the five years immediately preceding the date of application for the temporary courtesy license, for which purpose relevant full-time experience in the discharge of official duties in the Armed Forces of the United States or an agency of the federal government shall be credited in the counting of years of service;

(3) has not committed an act in another jurisdiction that would have constituted grounds for the denial, suspension, or revocation of a license to practice the profession or occupation in this State;

(4) has not been disciplined, and is not the subject of an investigation of an unresolved complaint, or a review procedure or disciplinary proceeding, which was conducted by, or is pending before, a professional or occupational licensing or credentialing entity in another jurisdiction;

(5) pays for, and authorizes the board to conduct, a criminal history record background check of that person pursuant to P.L.2002, c.104 (C.45:1-28 et seq.) if such check is required to practice the occupation or practice regulated by that board;

(6) pays any fee the board reasonably requires for the issuance of the temporary courtesy license;

(7) has satisfied any continuing education requirements in the jurisdiction where that person holds a current license to practice the profession or occupation, and, at the discretion of the board, completes such continuing education hours or credits as may be required by the board within the time frame the board may establish;

(8) at the discretion of the board and if applicable, successfully completes a New Jersey jurisprudence examination required of resident applicants or any other examination specifically predicated on New Jersey law required for practice in the profession or occupation; and

(9) complies with any other requirements the board may reasonably determine are necessary to effectuate the purposes of this section.

e. A nonresident military spouse who holds a temporary license pursuant to paragraph (2) of subsection b. of this section shall be entitled to the same rights and be subject to the same obligations as provided by the respective board for New Jersey residents, except that revocation or suspension of a nonresident military spouse's license in the nonresident military spouse's state of residence or any jurisdiction in which the nonresident military spouse held licensure shall automatically cause the same revocation or suspension of the person's temporary courtesy license in New Jersey if that revocation or suspension was on the basis of a charge or commission of a criminal offense, competency, or harmful or inappropriate behavior.

f. A board may require a nonresident military spouse who has not been engaged in the active practice of the profession or occupation in another jurisdiction during the two years immediately preceding the application to undergo additional training, testing, mentoring, monitoring or education should the board deem it necessary.

g. A temporary courtesy license issued pursuant to this section shall be valid for a period of one year and may be extended at the discretion of the board for an additional one year upon application of the holder of the temporary courtesy license.

h. Each board shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to carry out the purposes of this section, except that, notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, each board may adopt, immediately upon filing with the Office of Administrative Law, regulations the board deems necessary to implement the provisions of this section, which shall be effective for a period not to exceed six months and may thereafter be amended, adopted, or re-adopted by the board in accordance with the requirements of P.L.1968, c.410 (C.52:14B-1 et seq.).

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 265

AN ACT concerning emergency evacuation, supplementing chapter 9 of Appendix A, and amending P.L.1964, c.64.

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

C.App.A:9-43.15 Definitions relative to emergency evacuation.

1. a. For the purposes of this act:

“Domestic companion animal” means any animal commonly referred to as a pet that was 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. “Domestic companion animal” does not include livestock as defined in N.J.A.C. 2:2-1.1.

“Public transportation or public transportation service” means rail passenger service, motorbus regular route service, paratransit service, motorbus charter service, and ferry passenger service as defined in section 3 of P.L.1979, c.150 (C.27:25-3).

b. In the event that a state of emergency has been declared and an evacuation of any region of the State is in progress, the owner of a domestic companion animal shall be permitted to board any public transportation or public transportation service with the domestic companion animal so long as that animal is under the owner’s control by use of a leash or tether, or is properly confined in an appropriate container or by other suitable means, provided that such boarding is authorized by and consistent with the provisions of the State Emergency Operations Plan developed pursuant to paragraph (1) of subsection a. of section 18 of P.L.1989, c.222 (C.App.A:9-43.1) pertaining to the needs of animals and individuals with an animal under their care. The provisions of this act shall only apply to the owners of domestic companion animals who are evacuating from a region of the State affected by the emergency or local disaster emergency as defined in section 3 of P.L.1953, c.438 (C.App.A:9-33.1). A domestic companion animal may be refused permission to board any public transportation or public transportation service, even if the animal is under the owner’s control or properly confined in accordance with this subsection if there is reasonable cause to believe that, due to attendant circumstances, permitting the animal to board would pose a health or safety hazard.

c. All passengers with service animals shall be given priority seating on all means of transportation regulated by this act in accordance with the federal “Americans with Disabilities Act of 1990” (42 U.S.C. s.12101 et seq.). For the purposes of this act, “service animal” shall have the same meaning as set forth in the federal “Americans with Disabilities Act of 1990” (42 U.S.C. s.12101 et seq.) and any regulations under the act.

d. All passengers on any public transportation or public transportation service shall be provided seating before a domestic companion animal may be placed in a seat.

2. Section 1 of P.L.1964, c.64 (C.32:1-146.8) is amended to read as follows:

C.32:1-146.8 Rules and regulations.

1. The Port Authority of New York and New Jersey (hereinafter called the "Port Authority") having duly adopted the following rules and regulations, hereinafter set forth in this section, in relation to conduct within the

territorial limits of the State of New Jersey and at, on or in the Hudson Tubes and Hudson Tubes extensions operated by its wholly-owned subsidiary the Port Authority Trans-Hudson Corporation (hereinafter called "PATH"), the penalties and procedures for their enforcement prescribed in section 2 shall apply to violations thereof.

RULES AND REGULATIONS

(1) No person shall smoke, carry or possess a lighted cigarette, cigar, pipe, match or any lighted instrument causing naked flame in or about any area, building or appurtenance or in any cars or other rolling stock of the Hudson Tubes or Hudson Tubes extensions where smoking has been prohibited by PATH and where appropriate signs to that effect have been posted.

(2) No person, unless duly authorized by PATH, shall in or upon any area, building, appurtenance, car or other rolling stock of the Hudson Tubes or Hudson Tubes extensions sell or offer for sale any article of merchandise or solicit any business or trade, including the carrying of bags for hire, the shining of shoes or bootblackening, or shall entertain any persons by singing, dancing or playing any musical instrument or solicit alms. No person, unless duly authorized by PATH, shall post, distribute or display commercial signs, circulars or other printed or written matter in or upon the Hudson Tubes or Hudson Tubes extensions.

(3) No person, who is unable to give satisfactory explanation of his presence, shall loiter about any car, or other rolling stock, area, building or appurtenance of the Hudson Tubes or Hudson Tubes extensions, or sleep therein or thereon.

(4) No person not authorized by PATH shall be permitted in or upon any car or other rolling stock or station or platform or parking facility within the Hudson Tubes or Hudson Tubes extensions, except upon payment in full of such fares, fees and other charges as may from time to time be prescribed by PATH. No person shall refuse to pay or evade or attempt to evade the payment in full of such fares, fees and other charges.

(5) No person shall spit upon, litter or create a nuisance or other insanitary condition in or on any car or other rolling stock, area, building or appurtenance of the Hudson Tubes or Hudson Tubes extensions.

(6) Except as provided under section 1 of P.L.2013, c.265 (C.App.A:9-43.15), no person shall enter any car or other rolling stock, area, building or appurtenance of the Hudson Tubes or Hudson Tubes extensions with any animal, except an animal properly confined in an appropriate container or a guide dog properly harnessed and muzzled, accompanying a blind person carrying a certificate of identification issued by a guide dog school.

(7) No person shall get on any car or other rolling stock of the Hudson Tubes or Hudson Tubes extensions while it is in motion for the purpose of obtaining transportation thereon as a passenger nor shall any person willfully obstruct, hinder or delay the passage of any such car or rolling stock. No person not authorized by PATH shall walk upon or along any right-of-way or related trackage of the Hudson Tubes or Hudson Tubes extensions.

3. This act shall take effect immediately, provided section 2 shall remain inoperative until the enactment into law of legislation substantially similar by the State of New York, but if such legislation has already been enacted, section 2 of this act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 266

AN ACT concerning the distribution of certain proceeds for standardbred and thoroughbred horse races, 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 44 of P.L.1940, c.17 (C.5:5-64) is amended to read as follows:

C.5:5-64 Distribution of parimutuel pools.

44. Each holder of a permit shall distribute all sums deposited in any pool where the patron is required to select one horse to the winners thereof, less an amount which in harness races shall not exceed 17% of the total deposits plus the breaks and which in other races shall not exceed 17% of the total deposits plus the breaks. In every pool where the patron is required to select two horses, the holder of each permit for either harness or running track shall distribute all sums deposited in each pool to the winners thereof, less an amount which shall not exceed 19% of the total deposits plus the breaks. In every pool where the patron is required to select three or more horses, every holder of a permit shall distribute all sums deposited in each pool to the winners thereof, less an amount which shall not exceed 25% of the total deposits plus the breaks. Every permitholder shall distribute to the persons holding winning tickets in any of the aforementioned pools, as a

minimum, a sum not exceeding \$0.10, calculated on the basis of each dollar deposited in any pool after the deduction of the said 17%, 19% or 25%, as the case may be. Should the amount remaining in the pool be insufficient to pay the winners the minimum, the breakage accruing in that race, or any necessary portion thereof, shall be applied toward making up any such deficiency. The breaks are hereby defined as the odd cents over any multiple of \$0.10, calculated on the basis of \$1.00 otherwise payable to a patron. Every permitholder engaged in the business of conducting running race meetings under this act, except the New Jersey Sports and Exposition Authority established pursuant to P.L.1971, c.137 (C.5:10-1 et seq.) or a lessee of the authority, shall distribute as purse money the breaks as herein defined, except as the same shall have been applied toward making up a deficiency in a pool as herein provided. Every permitholder engaged in the business of conducting harness race meetings under this act, except the New Jersey Sports and Exposition Authority or a lessee of the authority, shall retain for his own uses and purposes 50% of the breaks as herein defined, except as the same shall have been applied toward making up a deficiency in the pool as herein provided, and shall distribute as purse money the remaining 50%. The New Jersey Sports and Exposition Authority or a lessee of the authority shall retain all breaks as revenue, except as the same shall have been applied toward making up a deficiency in a pool as herein provided.

Every permitholder shall submit to the commission every seventh day of any and every race meeting a report under oath showing the daily and total amount of such breaks, together with such other information as the commission may require. All sums held by any permitholder for payment of outstanding parimutuel tickets not claimed by the person or persons entitled thereto within six months from the time such tickets are issued shall be paid upon the expiration of such six-month holding period as follows:

a. In the case of running and harness races, beginning July 1, 1997 50% of those sums shall be paid to the racing commission for deposit in the general fund of the State and disposition in accordance with section 4 of P.L.1997, c.29 (C.5:5-68.1);

b. In the case of running races, 50% of those sums shall be paid to the commission and set aside in the special trust account established pursuant to section 46 b.(1)(e) and section 46 b.(2)(e) of P.L.1940, c.17 (C.5:5-66); and

c. In the case of harness races, 25% of those sums shall be retained by the permitholder to supplement purses for sire stakes races on which there is parimutuel wagering, and 25% shall be retained by the permitholder to supplement overnight purses unless otherwise provided by a contractual agreement authorized under section 11 of P.L.2013, c.266 (C.5:5-188).

Where it is shown to the satisfaction of the commission that the reason for the parimutuel tickets being outstanding and unclaimed is the loss, misplacement or theft of said tickets within the confines and control of the parimutuel department of any permitholder, and it is further shown to the satisfaction of the commission that said parimutuel tickets have been cashed by such parimutuel department, the commission may adjust and credit the permitholder's account accordingly and the permitholder shall reimburse any employee who has been held personally accountable and paid for such lost, stolen or misplaced tickets. All outstanding parimutuel ticket money shall be deposited in an account separate and apart from the track's mutuel or general treasury account. The outstanding parimutuel ticket account shall be subject to the rules and regulations prescribed by the Division of New Jersey Racing Commission.

2. Section 46 of P.L.1940, c.17 (C.5:5-66) is amended to read as follows:

C.5:5-66 Disposition of undistributed deposits.

46. Every permitholder engaged in the business of conducting horse race meetings under this act, except the New Jersey Sports and Exposition Authority established pursuant to P.L.1971, c.137 (C.5:10-1 et seq.) or a lessee of the authority, shall make disposition of the deposits remaining undistributed pursuant to section 44 of P.L.1940, c.17 (C.5:5-64) as follows:

a. In the case of harness races:

(1) On a racing day designated or allotted as a charity racing day pursuant to P.L.1977, c.200 (C.5:5-44.2 et seq.), P.L.1993, c.15 (C.5:5-44.8), or section 1 of P.L.1997, c.80 (C.5:5-44.9), pay to the commission, at the time and in the manner prescribed by the commission, 1.25% of so much of the total contributions to all parimutuel pools conducted or made on any and every horse race, except that for pools where the patron is required to select two horses, the permitholder shall pay 2.25% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall pay 5.25% of the total contributions;

(2) Hold and set aside in an account designated as a special trust account 1.15% of such total contributions in all pools, to be used and distributed as hereinafter provided and as provided in section 5 of P.L.1967, c.40 (C.5:5-88), for the following purposes and no other:

(a) 37% thereof to increase purses and grant awards for starting horses, as provided or as may be provided by rules of the New Jersey Racing Commission, with payment to be made in the same manner as payment of

other purses and awards, unless otherwise provided by a contractual agreement authorized under section 11 of P.L.2013, c.266 (C.5:5-188);

(b) 55% thereof for the establishment of a Sire Stakes Program for standardbred horses, with payment to be made to the Department of Agriculture for administration as hereinbefore provided;

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

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

(3) Retain 7.7875%, or in the case of races on a charity racing day 7.20%, of so much of such total contributions for his own uses and purposes. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall retain 8.7575%, or in the case of races on a charity racing day 7.70%, of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 11.6675%, or in the case of races on a charity racing day 9.20%, of the total contributions. Each permitholder shall contribute out of its 11.6675% or 9.20% share of pools, where the patron is required to select three or more horses, a sum deemed necessary by the racing commission, to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission.

(4) Distribute as purse money and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey 7.69375%, or in the case of races on a charity racing day 7.40%, of such total contributions. Expenditures for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey shall not exceed 3.2% of the sum available for distribution as purse money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the Standardbred Breeders' and Owners' Association of New Jersey and the tracks. Notwithstanding the foregoing, for pools where the patron is required to select two or more horses, the permitholder shall distribute as purse money 8.42875%, or in the case of races on a charity racing day 7.90%, of the total contributions and for pools where the patron is required

to select three or more horses, the permitholder shall distribute as purse money 10.63375%, or in the case of races on a charity racing day 9.40%, of the total contributions. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, each permitholder shall retain out of the 10.63375% or 9.40% to be distributed as purse money a sum deemed necessary by the racing commission, for use by the commission to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission. Notwithstanding the foregoing, the sum available for distribution as purse money under this subsection may be distributed as provided by a contractual agreement authorized under section 11 of P.L.2013, c.266 (C.5:5-188).

(5) In the case of races on a racing day other than a charity racing day, distribute to the Standardbred Breeders' and Owners' Association of New Jersey for the administration of a health benefits program for horsemen .29375% of such total contributions, except that for pools where the patron is required to select two or more horses, the amount shall be .52875%, and for pools where the patron is required to select three or more horses, the amount shall be 1.23375%.

(6) In the case of races on a racing day other than a charity racing day, distribute to the Sire Stakes Program for standardbred horses .05% of such total contributions, except that for pools where the patron is required to select two or more horses, the amount shall be .09%, and for pools where the patron is required to select three or more horses, the amount shall be .21%.

(7) In the case of races on a racing day other than a charity racing day, distribute to the Backstretch Benevolency Programs Fund created pursuant to P.L.1993, c.15 (C.5:5-44.8) .025% of such total contributions, except that for pools where the patron is required to select two or more horses, the amount shall be .045%, and for pools where the patron is required to select three or more horses, the amount shall be .105%.

Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permitholder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

b. In the case of running races:

(1) Where the amount derived from the parimutuel handle, excluding the handle derived from intertrack wagering, does not exceed \$1 million per day based on such contributions accumulated and averaged during the calendar year, the permitholder shall:

(a) On a racing day designated or allotted as a charity racing day pursuant to P.L.1977, c.200 (C.5:5-44.2 et seq.), P.L.1993, c.15 (C.5:5-44.8), or section 1 of P.L.1997, c.80 (C.5:5-44.9), pay to the commission, at the time and in the manner prescribed by the commission, .30% of so much of the total contributions to all parimutuel pools conducted or made on any and every horse race, except that for pools where the patron is required to select three or more horses, the permitholder shall pay 1.30% of the total contributions.

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

(c) Retain 9.991%, or in the case of races on a charity racing day 9.85%, of such total contributions for his own uses and purposes. For pools where the patron is required to select two horses, the permitholder shall retain 11.061%, or in the case of races on a charity racing day 10.92%, of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 13.941%, or in the case of races on a charity racing day 13.33%, of the total contributions. Each permitholder shall contribute out of its 13.941% or 13.33% share of pools, where the patron is required to select three or more horses, a sum deemed necessary by the racing commission, to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of the commission.

(d) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Thoroughbred Horsemen's Association 6.141%, or in the case of races on a charity racing day 6.00%, of such contributions. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall distribute as purse money 7.071%, or in the case of races on a charity racing day 6.93%, of such contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 9.631%, or in the case of races on a charity racing day 9.02%, of the total contributions. Expenditures for programs designed to aid the horsemen and the New Jersey Thoroughbred Horsemen's Association shall not exceed 2.5% of the sum available for distribution as purse money from all parimutuel pools. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the New

Jersey Thoroughbred Horsemen's Association and the permitholder. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, each permitholder shall retain out of the 9.631% or 9.02% to be distributed as purse money a sum deemed necessary by the racing commission, for use by the commission to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of the commission. Notwithstanding the foregoing, the sum available for distribution as purse money under this subsection may be distributed as provided by a contractual agreement authorized under section 12 of P.L.2013, c.266 (C.5:5-189).

(e) Deduct and set aside in a special trust account for the establishment and support by the commission of the thoroughbred breeding industry in New Jersey .8% of such total contributions, except that for pools where the patron is required to select three or more horses, the amount shall be 1.3%. The money in the special trust account shall be used to: (i) improve purses for closed races; (ii) provide awards to owners and breeders of registered New Jersey bred horses who earn portions of purses in open or closed races at New Jersey race tracks or in closed races at an out-of-State track as part of a multi-state event to promote thoroughbred breeding, and to owners of stallions posted on the official stallion roster of the Thoroughbred Breeders' Association of New Jersey, which sire such New Jersey bred money earners; and (iii) provide awards to the New Jersey Thoroughbred Breeders' Association for programs beneficial to thoroughbred breeding in this State. In any calendar year in which there is a surplus in the special trust account, the surplus funds may be used to provide awards to breeders or owners of registered New Jersey bred horses who earn portions of purses in races at an out-of-State racetrack held at least 30 days before the start of the first thoroughbred meet of the calendar year of more than 10 days' duration at a racetrack in this State or at least 30 days following the conclusion of the last thoroughbred meet of the calendar year of more than 10 days' duration at a racetrack in this State. The New Jersey thoroughbred award program shall be administered and disbursed by the Thoroughbred Breeders' Association of New Jersey subject to the approval of the commission. The special trust account to be established pursuant to this paragraph shall be separate and apart from the special trust account established and maintained pursuant to subparagraph (b) of this paragraph.

(f) (Deleted by amendment, P.L.1986, c.19.)

(g) In the case of races on a racing day other than a charity racing day, distribute to the Thoroughbred Breeders' Association of New Jersey .012%

of such total contributions, except that for pools where the patron is required to select three or more horses, the amount shall be .052%.

(h) In the case of races on a racing day other than a charity racing day, distribute to the Backstretch Benevolency Programs Fund created pursuant to P.L.1993, c.15 (C.5:5-44.8) .006% of such total contributions, except that for pools where the patron is required to select three or more horses, the amount shall be .026%.

(i) (Deleted by amendment, P.L.2002, c.103).

(j) Except as otherwise provided by law, not be subject to an admission or amusement tax, excise tax, license or horse racing fee of any kind by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

(2) Where the amount derived from the parimutuel handle, excluding the handle derived from intertrack wagering, exceeds \$1 million per day based on such contributions accumulated and averaged during the calendar year, the permitholder shall:

(a) On a racing day designated or allotted as a charity racing day pursuant to P.L.1977, c.200 (C.5:5-44.2 et seq.), P.L.1993, c.15 (C.5:5-44.8), or section 1 of P.L.1997, c.80 (C.5:5-44.9), pay to the commission, at the time and in the manner prescribed by the commission, .50% of so much of the total contributions to all parimutuel pools conducted or made on any and every horse race.

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

(c) Retain 9.305%, or in the case of races on a charity racing day 9.07%, of such total contributions for his own uses and purposes. For pools where the patron is required to select two horses, the permitholder shall retain 10.375%, or in the case of races on a charity racing day 10.14%, of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 13.545%, or in the case of races on a charity racing day 13.31%, of the total contributions. Each permitholder shall contribute out of its 13.545% or 13.31% share of pools, where the patron is required to select three or more horses, a sum deemed necessary by the racing commission, to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of the commission.

(d) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Thoroughbred Horsemen's Association 6.815%, or in the case of races on a charity racing day 6.58%, of such contributions. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall distribute as purse money 7.745%, or in the case of races on a charity racing day 7.51%, of such contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 10.085%, or in the case of races on a charity racing day 9.85%, of the total contributions. Expenditures for programs designed to aid the horsemen and the New Jersey Thoroughbred Horsemen's Association shall not exceed 2.5% of the sum available for distribution as purse money from all parimutuel pools. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the New Jersey Thoroughbred Horsemen's Association and the permitholder. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, each permitholder shall retain out of the 10.085% or 9.85% to be distributed as purse money a sum deemed necessary by the racing commission, for use by the commission to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of the commission. Notwithstanding the foregoing, the sum available for distribution as purse money under this subsection may be distributed as provided by a contractual agreement authorized under section 12 of P.L.2013, c.266 (C.5:5-189).

(e) Deduct and set aside in a special trust account for the establishment and support by the commission of the thoroughbred breeding industry in New Jersey .8% of such total contributions, except that for pools where the patron is required to select three or more horses, the amount shall be 1.29%. The money in the special trust account shall be used to: (i) improve purses for closed races; (ii) provide awards to owners and breeders of registered New Jersey bred horses who earn portions of purses in open or closed races at New Jersey race tracks or in closed races at an out-of-State track as part of a multi-state event to promote thoroughbred breeding, and to owners of stallions posted on the official stallion roster of the Thoroughbred Breeders' Association of New Jersey, which sire such New Jersey bred money earners; and (iii) provide awards to the New Jersey Thoroughbred Breeders' Association for programs beneficial to thoroughbred breeding in this State. In any calendar year in which there is a surplus in the special trust account, the surplus funds may be used to provide awards to breeders or owners of reg-

istered New Jersey bred horses who earn portions of purses in races at an out-of-State racetrack held at least 30 days before the start of the first thoroughbred meet of the calendar year of more than 10 days' duration at a racetrack in this State or at least 30 days following the conclusion of the last thoroughbred meet of the calendar year at a racetrack of more than 10 days' duration in this State. The New Jersey thoroughbred award program shall be administered and disbursed by the Thoroughbred Breeders' Association of New Jersey subject to the approval of the commission. The special trust account to be established pursuant to this paragraph shall be separate and apart from the special trust account established and maintained pursuant to subparagraph (b) of this paragraph.

(f) (Deleted by amendment, P.L.1986, c.19.)

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

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

(i) (Deleted by amendment, P.L.2002, c.103).

(j) Except as otherwise provided by law, not be subject to an admission or amusement tax, excise tax, license or horse racing fee of any kind from any permitholder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

3. Section 8 of P.L.1985, c.269 (C.5:5-117) is amended to read as follows:

C.5:5-117 Distribution of purse money.

8. Except as provided by section 8 of P.L.1991, c.411 (C.5:5-124), by the rules and regulations of the commission with respect to interstate common pools, and by a contractual agreement authorized by section 11 or section 12 of P.L.2013, c.266 (C.5:5-188 or C.5:5-189), the in-State sending track shall reserve and set aside out of the portion of the parimutuel pool to be distributed as purse money pursuant to section 46 of P.L.1940, c.17 (C.5:5-66) an amount equal to 25%, of the amount that would be distributed as purse money pursuant to that section on the basis of the parimutuel pool generated at the receiving track. These sums shall be forwarded to the receiving track and shall be used to supplement the payment of overnight purses at the next horse race meeting to be conducted by the receiving track,

except that if the receiving track is conducting a horse race meeting at the same time as the receipt of the simulcast horse races, the receiving track shall use those sums to supplement overnight purses at that horse race meeting.

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

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

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

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

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

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

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

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

(4) on the basis of all races in each program, or if two or more programs are being transmitted simultaneously, on the basis of all races in all such programs running simultaneously, 3.735% of the first \$100,000 of the total pool generated at the in-State receiving track; 5.235% of the total pool from \$100,001 to \$150,000; 5.735% of the total pool from \$150,001 to

\$250,000; 6.235% of the total pool from \$250,001 to \$300,000; and, if the amount of the total pool is above \$300,000, 6.485% of the total amount of the pool or the percentage of the parimutuel pool for overnight purses on live races that the receiving track and horsemen have agreed to by contract, whichever is greater, shall be paid as follows:

(a) in the case of an in-State receiving track which conducts harness races, .1175% of the parimutuel pool to the Standardbred Breeders' and Owners' Association of New Jersey for the administration of a health benefits program for horsemen, and the remaining amount as overnight purse money at the next race meeting at the receiving track, except that if the receiving track is conducting a horse race meeting at the same time as the receipt of the simulcast horse races, the receiving track shall use those sums to supplement overnight purses at that horse race meeting, and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey, as provided in section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate, or as provided by a contractual agreement authorized under section 11 of P.L.2013, c.266 (C.5:5-188); and

(b) in the case of an in-State receiving track which conducts running races, as overnight purse money at the next race meeting at the receiving track, except that if the receiving track is conducting a horse race meeting at the same time as the receipt of the simulcast horse races, the receiving track shall use those sums to supplement overnight purses at that horse race meeting, and for programs designed to aid the horsemen and the New Jersey Thoroughbred Horseman's Benevolent Association, as provided in section 46b.(1)(d) or (2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate, or as provided by a contractual agreement authorized under section 12 of P.L.2013, c.266 (C.5:5-189);

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

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

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

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

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

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

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

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

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

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

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

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

(a) in the case of an in-State receiving track which conducts harness races, .1175% of the parimutuel pool to the Standardbred Breeders' and Owners' Association of New Jersey for the administration of a health benefits program for horsemen, and the remaining amount as overnight purse money at the current race meeting at the receiving track and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey, as provided in section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-

7), as appropriate, or as provided by a contractual agreement authorized under section 11 of P.L.2013, c.266 (C.5:5-188); and

(b) in the case of an in-State receiving track which conducts running races, as overnight purse money at the current race meeting at the receiving track and for programs designed to aid the horsemen and the New Jersey Thoroughbred Horseman's Benevolent Association, as provided in section 46b.(1)(d) or (2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate, or as provided by a contractual agreement authorized under section 12 of P.L.2013, c.266(C.5:5-189);

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

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

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

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

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

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

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

(2) 50% shall be paid as follows:

(a) in the case of an in-State receiving track which conducts harness races, as overnight purse money at the receiving track and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey, as provided in section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate, or as provided by a contractual agreement authorized under section 11 of P.L.2013, c.266 (C.5:5-188); and

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

vided by a contractual agreement authorized under section 12 of P.L.2013, c.266 (C.5:5-189).

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

5. Section 21 of P.L.2001, c.199 (C.5:5-147) is amended to read as follows:

C.5:5-147 Distribution of sums in parimutuel pool.

21. Sums wagered at an off-track wagering facility on races being transmitted to that off-track wagering facility from an in-State sending track and sums wagered through the account wagering system on a race conducted at an in-State host track shall be deposited in the parimutuel pool generated at the in-State track for those races and shall be distributed in accordance with the provisions of section 44 of P.L.1940, c.17 (C.5:5-64) or section 1 of P.L.1984, c.236 (C.5:5-64.1), as appropriate. Such sums wagered at an off-track wagering facility or through the account wagering system which remain undistributed pursuant to those sections shall be distributed as follows, except that moneys resulting from breakage on amounts wagered at the off-track wagering facility or through the account wagering system and from outstanding parimutuel ticket moneys issued at the off-track wagering facility or through the account wagering system shall be distributed as provided by subsection g. of this section.

a. 6% of the parimutuel pool generated at the off-track wagering facility or through the account wagering system shall be paid to the in-State track for overnight purses or, in the case of standardbred races, may be distributed as provided by a contractual agreement authorized under section 11 of P.L.2013, c.266 (C.5:5-188) or, in the case of thoroughbred races, may be distributed as provided by a contractual agreement authorized under section 12 of P.L.2013, c.266 (C.5:5-189). In the event that (1) any racetrack at which a horse race meeting was conducted in calendar year 2000 ceases to operate as a racetrack prior to calendar year 2003 and (2) an off-track wagering facility is operated on that former racetrack site, 6.15% of the

parimutuel pool generated at that off-track wagering facility shall be paid to the in-State sending track for overnight purses.

b. 0.6% of the parimutuel pool generated at the off-track wagering facility or through the account wagering system shall be set aside as follows:

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

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

c. 0.02% of the parimutuel pool generated at the off-track wagering facility or through the account wagering system shall be paid to Breeding and Development.

d. 0.02% of the parimutuel pool generated at the off-track wagering facility or through the account wagering system shall be paid to Backstretch Benevolency.

e. 0.06% of the parimutuel pool generated at the off-track wagering facility or through the account wagering system shall be set aside as follows: (1) in the case of harness races, to Health and Welfare; and (2) in the case of running races, to Thoroughbred Breeders and Stallions.

f. The remainder of the parimutuel pool after deduction of the amounts under subsections a. through e. of this section shall be paid to the off-track wagering licensee or the account wagering licensee, as appropriate on a pro rata basis, as determined by the commission based upon the volume of wagering handled by each licensee.

g. All breakage moneys and outstanding parimutuel ticket moneys resulting from wagering at the off-track wagering facility or through the account wagering system on races conducted by an in-State track shall be paid to the commission for racing costs in accordance with section 26 of this act. If in any calendar year the total amount of breakage moneys and outstanding parimutuel ticket moneys referred to herein exceeds amounts required to pay racing costs as provided in section 26 of this act, such re-

maintaining funds shall be allocated as follows: 50% to the off-track wagering licensee or the account wagering licensee, as appropriate and 50% to the New Jersey Racing Industry Special Fund.

6. Section 27 of P.L.2001, c.199 (C.5:5-153) is amended to read as follows:

C.5:5-153 "New Jersey Racing Industry Special Fund."

27. The commission shall establish and administer a separate fund to be known as the "New Jersey Racing Industry Special Fund" into which shall be deposited the sums dedicated to the fund by sections 19, 21 and 25 of this act. Money deposited in this special fund shall be disbursed monthly by the commission and used as follows:

a. 92% shall be distributed as follows:

(1) in the case of money deposited into the special fund from the off-track wagering facility located on the former site of the Atlantic City Race Course, or, if no off-track wagering facility exists on that former site, the off-track wagering facility located closest to that former site, 100% to permit holders conducting thoroughbred racing;

(2) except as provided in paragraph (1), 65% to permit holders conducting thoroughbred racing and 35% to permit holders conducting harness racing;

Of the allocations made pursuant to this subsection to permit holders conducting thoroughbred racing, specific distributions shall be made to the overnight thoroughbred purse account of each permit holder and for programs designed to aid the thoroughbred horsemen and the New Jersey Thoroughbred Horseman's Association. Expenditures for programs designed to aid the thoroughbred horsemen and the New Jersey Thoroughbred Horseman's Association shall not exceed 2.9% of such allocations. Distribution among thoroughbred permit holders shall be based on the following formula: total overnight thoroughbred purse distribution for each permit holder in the prior calendar year divided by the total overnight thoroughbred purse distribution of all permit holders in the prior calendar year. Notwithstanding the foregoing, the sum allocated to permit holders conducting thoroughbred races under this subsection may be distributed as provided by a contractual agreement authorized under section 12 of P.L.2013, c.266 (C.5:5-189).

Of the allocations made pursuant to this subsection to permit holders conducting standardbred racing, specific distributions shall be made to the overnight standardbred purse account of each permit holder and for pro-

grams designed to aid the standardbred horsemen and the Standardbred Breeders' and Owners' Association of New Jersey. Expenditures for programs designed to aid the standardbred horsemen and the Standardbred Breeders' and Owners' Association of New Jersey shall not exceed 5% of such allocations. Distribution among standardbred permit holders shall be based on the following formula: total overnight standardbred purse distribution for each permit holder in the prior calendar year divided by the total overnight standardbred purse distribution of all permit holders in the prior calendar year. Notwithstanding the foregoing, the sum allocated to permit holders conducting harness racing under this subsection may be distributed as provided by a contractual agreement authorized under section 11 of P.L.2013, c.266 (C.5:5-188).

b. 8% shall be distributed as follows:

(1) in the case of money deposited into the special fund from the off-track wagering facility located on the former site of the Atlantic City Race Course, or, if no off-track wagering facility exists on that former site, the off-track wagering facility located closest to that former site, 100% to thoroughbred funds; and

(2) except as provided in paragraph (1), 65% to thoroughbred funds and 35% to harness funds.

Of the amounts distributed to thoroughbred funds pursuant to this subsection, the following distributions shall apply: 94% to Thoroughbred Breeders and Stallions; 3% to Backstretch Benevolency; and 3% to Breeding and Development.

Of the amount distributed to harness funds pursuant to this subsection, the following distributions shall apply: 75% to Sire Stakes; 8% to Breeders and Stallions; 3.5% to Backstretch Benevolency; 10% to Health and Welfare; and 3.5% to Breeding and Development.

7. Section 14 of P.L.2011, c.15 (C.5:5-181) is amended to read as follows:

C.5:5-181 Payment of moneys derived from exchange wagering.

14. Of the monies distributed to overnight purses pursuant to subsection b. of section 13 of this act, P.L.2011, c.15 (C.5:5-180), all moneys derived from exchange wagering on thoroughbred races shall be paid to overnight purses for thoroughbred races and all monies derived from exchange wagering on standardbred races shall be paid to overnight purses for standardbred races. On or after January 1, 2014, the formula for allocating overnight purse monies from exchange wagering to overnight purses set forth in this

section may be modified by the mutual agreement of the Standardbred Breeders and Owners Association of New Jersey and the New Jersey Thoroughbred Horsemen's Association. Nothing contained in this section shall be construed as a precedent for establishing the division of overnight purse amounts between standardbred races and thoroughbred races.

Notwithstanding the foregoing, the sum derived from exchange wagering on standardbred races pursuant to subsection b. of section 13 of P.L.2011, c.15 (C.5:5-180) may be distributed as provided by a contractual agreement authorized under section 11 of P.L.2013, c.266 (C.5:5-188). Notwithstanding the foregoing, the sum derived from exchange wagering on thoroughbred races pursuant to subsection b. of section 13 of P.L.2011, c.15 (C.5:5-180) may be distributed as provided by a contractual agreement authorized under section 12 of P.L.2013, c.266 (C.5:5-189).

8. Section 7 of P.L.1971, c.137 (C.5:10-7) is amended to read as follows:

C.5:10-7 Application for permit.

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

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

c. Application for said permit or permits shall be on such forms and shall include such accompanying data as the Racing Commission shall prescribe for other applicants. The Racing Commission shall proceed to review and act on any such application within 30 days after its filing and the Racing Commission is authorized in its sole discretion to determine whether a permit shall be granted to the authority or a lessee of the authority. If, after such review, the Racing Commission acts favorably on such application, a

permit shall be granted to the authority or a lessee of the authority without any further approval and shall remain in force and effect so long as any bonds or notes of the authority remain outstanding, the provisions of any other law to the contrary notwithstanding. In granting a permit to the authority or a lessee of the authority to conduct a horse race meeting, the Racing Commission shall not be subject to any limitation as to the number of tracks authorized for the conduct of horse race meetings pursuant to any provision of P.L.1940, c.17 (C.5:5-22 et seq.). Said permit shall set forth the dates to be allotted to the authority for its initial horse race meetings. Thereafter application for dates for horse race meetings by the authority or a lessee of the authority and the allotment thereof by the Racing Commission, including the renewal of the same dates theretofore allotted, shall be governed by the applicable provisions of P.L.1940, c.17 (C.5:5-22 et seq.). Notwithstanding the provisions of any other law to the contrary, the Racing Commission shall allot annually to the authority or a lessee of the authority for the Meadowlands Complex, in the case of harness racing, not less than the number of racing days allotted pursuant to subsection b. of section 30 of P.L.2001, c.199 (C.5:5-156), and in the case of running racing, not less than 56 racing days, if and to the extent that application is made therefor.

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

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

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

(1) In the case of harness races:

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

(i) 42 1/2% thereof to increase purses and grant awards for starting horses, as provided or as may be provided by rules of the New Jersey Racing Commission, with payment to be made in the same manner as payment of other purses and awards, unless otherwise provided by a contractual agreement authorized under section 11 of P.L.2013, c.266 (C.5:5-188);

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

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

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

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

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

which shall be subject to the regulation and control of said commission. Notwithstanding the foregoing, the sum available for distribution as purse money under this subsection may be distributed as provided by a contractual agreement authorized under section 11 of P.L.2013, c.266 (C.5:5-188).

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

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

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

(2) In the case of running races:

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

(b) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Thoroughbred Horsemen's Association 4.475%, or in the case of races on a charity racing day 4.24%, of such total contributions. Expenditures for programs designed to aid the horsemen and the New Jersey Thoroughbred Horsemen's Association shall not exceed 2.9% of the sum available for distribution as purse money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the New Jersey Thoroughbred Horsemen's Association and the authority or a lessee of the authority. Notwithstanding the foregoing, for pools where the patron is required to select three or more horses, the authority or a lessee of the authority shall distribute as purse money 7.475%, or in the case of races on a charity racing day 7.24%, of the total contributions. Notwithstanding the foregoing, the sum available for distribution as purse money under this subsection may be distributed as provided by a contractual agreement authorized under section 12 of P.L.2013, c.266 (C.5:5-189).

(c) Deduct and set aside in a special trust account established pursuant to section 46b.(1)(e) and 46b.(2)(e) of P.L.1940, c.17 (C.5:5-66) for the establishment and support by the commission of the thoroughbred breeding industry in New Jersey .1% of such total contributions, except that for

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

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

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

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

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

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

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

(1) In the case of running and harness races, beginning July 1, 1997 50% of those sums shall be paid to the Racing Commission for deposit in the general fund of the State and disposition in accordance with section 4 of P.L.1997, c.29 (C.5:5-68.1);

(2) In the case of running races, 50% of those sums shall be paid to the commission and set aside in the special trust account established pursuant to section 46b.(1)(e) and section 46b.(2)(e) of P.L.1940, c.17 (C.5:5-66); and

(3) In the case of harness races, 25% of those sums shall be retained by the permitholder to supplement purses for sire stakes races on which there is parimutuel wagering, and 25% shall be retained by the permitholder to supplement overnight purses unless otherwise provided by a contractual agreement authorized under section 11 of P.L.2013, c.266 (C.5:5-188).

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

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

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

k. Notwithstanding any other provision of law, rule, or regulation to the contrary, if the authority shall enter into an agreement with a private entity to lease a racetrack facility it owns to that entity, it may further agree

with that entity to jointly operate the facility during a transitional period. The transitional period shall only last:

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

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

The New Jersey Racing Commission may extend the transitional period for a reasonable time frame beyond one year from the date that the lease agreement is signed, however under no circumstances can the transitional period extend beyond two years from the date that the lease agreement is signed. At the expiration of the transitional period and any extension granted by the New Jersey Racing Commission, the private entity lessee shall be required to have obtained all the necessary permits and licenses in the manner and subject to compliance with the standards set forth in P.L.1940, c.17 (C.5:5-22 et seq.), and the rules, regulations, and conditions prescribed by the New Jersey Racing Commission thereunder. During this transitional period, the private entity lessee shall be permitted to conduct horse race meetings and wagering through its own employees or through the authority's employees, provided that the authority or the private entity lessee holds a permit issued pursuant to section 30 of P.L.1940, c.17 (C.5:5-50). During this transitional period, the authority may also assign any portion of the proceeds it receives from the operation of the leased racetrack to the private entity lessee. During the transitional period, the private entity lessee and the authority must remain, at all times, in compliance with P.L.1940, c.17 (C.5:5-22 et seq.), except that the private entity need not obtain a permit pursuant to section 30 of P.L.1940, c.17 (C.5:5-50) if the authority has been granted one by the New Jersey Racing Commission.

9. Section 8 of P.L.1992, c.19 (C.5:12-198) is amended to read as follows:

C.5:12-198 Distribution of undistributed casino wagers.

8. Sums wagered at a casino on races being transmitted to that casino from an in-State sending track shall be deposited in the parimutuel pool generated at the in-State sending track for those races and shall be distributed in accordance with the provisions of section 44 of P.L.1940, c.17

(C.5:5-64) or section 1 of P.L.1984, c.236 (C.5:5-64.1), as appropriate. The sums wagered at a casino which remain undistributed pursuant to those sections shall be distributed as follows:

a. .50% of the parimutuel pool generated at the casino shall be paid to the New Jersey Racing Commission for deposit in the Casino Simulcasting Fund established pursuant to section 18 of this act;

b. 8.25% of the pool generated at the casino for a race where the patron is required to select one horse, 9.25% of the pool generated at the casino for a race where the patron is required to select two horses, and 12.25% of the pool generated at the casino for a race where the patron is required to select three or more horses shall be paid to the casino receiving the simulcast race;

c. .50% of the pool generated at the casino shall be set aside as follows:

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

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

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

e. 7.72% of the pool generated at the casino for a race where the patron is required to select one horse, 8.72% of the pool generated at the casino for a race where the patron is required to select two horses, and 11.72% of the pool generated at the casino for a race where the patron is required to select three or more horses shall be distributed as follows:

(1) 50% of that amount shall be retained by the sending track, except that each sending track shall contribute, out of its share of a pool generated for a race where the patron is required to select three or more horses, a sum deemed necessary by the New Jersey Racing Commission for use by the

commission to finance a prerace bloodtesting program and such other testing programs which that commission shall deem proper and necessary and which shall be subject to the regulation and control of that commission; and

(2) 50% of that amount shall be distributed as follows:

(a) in the case of harness races being transmitted from an in-State sending track, as overnight purse money at the sending track and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey, as provided in section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate, including the retention, out of this share of a parimutuel pool where the patron is required to select three or more horses, of a sum deemed necessary by the New Jersey Racing Commission for use by that commission to finance a prerace blood testing program and such other testing programs which that commission shall deem proper and necessary and which shall be subject to the regulation and control of that commission, or as provided by a contractual agreement authorized under section 11 of P.L.2013, c.266 (C.5:5-188); and

(b) in the case of running races being transmitted from an in-State sending track, as overnight purse money at the sending track and for programs designed to aid the horsemen and the New Jersey Thoroughbred Horseman's Benevolent Association, as provided in section 46b.(1) (d) and (2) (d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate, including the retention, out of this share of a parimutuel pool where the patron is required to select three or more horses, of a sum deemed necessary by the New Jersey Racing Commission for use by that commission to finance a prerace blood testing program and such other testing programs which that commission shall deem proper and necessary and which shall be subject to the regulation and control of that commission, or as provided by a contractual agreement authorized under section 12 of P.L.2013, c.266 (C.5:5-189).

10. Section 13 of P.L.1992, c.19 (C.5:12-203) is amended to read as follows:

C.5:12-203 Wagers subject to takeout rate.

13. Sums wagered at a casino on races being transmitted to that casino from an out-of-State sending track shall be subject to the takeout rate determined pursuant to section 12 of this act, and the sums resulting from that

takeout rate as applied to the parimutuel pool generated at the casino shall be distributed as follows, subject to the provisions of section 16 of this act:

a. .50% of the parimutuel pool generated at the casino shall be paid to the New Jersey Racing Commission for deposit in the Casino Simulcasting Fund established pursuant to section 18 of this act;

b. the actual amount paid by the casino for the transmission of the race, which shall be not more than 6%, or if applicable not more than 9%, of the parimutuel pool generated at the casino shall be paid to the casino to be used for payment to the out-of-State sending track for the transmission of the race, as provided in section 11 of this act;

c. in calendar years 1993, 1994, and 1995, 2% of the parimutuel pool generated at the casino shall be paid to the New Jersey Racing Commission for payment to the Atlantic City Racetrack until a total of \$100,000,000 in parimutuel pools has been generated in wagering on simulcast races at all casinos in each of those calendar years, except that if casino simulcasting in Atlantic City begins after January 1, 1993 and before January 1, 1994, 2% of the parimutuel pool generated at the casino shall be paid to the commission for payment to the Atlantic City Racetrack until that portion of \$100,000,000 determined by the following formula has been generated in wagering at casinos on simulcast races in 1993:

$$A/B = C/D$$

here: A = 365 minus (a) the number of racing days in 1993, other than live racing days, prior to the commencement of casino simulcasting in Atlantic City that the Atlantic City Racetrack conducts simulcasting under the provisions of the "Simulcasting Racing Act," P.L.1985, c.269 (C.5:5-110 et seq.) or the provisions of section 37 of P.L.1992, c.19 (C.5:5-125), and (b) the number of live racing days conducted by the Atlantic City Racetrack in 1993;

B = 365 (the number of calendar days in 1993);

C = the amount of the parimutuel pool generated in wagering on simulcast races in 1993 of which 2% is to be paid to the New Jersey Racing Commission for payment to the Atlantic City Racetrack;

D = \$100,000,000;

d. of the amount remaining after the deduction of the amounts under subsections a., b., and c. from the amount of the takeout rate, 55% shall be paid to the casino;

e. .50% of the parimutuel pool generated at the casino shall be paid to the New Jersey Racing Commission and shall be deposited by that commission as follows:

(1) 50% in the special trust account established pursuant to or specified in section 46a.(2) of P.L.1940, c.17 (C.5:5-66), section 2b. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(1) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(a) of P.L.1971, c.137 (C.5:10-7), as appropriate, for use and distribution as provided in section 46a.(2)(a), (b), and (c) of P.L.1940, c.17 (C.5:5-66), section 2b.(1), (2), and (3) of P.L.1984, c.236 (C.5:5-66.1), section 5a.(1)(a), (b), and (c) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(a)(i), (ii), and (iii) of P.L.1971, c.137 (C.5:10-7), as appropriate; and

(2) 50% in the special trust account established pursuant to or specified in section 46b.(1)(e) and (2)(e) of P.L.1940, c.17 (C.5:5-66), section 5b.(3) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(c) of P.L.1971, c.137 (C.5:10-7), as appropriate, for use and distribution as provided therein;

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

g. the amount remaining after the deduction of the amounts under subsections a., b., c., d., e., and f. from the amount of the takeout rate shall be distributed as follows:

(1) 43% of that remaining amount shall be paid to the New Jersey Racing Commission and shall be distributed by that commission, on the basis of the following formula, among the New Jersey racetracks for their own use:

$$A/B = C/D$$

here: A = the gross parimutuel pool generated at each racetrack during the preceding calendar year, including the parimutuel pool on simulcast races;

B = the gross parimutuel pool generated at racetracks Statewide during the preceding calendar year, including the parimutuel pool on simulcast races;

C = the amount to be paid to each racetrack from the moneys available for distribution pursuant to this paragraph;

D = the total amount of moneys available for distribution pursuant to this paragraph;

(2) 43% of that remaining amount shall be paid to the New Jersey Racing Commission and, subject to the provisions of section 14 of this act, shall be distributed by that commission, in the following year and on the basis of the following formula, among the New Jersey racetracks for payment as purse money and for programs designed to aid horsemen and horsemen's organizations as provided in section 46a.(4) of P.L.1940, c.17

(C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), in the case of harness races, except that the amount distributed to standardbred racetracks for payment as purse money may be distributed as provided by a contractual agreement authorized under section 11 of P.L.2013, c.266 (C.5:5-188), and section 46b.(1)(d) or 46b.(2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), in the case of running races, except that the amount distributed to thoroughbred racetracks for payment as purse money may be distributed as provided by a contractual agreement authorized under section 12 of P.L.2013, c.266 (C.5:5-189):

$$A/B = C/D$$

here: A = the total amount distributed by each racetrack pursuant to section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), in the case of harness races, or section 46b.(1)(d) or 46b.(2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), in the case of running races, during the preceding calendar year, plus any additional amounts paid out by each racetrack for overnight purses during the preceding calendar year from the permit holder's share of the parimutuel pool;

B = the total amount distributed by racetracks Statewide pursuant to section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), and section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), in the case of harness races, and pursuant to section 46b.(1)(d) and 46b.(2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), and section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), in the case of running races, during the preceding calendar year, plus any additional amounts paid out by racetracks for overnight purses during the preceding calendar year from the permit holders' share of the parimutuel pool;

C = the amount to be paid to each racetrack from the moneys available for distribution pursuant to this paragraph;

D = the total amount of moneys available for distribution pursuant to this paragraph; and

(3) 14% of that remaining amount shall be paid to the New Jersey Racing Commission for deposit in the Casino Simulcasting Special Fund established pursuant to section 15 of this act.

In addition, all breakage moneys and outstanding parimutuel ticket moneys resulting from the wagering at the casino shall be paid to the New Jersey Racing Commission and deposited in the Casino Simulcasting Special Fund.

If a racetrack conducts both harness races and running races, the moneys the racetrack receives for payment pursuant to paragraph (2) of subsection g. above shall be distributed on the basis of the following formula:

$$A/B = C/D$$

here: A = the total amount distributed by the racetrack pursuant to section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate, in the case of harness races, plus any additional amounts paid out by the racetrack for overnight purses for harness races during the preceding calendar year from the permit holder's share of the parimutuel pool, or pursuant to section 46b.(1)(d) or 46b.(2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate, in the case of running races, plus any additional amounts paid out by the racetrack for overnight purses for running races during the preceding calendar year from the permit holder's share of the parimutuel pool, as the case may be;

B = the total amount distributed by the racetrack pursuant to section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate, and pursuant to section 46b.(1)(d) or 46b.(2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate, plus any additional amounts paid out by the racetrack for overnight purses for both harness and running races during the preceding calendar year from the permit holder's share of the parimutuel pool;

C = the amount to be paid by the racetrack for overnight purse money and for programs designed to aid horsemen and horsemen's organizations as provided in section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), in the case of harness races, and section 46b.(1)(d) or 46b.(2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), in the case of running races;

D = the total amount of moneys available to the racetrack for distribution as overnight purse money and for programs designed to aid horsemen and horsemen's organizations pursuant to this paragraph.

C.5:5-188 Contractual agreements with the Standardbred Breeders' and Owners' Association of New Jersey.

11. A harness racing permitholder may enter into a contractual agreement with the Standardbred Breeders' and Owners' Association of New Jersey providing that a portion of the purse monies that are statutorily dedicated to the permitholder or the association will be expended for a use that the New Jersey Racing Commission approves as directly advancing, preserving, and enhancing the overall economic well-being of the standardbred horse racing and breeding industry in New Jersey. The portion of purse monies that are redistributed pursuant to a contractual agreement under this section shall be used to advance, preserve, and enhance the overall economic well-being of the standardbred horse racing and breeding industry in New Jersey. A contractual agreement authorized pursuant to this section shall not redistribute any money that is statutorily dedicated for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey or for the administration of a health benefits program for the horsemen.

The permitholder and the association shall include any expenditures resulting from a contractual agreement authorized pursuant to this section in their respective annual budgets and audited financial statements, which shall be submitted to the New Jersey Racing Commission as provided for by law or regulation.

The permitholder and the association shall provide a copy of any contractual agreement authorized pursuant to this section to the New Jersey Racing Commission upon its execution and obtain the New Jersey Racing Commission's approval of the agreement prior to any redistribution of any portion of these purse monies.

C.5:5-189 Contractual agreements with the New Jersey Thoroughbred Horsemen's Association.

12. A permitholder conducting thoroughbred racing may enter into a contractual agreement with the New Jersey Thoroughbred Horsemen's Association providing that a portion of the purse monies that are statutorily dedicated to the permitholder or the association will be expended for a use that the New Jersey Racing Commission approves as directly advancing, preserving, and enhancing the overall economic well-being of the thor-

oroughbred horse racing industry in New Jersey. The portion of purse monies that are redistributed pursuant to a contractual agreement under this section shall be used to advance, preserve, and enhance the overall economic well-being of the thoroughbred horse racing industry in New Jersey. A contractual agreement authorized pursuant to this section shall not redistribute any money that is statutorily dedicated for programs designed to aid the horsemen and the New Jersey Thoroughbred Horsemen's Association or for the administration of a health benefits program for the horsemen.

The permitholder and the association shall include any expenditures resulting from a contractual agreement authorized pursuant to this section in their respective annual budgets and audited financial statements, which shall be submitted to the New Jersey Racing Commission as provided for by law or regulation.

The permitholder and the association shall provide a copy of any contractual agreement authorized pursuant to this section to the New Jersey Racing Commission upon its execution and obtain the New Jersey Racing Commission's approval of the agreement prior to any redistribution of any portion of these purse monies.

13. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 267

AN ACT providing for the licensure of pediatric respite care facilities and supplementing Title 26 of the Revised Statutes.

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

C.26:2H-12.75 Findings, declarations relative to pediatric respite care facilities.

1. The Legislature finds and declares that:

a. Many children in the State with limited life expectancies or complex, life-limiting illnesses receive care at pediatric medical day care facilities, but the families of these children remain responsible for the overall care of their children and become overwhelmed because they lack the built-in breaks typically available to most families;

b. Inadequate support services exist to provide respite for families responsible 24 hours per day for children with limited life expectancies or complex, life-limiting illnesses;

c. Community-based, comprehensive, family-centered pediatric respite care facilities established in other states have been shown to enhance the quality of life for children with limited life expectancies or complex, life-limiting illnesses and for their families by providing curative care when possible, pediatric palliative care, respite care, hospice care, and bereavement services, and by addressing their psychological, and spiritual needs; and

d. Similar pediatric respite care facilities should be authorized to operate in this State, and in order to ensure that children and their families receive the best possible support, it is appropriate that these facilities be licensed by the Department of Health.

C.26:2H-12.76 “Pediatric respite care facility” defined.

2. For purposes of this act, “pediatric respite care facility” means a facility licensed by the Department of Health that provides home-like care in a facility for two weeks or less of respite care, or as necessary for end-of-life care or as medically necessary for children up to age 21 with limited life expectancies or complex, life-limiting illnesses and support for their families, and employs an interdisciplinary team to assist in providing curative care treatment when possible, palliative care, and supportive services to meet the physical, emotional, spiritual, social, and economic needs of children and their families during illness, as well as during dying and bereavement if no cure is attained. A “pediatric respite care facility” shall also mean a pediatric long-term care facility licensed in accordance with N.J.A.C. 8:33H-1.5.

C.26:2H-12.77 Application for licensure.

3. An entity may apply to the Commissioner of Health for a license to establish a pediatric respite care facility in the State. In addition to any other requirements set forth by the Commissioner of Health, an applicant shall be required to provide the following:

a. criminal history record background checks of each staff member and administrator of the facility;

b. payment of any reasonable fees for the issuance or renewal of licenses as determined by the commissioner; and

c. documentation of compliance with standards and policies established by the commissioner regarding:

- (1) the core services to be provided;
- (2) professional personnel requirements;

- (3) standards of patient care; and
- (4) administration of the facility.

The provisions of this section shall not apply to pediatric long-term care facilities licensed in accordance with N.J.A.C.8:33H-1.5.

C.26:2H-12.78 Rules, regulations.

4. The Commissioner of Health, in consultation with the Commissioners of Human Services and Children and Families, shall adopt such rules and regulations, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as the commissioner deems necessary to effectuate the purposes of this act.

5. This act shall take effect on the first day of the seventh month next following the date of enactment, but the commissioner may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 17, 2014.

CHAPTER 268

AN ACT concerning the disposition of the remains of active duty service members of the Armed Forces of the United States under certain circumstances and amending P.L.2003, c.261.

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

1. Section 22 of P.L.2003, c.261 (C.45:27-22) is amended to read as follows:

C.45:27-22 Control of funeral, disposition of remains.

22. a. If a decedent, in a will as defined in N.J.S.3B:1-2, appoints a person to control the funeral and disposition of the human remains, the funeral and disposition shall be in accordance with the instructions of the person so appointed. A person so appointed shall not have to be executor of the will. The funeral and disposition may occur prior to probate of the will, in accordance with section 40 of P.L.2003, c.261 (C.3B:10-21.1).

In the case of an active duty service member who died while on active duty in any branch or component of the United States Armed Forces, including the New Jersey National Guard called to federal active duty, the person designated by the decedent as authorized to direct disposition, as listed on the decedent's United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, shall be the person appointed to control the funeral and disposition of the remains of the decedent.

If the decedent has not left a will appointing a person to control the funeral and disposition of the remains or the United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, is not applicable, the right to control the funeral and disposition of the human remains shall be in the following order, unless other directions have been given by a court of competent jurisdiction:

(1) The surviving spouse of the decedent or the surviving civil union or domestic partner; except that if the decedent had a temporary or permanent restraining order issued pursuant to P.L.1991, c.261 (C.2C:25-17 et seq.) against the surviving spouse or civil union or domestic partner, or the surviving spouse or civil union or domestic partner is charged with the intentional killing of the decedent, the right to control the funeral and disposition of the remains shall be granted to the next available priority class as provided in this subsection.

(2) A majority of the surviving adult children of the decedent.

(3) The surviving parent or parents of the decedent.

(4) A majority of the brothers and sisters of the decedent.

(5) Other next of kin of the decedent according to the degree of consanguinity.

(6) If there are no known living relatives, a cemetery may rely on the written authorization of any other person acting on behalf of the decedent.

For purposes of this subsection "domestic partner" means a domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3).

b. A cemetery may permit the disposition of human remains on the authorization of a funeral director handling arrangements for the decedent, or on the written authorization of a person who claims to be, and is believed to be, a person who has the right to control the disposition. The cemetery shall not be liable for disposition pursuant to this authorization unless it had reasonable notice that the person did not have the right to control the disposition.

c. A cemetery shall not bury human remains of more than one person in a grave unless:

(1) directions have been given for the burials in accordance with this section on behalf of all persons so buried; or

(2) the rights to be buried in the grave were sold by the cemetery with explicit provision allowing separate sales of rights to burial at different depths in the grave.

d. A person who signs an authorization for the funeral and disposition of human remains warrants the truth of the facts stated, the identity of the person whose remains are disposed and the authority to order the disposition. The person shall be liable for damages caused by a false statement or breach of warranty. A cemetery or funeral director shall not be liable for disposition in accordance with the authorization unless it had reasonable notice that the representations were untrue or that the person lacked the right to control the disposition.

e. An action against a cemetery company relating to the disposition of human remains left in its temporary custody may not be brought more than one year from the date of delivery of the remains to the cemetery company unless otherwise provided by a written contract.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 269

AN ACT providing that participation by New Jersey residents in contests of skill does not constitute unlawful gambling and supplementing Title 5 of the Revised Statutes.

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

C.5:19-1 Participation in contests of skill not deemed unlawful gambling.

1. Notwithstanding the provisions of any other law to the contrary, participation by a New Jersey resident in a contest of skill in which a participant pays an entry fee for the opportunity to win a monetary prize or something else of value shall not be considered a game of chance, shall not constitute unlawful gambling under the laws of this State, and shall not subject the participant or the sponsor of the contest of skill, or any officer, employee, or agent of the sponsor, to any civil or criminal liability under the laws of this State that prohibit gambling.

For the purposes of this section, “contest of skill” means any baking or photography contest, and any similar contest that is approved as a “contest of

skill” by the Attorney General, provided that the winner or winners are selected solely on the quality of an entry in the contest as determined by a panel of judges using uniform criteria to assess the quality of entries. A “contest of skill” shall not include any contest, game, pool, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance. A “contest of skill” shall also not include any casino game, any sports wager or sports wagering scheme, or any Internet gaming of any kind.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 270

AN ACT concerning certain notification about offenders, supplementing Title 52 of the Revised Statutes and amending P.L.1994, c.135.

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

C.52:4B-71 Automatic notification system relative to offender release, relocation.

1. a. The Attorney General shall maintain, or arrange for the State to participate in, an automatic notification system to alert crime victims, witnesses, and other appropriate persons when an offender is released from custody or is transferred within the correctional system.

b. Notification of the offender’s change of custody shall be made to persons who have elected to register with the automatic notification system. Victims and witnesses and, as determined by the prosecuting agency, other appropriate persons, shall be provided with the opportunity to supply contact information in order to be notified when the offender’s custody status changes. The automatic notification system shall alert the victim, witnesses, and other appropriate persons about the custody status change.

c. If a person who has registered pursuant to this section cannot be contacted through the automatic notification system, notification of the offender’s change of custody shall be made to the appropriate investigating agency or county correctional facility and such agency or facility shall use reasonable efforts to notify the person.

d. The Attorney General shall issue a directive to effectuate the purposes of P.L.2013, c.270 (C.52:4B-71 et al.).

2. Section 1 of P.L.1994, c.135 (C.30:4-123.53a) is amended to read as follows:

C.30:4-123.53a Definitions; notice of release of certain offenders; procedures.

1. a. As used in this act: "Prosecutor" means the county prosecutor of the county in which the defendant was convicted unless the matter was prosecuted by the Attorney General, in which case "prosecutor" means the Attorney General.

"Office of Victim Witness Advocacy" means the Office of Victim Witness Advocacy of the county in which the defendant was convicted.

b. Notwithstanding any other provision of law to the contrary, the State shall provide written notice to the prosecutor of the anticipated release from incarceration in a county or State penal institution or the Adult Diagnostic and Treatment Center of a person convicted of murder; manslaughter; aggravated sexual assault; sexual assault; aggravated assault; aggravated criminal sexual contact; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:24-4; endangering the welfare of a child pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6); any other offense involving serious bodily injury or an attempt to commit any of the aforementioned offenses. In cases involving a release on parole, the State Parole Board shall provide the notice required by this subsection. In all other cases, including but not limited to release upon expiration of sentence or release from incarceration due to a change in sentence, the Department of Corrections shall provide the notice required by this subsection.

c. Notwithstanding any other provision of law to the contrary, the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) shall provide written notice to the prosecutor of the anticipated release from incarceration of a juvenile adjudicated delinquent on the basis of an offense which, if committed by an adult, would constitute murder; manslaughter; aggravated sexual assault; sexual assault; aggravated assault; aggravated criminal sexual contact; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:24-4; endangering the welfare of a child pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993, c.291

(C.2C:13-6); any other offense involving serious bodily injury or an attempt to commit any of the aforementioned offenses.

d. If available, the notice shall be provided to the prosecutor 90 days before the inmate's anticipated release; provided however, the notice shall be provided at least 30 days before release. The notice shall include the person's name, identifying factors, offense history, and anticipated future residence. The prosecutor shall notify the Office of Victim Witness Advocacy and that office shall use any reasonable means available to them to notify the victim of the anticipated release, unless the victim has requested not to be notified. The Office of Victim Witness Advocacy shall use any reasonable means available to also notify witnesses and other appropriate persons, as determined by the prosecutor in accordance with the directive issued by the Attorney General, who have requested notification of the anticipated release.

e. Upon receipt of notice, the prosecutor shall provide notice to the law enforcement agency responsible for the municipality where the inmate will reside, the municipality in which any victim resides, and such other State and local law enforcement agencies as appropriate for public safety.

3. This act shall take effect on the first day of the third month following the date of enactment, except the Attorney General, where appropriate, may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 17, 2014.

CHAPTER 271

AN ACT concerning the use of snow removal reserve funds and amending P.L.2001, c.138.

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

1. Section 1 of P.L.2001, c.138 (C.40A:4-62.1) is amended to read as follows:

C.40A:4-62.1 Storm recovery reserves; permitted, rules, regulations.

1. a. (1) A local unit may, by resolution, establish a storm recovery reserve. Unexpended balances budgeted annually for storm recovery may be lapsed into the reserve. Upon passage of a resolution of the governing

body, funds in the reserve may be used for any purpose related to storm recovery, including, but not limited to, snow, ice, and debris removal, by the local unit after current budget appropriations for that purpose have been expended. Any reimbursement of these expenditures shall be deposited back into the reserve.

(2) Following the declaration of an emergency by the President of the United States or the Governor, a local unit may, by resolution, authorize the use of funds in the reserve for any purpose necessary to protect the safety, security, health, and welfare, of its citizens from the damage caused by the declared emergency. Any reimbursement of these expenditures shall be deposited back into the reserve.

(3) Unexpended balances budgeted annually for expenses relating to storm recovery may be lapsed into the reserve.

b. The Local Finance Board is authorized to adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the purposes of this section.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 272

AN ACT creating the crime of cyber-harassment 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:33-4.1 Crime of cyber-harassment.

1. a. A person commits the crime of cyber-harassment if, while making a communication in an online capacity via any electronic device or through a social networking site and with the purpose to harass another, the person:

(1) threatens to inflict injury or physical harm to any person or the property of any person;

(2) knowingly sends, posts, comments, requests, suggests, or proposes any lewd, indecent, or obscene material to or about a person with the intent

to emotionally harm a reasonable person or place a reasonable person in fear of physical or emotional harm to his person; or

(3) threatens to commit any crime against the person or the person's property.

b. Cyber-harassment is a crime of the fourth degree, unless the person is 21 years of age or older at the time of the offense and impersonates a minor for the purpose of cyber-harassing a minor, in which case it is a crime of the third degree.

c. If a minor under the age of 16 is adjudicated delinquent for cyber-harassment, the court may order as a condition of the sentence that the minor, accompanied by a parent or guardian, complete, in a satisfactory manner, one or both of the following:

(1) a class or training program intended to reduce the tendency toward cyber-harassment behavior; or

(2) a class or training program intended to bring awareness to the dangers associated with cyber-harassment.

d. A parent or guardian who fails to comply with a condition imposed by the court pursuant to subsection c. of this section is a disorderly person and shall be fined not more than \$25 for a first offense and not more than \$100 for each subsequent offense.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 273

AN ACT concerning special Omega Psi Phi Fraternity license plates and supplementing chapter 3 of Title 39 of the Revised Statutes.

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

C.39:3-27.144 Omega Psi Phi license plates.

1. a. Upon proper application, the Chief Administrator of the New Jersey Motor Vehicle Commission shall issue Omega Psi Phi license plates for any motor vehicle owned or leased and registered in the State. In addition to the registration number and other markings or identification otherwise prescribed by law, the license plate shall display appropriate words or a

slogan and an emblem representative of Omega Psi Phi. The chief administrator shall select the design, including an emblem and color scheme, in consultation with the National President of Omega Psi Phi. Omega Psi Phi license plates shall be subject to the provisions of chapter 3 of Title 39 of the Revised Statutes, except as hereinafter otherwise specifically provided.

b. Application for issuance of Omega Psi Phi license plates shall be made to the chief administrator on forms and in a manner prescribed by the chief administrator. In order to be deemed complete, an application shall be accompanied by a fee of \$50, payable to the commission, which shall be in addition to the fees otherwise prescribed by law for the registration of a motor vehicle. The chief administrator shall collect annually, subsequent to the year of issuance of the Omega Psi Phi license plate, a \$10 fee for the license plate in addition to the fees otherwise prescribed by law for the registration of a motor vehicle. The additional fees required by this subsection shall be deposited in the "Omega Psi Phi License Plate Fund" created pursuant to subsection c. of this section.

c. There is created in the Department of the Treasury a special non-lapsing fund to be known as the "Omega Psi Phi License Plate Fund." There shall be deposited in the fund the amount collected from all license plate fees collected pursuant to subsection b. of this section, less the amounts necessary to reimburse the commission for administrative costs pursuant to subsection d. of this section. Monies deposited in the fund shall be appropriated annually to the Omega Psi Phi Fraternity, Inc. and be used to support the organization's mission and programs which include scholarships, social action programs, college endowment funding, and health initiatives. Monies deposited in the fund shall be held in interest-bearing accounts in public depositories as defined pursuant to section 1 of P.L.1970, c.236 (C.17:9-41), and may be invested or reinvested in such securities as are approved by the State Treasurer. Interest or other income earned on monies deposited in the fund, and any monies which may be appropriated or otherwise become available for the purposes of the fund, shall be credited to and deposited in the fund for use as set forth in P.L.2013, c.273 (C.39:3-27.144 et seq.).

d. Prior to the deposit of the additional fees collected pursuant to subsection b. of this section into the fund, amounts thereof as are necessary shall be used to reimburse the commission for all costs reasonably and actually incurred, as stipulated by the chief administrator, for:

(1) producing, issuing, renewing, and publicizing the availability of the Omega Psi Phi license plates; and

(2) any computer programming changes that may be initially necessary to implement the Omega Psi Phi license plate program established by P.L.2013, c.273 (C.39:3-27.144 et seq.), in an amount not to exceed \$150,000.

The chief administrator shall annually certify to the State Treasurer the average cost per license plate incurred in the immediately preceding year by the commission in producing, issuing, renewing, and publicizing the availability of the Omega Psi Phi license plates. The annual certification of the average cost per license plate shall be approved by the Joint Budget Oversight Committee, or its successor.

In the event that the average cost per license plate as certified by the chief administrator and approved by the Joint Budget Oversight Committee, or its successor, is greater than the \$50 application fee established in subsection b. of this section in two consecutive fiscal years, the chief administrator may discontinue the issuance of Omega Psi Phi license plates.

e. The chief administrator shall notify eligible motorists of the opportunity to obtain Omega Psi Phi license plates by publicizing the availability of the license plates on the website of the commission. Omega Psi Phi, and any other individual or entity designated by the National President of Omega Psi Phi, may publicize the availability of Omega Psi Phi license plates in any manner the organization deems appropriate.

f. The chief administrator and the National President of Omega Psi Phi shall develop and enter into a memorandum of agreement setting forth the procedures to be followed in carrying out their respective responsibilities under P.L.2013, c.273 (C.39:3-27.144 et seq.).

g. Omega Psi Phi shall appoint a representative who shall act as a liaison between the agency and the commission. The liaison shall represent Omega Psi Phi in any and all communications with the commission regarding the Omega Psi Phi license plates established by P.L.2013, c.273 (C.39:3-27.144 et seq.).

C.39:3-27.145 Cost of producing, issuing, publicizing Omega Psi Phi license plates.

2. a. No State or other public funds shall be used by the commission for the initial cost of:

(1) producing, issuing, and publicizing the availability of Omega Psi Phi license plates; or

(2) any computer programming changes which may be necessary to implement the Omega Psi Phi license plate program established by P.L.2013, c.273 (C.39:3-27.144 et seq.).

b. Omega Psi Phi, or other individual or entity designated by Omega Psi Phi, shall contribute monies in an amount to be determined by the chief

administrator, not to exceed a total of \$25,000, to be used to offset the initial costs incurred by the commission for producing, issuing, and publicizing the availability of Omega Psi Phi license plates, and any computer programming which may be necessary to implement the program. To further help offset the initial costs incurred by the commission for the Omega Psi Phi license plates authorized by P.L.2013, c.273 (C.39:3-27.144 et seq.), other concerned organizations and individual donors may contribute monies to Omega Psi Phi, or an individual or entity designated by Omega Psi Phi, for this purpose. Any amount remaining after the payment of the initial costs shall be deposited in the "Omega Psi Phi License Plate Fund" established pursuant to subsection c. of section 1 of P.L.2013, c.273 (C.39:3-27.144).

c. The commission shall not begin designing, producing, issuing, or publicizing the availability of Omega Psi Phi license plates, or making any necessary programming changes, until the following requirements have been met:

(1) Omega Psi Phi or the individual or entity designated by Omega Psi Phi, has provided the commission with the money necessary, as determined by the chief administrator pursuant to subsection b. of this section, to offset the initial costs incurred by the commission in establishing the Omega Psi Phi license plate program; and

(2) The liaison appointed by Omega Psi Phi pursuant to subsection g. of section 1 of P.L.2013, c.273 (C.39:3-27.144) has provided the commission with not less than 500 completed applications for Omega Psi Phi license plates. These applications shall constitute the initial order for Omega Psi Phi license plates and shall be accompanied by a fee representing the total cost of the initial order. Such fee shall be determined by multiplying the number of sets of plates being ordered by the applicable initial fee for each set of plates as set forth in subsection b. of section 1 of P.L.2013, c.273 (C.39:3-27.144).

3. This act shall take effect immediately, but shall remain inoperable until the first day of the seventh month following the date on which the conditions set forth in paragraphs (1) and (2) of subsection c. of section 2 of P.L.2013, c.273 (C.39:3-27.145) have been satisfied. The chief administrator may take such anticipatory acts in advance of that date as may be necessary for the timely implementation of P.L.2013, c.273 (C.39:3-27.144 et seq.). P.L.2013, c.273 (C.39:3-27.144 et seq.) shall expire if the conditions set forth in paragraphs (1) and (2) of subsection c. of section 2 of P.L.2013, c.273 (C.39:3-27.145) are not satisfied by the last day of the 12th month following enactment.

Approved January 17, 2014.

CHAPTER 274

AN ACT concerning the transfer of certain records to the Department of Labor and Workforce Development and the Department of Human Services, revising various parts of the statutory law and supplementing Title 30 of the Revised Statutes and Title 2A of the New Jersey Statutes.

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

1. R.S.26:8-24 is amended to read as follows:

Duties, responsibilities of State registrar.

26:8-24. The State registrar shall:

- a. Have general supervision throughout the State of the registration of vital records;
- b. Have supervisory power over local registrars, deputy local registrars, alternate deputy local registrars, and subregistrars, in the enforcement of the law relative to the disposal of dead bodies and the registration of vital records;
- c. Prepare, print, and supply to all registrars, upon request therefor, all blanks and forms used in registering the records required by said law, and provide for and prescribe the use of the NJ-EDRS. No other blanks or methods of registration shall be used than those supplied or approved by the State registrar;
- d. Carefully examine the certificates or electronic files received periodically from the local registrars or originating from their jurisdiction; and, if any are incomplete or unsatisfactory, require such further information to be supplied as may be necessary to make the record complete and satisfactory;
- e. Arrange or bind, and permanently preserve the certificates of vital records, or the information comprising those records, in a systematic manner and in a form that is deemed most consistent with contemporary and developing standards of vital statistical archival record keeping;
- f. Prepare and maintain a comprehensive and continuous index of all vital records registered, the index to be arranged alphabetically:
 1. In the case of deaths, by the name of the decedent;
 2. In the case of births, by the name of child, if given, and if not, then by the name of father or mother;
 3. In the case of marriages, by the surname of the husband and also by the maiden name of the wife;

4. In the case of civil unions, by the surname of each of the parties to the civil union;

5. In the case of domestic partnerships, by the surname of each of the partners;

g. Mark the birth certificate of a missing child when notified by the Missing Persons Unit in the Department of Law and Public Safety pursuant to section 3 of P.L.1995, c.395 (C.52:17B-9.8c);

h. Develop and provide to local registrars an education and training program, which the State registrar may require each local registrar to complete as a condition of retaining that position, and which may be offered to deputy local registrars, alternate deputy local registrars and subregistrars at the discretion of the State registrar, that includes material designed to implement the NJ-EDRS and to familiarize local registrars with the statutory requirements applicable to their duties and any rules and regulations adopted pursuant thereto, as deemed appropriate by the State registrar; and

i. Facilitate the electronic notification, upon completion of the death record and issuance of a burial permit, of the decedent's name, Social Security number and last known address to the Department of Labor and Workforce Development and the Department of Human Services to safeguard public benefit programs and diminish the criminal use of a decedent's name and other identifying information.

2. Section 16 of P.L.2003, c.221 (C.26:8-24.1) is amended to read as follows:

C.26:8-24.1 New Jersey Electronic Death Registration System (NJ-EDRS); implementation.

16. a. The State registrar shall establish and maintain the New Jersey Electronic Death Registration System or NJ-EDRS.

(1) The system shall be fully implemented no later than 18 months after the date of enactment of P.L.2003, c.221, and shall be the required means of death registration and certification for any death or fetal death occurring in this State, subject to any exception that may be approved by the State registrar in the case of a specific death or fetal death. All participants in the death registration process, including, but not limited to, the State registrar, local registrars, deputy registrars, alternate deputy registrars, subregistrars, the State medical examiner, county medical examiners, funeral directors, attending physicians and resident physicians, licensed health care facilities, and other public or private institutions providing medical care, treatment or confinement to persons, shall be required to util-

ize the NJ-EDRS to provide the information that is required of them by statute or regulation.

(2) The State registrar may provide for a phased implementation of the system, beginning seven months after the date of enactment of P.L.2003, c.221, by requiring certain users, who are designated by the State registrar on a geographic or other basis for this purpose, to commence utilization of the system.

(3) Beginning no later than six months after the date of enactment of P.L.2003, c.221, the State registrar shall authorize and provide material support, in the form of system access, curriculum guidelines and user registration capability and authority, to the principal trade associations or professional organizations representing persons affected by implementation of the NJ-EDRS, for the purposes of providing training and education with regard to the NJ-EDRS. The State registrar may conduct such education and training, or authorize other entities to do so on his behalf; however, these activities shall not be construed as restricting the training and education activities of any affected trade association or professional organization, including the location, manner, fees or other means of conducting those activities on the part of the association or organization.

b. The NJ-EDRS shall, at a minimum, provide for:

(1) the direct transmission of burial permit documentation to the originating funeral home in an electronic form capable of output to a local printer;

(2) an overnight mail system for the delivery of NJ-EDRS-generated death certificates by the State registrar and local registrars, the cost of which shall be chargeable to the funeral director of record;

(3) an automated notification system to alert other responsible parties to pending cases, including notification to or from alternate local registrars;

(4) a systematic electronic payment method by which all fees are taken from accounts for which funeral homes are financially responsible and distributed, as appropriate, to the State registrar or local registrars as payment for the issuance of permits, the recording of records, the making of certified copies of death certificates, or for other charges that may be incurred;

(5) a legally binding system of digital authentication in lieu of signatures for the responsible parties and a means of assuring database security that permits users to enter the system from multiple sites and includes contemporaneous and remote data security methods to protect the system from catastrophic loss or intrusions, as well as a method of data encryption for transmission;

(6) the capacity for authorized users to retrieve data comprising the death certification record;

(7) the capacity to electronically amend and correct death records;

(8) electronic notification, upon completion of the death record and issuance of a burial permit, of the decedent's name, Social Security number and last known address and the informant to: the federal Social Security Administration, the U.S. Citizenship and Immigration Services, the Division of Medical Assistance and Health Services in the Department of Human Services, the Department of Labor and Workforce Development and such other governmental agencies as the State registrar determines will substantially contribute to safeguarding public benefit programs and diminish the criminal use of a decedent's name and other identifying information; and the New Jersey State Funeral Directors Association, in the case of a decedent participating in one of its funeral expense payment programs, in such a manner as to enable it to fulfill its fiduciary obligations for the payment of the decedent's final funeral and burial expenses;

(9) sufficient data documentation to meet contemporary and emerging standards and expectations of vital record archiving; and

(10) continuous 24-hour-a-day technical support for all authorized users of the system.

c. A provider of information that is required to complete a death certificate, or who is subject to the provisions of law governing the NJ-EDRS, shall not be deemed to be acting as a local registrar, deputy registrar, alternate deputy registrar or subregistrar solely by virtue of permitting other providers of information to gain access to the NJ-EDRS by using those other providers' identifying information.

3. Section 18 of P.L.2003, c.221 (C.26:8-24.3) is amended to read as follows:

C.26:8-24.3 Means of accessing NJ-EDRS; requirements.

18. The State Medical Examiner, the Commissioner of Labor and Workforce Development or his designee, county medical examiners, licensed health care facilities, other public or private institutions providing medical care, treatment or confinement to persons, funeral homes and physicians' private practice offices, as defined by the State registrar, shall acquire the electronic means prescribed by the State registrar to access the NJ-EDRS, or make such other arrangements as are necessary for that purpose, no later than six months after the date of enactment of P.L.2003, c.221.

The State Medical Examiner, the Commissioner of Labor and Workforce Development or his designee, and each county medical examiner, health care facility, institution, funeral home or physician's office shall employ at least one person who is qualified to use the NJ-EDRS, and is regis-

tered with the State registrar as an authorized user of the system, by virtue of completing a course of instruction on the NJ-EDRS provided by the State registrar or an authorized agent thereof, or satisfying such other requirements as may be established by the State registrar for this purpose.

4. Section 6 of P.L.1976, c.98 (C.30:1B-6) is amended to read as follows:

C.30:1B-6 Powers, duties of commissioner.

6. The commissioner, as administrator and chief executive officer of the department, shall:

- a. Administer the work of the department;
- b. Appoint and remove officers and other personnel employed within the department, subject to the provisions of Title 11A, Civil Service, of the New Jersey Statutes, and other applicable statutes, except as herein otherwise specifically provided;
- c. 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;
- d. Organize the work of the department in such divisions, not inconsistent with the provisions of this act, and in such bureaus and other organizational units as he may determine to be necessary for efficient and effective operation;
- e. Formulate, adopt, issue and promulgate, in the name of the department such rules and regulations for the efficient conduct of the work and general administration of the department, the institutions or noninstitutional agencies within its jurisdiction, its officers and employees as may be authorized by law;
- f. Determine all matters relating to the unified and continuous development of the institutions and noninstitutional agencies within his jurisdiction;
- g. Determine all matters of policy and regulate the administration of the institutions or noninstitutional agencies within his jurisdiction, correct and adjust the same so that each shall function as an integral part of a general system. The rules, regulations, orders and directions promulgated by the commissioner for this purpose shall be accepted and enforced by the executive having charge of any institution or group of institutions or noninstitutional agencies or any phase of the work within the jurisdiction of the department;
- h. Institute or cause to be instituted such legal proceedings or processes as may be necessary to enforce properly and give effect to any of his powers or duties; for the purpose of any such investigation, he may cause to

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be examined under oath any and all persons whatsoever and compel by subpoena the attendance of witnesses and the production of such books, records, accounts, papers and other documents as are appropriate. If a witness fails without good cause to attend, testify or produce such records or documents as are directed in the subpoena, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons or subpoena issued from a court of record in this State;

i. Make a report in each year to the Governor and to the Legislature of the department's operations for the preceding fiscal year, and render such other reports as the Governor shall from time to time request or as may be required by law;

j. Appoint such advisory committees as may be desirable to advise and assist the department or a division in carrying out its functions and duties;

k. Maintain suitable headquarters for the department and such other quarters as he shall deem necessary to the proper functioning of the department;

l. Develop and from time to time revise and maintain a comprehensive master plan for the State's correctional system which shall indicate, among other things, the department's goals, objectives, resources and needs;

m. Promote the development of alternatives to conventional incarceration for those offenders who can be dealt with more effectively in less restrictive, community-based facilities;

n. (Deleted by amendment, P.L.1995, c.280);

o. Promote a unified criminal justice system, including the integration of State and local correctional programs and probation and parole services;

p. Provide for the timely and efficient collection and analysis of data regarding the correctional system to insure the continuing review and evaluation of correctional services, policies and procedures;

q. Perform such other functions as may be prescribed in this act or by any other law; and

r. Compile and provide to the Department of Labor and Workforce Development and the Department of Human Services identifying information on each inmate incarcerated in each State institution at the time of incarceration. The information shall be transmitted electronically in a timely manner and shall provide identifying characteristics, including name and Social Security number, to be used by the Department of Labor and Workforce Development and the Department of Human Services to verify individuals' eligibility for benefit programs administered by each department.

5. R.S.43:21-16 is amended to read as follows:

Unemployment compensation offenses and penalties.

43:21-16. (a) (1) Whoever makes a false statement or representation, knowing it to be false, or knowingly fails to disclose a material fact, to obtain or increase or attempts to obtain or increase any benefit or other payment under this chapter (R.S.43:21-1 et seq.), or under an employment security law of any other state or of the federal government, either for himself or for any other person, shall be liable to a fine of 25% of the amount fraudulently obtained, to be recovered in an action at law in the name of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey or as provided in subsection (e) of R.S.43:21-14, said fine when recovered shall be immediately deposited in the following manner: 10 percent of the amount fraudulently obtained deposited into the unemployment compensation auxiliary fund for the use of said fund, and 15 percent of the amount fraudulently obtained deposited into the unemployment compensation fund; and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense. Any penalties imposed by this subsection shall be in addition to those otherwise prescribed in this chapter (R.S.43:21-1 et seq.).

(2) For purposes of any unemployment compensation program of the United States, if the department determines that any benefit amount is obtained by an individual due to fraud committed by the individual, the department shall assess a fine on the individual and deposit the recovered fine in the same manner as provided in paragraph (1) of subsection (a) of this section. As used in this paragraph, "unemployment compensation program of the United States" means:

(A) Unemployment compensation for federal civilian employees pursuant to 5 U.S.C. 8501 et seq.;

(B) Unemployment compensation for ex-service members pursuant to 5 U.S.C. 8521 et seq.;

(C) trade readjustment allowances pursuant to 19 U.S.C. 2291-2294;

(D) Disaster unemployment assistance pursuant to 42 U.S.C. 5177(a);

(E) Any federal temporary extension of unemployment compensation;

(F) Any federal program that increases the weekly amount of unemployment compensation payable to individuals; and

(G) Any other federal program providing for the payment of unemployment compensation.

(b) (1) An employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation, knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of benefits to any individual entitled thereto or to

avoid becoming or remaining subject hereto or to avoid or reduce any contribution or other payment required from an employing unit under this chapter (R.S.43:21-1 et seq.), or under an employment security law of any other state or of the federal government, or who willfully fails or refuses to furnish any reports required hereunder (except for such reports as may be required under subsection (b) of R.S.43:21-6) or to produce or permit the inspection or copying of records, as required hereunder, shall be liable to a fine of \$100.00, or 25% of the amount fraudulently withheld, whichever is greater, to be recovered in an action at law in the name of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey or as provided in subsection (e) of R.S.43:21-14, said fine when recovered to be paid to the unemployment compensation auxiliary fund for the use of said fund; and each such false statement or representation or failure to disclose a material fact, and each day of such failure or refusal shall constitute a separate offense. Any penalties imposed by this paragraph shall be in addition to those otherwise prescribed in this chapter (R.S.43:21-1 et seq.).

(2) Any employing unit or any officer or agent of an employing unit or any other person who fails to submit any report required under subsection (b) of R.S.43:21-6 shall be subject to a penalty of \$25.00 for the first report not submitted within 10 days after the mailing of a request for such report, and an additional \$25.00 penalty may be assessed for the next 10-day period, which may elapse after the end of the initial 10-day period and before the report is filed; provided that when such report or reports are not filed within the prescribed time but it is shown to the satisfaction of the director that the failure was due to a reasonable cause, no such penalty shall be imposed. Any penalties imposed by this paragraph shall be recovered as provided in subsection (e) of R.S.43:21-14, and when recovered shall be paid to the unemployment compensation auxiliary fund for the use of said fund.

(3) Any employing unit, officer or agent of the employing unit, or any other person, determined by the controller to have knowingly violated, or attempted to violate, or advised another person to violate the transfer of employment experience provisions found at R.S.43:21-7 (c)(7), or who otherwise knowingly attempts to obtain a lower rate of contributions by failing to disclose material information, or by making a false statement, or by a misrepresentation of fact, shall be subject to a fine of \$5,000 or 25% of the contributions under-reported or attempted to be under-reported, whichever is greater, to be recovered as provided in subsection (e) of R.S.43:21-14, and when recovered to be paid to the unemployment compensation auxiliary fund for the use of said fund. For the purposes of this subsection,

"knowingly" means having actual knowledge of, or acting with deliberate ignorance or reckless disregard for the prohibition involved.

(c) Any person who shall willfully violate any provision of this chapter (R.S.43:21-1 et seq.) or any rule or regulation thereunder, the violation of which is made unlawful or the observance of which is required under the terms of this chapter (R.S.43:21-1 et seq.), and for which a penalty is neither prescribed herein nor provided by any other applicable statute, shall be liable to a fine of \$50.00, to be recovered in an action at law in the name of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey or as provided in subsection (e) of R.S.43:21-14, said fine when recovered to be paid to the unemployment compensation auxiliary fund for the use of said fund; and each day such violation continues shall be deemed to be a separate offense.

(d) (1) When it is determined by a representative or representatives designated by the Director of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey that any person, whether (i) by reason of the nondisclosure or misrepresentation by him or by another of a material fact (whether or not such nondisclosure or misrepresentation was known or fraudulent), or (ii) for any other reason, has received any sum as benefits under this chapter (R.S.43:21-1 et seq.) while any conditions for the receipt of benefits imposed by this chapter (R.S.43:21-1 et seq.) were not fulfilled in his case, or while he was disqualified from receiving benefits, or while otherwise not entitled to receive such sum as benefits, such person, unless the director (with the concurrence of the controller) directs otherwise by regulation, shall be liable to repay those benefits in full. The employer's account shall not be charged for the amount of an overpayment of benefits if the overpayment was caused by an error of the division and not by any error of the employer. The sum shall be deducted from any future benefits payable to the individual under this chapter (R.S.43:21-1 et seq.) or shall be paid by the individual to the division for the unemployment compensation fund, and such sum shall be collectible in the manner provided for by law, including, but not limited to, the filing of a certificate of debt with the Clerk of the Superior Court of New Jersey; provided, however, that, except in the event of fraud, no person shall be liable for any such refunds or deductions against future benefits unless so notified before four years have elapsed from the time the benefits in question were paid. Such person shall be promptly notified of the determination and the reasons therefor. The determination shall be final unless the person files an appeal of the determination within seven calendar days after the delivery of the determination, or within

10 calendar days after such notification was mailed to his last-known address, for any determination made on or before December 1, 2010, and any initial determination made pursuant to paragraph (1) of subsection (b) of R.S.43:21-6 after December 1, 2010, or within 20 calendar days after the delivery of such determination, or within 20 calendar days after such notification was mailed to his last-known address, for any determination other than an initial determination made after December 1, 2010.

(2) Interstate and cross-offset of state and federal unemployment benefits. To the extent permissible under the laws and Constitution of the United States, the commissioner is authorized to enter into or cooperate in arrangements or reciprocal agreements with appropriate and duly authorized agencies of other states or the United States Secretary of Labor, or both, whereby:

(A) Overpayments of unemployment benefits as determined under subsection (d) of R.S.43:21-16 shall be recovered by offset from unemployment benefits otherwise payable under the unemployment compensation law of another state, and overpayments of unemployment benefits as determined under the unemployment compensation law of another state shall be recovered by offset from unemployment benefits otherwise payable under R.S.43:21-1 et seq.; and

(B) Overpayments of unemployment benefits as determined under applicable federal law, with respect to benefits or allowances for unemployment provided under a federal program administered by this State under an agreement with the United States Secretary of Labor, shall be recovered by offset from unemployment benefits otherwise payable under R.S.43:21-1 et seq., or any federal program administered by this State, or under the unemployment compensation law of another state or any federal unemployment benefit or allowance program administered by another state under an agreement with the United States Secretary of Labor, if the other state has in effect a reciprocal agreement with the United States Secretary of Labor as authorized by subsection (g) of 42 U.S.C.s.503, and if the United States agrees, as provided in the reciprocal agreement with this State entered into under subsection (g) of 42 U.S.C.s.503, that overpayments of unemployment benefits as determined under subsection (d) of R.S.43:21-16 and overpayments as determined under the unemployment compensation law of another state which has in effect a reciprocal agreement with the United States Secretary of Labor as authorized by subsection (g) of 42 U.S.C.s.503, shall be recovered by offset from benefits or allowances otherwise payable under a federal program administered by this State or another state under an agreement with the United States Secretary of Labor.

(e) (1) Any employing unit, or any officer or agent of an employing unit, which officer or agent is directly or indirectly responsible for collecting, truthfully accounting for, remitting when payable any contribution, or filing or causing to be filed any report or statement required by this chapter, or employer, or person failing to remit, when payable, any employer contributions, or worker contributions (if withheld or deducted), or the amount of such worker contributions (if not withheld or deducted), or filing or causing to be filed with the controller or the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey, any false or fraudulent report or statement, and any person who aids or abets an employing unit, employer, or any person in the preparation or filing of any false or fraudulent report or statement with intent to defraud the State of New Jersey or an employment security agency of any other state or of the federal government, or with intent to evade the payment of any contributions, interest or penalties, or any part thereof, which shall be due under the provisions of this chapter (R.S.43:21-1 et seq.), shall be liable for each offense upon conviction before any Superior Court or municipal court, to a fine not to exceed \$1,000.00 or by imprisonment for a term not to exceed 90 days, or both, at the discretion of the court. The fine upon conviction shall be payable to the unemployment compensation auxiliary fund. Any penalties imposed by this subsection shall be in addition to those otherwise prescribed in this chapter (R.S.43:21-1 et seq.).

(2) Any employing unit, officer or agent of the employing unit, or any other person, who knowingly violates, or attempts to violate, or advise another person to violate the transfer of employment experience provisions found at R.S.43:21-7 (c)(7) shall be, upon conviction before any Superior Court or municipal court, guilty of a crime of the fourth degree. For the purposes of this subsection, "knowingly" means having actual knowledge of, or acting with deliberate ignorance or reckless disregard for the prohibition involved.

(f) Any employing unit or any officer or agent of an employing unit or any other person who aids and abets any person to obtain any sum of benefits under this chapter to which he is not entitled, or a larger amount as benefits than that to which he is justly entitled, shall be liable for each offense upon conviction before any Superior Court or municipal court, to a fine not to exceed \$1,000.00 or by imprisonment for a term not to exceed 90 days, or both, at the discretion of the court. The fine upon conviction shall be payable to the unemployment compensation auxiliary fund. Any penalties imposed by this subsection shall be in addition to those otherwise prescribed in this chapter (R.S.43:21-1 et seq.).

(g) There shall be created in the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey an investigative staff for the purpose of investigating violations referred to in this section and enforcing the provisions thereof.

(h) An employing unit or any officer or agent of an employing unit who makes a false statement or representation, knowing it to be false, or who knowingly fails to disclose a material fact, to reduce benefit charges to the employing unit pursuant to paragraph (1) of subsection (c) of R.S.43:21-7, shall be liable to a fine of \$1,000, to be recovered in an action at law in the name of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey or as provided in subsection (e) of R.S.43:21-14. The fine when recovered shall be paid to the unemployment compensation auxiliary fund for the use of the fund. Each false statement or representation or failure to disclose a material fact, and each day of that failure or refusal shall constitute a separate offense. Any penalties imposed by this subsection shall be in addition to those otherwise prescribed in R.S.43:21-1 et seq.

(i) The Department of Labor and Workforce Development shall arrange for the electronic receipt of death record notifications from the New Jersey Electronic Death Registration System, pursuant to section 16 of P.L.2003, c.221 (C.26:8-24.1), and establish a verification system to confirm that benefits paid pursuant to the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.), and the "unemployment compensation law," R.S.43:21-1 et seq., are not being paid to deceased individuals.

(j) The Department of Labor and Workforce Development shall arrange for the electronic receipt of identifying information from the Department of Corrections, pursuant to section 6 of P.L.1976, c.98 (C.30:1B-6), and from the Administrative Office of the Courts and any county which does not provide county inmate incarceration information to the Administrative Office of the Courts, and establish a verification system to confirm that benefits paid pursuant to the "unemployment compensation law," R.S.43:21-1 et seq., are not being paid to individuals who are incarcerated.

C.30:1-1.3 DHS to receive death record notification, incarceration information electronically.

6. The Department of Human Services shall arrange for the electronic receipt of death record notifications from the New Jersey Electronic Death Registration System, pursuant to section 16 of P.L.2003, c.221 (C.26:8-24.1), and of identifying information from the Department of Corrections,

pursuant to section 6 of P.L.1976, c.98 (C.30:1B-6), and from the Administrative Office of the Courts and any county which does not provide county inmate incarceration information to the Administrative Office of the Courts. The Department of Human Services shall establish a verification system utilizing the records and information it receives pursuant to this section to confirm that benefits paid under programs of the Department of Human Services are not being paid in a manner inconsistent with laws and regulations regarding eligibility for those benefit programs. This section shall not be construed as changing in any way the laws and regulations regarding eligibility for benefit programs of the Department of Human Services.

C.2A:12-5.3 DLWD, DHS to receive incarceration information electronically from AOC.

7. The Administrative Office of the Courts shall compile and provide to the Department of Labor and Workforce Development and the Department of Human Services identifying information on each inmate incarcerated in each county and local institution in each county which provides inmate incarceration information to the Administrative Office of the Courts, and any county which does not provide that information to the Administrative Office of the Courts shall provide the information to the Department of Labor and Workforce Development and the Department of Human Services. The information shall be transmitted electronically in a timely manner and shall provide identifying characteristics, including name and Social Security number, to be used by the Department of Labor and Workforce Development and the Department of Human Services to verify individuals' eligibility for benefit programs administered by each department.

8. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 275

AN ACT concerning the pertussis vaccine and supplementing Title 26 of the Revised Statutes.

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

C.26:2N-7.1 Informational literature on pertussis vaccine for adults provided to hospitals, birthing centers.

1. a. The Commissioner of Health shall prepare and make available to each hospital and birthing facility in the State informational literature on the pertussis vaccine for adults, including, but not limited to, information on the risks of pertussis, the morbidity and mortality rates among infants suffering from pertussis, the availability and efficacy of the tetanus-diphtheria-acellular pertussis booster vaccine, and the benefits of inoculating pregnant women, a new mother, and other adult family members with the booster vaccine, prior to an infant's birth or the mother's discharge from a hospital or birthing facility, as applicable, to prevent the transmission of pertussis to the infant. The commissioner may make the informational literature available to hospitals and birthing facilities by posting it on the Department of Health's Internet website or by other electronic means.

b. The department shall require each hospital and birthing facility in the State to provide new mothers, including adoptive mothers, with the informational literature specified in subsection a. of this section. The informational literature shall be distributed to the mother and any other adult family member, including adult adoptive family members, present at the infant's birth, by the staff designated by the hospital or birthing facility, prior to the mother's discharge, as part of the hospital or birthing facility's discharge procedures.

c. As used in this section "birthing facility" means an inpatient or ambulatory health care facility licensed by the Department of Health that provides birthing and newborn care services.

C.26:2N-7.2 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 17, 2014.

CHAPTER 276

AN ACT concerning limited liability companies and amending P.L.2012, c.50.

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

1. Section 8 of P.L.2012, c.50 (C.42:2C-8) is amended to read as follows:

C.42:2C-8 Name.

8. Name.

a. The name of a limited liability company shall contain the words "limited liability company" or the abbreviation "L.L.C." or "LLC". "Limited" may be abbreviated as "Ltd.", and "company" may be abbreviated as "Co."

b. Unless authorized by subsection d. of this section, the name of a limited liability company shall be distinguishable in the records of the filing office from:

(1) the name of each person that is not an individual and that is incorporated, organized, or authorized to transact business in this State; and

(2) each name reserved under section 10 of this act.

c. Furthermore, the name of a limited liability company shall not contain any word or phrase, or any abbreviation or derivative thereof, the use of which is prohibited or restricted by any other statute of this State, unless the limited liability company has complied with the restrictions.

d. A limited liability company may apply to the filing office for authorization to use a name that does not comply with subsection b. of this section. The filing office shall authorize use of the name applied for if, as to each noncomplying name:

(1) the present user, registrant, or owner of the noncomplying name consents in a signed record to the use and submits an undertaking in a form satisfactory to the filing office to change the noncomplying name to a name that complies with subsection b. of this section and is distinguishable in the records of the filing office from the name applied for; or

(2) the applicant delivers to the filing office a certified copy of the final judgment of a court establishing the applicant's right to use in this State the name applied for.

e. Subject to section 61, the provisions of this act shall apply to a foreign limited liability company transacting business in this State which has a certificate of authority to transact business in this State or which has applied for a certificate of authority.

2. Section 11 of P.L.2012, c.50 (C.42:2C-11) is amended to read as follows:

C.42:2C-11 Operating agreement; scope, function, and limitations.

11. Operating Agreement; Scope, Function, and Limitations.

a. Except as provided in subsections b. and c. of this section, the operating agreement governs:

(1) relations among the members as members and between the members and the limited liability company;

(2) the rights and duties under this act of a person in the capacity of manager;

(3) the activities of the company and the conduct of those activities; and

(4) the means and conditions for amending the operating agreement.

b. To the extent the operating agreement does not otherwise provide for a matter described in subsection a. of this section, this act governs the matter.

c. An operating agreement may not:

(1) vary a limited liability company's capacity under section 5 of this act to sue and be sued in its own name;

(2) vary the law applicable under section 6 of this act;

(3) vary the power of the court under section 21 of this act;

(4) subject to subsections d. through g. of this section, eliminate the duty of loyalty, the duty of care, or any other fiduciary duty;

(5) subject to subsections d. through g. of this section, eliminate the contractual obligation of good faith and fair dealing under subsection d. of section 39 of this act;

(6) unreasonably restrict the duties and rights stated in section 40 of this act;

(7) vary the power of a court to decree dissolution in the circumstances specified in paragraphs (4) and (5) of subsection a. of section 48 of this act;

(8) vary the requirement to wind up a limited liability company's business as specified in subsection a. and paragraph (1) of subsection b. of section 49 of this act;

(9) unreasonably restrict the right of a member to maintain an action under Article 9 (sections 67 through 72 of this act);

(10) restrict the right to approve a merger, conversion, or domestication under section 86 of this act to a member that will have personal liability with respect to a surviving, converted, or domesticated organization; or

(11) except as otherwise provided in subsection b. of section 13 of this act, restrict the rights under this act of a person other than a member or manager.

d. If not manifestly unreasonable, the operating agreement may:

(1) restrict or eliminate the duty:

(a) as required in paragraph (1) of subsection b. and subsection i. of section 39 of this act, to account to the limited liability company and to hold as trustee for it any property, profit, or benefit derived by the member in the conduct or winding up of the company's business, from a use by the member of the company's property, or from the appropriation of a limited liability company opportunity;

(b) as required in paragraph (2) of subsection b. and subsection i. of section 39 of this act, to refrain from dealing with the company in the conduct or winding up of the company's business as or on behalf of a party having an interest adverse to the company; and

(c) as required by paragraph (3) of subsection b. and subsection i. of section 39 of this act, to refrain from competing with the company in the conduct of the company's business before the dissolution of the company;

(2) identify specific types or categories of activities that do not violate the duty of loyalty;

(3) alter the duty of care, except to authorize intentional misconduct or knowing violation of law;

(4) alter any other fiduciary duty, including eliminating particular aspects of that duty; and

(5) prescribe the standards by which to measure the performance of the contractual obligation of good faith and fair dealing under subsection d. and subsection i. of section 39 of this act.

e. The operating agreement may specify the method by which a specific act or transaction that would otherwise violate the duty of loyalty may be authorized or ratified by one or more disinterested and independent persons after full disclosure of all material facts.

f. To the extent the operating agreement of a member-managed limited liability company expressly relieves a member of a responsibility that the member would otherwise have under this act and imposes the responsibility on one or more other members, the operating agreement may, to the benefit of the member that the operating agreement relieves of the responsibility, also eliminate or limit any fiduciary duty that would have pertained to the responsibility.

g. The operating agreement may alter or eliminate the indemnification for a member or manager provided by section 38 of this act and may elimi-

nate or limit a member's or manager's liability to the limited liability company and members for money damages, except for:

- (1) breach of the duty of loyalty;
- (2) a financial benefit received by the member or manager to which the member or manager is not entitled;
- (3) a breach of a duty under section 36 of this act;
- (4) intentional infliction of harm on the company or a member; or
- (5) an intentional violation of criminal law.

h. The court shall decide any claim under subsection d. of this section that a term of an operating agreement is manifestly unreasonable. The court:

- (1) shall make its determination as of the time the challenged term became part of the operating agreement and by considering only circumstances existing at that time; and
- (2) may invalidate the term only if, in light of the purposes and activities of the limited liability company, it is readily apparent that:
 - (a) the objective of the term is unreasonable; or
 - (b) the term is an unreasonable means to achieve the provision's objective.
- i. This act is to be liberally construed to give the maximum effect to the principle of freedom of contract and to the enforceability of operating agreements.

3. Section 13 of P.L.2012, c.50 (C.42:2C-13) is amended to read as follows:

C.42:2C-13 Operating agreement; effect on third parties and relationship to records effective on behalf of limited liability company.

13. Operating Agreement; Effect on Third Parties and Relationship to Records Effective on Behalf of Limited Liability Company.

a. An operating agreement may specify that its amendment requires the approval of a person that is not a party to the operating agreement or the satisfaction of a condition. An amendment is ineffective if its adoption does not include the required approval or satisfy the specified condition.

b. The obligations of a limited liability company and its members to a person in the person's capacity as a transferee or dissociated member are governed by the operating agreement. An amendment to the operating agreement made after a person becomes a transferee or dissociated member is effective with regard to any debt, obligation, or other liability of the lim-

ited liability company or its members to the person in the person's capacity as a transferee or dissociated member.

c. If a record that has been delivered by a limited liability company to the filing office for filing and has become effective under this act contains a provision that would be ineffective under subsection c. of section 11 of this act, if contained in the operating agreement, the provision is likewise ineffective in the record.

d. Subject to subsection c. of this section, if a record that has been delivered by a limited liability company to the filing office for filing and has become effective under this act conflicts with a provision of the operating agreement:

(1) the operating agreement prevails as to members, dissociated members, transferees, and managers; and

(2) the record prevails as to other persons to the extent they reasonably rely on the record.

4. Section 34 of P.L.2012, c.50 (C.42:2C-34) is amended to read as follows:

C.42:2C-34 Sharing of and right to distributions before dissolution.

34. Sharing of and Right to Distributions before Dissolution.

a. Any distributions made by a limited liability company before its dissolution and winding up shall be in equal shares among members and dissociated members, except to the extent necessary to comply with any transfer effective under section 42 and any order in effect under section 43 of this act.

b. A person has a right to a distribution before the dissolution and winding up of a limited liability company only if the company decides to make an interim distribution. A person's dissociation does not entitle the person to a distribution.

c. A person does not have a right to demand or receive a distribution from a limited liability company in any form other than money. Except as otherwise provided in subsection c. of section 56 of this act, a limited liability company may distribute an asset in kind if each part of the asset is fungible with each other part and each person receives a percentage of the asset equal in value to the person's share of distributions.

d. If a member or transferee becomes entitled to receive a distribution, the member or transferee has the status of, and is entitled to all remedies available to, a creditor of the limited liability company with respect to the distribution.

5. Section 42 of P.L.2012, c.50 (C.42:2C-42) is amended to read as follows:

C.42:2C-42 Transfer of transferable interest.

42. Transfer of Transferable Interest.

a. A transfer, in whole or in part, of a transferable interest:

(1) is permissible;

(2) does not by itself cause a member's dissociation or a dissolution and winding up of the limited liability company's activities; and

(3) subject to section 44 of this act, does not entitle the transferee to:

(a) participate in the management or conduct of the company's activities; or

(b) except as otherwise provided in subsection c. of this section, have access to records or other information concerning the company's activities.

b. A transferee has the right to receive, in accordance with the transfer, distributions to which the transferor would otherwise be entitled.

c. In a dissolution and winding up of a limited liability company, a transferee is entitled to an account of the company's transactions only from the date of dissolution.

d. A transferable interest may be evidenced by a certificate of the interest issued by the limited liability company in a record, and, subject to this section, the interest represented by the certificate may be transferred by a transfer of the certificate.

e. A limited liability company need not give effect to a transferee's rights under this section until the company has notice of the transfer.

f. A transfer of a transferable interest in violation of a restriction on transfer contained in the operating agreement is ineffective as to a person having notice of the restriction at the time of transfer.

g. Except as otherwise provided in paragraph (2) of subsection d. of section 46 of this act, when a member transfers a transferable interest, the transferor retains the rights of a member other than the interest in distributions transferred and retains all duties and obligations of a member.

h. When a member transfers a transferable interest to a person that becomes a member with respect to the transferred interest, the transferee is liable for the member's obligations known to the transferee when the transferee becomes a member.

6. Section 43 of P.L.2012, c.50 (C.42:2C-43) is amended to read as follows:

C.42:2C-43 Rights of judgment creditor of a member.**43. Rights of Judgment Creditor of a Member.**

On application by a judgment creditor of a member, a court may charge the transferable interest of the member with payment of the unsatisfied amount of the judgment with interest. To the extent so charged, the judgment creditor has only the rights of an assignee of the limited liability company interest. An action by a court pursuant to this section does not deprive any member of the benefit of any exemption laws applicable to his transferable interest. A court order charging the transferable interest of a member pursuant to this section shall be the sole remedy of a judgment creditor, who shall have no right under 42:2C-1 et seq. or any other State law to interfere with the management or force dissolution of a limited liability company or to seek an order of the court requiring a foreclosure sale of the transferable interest. Nothing in this section shall be construed to affect in any way the rights of a judgment creditor of a member under federal bankruptcy or reorganization laws.

7. Section 46 of P.L.2012, c.50 (C.42:2C-46) is amended to read as follows:

C.42:2C-46 Events causing dissociation.

46. Events Causing Dissociation. A person is dissociated as a member from a limited liability company when:

a. The company has notice of the person's express will to withdraw as a member, but, if the person specified a withdrawal date later than the date the company had notice, on that later date;

b. An event stated in the operating agreement as causing the person's dissociation occurs;

c. The person is expelled as a member pursuant to the operating agreement;

d. The person is expelled as a member by the unanimous consent of the other members if:

(1) it is unlawful to carry on the company's activities with the person as a member;

(2) there has been a transfer of all of the person's transferable interest in the company, other than:

(a) a transfer for security purposes; or

(b) an order in effect under section 43 of this act;

(3) the person is a corporation and, within 90 days after the company notifies the person that it will be expelled as a member because the person

has filed a certificate of dissolution or the equivalent, its charter has been revoked, or its right to conduct business has been suspended by the jurisdiction of its incorporation, the certificate of dissolution has not been revoked or its charter or right to conduct business has not been reinstated; or

(4) the person is a limited liability company or partnership that has been dissolved and whose business is being wound up;

e. On application by the company, the person is expelled as a member by judicial order because the person:

(1) has engaged, or is engaging, in wrongful conduct that has adversely and materially affected, or will adversely and materially affect, the company's activities;

(2) has willfully or persistently committed, or is willfully and persistently committing, a material breach of the operating agreement or the person's duties or obligations under section 39 of this act; or

(3) has engaged, or is engaging, in conduct relating to the company's activities which makes it not reasonably practicable to carry on the activities with the person as a member;

f. In the case of a person who is an individual:

(1) the person dies; or

(2) in a member-managed limited liability company:

(a) a guardian or general conservator for the person is appointed; or

(b) there is a judicial order that the person has otherwise become incapable of performing the person's duties as a member under this act or the operating agreement;

g. In a member-managed limited liability company, the person:

(1) becomes a debtor in bankruptcy;

(2) executes an assignment for the benefit of creditors; or

(3) seeks, consents to, or acquiesces in the appointment of a trustee, receiver, or liquidator of the person or of all or substantially all of the person's property;

h. In the case of a person that is a trust or is acting as a member by virtue of being a trustee of a trust, the trust's entire transferable interest in the company is distributed;

i. In the case of a person that is an estate or is acting as a member by virtue of being a personal representative of an estate, the estate's entire transferable interest in the company is distributed;

j. In the case of a member that is not an individual, partnership, limited liability company, corporation, trust, or estate, the termination of the member;

k. The company participates in a merger under Article 10 (sections 73 through 87 of this act) if:

- (1) the company is not the surviving entity; or
- (2) otherwise as a result of the merger, the person ceases to be a member;

l. The company participates in a conversion under Article 10 (sections 73 through 87 of this act);

m. The company participates in a domestication under Article 10 (sections 73 through 87 of this act), if, as a result of the domestication, the person ceases to be a member; or

n. The company terminates.

8. Section 56 of P.L.2012, c.50 (C.42:2C-56) is amended to read as follows:

C.42:2C-56 Distribution of assets in winding up limited liability company's activities.

56. Distribution of Assets in Winding Up Limited Liability Company's Activities.

a. In winding up its activities, a limited liability company shall apply its assets to discharge its obligations to creditors, including members that are creditors.

b. After a limited liability company complies with subsection a. of this section, any surplus shall be distributed in the following order, subject to any order in effect under section 43 of this act:

(1) to each person owning a transferable interest that reflects contributions made by a member and not previously returned, an amount equal to the value of the unreturned contributions; and

(2) in equal shares among members and dissociated members, except to the extent necessary to comply with any transfer effective under section 42 of this act.

c. If a limited liability company does not have sufficient surplus to comply with paragraph (1) of subsection b. of this section, any surplus shall be distributed among the owners of transferable interests in proportion to the value of their respective unreturned contributions.

d. All distributions made under subsections b. and c. of this section shall be paid in money.

9. Section 91 of P.L.2012, c.50 (C.42:2C-91) is amended to read as follows:

C.42:2C-91 Application to existing relationships.

91. Application to Existing Relationships.

- a. Before March 1, 2014, this act governs only:
- (1) a limited liability company formed on or after the effective date of this act; and
 - (2) a limited liability company formed before the effective date of this act, which elects, in the manner provided in its operating agreement or by law for amending the operating agreement, to be subject to this act.
- b. On and after March 1, 2014, this act governs all limited liability companies.

10. Section 95 of P.L.2012, c.50 is amended to read as follows:

Repeals.

95. Repeals. Effective on March 1, 2014, the following are repealed: P.L.1993, c.210 (C.42:2B-1 et seq.); Section 22 of P.L.1997, c.139 (C.42:2B-8.1); Section 14 of P.L.1997, c.139 (C.42:2B-24.1); and Sections 1 and 2 of P.L.2003, c.12 (C.42:2B-49.1 and 42:2B-49.2).

11. This act shall take effect immediately, and shall be retroactive to September 19, 2012.

Approved January 17, 2014.

CHAPTER 277

AN ACT establishing a school security position pilot program and supplementing chapter 41 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:41-8 Establishment of school security position pilot program.

1. a. The Commissioner of Education shall establish a three-year pilot program that provides for the training and placement of veterans in school security positions available in school districts. The purpose of the pilot program shall be to increase school security by utilizing the skills of veterans.
- b. The commissioner, in consultation with the Attorney General, shall establish policies and procedures for the recruitment, selection, and training of veterans eligible to participate in the pilot program, and for matching the selected veterans to school security positions available in school districts. The policies shall evaluate the level of skills, training, experience, fitness,

and other qualifications deemed necessary for a veteran to serve in a school security position.

Notwithstanding the provisions of P.L.2004, c.134 (C.45:19A-1 et seq.) or P.L.2005, c.276 (C.52:17B-71.8 et al.) to the contrary, the commissioner may utilize the education and training program for security officers established pursuant to section 5 of the "Security Officer Registration Act," P.L.2004, c.134 (C.45:19A-5) or the training for safe schools resource officers and school liaisons to law enforcement developed pursuant to section 2 of P.L.2005, c.276 (C.52:17B-71.8), to train eligible veterans for school security positions under the pilot program.

c. A school district that wants to participate in the pilot program shall submit an application to the commissioner in such form as required by the commissioner. The school district, as part of the application, shall include information on the security needs of the school district, the number of school security positions at each school, the rate of turnover in these positions, and other information as required by the commissioner.

d. The commissioner shall select up to 12 school districts for participation in the pilot program. The commissioner shall select districts in the northern, central, and southern regions of the State and shall seek a cross section of school districts from urban, suburban, and rural areas of the State. The selected school districts may include, but shall not be limited to, Making Our Schools Safe Districts as designated under the Department of Education's Safer Schools for a Better Tomorrow initiative.

In selecting the pilot school districts, the commissioner shall consider the security needs of the district as reflected in the data reported in the commissioner's annual report on violence, vandalism, and harassment, intimidation, or bullying in the public schools, as required under section 3 of P.L.1982, c.163 (C.18A:17-48).

e. Three years following the establishment of the pilot program, the commissioner shall submit a report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1). The report shall contain information on the implementation of the pilot program, the effectiveness of veterans in school security positions, and the recommendations of the commissioner and the Attorney General on the advisability of continuing, expanding, or modifying the program.

2. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 278

AN ACT concerning alternate operator telephone service providers and amending P.L.1995, c.172.

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

1. Section 1 of P.L.1995, c.172 (C.48:2-21.22) is amended to read as follows:

C.48:2-21.22 Findings, declarations relative to AOS providers.

1. The Legislature finds and declares that:

a. In 1991, the Legislature acted to exempt competitive telecommunications services from traditional public utility regulation upon a finding that this type of regulation is generally not necessary to protect the public interest in the competitive marketplace. However, in its report to the Governor and Legislature on the implementation of P.L.1991, c.428 (C.48:2-21.16 et seq.) the Board of Public Utilities found that where a captive market exists for competitive telecommunications services, market conditions are not always able to protect the public interest.

b. In particular, the board received many complaints concerning "alternate operator service" providers, which provide operator assistance for collect, third-party billed, and credit card calls, usually at pay phones on the premises of hotels, restaurants, hospitals, or airports, with these establishments receiving a commission for calls placed through the alternate operator service arrangement. Given the provisions of P.L.1991, c.428 (C.48:2-21.16 et seq.), there has been some debate on the extent of the board's authority to protect consumers' interests with regard to alternate operator service providers.

c. It is appropriate, therefore, that the Legislature act to clarify the powers of the board with regard to alternate operator service providers, and to specifically require the board to take appropriate action, including, but not limited to, rate and terms and conditions of service regulation, to protect the interests of consumers of alternate operator service providers.

2. Section 2 of P.L.1995, c.172 (C.48:2-21.23) is amended to read as follows:

C.48:2-21.23 Regulation of the alternate operator service provider; definition.

2. Notwithstanding the provisions of P.L.1991, c.428 (C.48:2-21.16 et seq.) or any other law to the contrary, the Board of Public Utilities shall

regulate the rates and terms and conditions of service of an alternate operator service provider, in a manner consistent with federal law, and use any other means necessary pursuant to law, rule, or regulation to protect the users of the services of an alternate operator service provider.

As used in this section, "alternate operator service provider" means a non-facilities based telecommunications carrier who is a reseller leasing lines from a local exchange telecommunications company and an interexchange telecommunications carrier, as those terms are defined in section 2 of P.L.1991, c.428 (C.48:2-21.17), and who, using these leased facilities along with its own operators, provides operator-assisted services.

3. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 279

AN ACT concerning short-time unemployment benefits and amending P.L.2011, c.154.

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

1. Section 1 of P.L.2011, c.154 (C.43:21-20.3) is amended to read as follows:

C.43:21-20.3 Definitions relative to unemployment insurance benefits.

1. For the purposes of this act:

“Affected unit” means a specified plant or other facility, department, shift or other definable unit which includes two or more employees to which an approved short-time benefits program applies.

“Division” means the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development, or any representative of the division responsible for approval or other division responsibilities regarding a shared work program.

“Health insurance and pension coverage” means employer-provided health benefits, and retirement benefits under a defined benefit plan, as defined in section 414(j) of the Internal Revenue Code (26 U.S.C. 414(j)), or

employer contributions under a defined contribution plan, as defined in section 414(i) of the Internal Revenue Code (26 U.S.C. 414(i)), which are incidents of employment in addition to the cash remuneration earned.

“Shared work employer” means an employer who is providing a shared work program approved by the division pursuant to section 2 of this act.

“Shared work program” means a program submitted by an employer for approval by the division pursuant to section 2 of P.L.2011, c.154 (C.43:21-20.4) and approved by the division, under which the employer requests short-time benefits to employees in an affected unit of the employer to avert layoffs.

“Short-time benefits” means unemployment benefits payable to employees of an affected unit under an approved shared work program that are intended to be in lieu of layoffs and provided pursuant to sections 1 through 9 of this act, as distinguished from unemployment benefits otherwise payable under the New Jersey “unemployment compensation law,” R.S.43:21-1 et seq.

“Usual weekly hours of work” means the usual hours of work for an employee in the affected unit when that unit is operating on its regular basis, not to exceed forty hours and not including hours of overtime work.

2. Section 2 of P.L.2011, c.154 (C.43:21-20.4) is amended to read as follows:

C.43:21-20.4 Application to provide shared work program.

2. An employer who has not less than 10 employees may apply to the division for approval to provide a shared work program, the purpose of which is to stabilize the employer's work force during a period of economic disruption by permitting the sharing of the work remaining after a reduction in total hours of work. Any subsidizing of seasonal employment during off season, or of temporary or intermittent employment on an ongoing basis, is contrary to the purpose of a shared work program approved pursuant to this act. The application for a shared work program shall be made according to procedures and on forms specified by the division and shall include whatever information the division requires. The division may approve the program for a period of not longer than one year and may, upon employer request, renew the approval of the program for additional periods, each period not to exceed one year. The division shall not approve an application unless the employer:

a. (1) Certifies to the division that the aggregate reduction in work hours is in lieu of layoffs; (2) provides an estimate of the number of em-

ployees who would have been laid off in the absence of the program; and (3) certifies that the employer will not hire additional employees while short-time benefits are being paid;

b. Certifies to the division that health insurance or pension coverage, paid time off, or other benefits, including retirement benefits under a defined benefit plan, as defined in section 414(j) of the Internal Revenue Code (26 U.S.C. s.414(j)), or employer contributions under a defined contribution plan, as defined in section 414(i) of the Internal Revenue Code (26 U.S.C. s.414(i)), will continue to be provided to any employee whose workweek is reduced under the program, that those benefits will continue to be provided to employees participating in the program under the same terms and conditions as though the workweek of the employee had not been reduced or to the same extent as other employees not participating in the program, except that employer contributions to a defined contribution plan, as defined in section 414(i) of the Internal Revenue Code (26 U.S.C. s.414(i)), may be reduced in proportion to the reduction of weekly hours, and certifies to the division that the employer will not make unreasonable revisions of workforce productivity standards;

c. Certifies to the division that any collective bargaining agent representing the employees has entered into a written agreement with the employer regarding the terms of the program, including terms regarding attendance in training programs while receiving short-time benefits, and provides a copy of the agreement to the division;

d. Provides, in the application, the effective date and duration of the program, a description of the affected unit or units covered by the program, including the number of employees in each unit, the percentage of employees in the affected unit covered by the program, identification of each individual employee in the affected unit by name, social security number, and the employer's unemployment tax account number and any other information required by the division to identify program participants;

e. Provides, in the application, a description of how the employees in the affected units will be notified of the employer's participation in the shared work program if the application is approved, including the means of notification for employees who are members of collective bargaining units and employees who are not members of a collective bargaining unit;

f. Identifies the usual weekly hours of work for the employees of the affected unit and the specific percentage by which their hours will be reduced during all weeks covered by the program;

g. Certifies that participation in the program and its implementation is consistent with the employer's obligations under all applicable federal and State laws; and

h. Agrees to provide the division with any reports or other information, including access to employer records, the division deems necessary to administer the shared work program and monitor compliance with all agreements and certifications required pursuant to this section.

The division shall approve or disapprove the program in writing not more than 60 days after the receipt of the application and promptly communicate the decision to the employer. A decision disapproving the application shall clearly identify the reasons for the disapproval. The disapproval shall be final, but the employer shall be permitted to submit another application for approval of a plan not earlier than 60 days from the date of disapproval.

3. Section 3 of P.L.2011, c.154 (C.43:21-20.5) is amended to read as follows:

C.43:21-20.5 Revocation of approval.

3. a. The division, on its own initiative or upon request of the affected unit's employees, may revoke approval of an employer's application previously granted for any failure to comply with any agreement or certification required pursuant to section 2 of this act, or any other conduct or occurrences which the division determines to defeat the purpose, intent and effective operation of a shared work program. The notice of revocation shall be in writing and shall specify the reasons for the revocation and the date on which the revocation is effective.

b. An employer may request modifications of an approved shared work program by filing with the division a written request identifying the specific proposed modifications and explaining the need for the modifications. The division shall approve or disapprove the modifications within 30 days and promptly communicate to the employer the division's decision and the date on which the modification will take effect. The employer is not required to obtain division approval to make a plan modification which is not substantial, but is required to provide prompt, written notice of the modification to the division, which shall require the employer to request division approval of the modification if the division finds the modification to be substantial. The division may terminate the program if the employer fails to provide the notice required by this subsection.

4. Section 4 of P.L.2011, c.154 (C.43:21-20.6) is amended to read as follows:

C.43:21-20.6 Eligibility for short-time benefits.

4. An individual who is employed by an employer with a shared work program approved by the division shall be eligible for short-time benefits during a week if:

a. (Deleted by amendment, P.L.2013, c.279)

b. The individual works for the employer at an affected unit less than the individual's usual weekly hours of work, and the employer has reduced the individual's weekly hours of work pursuant to a shared work program in effect during that week and approved by the division pursuant to section 2 of this act;

c. The percentage of the reduction of the individual's work hours below the individual's usual weekly hours of work is not less than 10% and not more than 60%, with a corresponding reduction of wages;

d. The individual would be eligible for unemployment benefits other than short-time benefits during the week, if the individual was entirely unemployed during that week and applied for unemployment benefits other than short-time benefits; and

e. During the week, the individual is able to work and is available for the individual's usual weekly hours of work with the shared work employer or is participating in a training program approved by the division, including division-approved employer-sponsored training, division-approved training funded under the Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) or the Workforce Development Partnership program established pursuant to section 4 of P.L.1992, c.43 (C.34:15D-4), or any other training approved by the division pursuant to subsection (c) of R.S.43:21-4.

If the individual complies with the requirements of subsection e. of this section, the individual shall not be subject to any other requirement of the "unemployment compensation law," R.S.43:21-1 et seq., to be available for work and actively seeking work.

5. Section 5 of P.L.2011, c.154 (C.43:21-20.7) is amended to read as follows:

C.43:21-20.7 Amount of short-time benefits paid.

5. The amount of short-time benefits paid to an eligible individual shall, for any week, be equal to the individual's weekly benefit rate multiplied by the percentage of reduction of his wages resulting from reduced hours of work. The weekly benefit amount shall be rounded off to the nearest dollar. An individual shall not be paid short-time benefits for more than 52 weeks

under a shared work program. Weeks of short-time benefits may be nonconsecutive. An individual shall not receive short-time benefits during any benefit week in which the individual receives any other unemployment benefits, with respect to the employment with the shared work employer.

Total unemployment benefits paid to an individual during any benefit year, including short-time benefits and all other unemployment benefits, shall not exceed the maximum amount to which the individual is entitled for all unemployment benefits other than short-time benefits.

The following provision shall apply to an individual who is employed by both a shared work employer and another employer during weeks covered by a shared work program:

a. If combined hours of work in a week for both employers result in a reduction of less than 10% of the usual weekly hours of work with the shared work employer, the individual shall not be entitled to benefits under the shared work program;

b. If combined hours of work in a week for both employers result in a reduction of 10% or more of the usual weekly hours of work with the shared work employer, the short-time benefit payable to the individual shall be reduced for that week and be determined by multiplying the weekly unemployment benefit amount for a week of total unemployment by the percentage by which the combined hours of work have been reduced by 10% or more of the individual's usual weekly hours of work;

c. If the individual worked a reduced percentage of the usual weekly hours of work for the shared work employer and is available for all of his usual hours of work with the shared work employer, and the individual did not work any hours for the other employer, either because of a lack of work with that employer or because the individual is excused from work with the other employer, the individual shall be eligible for short-time benefits for that week.

An individual who is not provided any work during a week by a shared work employer or any other employer and is otherwise eligible for unemployment benefits shall be eligible for the full amount of regular unemployment benefits to which the individual otherwise would be eligible. An individual who is not provided any work during a week by a shared work employer, but who works for another employer and is otherwise eligible for unemployment benefits shall be eligible for regular unemployment benefits for that week subject to the disqualifying income and other provisions applicable to claims for regular unemployment benefits.

An individual who has received all of the short-time benefits or a combination of all of the short-time benefits and regular unemployment benefits available in a benefit year shall be considered to be an exhaustee for the

purposes of any extended benefits provided pursuant to the provisions of the "Extended Benefits Law," sections 5 through 11 of P.L.1970, c.324 (C.43:21-24.11 et seq.), and, if otherwise eligible under those provisions, shall be eligible to receive extended benefits.

6. Section 6 of P.L.2011, c.154 (C.43:21-20.8) is amended to read as follows:

C.43:21-20.8 Beginning, expiration of payment of benefits.

6. A shared work program and payment of short-time benefits to individuals under the program shall go into effect on the date mutually agreed upon by the employer and the division. A shared work program shall expire on the date specified in the notice of approval, which shall be either the date at the end of the 12th full calendar month after its effective date or an earlier date mutually agreed upon by the employer and the division. The program shall also expire upon the date of any revocation of approval of the program by the division. An employer of an approved program may terminate the program at any time upon written notice to the division, and the division shall notify participating employees of the affected unit of the termination. If a shared work program expires or the employer terminates the program, the employer may, at any time after the expiration or termination date, submit a new application for division approval of another shared work program.

7. Section 7 of P.L.2011, c.154 (C.43:21-20.9) is amended to read as follows:

C.43:21-20.9 Manner of charging short-time benefits.

7. Any short-time benefits paid to an individual shall be charged in the same manner as other unemployment benefits pursuant to the "unemployment compensation law," R.S.43:21-1 et seq.

8. Section 9 of P.L.2011, c.154 (C.43:21-20.11) is amended to read as follows:

C.43:21-20.11 Provisions in violation of federal law inoperative.

9. If the United States Department of Labor finds any provision of this act to be in violation of federal law, that provision of this act shall be inoperative.

9. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 280

AN ACT concerning the operation of school districts 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 5 of P.L.1996, c.138 (C.18A:7F-5) is amended to read as follows:

C.18A:7F-5 Notification of districts of aid payable; budget submissions.

5. As used in this section, "cost of living" means the CPI as defined in section 3 of P.L.2007, c.260 (C.18A:7F-45).

a. Within 30 days following the approval of the Educational Adequacy Report, the commissioner shall notify each district of the base per pupil amount, the per pupil amounts for full-day preschool, the weights for grade level, county vocational school districts, at-risk pupils, bilingual pupils, and combination pupils, the cost coefficients for security aid and for transportation aid, the State average classification rate and the excess cost for general special education services pupils, the State average classification rate and the excess cost for speech-only pupils, and the geographic cost adjustment for each of the school years to which the report is applicable.

Annually, within two days following the transmittal of the State budget message to the Legislature by the Governor pursuant to section 11 of P.L.1944, c.112 (C.52:27B-20), the commissioner shall notify each district of the maximum amount of aid payable to the district in the succeeding school year pursuant to the provisions of P.L.2007, c.260 (C.18A:7F-43 et al.), and shall notify each district of the district's adequacy budget for the succeeding school year.

For the 2008-2009 school year and thereafter, unless otherwise specified within P.L.2007, c.260 (C.18A:7F-43 et al.), aid amounts payable for the budget year shall be based on budget year pupil counts, which shall be projected by the commissioner using data from prior years. Adjustments for the actual pupil counts of the budget year shall be made to State aid amounts payable during the school year succeeding the budget year. Additional amounts payable shall be reflected as revenue and an account receivable for the budget year.

Notwithstanding any other provision of this act to the contrary, each district's State aid payable for the 2008-2009 school year, with the exception of aid for school facilities projects, shall be based on simulations employing the various formulas and State aid amounts contained in P.L.2007, c.260 (C.18A:7F-43 et al.). The commissioner shall prepare a report dated December 12, 2007 reflecting the State aid amounts payable by category for each district and shall submit the report to the Legislature prior to the adoption of P.L.2007, c.260 (C.18A:7F-43 et al.). Except as otherwise provided pursuant to this subsection and paragraph (3) of subsection d. of section 5 of P.L.2007, c.260 (C.18A:7F-47), the amounts contained in the commissioner's report shall be the final amounts payable and shall not be subsequently adjusted other than to reflect the phase-in of the required general fund local levy pursuant to paragraph (4) of subsection b. of section 16 of P.L.2007, c.260 (C.18A:7F-58) and to reflect school choice aid to which a district may be entitled pursuant to section 20 of that act. The projected pupil counts and equalized valuations used for the calculation of State aid shall also be used for the calculation of adequacy budget, local share, and required local share. For 2008-2009, extraordinary special education State aid shall be included as a projected amount in the commissioner's report dated December 12, 2007 pending the final approval of applications for the aid. If the actual award of extraordinary special education State aid is greater than the projected amount, the district shall receive the increase in the aid payable in the subsequent school year pursuant to the provisions of subsection c. of section 13 of P.L.2007, c.260 (C.18A:7F-55). If the actual award of extraordinary special education State aid is less than the projected amount, other State aid categories shall be adjusted accordingly so that the district shall not receive less State aid than as provided in accordance with the provisions of sections 5 and 16 of P.L.2007, c.260 (C.18A:7F-47 and C.18A:7F-58).

In the event that the commissioner determines, following the enactment of P.L.2007, c.260 (C.18A:7F-43 et al.) but prior to the issuance of State aid notices for the 2008-2009 school year, that a significant district-specific change in data warrants an increase in State aid for that district, the commissioner may adjust the State aid amount provided for the district in the December 12, 2007 report to reflect the increase.

b. Each district shall have a required local share. For districts that receive educational adequacy aid pursuant to subsection b. of section 16 of P.L.2007, c.260 (C.18A:7F-58), the required local share shall be calculated in accordance with the provisions of that subsection.

For all other districts, the required local share shall equal the lesser of the local share calculated at the district's adequacy budget pursuant to section 9 of P.L.2007, c.260 (C.18A:7F-51), or the district's budgeted local share for the prebudget year.

In order to meet this requirement, each district shall raise a general fund tax levy which equals its required local share.

No municipal governing body or bodies or board of school estimate, as appropriate, shall certify a general fund tax levy which does not meet the required local share provisions of this section.

c. Annually, on or before March 4, or on or before March 20 in the case of a school district with an annual school election in November, each district board of education shall adopt, and submit to the commissioner for approval, together with such supporting documentation as the commissioner may prescribe, a budget that provides for a thorough and efficient education. Notwithstanding the provisions of this subsection to the contrary, the commissioner may adjust the date for the submission of district budgets if the commissioner determines that the availability of preliminary aid numbers for the subsequent school year warrants such adjustment.

Notwithstanding any provision of this section to the contrary, for the 2005-2006 school year each district board of education shall submit a proposed budget in which the advertised per pupil administrative costs do not exceed the lower of the following:

(1) the district's advertised per pupil administrative costs for the 2004-2005 school year inflated by the cost of living or 2.5 percent, whichever is greater; or

(2) the per pupil administrative cost limits for the district's region as determined by the commissioner based on audited expenditures for the 2003-2004 school year.

The executive county superintendent of schools may disapprove the school district's 2005-2006 proposed budget if he determines that the district has not implemented all potential efficiencies in the administrative operations of the district. The executive county superintendent shall work with each school district in the county during the 2004-2005 school year to identify administrative inefficiencies in the operations of the district that might cause the superintendent to reject the district's proposed 2005-2006 school year budget.

For the 2006-2007 school year and each school year thereafter, each district board of education shall submit a proposed budget in which the advertised per pupil administrative costs do not exceed the lower of the following:

(1) the district's prior year per pupil administrative costs; except that the district may submit a request to the commissioner for approval to exceed the district's prior year per pupil administrative costs due to increases in enrollment, administrative positions necessary as a result of mandated programs, administrative vacancies, nondiscretionary fixed costs, and such other items as defined in accordance with regulations adopted pursuant to section 7 of P.L.2004, c.73. In the event that the commissioner approves a district's request to exceed its prior year per pupil administrative costs, the increase authorized by the commissioner shall not exceed the cost of living or 2.5 percent, whichever is greater; or

(2) the prior year per pupil administrative cost limits for the district's region inflated by the cost of living or 2.5 percent, whichever is greater.

d. (1) A district's general fund tax levy shall not exceed the district's adjusted tax levy as calculated pursuant to sections 3 and 4 of P.L.2007, c.62 (C.18A:7F-38 and 18A:7F-39).

(2) (Deleted by amendment, P.L.2007, c.260).

(3) (Deleted by amendment, P.L.2007, c.260).

(4) Any debt service payment made by a school district during the budget year shall not be included in the calculation of the district's adjusted tax levy.

(5) (Deleted by amendment, P.L.2007, c.260).

(6) (Deleted by amendment, P.L.2007, c.260).

(7) (Deleted by amendment, P.L.2004, c.73).

(8) (Deleted by amendment, P.L.2010, c.44)

(9) Any district may submit at the annual school budget election, in accordance with subsection c. of section 4 of P.L.2007, c.62 (C.18A:7F-39), a separate proposal or proposals for additional funds, including interpretive statements, specifically identifying the program purposes for which the proposed funds shall be used, to the voters, who may, by voter approval, authorize the raising of an additional general fund tax levy for such purposes. In the case of a district with a board of school estimate, one proposal for the additional spending shall be submitted to the board of school estimate. Any proposal or proposals submitted to the voters or the board of school estimate shall not: include any programs and services that were included in the district's prebudget year net budget unless the proposal is approved by the commissioner upon submission by the district of sufficient reason for an exemption to this requirement; or include any new programs and services necessary for students to achieve the thoroughness standards established pursuant to subsection a. of section 4 of P.L.2007, c.260 (C.18A:7F-46).

The executive county superintendent of schools may prohibit the submission of a separate proposal or proposals to the voters or board of school estimate if he determines that the district has not implemented all potential efficiencies in the administrative operations of the district, which efficiencies would eliminate the need for the raising of an additional general fund tax levy.

(10) Notwithstanding any provision of law to the contrary, if a district proposes a budget with a general fund tax levy and equalization aid which exceed the adequacy budget, the following statement shall be published in the legal notice of public hearing on the budget pursuant to N.J.S.18A:22-28, posted at the public hearing held on the budget pursuant to N.J.S.18A:22-29, and printed on the sample ballot required pursuant to section 10 of P.L.1995, c.278 (C.19:60-10):

"Your school district has proposed programs and services in addition to the core curriculum content standards adopted by the State Board of Education. Information on this budget and the programs and services it provides is available from your local school district."

(11) Any reduction that may be required to be made to programs and services included in a district's prebudget year net budget in order for the district to limit the growth in its budget between the prebudget and budget years by its tax levy growth limitation as calculated pursuant to sections 3 and 4 of P.L.2007, c.62 (C.18A:7F-38 and 18A:7F-39), shall only include reductions to excessive administration or programs and services that are inefficient or ineffective.

e. (1) Any general fund tax levy rejected by the voters for a proposed budget that includes a general fund tax levy and equalization aid in excess of the adequacy budget shall be submitted to the governing body of each of the municipalities included within the district for determination of the amount that should be expended notwithstanding voter rejection. In the case of a district having a board of school estimate, other than a Type II district with a board of school estimate in which the annual election is in November, the general fund tax levy shall be submitted to the board for determination of the amount that should be expended. If the governing body or bodies or board of school estimate, as appropriate, reduce the district's proposed budget, the district may appeal any of the reductions to the commissioner on the grounds that the reductions will negatively impact on the stability of the district given the need for long term planning and budgeting. In considering the appeal, the commissioner shall consider enrollment increases or decreases within the district; the history of voter approval or rejection of district budgets; the impact on the local levy; and whether the reductions will impact on the ability of the district to fulfill its contrac-

tual obligations. A district may not appeal any reductions on the grounds that the amount is necessary for a thorough and efficient education.

(2) Any general fund tax levy rejected by the voters for a proposed budget that includes a general fund tax levy and equalization aid at or below the adequacy budget shall be submitted to the governing body of each of the municipalities included within the district for determination of the amount that should be expended notwithstanding voter rejection. In the case of a district having a board of school estimate, other than a Type II district with a board of school estimate in which the annual election is in November, the general fund tax levy shall be submitted to the board for determination. Any reductions may be appealed to the commissioner on the grounds that the amount is necessary for a thorough and efficient education or that the reductions will negatively impact on the stability of the district given the need for long term planning and budgeting. In considering the appeal, the commissioner shall also consider the factors outlined in paragraph (1) of this subsection.

In addition, the municipal governing body or board of school estimate shall be required to demonstrate clearly to the commissioner that the proposed budget reductions shall not adversely affect the ability of the school district to provide a thorough and efficient education or the stability of the district given the need for long term planning and budgeting.

(3) In lieu of any budget reduction appeal provided for pursuant to paragraphs (1) and (2) of this subsection, the State board may establish pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), an expedited budget review process based on a district's application to the commissioner for an order to restore a budget reduction.

(4) When the voters, municipal governing body or bodies, board of education in the case of a school district in which the annual school election has been moved to November pursuant to subsection a. of section 1 of P.L.2011, c.202 (C.19:60-1.1), or the board of school estimate authorize the general fund tax levy, the district shall submit the resulting budget to the commissioner within 15 days of the authorization.

f. (Deleted by amendment, P.L.2007, c.260).

g. (Deleted by amendment, P.L.2007, c.260).

2. N.J.S.18A:22-7 is amended to read as follows:

Budgets; preparation.

18A:22-7. Except as otherwise provided in this section, the board of education of every school district having a board of school estimate shall prepare and deliver to each member of the board of school estimate, on or

before March 22 in each year, and the board of education of every other school district shall prepare a budget for the school district for the ensuing year, on or before March 22. In the case of a school district with an annual school election in November, the board of education of every school district having a board of school estimate shall prepare and deliver to each member of the board of school estimate, on or before April 20 in each year, and the board of education of every other school district shall prepare a budget for the school district for the ensuing year on or before April 20.

3. N.J.S.18A:22-10 is amended to read as follows:

Fixing date, etc. for public hearing.

18A:22-10. Upon the preparation of its budget, each board of education shall fix a date, place and time for the holding of a public hearing upon said budget and the amounts of money necessary to be appropriated for the use of the public schools for the ensuing school year and the various items and purposes for which the same are to be appropriated. Except as otherwise provided in this section, in districts having a board of school estimate, the hearing shall be held before the board of school estimate between March 22 and March 29 and in districts having no board of school estimate the hearing shall be held before the board of education between March 22 and March 29. In the case of a school district with an annual school election in November, the hearing shall be held before the board of education between April 24 and May 7.

4. N.J.S.18A:22-26 is amended to read as follows:

Board of school estimate, board of education of type II district to determine appropriation amount.

18A:22-26. a. Except as otherwise provided in subsection b. of this section, at or after the public hearing but not later than April 8, the board of school estimate of a type II district having a board of school estimate shall fix and determine by a recorded roll call majority vote of its full membership the amount of money necessary to be appropriated for the use of the public schools in the district for the ensuing school year, exclusive of the amount which shall be apportioned to it by the commissioner for the year pursuant to the provisions of section 5 of P.L.1996, c.138 (C.18A:7F-5) and shall make a certificate of the amount signed by at least a majority of all members of the board, which shall be delivered to the board of education and a copy thereof, certified under oath to be correct and true by the secretary of the board of school estimate, shall be delivered to the county board of taxation on or before April 15 in each year and a duplicate of the certifi-

cate shall be delivered to the board or governing body of each of the municipalities within the territorial limits of the district having the power to make appropriations of money raised by taxation in the municipalities or political subdivisions and to the executive county superintendent of schools and the amount shall be assessed, levied and raised under the procedure and in the manner provided by law for the levying and raising of special school taxes in other type II districts and shall be paid to the board secretary or treasurer of school moneys, as appropriate, of the district for such purposes.

Within 15 days after receiving the certificate the board of education shall notify the board of school estimate, the governing body of each municipality within the territorial limits of the school district, and the commissioner if it intends to appeal to the commissioner the board of school estimate's determination as to the amount of money requested pursuant to the provisions of section 5 of P.L.1996, c.138 (C.18A:7F-5), necessary to be appropriated for the use of the public schools of the district for the ensuing school year.

b. At or after the public hearing on the budget but not later than May 14, the board of education of each type II district having a board of school estimate in which the annual school election is in November, shall fix and determine by a recorded roll call majority vote of its full membership the amount of money necessary to be raised for the use of the public schools in the district, exclusive of the amount which shall be apportioned to it by the commissioner for the year pursuant to the provisions of section 5 of P.L.1996, c.138 (C.18A:7F-5). By that same date the board of school estimate shall fix and determine by a recorded roll call majority vote of its full membership the amount of any additional funds pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5) and shall make a certificate of that amount signed by at least a majority of all members of the board, which shall be delivered to the board of education. The secretary of the board of education shall certify the amount so fixed and determined by the board of education and the board of school estimate and shall deliver a copy of the certificate to the county board of taxation of the county on or before May 19 in each year and a duplicate of the certificate shall be delivered to the board or governing body of each of the municipalities within the territorial limits of the districts having the power to make appropriations of money raised by taxation in the municipalities or political subdivisions and to the executive county superintendent of schools and the amount shall be assessed, levied and raised under the procedure and in the manner provided by law for the levying and raising of special school taxes in other type II districts and shall be paid to the board secretary or treasurer of school moneys, as appropriate, of the district for such purposes.

5. N.J.S.18A:22-32 is amended to read as follows:

Appropriation determination for certain type II districts.

18A:22-32. a. Except as otherwise provided in subsection b. of this section, at or after the public hearing on the budget but not later than 18 days prior to the April school election, the board of education of each type II district having no board of school estimate shall fix and determine by a recorded roll call majority vote of its full membership the amount of money to be raised pursuant to section 5 of P.L.1996, c.138 (C.18A:7F-5) and any additional funds to be voted upon by the legal voters of the district at the April school election pursuant to paragraph (9) of subsection d. of section 5 of that act, which sum or sums shall be designated in the notice calling the election as required by law.

b. At or after the public hearing on the budget but not later than May 14, the board of education of each type II district having no board of school estimate in which the annual school election is in November, shall fix and determine by a recorded roll call majority vote of its full membership the amount of money to be raised pursuant to section 5 of P.L.1996, c.138 (C.18A:7F-5) and any additional funds to be voted upon by the legal voters of the district at the November school election pursuant to paragraph (9) of subsection d. of section 5 of that act, which sum or sums shall be designated in the notice calling the election as required by law.

6. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 281

AN ACT establishing the “Mom2Mom Peer Support Program” telephone helpline, and supplementing Title 9 of the New Jersey Statutes.

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

C.9:3A-15 “Mom2Mom Peer Support Program” helpline.

1. a. The Department of Children and Families shall establish, in coordination with University Behavioral HealthCare of Rutgers, the State University, or another entity, a toll-free “Mom2Mom Peer Support Program” helpline, or a similar helpline.

b. The helpline shall be accessible 24 hours a day, seven days per week, and shall respond to calls from mothers, caregivers, and their families. The staff of the helpline shall seek to identify the mothers, children, caregivers, and their families who should be referred to further support and counseling services, and provide informational resources.

c. The peer staff shall be trained by University Behavioral HealthCare of Rutgers, the State University, or another entity, and, to the greatest extent possible, shall be mothers of children with special needs, who are:

(1) familiar with developmental disabilities, brain injury, behavioral healthcare issues, medical illness, cancer, and the emotional and mental health burden and psychological tension, depression, and anxieties unique to these mothers, children, and their families, or

(2) trained to provide reciprocal peer support services involving children with special needs and family life, mental health, personal stress management, and other emotional or psychological disorders or conditions which may be likely to adversely affect the personal and related well-being of children, mothers, caregivers, and their families.

d. The Department of Children and Families and University Behavioral HealthCare of Rutgers, the State University, or another entity, shall provide for the confidentiality of the names of the callers, the information discussed, and any referrals for further peer support or counseling; provided, however, that the Department of Children and Families and Rutgers, the State University, or another entity, may establish guidelines providing for the tracking of any person who exhibits a severe emotional or psychological disorder or condition which the operator handling the call reasonably believes might result in harm to the child or mother or any other person.

C.9:3A-16 List of credentialed resources, behavioral health care providers.

2. University Behavioral HealthCare of Rutgers, the State University, or another entity, shall maintain a list of credentialed resources and behavioral health care providers throughout the State, and shall provide case management services to ensure that mothers, children, and their families receive ongoing counseling and a continuum of care in New Jersey. The continuum of services shall utilize applicable State and federal guidelines while providing ongoing peer support.

C.9:3A-17 Annual consultation.

3. In establishing the helpline authorized under the provisions of section 1 of P.L.2013, c.281 (C.9:3A-15) the Commissioner of Children and Families and University Behavioral HealthCare of Rutgers, the State Uni-

versity, or another entity, shall consult on an annual basis with the Division of Developmental Disabilities in the Department of Human Services, the Division of Children's System of Care in the Department of Children and Families, the United States Department of Health and Human Services, and at least two State recognized child advocacy groups.

4. This act shall take effect on the first day of the fourth month next following the date of enactment, but the Department of Children and Families and Rutgers, the State University, or another entity, may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 17, 2014.

CHAPTER 282

AN ACT concerning the benefits of members of the Employees' Retirement System of Jersey City, 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 1 of P.L.1964, c.275 (C.43:13-22.50) is amended to read as follows:

C.43:13-22.50 Definitions.

1. As used in this act:

(a) (1) "Final salary" when used solely for the purpose of fixing benefits under this act, shall mean the average annual salary or compensation earned by a member as an employee for the three years immediately preceding the member's death or retirement, or it shall mean the average annual salary or compensation earned by a member as an employee for any three fiscal years of membership providing the largest possible benefit to the member or the member's beneficiary; provided, however, that as to any member employed by the city prior to January 12, 1965, the annual salary received by such member as a regular employee at the time of death or re-

tirement shall be considered "final salary" for pension or other purposes under this act, unless otherwise specified herein.

(2) In the case of a person who becomes a member of the retirement system on or after the effective date of P.L.2013, c.282 "final compensation" shall mean the average annual salary or compensation earned by a member as an employee for the five years immediately preceding the member's retirement or death, or it shall mean the average annual salary or compensation earned by a member as an employee for any five fiscal years of membership providing the largest possible benefit to the member or the member's beneficiary.

(b) "Pension fund" or "fund" shall mean the fund referred to in section 10 of this act and is the fund from which pensions and other benefits provided for in this act shall be paid.

(c) "State" shall, unless otherwise stated, mean the State of New Jersey.

(d) "City", unless otherwise specified, shall mean any city of the first class of the State having a population of less than 300,000 inhabitants.

(e) "City employee" or "employee" shall mean and include any full-time regular employee of a city, as herein defined, or an elected or appointed official thereof. "City employee" or "employee" shall not include a member of the fire or police department or an employee of the board of education nor a transient or seasonal employee, worker or laborer, but shall include a temporary employee with at least one year's continuous service. In all cases of doubt as to whether a person may be included within the meaning of employee the decisions of the pension commission shall be final.

(f) "Member" shall mean any employee included in the membership of the retirement system of the city as provided in section 3 of this act.

(g) "Widow" or "widower" shall mean the surviving unremarried spouse of a member married to such member prior to the retirement or death of such member, and said marriage having occurred at least five years prior to the member's death or retirement, whichever is earlier.

(h) "Dependent parent" shall mean a dependent parent or parents who is or are solely dependent as determined by the commission for support upon the member. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.

(i) "Commission" shall mean pension commission as constituted under section 13 of this act, and shall be known as the "Pension Commission of the Employees' Retirement System of (name of city)."

(j) "Retirement system" or "system" shall mean Employees' Retirement System of (name of city) which shall be the name of the retirement system provided under this act. By that name all of its business shall be

transacted, its funds invested, warrants for money claims and payments made, and all of its cash and securities and other property held.

(k) "Child" shall mean a deceased member's unmarried child under the age of 18.

2. Section 3 of P.L.1964, c.275 (C.43:13-22.52) is amended to read as follows:

C.43:13-22.52 Members and conditions for membership.

3. The members and conditions of membership in the retirement system created by this act shall be as follows:

(a) Any person who shall become an employee of the city after the effective date of P.L.1964, c.275 (C.43:13-22.50 et seq.) and prior to his attainment of the age of 40 years, shall become a member of the retirement system, as a condition of his employment, unless the person is a member of the Public Employees' Retirement System, pursuant to P.L.1954, c.84 (C.43:15A-1 et seq.), in which that person shall remain enrolled; provided that he shall submit to and pass the physical and mental examinations required by the commission and shall provide such evidence of good health, at said time, as the commission shall require.

(b) Upon written application made to the commission within 6 months after the effective date of this act, any employee of the city who became such on or before said date and prior to his attainment of the age of 40 years who is not a member of the pension fund in effect in said city under and by virtue of article 2, chapter 13, Title 43 of the Revised Statutes, shall be entitled to become a member of the retirement system. Such member shall receive credit for all of his prior service in the employ of said city provided that payments are made by such member in an amount or amounts calculated in accordance with the rules of the commission as may be necessary to provide the entire actuarial cost of such prior service credit. In the event that such member retires before he completes the payment for all of his prior service credit, credit for such service shall be given in direct proportion as the amount paid bears to the total amount of the obligation.

(c) Any employee who on the effective date of this act is a member of the pension fund in effect in said city under and by virtue of article 2, chapter 13, Title 43 of the Revised Statutes, shall, upon such date, automatically become a member of the retirement system, and any such employee shall be deemed to agree and consent to such transfer of his membership.

(d) Upon written application made to the commission within 6 months after the effective date of this act, any employee of the city as of such date,

with or without veteran's status, who has not attained the age of 60 years and who has 20 or more years of prior service credit in the Public Employees' Retirement System of the State of New Jersey or in the Teachers' Pension and Annuity Fund of the State of New Jersey, or who has less than 20 years of such prior service credit and whose present age reduced by the total years of such prior service credit is less than 40 years, who shall become a member of the retirement system may transfer such prior service credit to the retirement system. Such transfer shall become effective upon the remittance to the retirement system by the said State pension systems of all accumulated member's contributions, with interest, standing to the credit of the member and of that portion of the actuarial reserve accumulated on his account provided for by contributions of the city.

(e) Upon written application made to the commission within 6 months after the effective date of this act, any permanent employee of the city who became such on or before February 22, 1965 and prior to his attainment of age 50 but on or after his attainment of age 40, who was not a member of the pension fund in effect in said city under and by virtue of article 2, chapter 13, Title 43 of the Revised Statutes, shall be entitled to become a member of the retirement system. Such member shall receive credit for all or any part of his prior service, as he may elect, in the employ of said city provided that payments are made by such member in an amount or amounts as may be necessary to provide the entire actuarial cost of such prior service credit.

(f) The failure of any member to comply with the rules and regulations prescribed by the commission, pursuant to this act, shall result in the suspension or termination of membership in, or benefits of, this retirement system as may be provided from time to time by the commission.

3. Section 4 of P.L.1964, c.275 (C.43:13-22.53) is amended to read as follows:

C.43:13-22.53 Retirement for age and service.

4. (a) Any member who shall have established 20 or more years of creditable service in the retirement system and who shall have attained the age of 60 years shall, upon application by that member to the commission, be retired on a pension equal to 55% of final salary, plus 1% of such salary for each year of creditable service in excess of 20 years, if the member has more than 20 years of creditable service at retirement.

In no event shall the amount of any pension payable pursuant to the provisions of this subsection be less than \$3,600 per annum.

(b) (Deleted by amendment, P.L.1990, c.20)

(c) Any member who upon attainment of 60 or more years of age shall have established less than 20 years of creditable service in the retirement system may retire on a pension equal to 2% of final salary for each year of creditable service. In no event shall the amount of any pension payable pursuant to the provisions of this subsection be less than \$3,600 per annum.

(d) A person who becomes a member of the retirement system on or after the effective date of P.L.2013, c.282, who shall have established 25 or more years of creditable service in the retirement system and who shall have attained the age of 65 years shall, upon application by that member to the commission, be retired on a pension equal to 55% of final salary, plus 1% of such salary for each year of creditable service in excess of 25 years, if the member has more than 25 years of creditable service at retirement. In no event shall the amount of any pension payable pursuant to the provisions of this subsection be less than \$3,600 per annum.

4. Section 1 of P.L.1967, c.222 (C.43:13-22.54a) is amended to read as follows:

C.43:13-22.54a Retirement; benefits survivor's benefits.

1. (a) A member who resigns after having completed 25 years of service for which credit has been established in the pension fund and before reaching age 60 may elect to receive, in lieu of the payment provided in section 4 of P.L.1964, c.275 (C.43:13-22.53), or the benefit provided by subsection (b) of this section, a pension in the amount of 55% of final salary, plus 1% for each year of service in excess of 20 years; provided, however, that such pension shall be reduced by 1/12 of 1% for each month that the member lacks of being age 60; but if the member waits until age 60 to start collecting benefits, there shall be no reduction in benefits, and in no event shall the amount of any pension payable pursuant to the provisions of this subsection be less than \$3,600 per annum.

Upon and after the death of such pensioner, the benefits provided by section 7 of P.L.1964, c.275 (C.43:13-22.56) shall be payable to any eligible survivors.

(b) A member who, after having completed 10 years of service for which credit has been established in the pension fund, becomes separated voluntarily or involuntarily from the service before reaching age 60 may elect to receive, in lieu of the benefit provided by subsection (a) of this section, a deferred pension beginning at age 60, in an amount equal to the proportional relation which the years of the member's service credited in the fund bear to the total number of years of service that the member could have achieved by

continuing in service to age 60, multiplied by 1/2 of the member's final salary calculated as of the time that the member elected the deferred pension; but in no event shall the amount of any deferred pension payable pursuant to the provisions of this subsection be less than \$3,600 per annum.

Upon and after the death of such pensioner, the benefits provided by section 7 of P.L.1964, c.275 (C.43:13-22.56) shall be payable to any eligible survivors.

(c) A person who becomes a member of the retirement system on or after the effective date of P.L.2013, c.282 and who resigns after having completed 30 years of service for which credit has been established in the pension fund and before reaching age 65 may elect to receive, in lieu of the payment provided in section 4 of P.L.1964, c.275 (C.43:13-22.53), or the benefit provided by subsection (d) of this section, a pension in the amount of 55% of final salary, plus 1% for each year of service in excess of 25 years; provided, however, that such pension shall be reduced by 3/12 of 1% for each month that the member lacks of being age 65; but if the member waits until age 65 to start collecting benefits, there shall be no reduction in benefits, and in no event shall the amount of any pension payable pursuant to the provisions of this subsection be less than \$3,600 per annum.

Upon and after the death of such pensioner, the benefits provided by section 7 of P.L.1964, c.275 (C.43:13-22.56) shall be payable to any eligible survivors.

(d) A person who becomes a member of the retirement system on or after the effective date of P.L.2013, c.282 and who, after having completed 10 years of service for which credit has been established in the pension fund, becomes separated voluntarily or involuntarily from service before reaching age 65 may elect to receive, in lieu of the benefit provided by subsection (c) of this section, a deferred pension beginning at age 65, in an amount equal to the proportional relation which the years of the member's service credited in the fund bear to the total number of years of service that the member could have achieved by continuing in service to age 65, multiplied by 1/2 of the member's final salary calculated as of the time that the member elected the deferred pension; but in no event shall the amount of any deferred pension payable pursuant to the provisions of this subsection be less than \$3,600 per annum.

Upon and after the death of such pensioner, the benefits provided by section 7 of P.L.1964, c.275 (C.43:13-22.56) shall be payable to any eligible survivors.

5. Section 3 of P.L.1984, c.117 (C.43:13-22.54d) is amended to read as follows:

C.43:13-22.54d Rules and regulations.

3. The pension commission shall promulgate rules and regulations which it shall deem necessary for the effective operation of P.L.1964, c.275 (C.43:13-22.50 et seq.), any act that is a supplement thereto and section 6 of P.L.2013, c.282 (C.43:13-22.56), and for compliance with the provisions of the federal Internal Revenue Code of 1986, as amended, regulations of the United States Treasury Department, and other directives or guidance of the federal Internal Revenue Service.

6. Section 7 of P.L.1964, c.275 (C.43:13-22.56) is amended to read as follows:

C.43:13-22.56 Death benefits.

7. Death benefits.

(a) Upon the death of a member in service who shall have paid into the fund the full amount of contributions due and who shall die as a result of injuries or illness received or incurred in the performance of that member's regular or assigned duties or who shall have served in the employ of the city for 20 or more years, a pension of 50% of the member's final salary shall be paid to the surviving widow, so long as she remains unmarried, or surviving widower, so long as he remains unmarried; if there is no surviving widow or widower or in case the widow or widower dies or remarries, a pension of 20% of such final salary shall be paid to one surviving child, 35% of such final salary shall be paid to two surviving children in equal shares, and if there be three or more children, 50% of such final salary shall be paid to such children in equal shares; and if there is no surviving widow, widower or child, a pension of 25% of such final salary shall be paid to one surviving dependent parent or a pension of 40% of such final salary shall be paid to two surviving dependent parents in equal shares.

(b) Upon the death of a member in service who shall have paid into the fund the full amount of contributions due and who shall die for causes other than injuries or illness received or incurred in the performance of that member's regular or assigned duties and who shall have served in the employ of the city for five or more years but less than 20 years, a pension in an amount equal to 50% of the member's final salary shall be paid to the surviving widow, so long as she remains unmarried, or surviving widower, so long as he remains unmarried; if there is no surviving widow or widower or

in case the widow or widower dies or remarries, a pension of 20% of such final salary shall be paid to one surviving child, 35% of such final salary shall be paid to two surviving children in equal shares, and if there be three or more children, 50% of such final salary shall be paid to such children in equal shares; and if there is no surviving widow, widower or child, a pension of 25% of such final salary shall be paid to one surviving dependent parent or a pension of 40% of such final salary shall be paid to two surviving dependent parents in equal shares.

(c) Upon the death of a pensioner from the retirement system who has retired for age and service under the provisions of section 4 of P.L.1964, c.275 (C.43:13-22.53), or who has retired under the provisions of subsection (a), (b), (c) or (d) of section 1 of P.L.1967, c.222 (C.43:13-22.54a), or who has retired because of a disability under the provisions of section 6 of P.L.1964, c.275 (C.43:13-22.55), a pension equal to 50% of the amount of the pension, including any adjustment thereto under sections 7 through 13 of P.L.1990, c.20 (C.43:13-22.69 to 43:13-22.75), payable to the decedent at the time of death shall be paid to the surviving widow, so long as she remains unmarried, or surviving widower, so long as he remains unmarried; if there is no surviving widow or widower or in case the widow or widower dies or remarries, such pension shall be paid to one surviving child or to two or more surviving children in equal shares; and if there is no surviving widow, widower or child, such pension shall be paid to one surviving dependent parent of the retirant or to both surviving dependent parents in equal shares.

(d) (1) In the event a pension shall be payable as a result of the death of a member in service and there are no eligible survivors at the time of such member's death, an amount equal to such member's contributions to the fund, without interest, shall be paid to the member's estate. If, after the payment of all pension and survivorship benefits payable by the retirement system to any eligible survivors of a deceased member or retirant, the total amount of those benefits, including adjustments under sections 7 through 13 of P.L.1990, c.20 (C.43:13-22.69 to 43:13-22.75), together with the total amount of any retirement allowance or pension benefits, including adjustments, which shall have been paid to the decedent during retirement, is less than the amount of the decedent's contributions during membership in the retirement system, the amount of the difference, without interest, shall be payable to the deceased member or retirant's estate.

(2) If at the time of the death of a member in service the sole eligible survivors of such member are minor children and the total of the aggregate payments on account of such children shall be an amount which is less than

such member's contributions to the fund, without interest, the balance of such amount shall be payable to the guardian of such minor children.

C.43:13-22.59b Filing of detailed statement of public employment.

7. A member may file a detailed statement of public employment with a public employer in this State which was eligible for credit in a State-administered retirement system, or of military service in the Armed Forces of the United States, rendered prior to becoming a member, for which the member desires credit, and of such other facts as the retirement system may require. The member may purchase credit for all or a portion of the service evidenced in the statement up to the nearest number of years and months, but not exceeding three years. No application shall be accepted for the purchase of credit for the service if, at the time of application, the member has a vested right to retirement benefits in another retirement system based in whole or in part upon that service. A member who applies to purchase credit for such service shall pay the full cost attributable to the increased benefits to be derived from the purchased credit in accordance with the actuarial method used to determine the cost at the time of the purchase. The purchase may be made in a lump sum or in regular installments, equal to at least 1/2 of the full normal contribution to the retirement system, over a maximum period of 10 years. A member shall not be liable for any costs associated with the financing of pension adjustment benefits and health care benefits for retirees when purchasing credit.

Any member electing to make a purchase pursuant to this section who retires prior to completing payments as agreed with the retirement system will receive pro rata credit for the purchase prior to the date of retirement, but if the member so elects at the time of retirement, the member may make the additional lump sum payment required at that time to provide full credit.

8. Section 1 of P.L.1987, c.171 (C.43:13-22.67) is amended to read as follows:

C.43:13-22.67 Loans from retirement system.

1. Any member who has at least three years of service credit for which contributions have been made as a member may borrow from the retirement system an amount equal to not more than 50% of the amount of the member's aggregate contributions, but not less than \$1,000.00. Any loan from the retirement system must satisfy the requirements of the federal Internal Revenue Code of 1986, as amended, regulations of the United States Treasury Department, and other directives or guidance of the federal Internal

Revenue Service. At the time a loan is made, a loan amount shall not result in the projected required loan payments, including interest contained in the payment, for the following calendar year exceeding 25% of the member's annual salary at the time the loan is made. If a member's salary is uncertain at that time, the commission shall use a reasonable estimate of the member's expected salary to impose this 25% limitation. The amount so borrowed, together with interest at a rate fixed by the commission on any unpaid balance, shall be repaid to the retirement system in equal installments by deduction from salary or in another manner and in amounts which the commission shall approve; but the installments shall be at least equal to the member's contribution to the retirement system and at least sufficient to repay the amount borrowed with interest at the conclusion of a term fixed by the commission. No more than two loans may be made to any member in any 12-month period. The retirement system shall make no loan to a member after the member has terminated employment with the city.

Interest charged for loans to members shall be fixed annually by the commission to take effect January 1 of each calendar year at a rate equal to the average of the daily rates of interest at constant maturity based on daily trades paid by 30-year United States Treasury bonds for the period beginning on the first and ending on the 30th day of the immediately preceding November plus 1%, or 10%, whichever is less. The interest earned from loans to members shall be treated in the same manner as interest from investments of the retirement system.

9. Section 2 of P.L.1987, c.171 (C.43:13-22.68) is amended to read as follows:

C.43:13-22.68 Repayment.

2. a. Notwithstanding any other law affecting the salary or compensation of a borrowing member to the contrary, including any law restricting the amount or level of deductions from an employee's salary or compensation, the additional deductions required to repay the loan shall be made as necessary to comply with the requirements governing loans from the retirement system pursuant to section 1 of P.L.1987, c.171 (C.43:13-22.67).

b. If a member employed by the city fails to make timely payments on the member's outstanding loan, the retirement system shall offset, to the extent possible, a member's benefit for the unpaid loan balance, including interest accrued, and shall report the unpaid loan balance as taxable income to the member pursuant to the federal Internal Revenue Code of 1986, as amended.

c. If a member terminates employment with the city without commencing the receipt of a benefit under the retirement system, any unpaid loan balance, including interest accrued, shall become immediately due and payable. If the unpaid loan balance is not repaid by the time set by the commission, the member's remaining benefit in the retirement system shall be reduced by the unpaid loan balance, including interest accrued, at the time of the reduction. The unpaid loan balance and accrued interest shall be reported to the federal Internal Revenue Service as income pursuant to the federal Internal Revenue Code of 1986, as amended.

d. If a member terminates employment with the city and commences the receipt of a benefit under the retirement system, the unpaid loan balance, including interest accrued, shall be deducted from the benefit otherwise payable. Such deduction shall be applied as follows:

(1) If a member elects to receive a single-sum payment of the member's benefit, the amount paid to the member shall be reduced by the unpaid loan balance, including interest accrued.

(2) If a member elects to receive the member's benefits as an annuity, loan payments, including interest, shall be deducted from the benefit payments.

e. The retirement system shall administer the provisions of subsections b., c. and d. of this section in compliance with the requirements of the federal Internal Revenue Code of 1986, as amended.

f. If a member or retiree dies before the outstanding balance of the loan and interest has been repaid, the remaining balance shall be repaid from the proceeds of any other benefits payable on the account of the member or retiree, such as monthly payments to the member's beneficiaries or lump sum payments for pension or group life insurance.

10. Section 11 of P.L.1990, c.20 (C.43:13-22.73) is amended to read as follows:

C.43:13-22.73 Calculation of pension adjustment.

11. On or before October 1, 1996 and by the same date in each subsequent year, the Director of the Division of Pensions and Benefits of the Department of the Treasury shall review the index and determine the percentum of change in the index from the retirement year index pursuant to the provisions of the "Pension Adjustment Act," P.L.1958, c.143 (C.43:3B-1 et seq.). The percentage of adjustment in the retirement allowances, pensions and survivorship benefits shall be one-half of the percentum of change in the index. Any adjustment so calculated shall apply to all of the months of the following calendar year for eligible retirants and beneficiaries, except

that for those qualifying for the first time, it shall apply only to those months of the following calendar year in which the retirant or beneficiary is eligible to receive the adjustment.

On the basis of information certified to the director by the retirement system concerning the amounts of all retirement allowances, pensions and survivorship benefits of eligible retirants and beneficiaries which are subject to adjustment under sections 7 through 13 of P.L.1990, c.20 (C.43:13-22.69 through 22.75), and any other relevant matters as the director may require, the director shall certify to the retirement system the amounts required to fund the benefits provided under those sections for the applicable year. The director shall include in that certification amounts sufficient to adjust the retirement allowances, pensions or survivorship benefits payable to all eligible retirants and beneficiaries by the percentum of change in the index as such retirement allowances or pensions may have been originally granted, or increased for certain retirants and beneficiaries in accordance with the provisions of the "Pension Adjustment Act."

In no instance shall the amount of the retirement allowance, pension or survivorship benefit originally granted and payable to any retirant or beneficiary be reduced as a result of this adjustment.

C.43:13-22.59c Additional payment to retirement system.

11. At the time it makes its annual normal contribution to the retirement system, the employer shall pay to the retirement system an additional amount equivalent to the cost of the adjustment in retirement allowances or pensions and in survivorship benefits payable to retirants and beneficiaries in the prior year pursuant to sections 7 through 13 of P.L.1990, c.20 (C.43:13-22.69 et seq.), except the initial payment shall be equivalent to the cost of the adjustment beginning on the effective date of P.L.2013, c.282.

12. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 283

AN ACT concerning oversight of contaminated sites, and amending and supplementing P.L.2009, c.60.

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

C.58:10C-27.1 Extensions permitted; application.

1. a. Except as provided in subsection b. or c. of this section, for any site subject to the provisions of paragraph (3) of subsection a. of section 27 of P.L.2009, c.60 (C.58:10C-27), upon application by a person responsible for conducting the remediation, an extension of time until May 7, 2016 shall be provided to allow for the completion of the remedial investigation prior to the department taking direct oversight provided that the applicant continues to comply with the conditions imposed pursuant to this subsection. The applicant shall certify, in a document submitted electronically by the licensed site remediation professional retained by the applicant, that the following conditions have been met:

(1) a licensed site remediation professional has been retained to conduct a remediation of the site;

(2) any remediation requirements included in mandatory remediation timeframes adopted pursuant to section 28 of P.L.2009, c.60 (C.58:10C-28), for the site have been met at the time of the certification;

(3) technically complete submissions have been made in compliance with all rules and regulations for site remediation, as applicable, for the (a) initial receptor evaluation, (b) immediate environmental concern source control report, (c) light non-aqueous phase liquid interim remedial measure report, (d) preliminary assessment report, and (e) site investigation report;

(4) a remediation funding source has been established, if required of the applicant by section 25 of P.L.1993, c.139 (C.58:10B-3);

(5) if a remediation funding source is not required to be established by the applicant pursuant to law, then a remediation trust fund for the estimated cost of the remedial investigation has been established pursuant to the standards established in section 25 of P.L.1993, c.139 (C.58:10B-3);

(6) any oversight costs imposed by the department, known at the time of the application, and not in dispute on the date of enactment of P.L.2013, c.283 (C. 58:10C-27.1 et al.), have been paid to the department; and

(7) the annual fees imposed by the department for the remediation and remediation funding source surcharges imposed pursuant to section 33 of P.L.1993, c.39 (C.58:10B-11) have been paid to the department, as applicable.

An application pursuant to this subsection shall be submitted to the department by March 7, 2014 or 30 days after the date of enactment of P.L.2013, c.283 (C. 58:10C-27.1 et al.), whichever is later.

b. For any site subject to the provisions of paragraph (3) of subsection a. of section 27 of P.L.2009, c.60 (C.58:10C-27), if the failure to complete the remedial investigation of the contaminated site is due to a delay in the

provision of State financial assistance for the remediation from the Hazardous Discharge Site Remediation Fund, upon application by a person responsible for conducting the remediation, an extension of time shall be provided to allow for the completion of the remedial investigation prior to the department taking direct oversight, except as provided in subsection c. of this section. The applicant shall submit to the department a certification that the person responsible for conducting the remediation filed a technically and administratively complete application for funding prior to March 7, 2014 or 30 days after the date of enactment of P.L.2013, c.283 (C. 58:10C-27.1 et al.), whichever is later, qualifies for funding, and remains eligible for funding. Every six months after the submission of the application for the extension of time pursuant to this subsection, the applicant shall submit to the department a certification with an update on the status of the funding application.

The extension of time for the completion of a remedial investigation of a contaminated site prior to the department taking direct oversight of the remediation pursuant to this subsection shall be no more than two years after receipt of funding, or no more than two years after the applicant is no longer eligible for funding.

An application for an extension of time pursuant to this subsection shall be submitted to the department by March 7, 2014 or 30 days after the date of enactment of P.L.2013, c.283 (C. 58:10C-27.1 et al.), whichever is later.

c. An application submitted pursuant to subsection a. or b. of this section shall be deemed approved upon receipt by the department. The department may undertake direct oversight of a remediation if, at any time during the extension of time: (1) the conditions imposed pursuant to subsection a. or b. of this section, as the case may be, are no longer met; or (2) the person responsible for conducting the remediation fails to meet a mandatory remediation timeframe after submission of the certification submitted pursuant to this section. The department shall so notify the person responsible for conducting the remediation, in writing, that the extension of time for completion of the remedial investigation is revoked because of the applicant's failure to continue to comply with the conditions required, or the applicant's failure to submit one or more of the certifications required pursuant to subsection a. or b. of this section, or that the information included in a certification is incomplete, incorrect, false, or otherwise deficient.

d. The department shall provide notice on its internet website of any extensions provided pursuant to this section. In the notice, the department

shall provide the name and location of the site for which the extension is provided and the length of the extension of time.

2. Section 27 of P.L.2009, c.60 (C.58:10C-27) is amended to read as follows:

C.58:10C-27 Direct oversight of remediation by department; conditions.

27. a. Except as provided in section 1 of P.L.2013, c.283 (C. 58:10C-27.1), the department shall undertake direct oversight of a remediation of a contaminated site under the following conditions:

(1) the person responsible for conducting the remediation has a history of noncompliance with the laws concerning remediation, or any rule or regulation adopted pursuant thereto, that includes the issuance of at least two enforcement actions after the date of enactment of P.L.2009, c.60 (C.58:10C-1 et al.) during any five-year period concerning a remediation;

(2) the person responsible for conducting the remediation at a contaminated site has failed to meet a mandatory remediation timeframe or an expedited site specific timeframe adopted by the department pursuant to section 28 of P.L.2009, c.60 (C.58:10C-28), including any extension thereof granted by the department, or a schedule established pursuant to an administrative order or court order; or

(3) unless a longer period has been ordered by a court, the person responsible for conducting the remediation has, prior to the date of enactment of P.L.2009, c.60 (C.58:10C-1 et al.), failed to complete the remedial investigation of the entire contaminated site 10 years after the discovery of a discharge at the site and has failed to complete the remedial investigation of the entire contaminated site within five years after the date of enactment of P.L.2009, c.60 (C.58:10C-1 et al.).

As used in this subsection, "enforcement action" means an administrative order, a notice of civil administrative penalty, or a court order.

b. The department may undertake direct oversight of a remediation of a contaminated site under the following conditions:

(1) the contamination at the site includes chromate chemical production waste;

(2) the department determines that more than one environmentally sensitive natural resource has been injured by contamination from the site;

(3) the site has contributed to sediments contaminated by polychlorinated biphenyl, mercury, arsenic, or dioxin in a surface water body; or

(4) the site is ranked by the department in the category requiring the highest priority pursuant to the ranking system developed pursuant to section 2 of P.L.1982, c.202 (C.58:10-23.16).

c. For any site subject to direct oversight by the department pursuant to this section:

(1) the department shall review each document submitted by a licensed site remediation professional and shall approve or deny the submission;

(2) a feasibility study shall be performed and submitted to the department for approval;

(3) the department shall select the remedial action for the site;

(4) the person responsible for conducting the remediation shall establish a remediation trust fund pursuant to section 25 of P.L.1993, c.139 (C.58:10B-3) in the amount of the estimated cost of the remediation;

(5) all disbursements of funds from the remediation trust fund shall require prior approval by the department;

(6) all submissions prepared by the licensed site remediation professional concerning the remediation required by the department shall be provided simultaneously to the department and the person responsible for conducting the remediation; and

(7) the person responsible for conducting the remediation shall implement a public participation plan approved by the department to solicit public comment from the members of the surrounding community concerning the remediation of the site.

d. The department shall issue guidelines establishing specific criteria for the conditions under which a site may be subject to direct oversight pursuant to subsection b. of this section.

e. (1) Any oversight procedure, remedy, or other obligation in P.L.2009, c.60 (C.58:10C-1 et al.) shall not affect a remediation conducted pursuant to and in compliance with a settlement of litigation to which the department is a party if the settlement (a) occurred prior to the date of enactment of P.L.2009, c.60 (C.58:10C-1 et al.), or (b) is a settlement of litigation pending on the date of enactment of P.L.2009, c.60 (C.58:10C-1 et al.).

(2) For any litigation pending or settled on the date of enactment of P.L.2009, c.60 (C.58:10C-1 et al.), concerning a remediation performed pursuant to the "Resource Conservation and Recovery Act," 42 U.S.C. s.6921 et seq., nothing in P.L.2009, c.60 (C.58:10C-1 et al.) shall affect an oversight procedure, remedy, or other obligation imposed by a federal administrative order or federal court order.

3. This act shall take effect immediately.

Approved January 17, 2014.

CHAPTER 284

AN ACT authorizing certain municipalities to impose certain surcharges and supplementing P.L.1970, c.326.

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

C.40:48C-1.4 Municipality under rehabilitation and economic recovery, imposition of surcharge.

1. A municipality that has been under rehabilitation and economic recovery pursuant to the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.) may adopt an ordinance imposing the surcharge provided under section 3 of P.L.2013, c.284 (C.40:48C-1.6) on any facility, or any portion of a facility, situated within its borders.

C.40:48C-1.5 City of second class located in certain counties; imposition of surcharge.

2. A municipality that is a city of the second class, that is located in a county of the second class, that has a population greater than 65,000 and a population density exceeding 10,000 persons per square mile, according to the latest federal decennial census, and that is not authorized to adopt an ordinance pursuant to section 2 of P.L.1987, c.21 (C.40:48C-1.2), may adopt an ordinance imposing the surcharge provided under section 3 of P.L.2013, c.284 (C.40:48C-1.6) on any facility, or any portion of a facility, situated within its borders.

C.40:48C-1.6 Surcharges imposed; use by municipality.

3. An ordinance adopted by a municipality pursuant to section 1 or 2 of P.L.2013, c.284 (C.40:48C-1.4 or C.40:48C-1.5) shall impose in any such municipality a surcharge of seven percent on fees for parking, garaging, or storing of motor vehicles, other than parking in a garage which is part of a solely residential premises. All surcharges collected under the ordinance shall be used for the purpose of demolishing and removing abandoned buildings and structures in the municipality. Any collections in ex-

cess of the amount necessary for this purpose shall be used for infrastructure projects in the municipality. The collections and expenditures permitted pursuant to this section shall be included in the annual audit of the municipality required pursuant to N.J.S.40A:5-4 to ensure the surcharges are spent for the purposes provided under this section.

4. This act shall take effect immediately.

Approved January 17, 2014.

JOINT RESOLUTIONS

(1831)

JOINT RESOLUTION NO. 1

A JOINT RESOLUTION designating the U.S. Route 46 bridge in the Town of Dover as “Officer Thomas E. DeShazo Memorial Bridge.”

WHEREAS, On May 22, 1930, Officer Thomas E. DeShazo was providing a motorcycle escort to a member of famous New Jersey resident Charles Lindbergh’s family when his vehicle overturned, which inflicted serious injury upon him and led to his death two days later; and

WHEREAS, An eight year veteran of the Dover Police Department who proudly wore Badge Number One, Officer DeShazo was the first Dover police officer killed in the line of duty; and

WHEREAS, Officer DeShazo, affectionately known as “Tommy,” was a beloved and respected member of the Dover community, and was fearless, friendly, and courteous at all times; and

WHEREAS, Hundreds of Dover residents lined Blackwell and Sussex Streets to pay their last respects to fallen Officer DeShazo, and Dover merchants suspended business during his funeral; and

WHEREAS, The Dover Police Department retired Badge Number One in honor of their fallen brother; and

WHEREAS, The descendants of fallen Officer DeShazo and the Dover community wish to honor and memorialize Officer DeShazo’s great sacrifice; and

WHEREAS, It is altogether fitting and proper, and in the public interest, for the State of New Jersey to honor Officer Thomas E. DeShazo, the first Dover police officer killed in the line of duty, by designating the U.S. Route 46 bridge in the Town of Dover as the “Officer Thomas E. DeShazo Memorial Bridge;” now, therefore,

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

1. The Commissioner of Transportation shall designate the U.S. Route 46 bridge crossing the Rockaway River in the Town of Dover in the county of Morris as the “Officer Thomas E. DeShazo Memorial Bridge,” and erect a plaque bearing this dedication and designation.

2. The Commissioner of Transportation is authorized to erect appropriate route and directional signs bearing this name.

3. No State or other public funds shall be used for producing, purchasing, or erecting signs bearing the designation established pursuant to section 1 of this act. The Commissioner of Transportation is authorized to receive gifts, grants or other financial assistance from private sources for the purpose of funding or reimbursing the Department of Transportation for the costs associated with producing, purchasing, and erecting signs bearing the designation established pursuant to section 1 of this act and entering into agreements related thereto, with such private sources, including but not limited to non-governmental non-profit, educational or charitable entities or institutions. No work shall proceed, and no funding shall be accepted by the Department of Transportation until an agreement has been reached with a responsible party for paying the costs associated with producing, purchasing, erecting and maintaining the signs.

4. This act shall take effect immediately.

Approved January 28, 2013.

JOINT RESOLUTION NO. 2

A JOINT RESOLUTION designating May of each year as “Displaced Homemakers Awareness Month” in the State of New Jersey.

WHEREAS, Displaced homemakers are women who have primarily worked in the home for many years, have lost their primary source of income due to the death, separation, divorce, or disability of their spouse, and must transition into a new role as the primary source of household income; and

WHEREAS, The work associated with the home and family is vitally important to society and requires great effort and care, but years spent working as a homemaker often do not translate effectively when searching for a job; and

WHEREAS, Obtaining or updating skills for a workplace that technology has quickly changed in dramatic ways, all while overcoming the trauma associated with the death, separation, divorce, or disability of a spouse, can be a daunting task, often leading to prolonged dependence on public assistance and hardship, both for the women and their children; and

WHEREAS, Since the 1970s, when the divorce rate rose substantially, the dilemmas faced by the growing numbers of displaced homemakers have gained increased attention in New Jersey; and

WHEREAS, The New Jersey “Displaced Homemakers Act” was enacted in 1979, followed by the appropriation of startup money for six Displaced Homemaker Centers in 1982 to provide counseling and training, and to address the various barriers to employment these women face; and

WHEREAS, In 1984, the Displaced Homemakers Network of New Jersey was founded, and has continuously advocated for increased support for the State’s Displaced Homemaker Centers and the women in need of their services; and

WHEREAS, The Displaced Homemakers Network of New Jersey and other displaced homemaker programs in New Jersey give numerous women the help they need to lift themselves and their families out of dire situations, and reduce the need for prolonged dependence on public assistance; and

WHEREAS, Despite these successes, the dilemmas faced by the more than 750,000 displaced homemakers in the State are still underappreciated among the general population, and they could be aided substantially thorough increased public awareness; now, therefore,

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

C.36:2-198 “Displaced Homemakers Awareness Month,” May; designated.

1. The month of May is designated as “Displaced Homemakers Awareness Month” in the State of New Jersey in order to recognize the grave challenges faced by the State’s more than 750,000 displaced homemakers and to foster increased public attention to their situation.

C.36:2-199 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 “Displaced Homemakers Awareness Month” with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved January 28, 2013.

JOINT RESOLUTION NO. 3

A JOINT RESOLUTION designating March of each year as “Multiple Sclerosis Education and Awareness Month” in New Jersey.

WHEREAS, Multiple Sclerosis (MS) is a chronic, unpredictable disease in which myelin, the protective insulation surrounding nerve fibers, is damaged and replaced by scars of hardened sclerotic tissue, the result of which is interference with the transmission of nerve signals; and

WHEREAS, Common symptoms of MS include fatigue, weakness, spasticity, balance problems, bladder and bowel problems, numbness, vision loss, tremors and depression, although not all symptoms affect all MS patients, and the course of the disease varies greatly from person to person; and

WHEREAS, It is estimated that between 350,000 and 500,000 people in the United States have been diagnosed with MS, and that more than two million individuals live with the disease worldwide; and

WHEREAS, MS is more common in women than in men, and is most commonly diagnosed in individuals between the ages of 20 and 50, but it can develop in young children, teens, and older adults; and

WHEREAS, The exact cause of MS is still unknown, but researchers believe that a combination of factors may be involved and are studying immunologic reactions, viral or other infectious agents, and environmental and genetic factors among the possible causes; and

WHEREAS, Although most individuals with MS have a normal or near-normal life expectancy, many individuals with MS require mobility aids because of fatigue, weakness, or balance problems, or to assist with conserving energy; and

WHEREAS, Even though there is no cure for MS, many therapeutic and technological advances now help individuals manage their symptoms, and medications can slow the underlying course of MS; and

WHEREAS, National MS Education and Awareness Month is an effort to raise the public's awareness of MS, promote an understanding of the scope of the disease, and assist those with MS in making educated decisions about their health care; and

WHEREAS, The Legislature recognizes the importance of understanding MS, including its causes and health effects, and of supporting and encouraging education programs and research to develop effective therapies and find a cure; now, therefore,

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

C.36:2-200 "Multiple Sclerosis Education and Awareness Month," March; designated.

1. March of each year is designated as "Multiple Sclerosis Education and Awareness Month."

C.36:2-201 Annual observance.

2. The Governor shall annually issue a proclamation calling upon public officials and the citizens of this State to observe the month with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved March 27, 2013.

JOINT RESOLUTION NO. 4

A JOINT RESOLUTION congratulating the State of Israel on the occasion of the 65th anniversary of its independence.

WHEREAS, April 15, 2013, the 5th day of Iyar, 5773, of the Hebrew calendar, marks the 65th anniversary of the founding of the modern State of Israel in the ancestral home of the Jewish people; and

WHEREAS, On November 29, 1947, the United Nations General Assembly voted to partition the British Mandate of Palestine and, through that vote, to create the State of Israel; and

WHEREAS, Israel was officially declared an independent nation on May 14, 1948, the 5th day of Iyar, 5708, of the Hebrew calendar, in fulfillment of the eternal desire of the Jewish people to return to the Holy City of Jerusalem and the land of the historic Kingdom of Israel, established three thousand years ago; and

WHEREAS, Despite hostility and conflicts, the people of Israel have built a strong nation and forged a dynamic society, creating a unique and vital economic, political, cultural, and intellectual life for its citizens, despite the heavy cost of six wars, terrorism, international ostracism, and economic boycotts; and

WHEREAS, In its 65 years of statehood, Israel has established a modern parliamentary democracy, becoming the most successful democracy in the Middle East, and provided its citizens with the highest standards of living and human equality in a region otherwise beset with poverty and human rights abuses; and

WHEREAS, Israel continues to strive for peace and security for the nation, its neighbors, and throughout the world in order to fulfill the prophecy of becoming a light unto the nations; and

WHEREAS, The New Jersey-Israel relationship has strengthened in the area of economic, technological, and people-to-people exchanges to the benefit of each entity; and

WHEREAS, Given the close political, economic, and cultural ties between the State of Israel and the United States of America as well as the State of Israel and the State of New Jersey, the Governor and the Legislature find it fitting and proper to recognize the State of Israel on the 65th anniversary of the nation's founding; now, therefore,

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

1. The Governor and Legislature extend the warmest congratulations to the State of Israel and its citizens on the 65th anniversary of its founding, as well as best wishes to the nation for a peaceful, prosperous, and successful future.

2. Duly authenticated copies of this resolution shall be transmitted to Israel's Ambassador to the United States and Israel's Ambassador to the United Nations.

3. This joint resolution shall take effect immediately.

Approved April 15, 2013.

JOINT RESOLUTION NO. 5

A JOINT RESOLUTION designating January of each year as "Human Trafficking Prevention Month."

WHEREAS, The United Nations has defined "trafficking in persons" as the recruitment, transportation, transfer, harboring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation; and

WHEREAS, The United Nations has specified that such exploitation shall include, at a minimum, the prostitution of others or other forms of sex-

ual exploitation, forced labor or services, slavery, or practices similar to slavery, servitude, or the removal of organs; and

WHEREAS, The United Nations' International Labour Organization has estimated that at least 12.3 million adults and children worldwide are currently in forced labor, bonded labor, or forced prostitution; and

WHEREAS, The U.S. Department of State has estimated that 600,000 to 800,000 women, men, and children are trafficked annually across international borders, that approximately 80 percent of victims are women and girls, and that approximately 50 percent of victims are younger than age 18; and

WHEREAS, The U.S. Department of State has estimated that 14,500 to 17,500 persons are trafficked annually into the United States; and

WHEREAS, Human traffickers prey upon impoverished and marginalized victims and exploit them for criminal gain; and

WHEREAS, Human traffickers use many techniques to instill fear in victims and to keep them enslaved, including use or threat of violence toward the victims or their families, physical captivity, isolation from family members and members of their ethnic and religious community, threat of deportation or imprisonment, confiscation of passports, visas, or other identification documents, debt bondage, and control of the victims' money; and

WHEREAS, Although the federal government and the State of New Jersey have enacted laws to prosecute human traffickers and protect the victims of human trafficking, traffickers use techniques to keep their victims enslaved that severely limit self-reporting and that require broad public awareness of human trafficking issues for effective enforcement and prevention to occur; and

WHEREAS, President Obama has proclaimed January 2012 as National Slavery and Human Trafficking Prevention Month to commemorate President Lincoln's signing of the Emancipation Proclamation on January 1, 1863 and his signing of the 13th Amendment to the U.S. Constitution on February 1, 1865, to recognize the many individuals in the United States and abroad who suffer under the yoke of modern slavery, to recognize ongoing efforts to combat human trafficking and assist its victims, and to call upon the people of the United States to recognize their vital role in ending modern slavery; and

WHEREAS, The people of New Jersey, regardless of political persuasion, creed, race, or national origin, answer President Obama's call to protect the rights to life and liberty bestowed by past generations of Americans, to educate themselves about the signs and consequences of human trafficking, to work to end this terrible injustice in the United States and

abroad, and to observe this month with appropriate programs and activities; now, therefore,

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

C.36:2-202 “Human Trafficking Prevention Month,” January; designated.

1. The month of January of each year shall be designated as “Human Trafficking Prevention Month,” to promote ongoing education about the signs and consequences of human trafficking, to recognize and advance efforts to end human trafficking in all of its forms, and to encourage support for the victims of human trafficking throughout the State of New Jersey and across the world.

C.36:2-203 Annual observance.

2. The Governor shall annually issue a proclamation recognizing January as “Human Trafficking Prevention Month” in New Jersey and shall call upon public officials and the citizens of this State to observe the month with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved May 6, 2013.

JOINT RESOLUTION NO. 6

A JOINT RESOLUTION designating January 11 of each year as “Human Trafficking Awareness Day.”

WHEREAS, The United Nations has defined “trafficking in persons” as the recruitment, transportation, transfer, harboring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation; and

WHEREAS, The United Nations has specified that such exploitation shall include, at a minimum, the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, or practices similar to slavery, servitude, or the removal of organs; and

- WHEREAS, The United Nations' International Labour Organization has estimated that at least 12.3 million adults and children worldwide are currently in forced labor, bonded labor, or forced prostitution; and
- WHEREAS, The U.S. Department of State has estimated that 600,000 to 800,000 women, men, and children are trafficked annually across international borders, that approximately 80 percent of victims are women and girls, and that approximately 50 percent of victims are younger than age 18; and
- WHEREAS, The U.S. Department of State has estimated that 14,500 to 17,500 persons are trafficked annually into the United States; and
- WHEREAS, Human traffickers prey upon impoverished and marginalized victims and exploit them for criminal gain; and
- WHEREAS, Human traffickers use many techniques to instill fear in victims and to keep them enslaved, including use or threat of violence toward the victims or their families, physical captivity, isolation from family members and members of their ethnic and religious community, threat of deportation or imprisonment, confiscation of passports, visas, or other identification documents, debt bondage, and control of the victims' money; and
- WHEREAS, Although the federal government and the State of New Jersey have enacted laws to prosecute human traffickers and protect the victims of human trafficking, traffickers use techniques to keep their victims enslaved that severely limit self-reporting and that require broad public awareness of human trafficking issues for effective enforcement and prevention to occur; and
- WHEREAS, The New Jersey State Constitution declares that all persons are by nature free and independent and have certain natural and unalienable rights; and
- WHEREAS, The people of New Jersey, regardless of political persuasion, creed, race, or national origin, stand together with the global community to protect the fundamental freedoms and rights of all persons, to fight the proliferation of human trafficking in all of its forms, and to assist those who have been forced into modern slavery; and
- WHEREAS, The United States Senate has resolved to support the goals and ideals of observing a National Day of Human Trafficking Awareness on January 11 of each year and to support all other efforts by individuals, businesses, organizations, and governing bodies to raise awareness of and opposition to human trafficking; now, therefore,

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

C.36:2-204 “Human Trafficking Awareness Day,” January 11; designated.

1. January 11 of each year shall be designated as “Human Trafficking Awareness Day,” to raise public awareness about the signs and consequences of human trafficking, to promote opposition to human trafficking in all of its forms, and to encourage support for the victims of human trafficking throughout the State of New Jersey and across the world.

C.36:2-205 Annual observance.

2. The Governor shall annually issue a proclamation recognizing January 11 as “Human Trafficking Awareness Day” in New Jersey and shall call upon public officials and the citizens of this State to observe the day with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved May 6, 2013.

JOINT RESOLUTION NO. 7

A JOINT RESOLUTION designating June 7th of each year as “Neonatal Allo-immune Thrombocytopenia Awareness Day.”

WHEREAS, Neonatal Alloimmune Thrombocytopenia (NAIT) is a disease in which the maternal alloantibodies cross the placenta and attack the fetus’ platelets, resulting in a low platelet count (thrombocytopenia) in a fetus or newborn baby; and

WHEREAS, NAIT may cause intracranial hemorrhage at birth, possibly leading to severe brain damage, developmental disabilities, or even death; and

WHEREAS, Because NAIT occurs in approximately one in every 1,000 live births, screening programs are not routinely performed and, as a result, most affected children are identified after birth; and

WHEREAS, Although parents can undergo platelet antigen genotyping and platelet antibody identification tests to determine the nature of the incompatibility, few medical doctors perform these tests due to the rare occurrence of NAIT and the limited availability of the tests; and

WHEREAS, Tests conducted during pregnancy may reveal platelet incompatibilities that can be treated to reduce the effects of NAIT; and
WHEREAS, Children born with NAIT face significant difficulties, as well as their parents who may not be prepared to handle the challenges of raising children with NAIT; now, therefore,

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

C.36:2-206 “Neonatal Alloimmune Thrombocytopenia Awareness Day,” June 7; designated.

1. June 7th of each year is designated as “Neonatal Alloimmune Thrombocytopenia Awareness Day” to promote an awareness of the seriousness and the challenges of neonatal alloimmune thrombocytopenia and encourage parents to undergo testing and treatment as early as possible.

C.36:2-207 Annual observance.

2. The Governor shall issue a proclamation recognizing June 7th of each year as “Neonatal Alloimmune Thrombocytopenia Awareness Day” and calling upon public officials and the citizens of New Jersey to observe the day with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved May 9, 2013.

JOINT RESOLUTION NO. 8

A JOINT RESOLUTION designating November of each year as “Children’s Product Safety Awareness Month” in New Jersey.

WHEREAS, Research shows that play is a crucial component of children’s development; among other benefits play encourages creativity, improves coordination and strength, allows children to engage with one another, and provides an outlet for emotional expression; and

WHEREAS, It is the duty and responsibility of product manufacturers, parents, and federal and state governments to ensure that the toys children play with and other products used by children are safe and encourage well-being and healthy development; and

WHEREAS, In many instances, however, parents have found it difficult to access timely and accurate information about the safety of products used

by their children, and American consumers have oftentimes been unaware of, or confused by, safety recalls of children's products; and WHEREAS, At the national level, the U.S. Consumer Product Safety Commission, and at the State level, the New Jersey Division of Consumer Affairs, are charged with providing consumers with relevant and accurate information regarding the safety of consumer products and assuring that these products are safe for use by the public; and WHEREAS, Because it is in the public interest for the State to educate parents about the important role of play in children's lives and to raise awareness about resources available to parents to verify the safety of children's products in their homes, it is fitting and proper to designate the month of November as "Children's Product Safety Awareness Month" in New Jersey; now, therefore,

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

C.36:2-208 "Children's Product Safety Awareness Month," November; designated.

1. The month of November of each year is designated as "Children's Product Safety Awareness Month" in New Jersey in order to increase public awareness of the importance of play in the lives of children and the need to be vigilant about the safety of children's products so that play can be safe, fun, and beneficial.

C.36:2-209 Annual observance.

2. The Governor is respectfully requested to issue a proclamation annually designating November as "Children's Product Safety Awareness Month" in New Jersey and calling upon the parents in this State to learn more about safe play and to review their children's products, and other products in the home to which children have access, to ensure that they meet federal safety standards.

C.36:2-210 Implementation of plan to increase public awareness.

3. The New Jersey Division of Consumer Affairs is respectfully requested to implement a plan to increase public awareness of the U.S. Consumer Product Safety Commission's recall notification website that makes people aware of unsafe, hazardous or defective products, especially those intended for children.

4. This joint resolution shall take effect immediately.

Approved May 9, 2013.

JOINT RESOLUTION NO. 9

A JOINT RESOLUTION honoring the memory of Clarence Clemons and designating January 11 of each year as “Clarence Clemons Day” in New Jersey.

WHEREAS, Clarence A. Clemons, Jr., commonly known to his friends and fans as “the Big Man,” was born on January 11, 1942 in Norfolk County, Virginia and moved to New Jersey in the early 1960s, working as a counselor at the Jamesburg Training School for Boys; and

WHEREAS, Clarence Clemons was an accomplished saxophone player who, with artists such as Bruce Springsteen, Little Steven Van Zandt, and Southside Johnny Lyon, popularized the “Jersey Shore sound” genre of rock and roll that emanated from Asbury Park in the 1970s; and

WHEREAS, In 1971, Clarence Clemons met Bruce Springsteen at The Student Prince in Asbury Park and joined what would become New Jersey’s most famous musical group, Bruce Springsteen and the E Street Band, an event that would be immortalized in the song “Tenth Avenue Freeze-Out” in which Mr. Springsteen sings, “the change was made uptown and the Big Man joined the band”; and

WHEREAS, Clarence Clemons’ saxophone was an essential element to the success of the E Street Band and is an irreplaceable part of songs such as “Thundercrack,” “Jungleland,” “Badlands,” and “Drive All Night”; and

WHEREAS, The close friendship between Bruce Springsteen and Clarence Clemons is shown by the Big Man’s appearance on the cover of the seminal album “Born to Run,” which shows Bruce leaning against Clarence as the Big Man plays his saxophone; and

WHEREAS, During the E Street Band’s legendary live concerts Clarence Clemons’ saxophone solos were highly anticipated and he was always introduced last in the band introductions, to the delight of the concertgoers who greeted his every move with roars of approval; and

WHEREAS, When not working with the E Street Band, Clarence Clemons was a successful film and television actor, the author of an autobiography, and a performer who appeared with an eclectic group of musicians including Ringo Starr, Aretha Franklin, Jackson Browne, and most recently Lady Gaga; and

WHEREAS, Clarence Clemons would often appear for charitable benefits and concerts at the iconic Jersey Shore music venue The Stone Pony, in Asbury Park; and

WHEREAS, Clarence Clemons suffered numerous medical ailments over the past few years, yet toured with the E Street Band as recently as 2009

and was participating in an intense regimen of rehabilitation in order to join the band for a tour in 2012, when he passed away from complications of a stroke on June 18, 2011; and

WHEREAS, It is fitting and proper that the hard work, dedication, achievements, and contributions of Clarence Clemons to New Jersey's musical heritage be recognized; now, therefore,

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

C.36:2-211 "Clarence Clemons Day," January 11; designated.

1. January 11 of each year shall be designated "Clarence Clemons Day" in the State of New Jersey in recognition of the many accomplishments of Clarence Clemons and his artistic contributions to this State.

C.36:2-212 Annual observance.

2. The Governor is requested to annually issue a proclamation calling upon public officials and citizens of this State to observe "Clarence Clemons Day" with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved June 13, 2013.

JOINT RESOLUTION NO. 10

A JOINT RESOLUTION designating Wednesday of the second week of August as "Assistance Animal Recognition Day."

WHEREAS, Assistance animals enhance the lives of their human partners by performing a variety of tasks that are important to an individual's independence, mobility, confidence, and comfort; and

WHEREAS, Persons with disabilities have the same rights to free and equal participation in society that persons without disabilities have, including access to public accommodations and transportation and to nondiscrimination in practices related to housing and employment; and

WHEREAS, The federal Americans with Disabilities Act and the laws of the State of New Jersey protect the rights of persons with disabilities and their assistance animals, as well as trainers and assistance animals in training; and

- WHEREAS, There is a need for increased public awareness of the importance of assistance animals to persons with disabilities and of the rights of those who use assistance animals; and
- WHEREAS, Education is essential to alert the public to the harm that is caused by the fraudulent misrepresentation of pets as assistance animals and by the failure of pet owners to control their animals in the presence of an assistance animal; and
- WHEREAS, The residents of New Jersey need to know that interfering with, harming, or killing an assistance animal may result in criminal penalties and civil liability for the offender or the owner of an offending animal; and
- WHEREAS, Local governments and law enforcement agencies should be made aware of the importance of enforcing existing local ordinances related to animal control in order to protect the rights of persons with disabilities and enable them to use assistance animals safely; and
- WHEREAS, Training provided by chambers of commerce, local governments, and law enforcement agencies on the rights of persons with assistance animals is essential to ensuring nondiscrimination in employment practices and equal access to housing and public accommodations and transportation; and
- WHEREAS, It is critical that local governments, other organizations, and the general public be aware of the important role played by the Division on Civil Rights in the Office of the Attorney General in receiving complaints of unlawful discriminatory practices related to employment, housing, and public accommodations and transportation; now, therefore,

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

C.36:2-213 “Assistance Animal Recognition Day,” Wednesday of second week of August; designated.

1. Wednesday of the second week of August each year is designated “Assistance Animal Recognition Day” in the State of New Jersey in order to highlight the important role that assistance animals play in the lives of persons with disabilities and to promote awareness of the rights of persons with disabilities and their assistance animals.

C.36:2-214 Annual observance.

2. The Governor is requested to annually issue a proclamation recognizing the day and calling upon public officials and the citizens of this State to observe the day with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved August 9, 2013.

JOINT RESOLUTION NO. 11

A JOINT RESOLUTION designating October of each year as “National Dwarfism Awareness Month” in New Jersey.

WHEREAS, Dwarfism is short stature resulting from a genetic or medical condition and is generally defined as an adult height of 4 feet 10 inches or less; and

WHEREAS, Heights of people with dwarfism typically range from 2 feet 8 inches to 4 feet 5 inches; and

WHEREAS, There are an estimated 30,000 people in the United States and 650,000 people across the world with a type of dwarfism; and

WHEREAS, Dwarfism is also known by the medical term “skeletal dysplasia,” which encompasses over 200 distinct conditions that involve atypical bone and cartilage development; and

WHEREAS, Cases of dwarfism are generally subdivided into two broad categories: proportionate dwarfism, where the body is normally proportioned but much smaller than a normal-sized adult, and disproportionate dwarfism, where one or more body parts are disproportionate when compared to a normal-sized adult; and

WHEREAS, About 70 percent of all dwarfism is caused by achondroplasia, a genetic condition which affects childhood bone development within the long bones of the arms and legs, resulting in disproportionate dwarfism; and

WHEREAS, Dwarfism can also be caused by growth hormone deficiency, a medical condition where the body’s pituitary gland does not produce adequate growth hormone during childhood, resulting in proportionate dwarfism; and

WHEREAS, Contrary to some public misconceptions, dwarfism does not normally affect cognitive abilities or lifespan, although the atypical bone growth associated with disproportionate dwarfism can lead to complications such as delayed motor development, hearing loss, bowed legs, hunching or swaying of the back, limb pain resulting from increased joint and spinal pressure, sleep apnea, and arthritis, and proportionate dwarfism can also lead to complications such as poorly-developed organs and heart problems; and

WHEREAS, Because dwarfism is relatively uncommon, people with dwarfism often encounter discrimination and the portrayal of people with dwarfism in the media often resorts to stereotypes; and

WHEREAS, Children with dwarfism may be particularly vulnerable to teasing and ridicule from classmates, resulting in feelings of isolation from their peers; and

WHEREAS, Organizations representing people with dwarfism are leading efforts to fight discrimination and negative portrayals and to promote preferable terminology such as “little person” rather than “midget” or other inappropriate and offensive language; and

WHEREAS, Family support, social networks, adaptive products and modifications, and improved public awareness also enable people with dwarfism to address discrimination and overcome other challenges in educational, work, and social settings; and

WHEREAS, People with dwarfism contribute to the strength of the New Jersey economy by representing all professions and trades, being productive members of the workforce, and making significant accomplishments in many fields; and

WHEREAS, People with dwarfism also contribute to the rich cultural and social diversity that is one of New Jersey’s greatest assets, and it is appropriate for all citizens of this State to join them in celebrating their contributions, and promoting activities to address the unique challenges that they face; now, therefore,

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

C.36:2-215 “National Dwarfism Awareness Month,” October; designated.

1. The month of October of each year shall be designated as “National Dwarfism Awareness Month” to promote public understanding of dwarfism, to improve efforts to support people with dwarfism and end discrimination towards them, and to celebrate their contributions to New Jersey’s economic strength and social diversity.

C.36:2-216 Annual observance.

2. The Governor shall annually issue a proclamation recognizing October as “National Dwarfism Awareness Month” in New Jersey and shall call upon public officials and the citizens of this State to observe the month with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved August 9, 2013.

JOINT RESOLUTION NO. 12

A JOINT RESOLUTION designating November of each year as “Chronic Obstructive Pulmonary Disease Awareness Month.”

WHEREAS, Chronic Obstructive Pulmonary Disease (COPD) is a term used to describe airflow obstruction that is associated mainly with chronic bronchitis and emphysema; and

WHEREAS, COPD affects an estimated 24 million people and kills more than 120,000 Americans every year; and

WHEREAS, On average, one person dies from COPD every four minutes, an alarming statistic for a disease many are unfamiliar with; and

WHEREAS, The National Center for Health Statistics reported that, in 2009, COPD became the third leading cause of death in the United States; and

WHEREAS, COPD currently accounts for a large number of emergency room visits, hospitalizations, and outpatient treatments, all of which are burdensome to medical resources and the economy of this country; and

WHEREAS, The American Lung Association estimates that COPD costs the nation an estimated \$50 billion in direct and indirect medical costs annually; and

WHEREAS, Risk factors for COPD include smoking, exposure to air pollution, second-hand smoke, occupational dusts and chemicals, and a history of childhood respiratory infections; and

WHEREAS, Research has found that individuals with a hereditary protein deficiency called Alpha-1 Antitrypsin tend to develop COPD even without exposure to smoking or environmental triggers; and

WHEREAS, Recently, the death rate for women with COPD has surpassed the death rate of men with COPD, and women over the age of 40 are the fastest-growing segment of the population developing this disease due to increased numbers of women smoking over the past several generations; and

WHEREAS, Currently, no cure exists for COPD, although spirometry testing and medical treatments exist to relieve symptoms and possibly slow the progression of the disease; and

WHEREAS, According to the American Lung Association’s analysis of the 2010 National Health Interview Survey, at least 294,000 New Jersey

residents may be affected by chronic bronchitis and 130,000 by emphysema, two conditions associated with COPD; and
WHEREAS, Until there is a cure, preventing COPD and its considerable health, social, and financial impacts on New Jersey's citizens requires broader awareness of the disease's causes and costs and greater support for efforts related to its detection and treatment; now, therefore,

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

C.36:2-217 "Chronic Obstructive Pulmonary Disease Awareness Month," November; designated.

1. The month of November of each year shall be designated as "Chronic Obstructive Pulmonary Disease Awareness Month" to raise awareness about this deadly disease's causes and considerable impacts on the citizens of this State and to promote improved prevention, detection, and treatment of the disease.

C.36:2-218 Annual observance.

2. The Governor shall annually issue a proclamation recognizing November as "Chronic Obstructive Pulmonary Disease Awareness Month" in New Jersey and shall call upon public officials and the citizens of this State to observe the month with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved October 16, 2013.

JOINT RESOLUTION NO. 13

A JOINT RESOLUTION designating February of each year as "Turner Syndrome Awareness Month" in New Jersey.

WHEREAS, Turner Syndrome is a genetic condition affecting girls and women with a missing or incomplete sex chromosome which can cause a variety of developmental and medical issues; some of the most common characteristics of this condition include short stature, infertility, heart defects, and certain learning disabilities; and

WHEREAS, Turner Syndrome occurs in approximately one out of every 2,000 live female births worldwide, with no known difference in rate of

occurrence based upon race, nationality, location, socio-economic factors, or exposure to environmental hazards, and, although genetic, this condition is not usually inherited; and

WHEREAS, The cause of Turner Syndrome is not presently known, but appears to be the result of random error during the formation of either the sperm or the egg; and

WHEREAS, There is presently no cure for Turner Syndrome, but there are treatment options and support groups available that can help to improve the well-being of those affected by this condition; and

WHEREAS, Turner Syndrome can be diagnosed as early as during pregnancy through prenatal testing methods such as amniocentesis or chorionic villous sampling; and

WHEREAS, Early diagnosis and treatment with growth hormone and estrogen therapies are especially important to optimizing the growth and pubertal development of girls with Turner Syndrome; and

WHEREAS, The Turner Syndrome Foundation of Holmdel, New Jersey sponsors important research initiatives and educational programs to raise awareness of Turner Syndrome and to enhance the medical care of those affected by this condition; and

WHEREAS, Increased awareness of Turner Syndrome among health care professionals and the general public will help promote early diagnosis, encourage affected girls and women to seek treatment and utilize support groups, and raise support for organizations that are dedicated to improving the lives of those with this condition such as the Turner Syndrome Foundation; now, therefore,

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

C.36:2-219 “Turner Syndrome Awareness Month,” February; designated.

1. The month of February of each year is designated as “Turner Syndrome Awareness Month” in New Jersey to increase awareness of Turner Syndrome among health care professionals and the general public.

C.36:2-220 Annual observance.

2. The Governor shall annually issue a proclamation recognizing February as “Turner Syndrome Awareness Month” in New Jersey and calling upon public officials and the people of this State to observe the month with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved October 16, 2013.

JOINT RESOLUTION NO. 14

A JOINT RESOLUTION designating October of each year as “Disability History and Awareness Month” in New Jersey and encouraging instruction on the history, achievements, and experiences of people with disabilities in the public schools.

WHEREAS, The United States Census Bureau reported in 2000 that 18% of New Jersey residents have some form of disability; and

WHEREAS, In order to ensure the full inclusion of people with disabilities into society, it is necessary to expand the public’s knowledge, awareness, and understanding of the history, achievements, and experiences of people with disabilities; and

WHEREAS, The disability rights movement is a civil rights movement that is an important part of the history of this State and country; and

WHEREAS, October is recognized nationally as “Disability Awareness Month”; and

WHEREAS, There is a need to increase public awareness and respect for people with disabilities, teach future generations that people with disabilities have a rich history and have made valuable contributions throughout the State and nation, and ensure that future generations understand that disability is a natural part of life and that people with disabilities have a right to be treated, above all else, as individuals; and

WHEREAS, There is a need to include instruction on disability history, people with disabilities, and the disability rights movement into the existing public school curriculum; now, therefore,

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

C.36:2-221 “Disability History and Awareness Month,” October; designated.

1. October of each year is designated as “Disability History and Awareness Month” in New Jersey to foster awareness and understanding of the history, achievements, and experiences of people with disabilities.

C.36:2-222 Annual observance.

2. The Governor is respectfully requested to annually issue a proclamation recognizing October as “Disability History and Awareness Month” in New Jersey and public officials and the citizens of this State are called upon to observe the month with appropriate activities and programs.

C.36:2-223 Development, distribution of curriculum guidelines.

3. The Commissioner of Education is urged to develop and distribute curriculum guidelines for the teaching of subjects and topics concerning and relating to disability history, people with disabilities, and the disability rights movement to each school district in the State and to encourage their adoption by such districts.

4. This joint resolution shall take effect immediately.

Approved January 13, 2014.

JOINT RESOLUTION NO. 15

A JOINT RESOLUTION designating February of each year as “Teen Dating Violence Awareness and Prevention Month” in New Jersey.

WHEREAS, Dating, domestic and sexual violence affect women regardless of their age, and teens and young women are especially vulnerable; and

WHEREAS, Approximately one in three adolescent girls in the United States is a victim of physical, emotional or verbal abuse from a dating partner, a figure that far exceeds victimization rates for other types of violence affecting youth; and

WHEREAS, Nationwide, one in 10 high school students has been deliberately hit, slapped or physically hurt by a boyfriend or girlfriend, and more than one in four teenagers have been in a relationship where a partner is verbally abusive; and

WHEREAS, Violent relationships in adolescence can have serious ramifications for victims by putting the victims at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult revictimization; and

WHEREAS, Being physically and sexually abused leaves teen girls up to six times more likely to become pregnant and more than two times as likely to report a sexually transmitted disease; and

WHEREAS, Nearly three in four children ages 11 to 14 (“tweens”) say that dating relationships usually begin at age 14 or younger; and one in five tweens say their friends are victims of dating violence, while nearly half of tweens who are in relationships know friends who are verbally abused; and

WHEREAS, A majority of parents believe they have had a conversation with their teen about what it means to be in a healthy relationship, but the majority of teens surveyed said that they have not had a conversation about dating abuse with a parent in the last year; and

WHEREAS, Digital abuse and “sexting” are becoming a new frontier for teen dating abuse and one in four teens in a relationship say they have been called names, harassed, or put down by their partner through cell phones and texting; and

WHEREAS, Three in 10 young people have sent or received nude pictures of other young people on their cell or online, while 61 percent who have “sexted” report being pressured to do so at least once; and

WHEREAS, The severity of violence among intimate partners has been shown to be greater in cases where the pattern of violence has been established in adolescence; and

WHEREAS, The permanent establishment of a Teen Dating Violence Awareness and Prevention Month in this State will serve to improve the health and increase the safety of New Jersey teens and tweens who are involved in dating relationships; now, therefore,

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

C.36:2-224 “Teen Dating Violence Awareness and Prevention Month,” February; designated.

1. February of each year is designated as “Teen Dating Violence Awareness and Prevention Month” in New Jersey in order to promote public awareness and increase prevention of teen dating violence.

C.36:2-225 Annual observance.

2. The Governor is respectfully requested to annually issue a proclamation recognizing February as “Teen Dating Violence Awareness and Prevention Month” in New Jersey and calling upon public officials, high schools, law enforcement agencies, the citizens of the State, and other interested groups to observe the month with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved January 17, 2014.

JOINT RESOLUTION NO. 16

A JOINT RESOLUTION designating June of each year as “Congenital Adrenal Hyperplasia Awareness Month.”

WHEREAS, Congenital Adrenal Hyperplasia (CAH) is a family of inherited disorders that disrupt the production of several vital hormones including cortisol, which is responsible for managing blood sugar and stress, and aldosterone, which is responsible for managing salt and fluid levels in the body; and

WHEREAS, As an autosomal recessive genetic disorder, parents who do not have CAH may carry the gene that causes the disorder and may pass it to their children; two parents who are carriers of the gene would have a one in four chance of a child being born with CAH; and

WHEREAS, The disorder may occur in a variety of forms, including Classical CAH, a rare and potentially fatal condition, and Non-classical CAH, a much more common but less dangerous condition; and

WHEREAS, Classical CAH can lead to potentially fatal salt-wasting crises and may also cause symptoms such as an arrhythmic heartbeat, dehydration, and vomiting; and

WHEREAS, Classical CAH also causes increased production of androgen, which causes infant girls to develop male characteristics that they would not otherwise develop, including genital anomalies that are recognizable in the womb, which some parents choose to have corrected with surgery; and

WHEREAS, Classical CAH in infant boys is not as easily recognized as in girls and may often not be identified until they present with vomiting or life-threatening adrenal shock within the first few weeks after birth; and

WHEREAS, Non-classical CAH is a much more common version of the disorder that is not life-threatening, but can affect puberty and growth in children and may cause infertility in males and females as well as other symptoms affecting quality of life; and

WHEREAS, Early detection and treatment is essential to prevent death in infants with some versions of CAH, and all CAH patients require monitoring and hormone treatment throughout their lives; and

WHEREAS, CAH can be detected by newborn screening, and as of July 2008, every state in the United States mandates screening for CAH, but many children born around the world are not screened even though globally about one in 10,000-14,000 people suffer from classic CAH; and
WHEREAS, June 2012 was designated “Congenital Adrenal Hyperplasia Awareness Month” in New Jersey by the enactment of Joint Resolution No. 1 of 2012; and
WHEREAS, It is appropriate that the residents of New Jersey become better informed about CAH and its impact on the lives and health of so many; now, therefore,

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

C.36:2-226 “Congenital Adrenal Hyperplasia Awareness Month,” June; designated.

1. The month of June is designated as “Congenital Adrenal Hyperplasia Awareness Month” in the State of New Jersey in recognition of the struggles faced by the people and families afflicted by the disorder and to raise awareness of this little-known condition.

C.36:2-227 Annual observance.

2. The Legislature requests the Governor to annually issue a proclamation calling upon public officials and the citizens of New Jersey to observe “Congenital Adrenal Hyperplasia Awareness Month” with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved January 17, 2014.

JOINT RESOLUTION NO. 17

A JOINT RESOLUTION designating November 15 of each year as “Patient Advocate Day.”

WHEREAS, Access to health care is a basic human need and a shared societal responsibility; and

WHEREAS, One patient who cannot access medical treatment or survive the financial hardship of illness is one patient too many; and

WHEREAS, The experience of a serious diagnosis must open the patient's door to relevant clinical information, empowerment within the medical care system, timely and sustained medical care and intervention, an ability to efficiently and effectively reach both well-informed, independent decisions, and the benefit of appropriate support which removes barriers to this care and empowerment; and

WHEREAS, The challenging complexity of ensuring health care to those in need must not deter or distract us from the urgency of finding and creating solutions to this persistent problem which requires immediate relief; and

WHEREAS, We are certain that only the continuous, comprehensive, cooperative, and collaborative action of New Jersey's government, private industry, health care providers, and citizens can and must surmount this challenge; now, therefore,

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

C.36:2-228 "Patient Advocate Day," November 15; designated.

1. November 15 of each year is designated as "Patient Advocate Day" in New Jersey in order to affirm the commitment of this State to achieving the goal of progressive, fiscally sound, fair, and effective health care for every New Jersey citizen, and to stand in voice and action as an advocate for the patient now and in the future.

C.36:2-229 Annual observance.

2. The Governor shall annually issue a proclamation calling upon public officials and the citizens of this State to observe "Patient Advocate Day" with appropriate activities and programs and to join with one another to bring the goal of progressive, fiscally sound, fair, and effective health care for every New Jersey citizen to fruition.

3. This joint resolution shall take effect immediately.

Approved January 17, 2014.

JOINT RESOLUTION NO. 18

A JOINT RESOLUTION designating January 21 of each year as "Attention Deficit/Hyperactivity Disorder Awareness Day."

- WHEREAS, Attention Deficit/Hyperactivity Disorder (also known as ADHD) is a disorder characterized by inattentiveness, over-activity, impulsivity, or a combination of such symptoms that can significantly interfere with individuals' abilities to regulate their behavior and attend to tasks in developmentally-appropriate ways; and
- WHEREAS, ADHD is one of the most commonly diagnosed neurobehavioral disorders of childhood, affecting an estimated 8.7 percent of school-aged children and an estimated 4.4 percent of adults in the United States in a given year; and
- WHEREAS, Genetic factors may play an important role in causing this disorder, with research finding that approximately 50 percent of parents with ADHD have a child with the disorder, and that between 10 and 35 percent of children with ADHD have a parent or sibling with past or present ADHD; and
- WHEREAS, Research also suggests that certain environmental factors may be linked to ADHD, such as alcohol use and smoking during pregnancy, exposure to high levels of lead, and possibly nutritional factors; and
- WHEREAS, ADHD is a long-term, chronic condition that, if not treated properly, may result in adverse consequences such as low educational attainment, unemployment or underemployment, drug and alcohol abuse, antisocial behavior, involvement with the criminal justice system, and difficulties with marital and family relationships; and
- WHEREAS, Treatment for ADHD generally involves medication, behavior therapy, or some combination of approaches; and
- WHEREAS, Untreated ADHD may generate significant health care costs, since individuals with ADHD may be more likely to receive care for accident-related injuries, to utilize substance abuse treatment services, or to struggle with drug compliance or with following other medical advice; and
- WHEREAS, Despite the serious consequences and costs of ADHD, the disorder is often undiagnosed or untreated, with recent results from the National Health and Nutrition Examination Survey indicating that only 48 percent of children with ADHD were diagnosed and only 32 percent had been treated consistently with ADHD medications during the past year; and
- WHEREAS, Contributing to the difficulty of diagnosing ADHD is that lack of sleep, depression, learning disabilities, and other behavioral, developmental, or psychiatric problems may be confused with ADHD, and the National Institutes of Health recommends a careful examination of children suspected of having ADHD to rule out other reasons for their behavior; and

WHEREAS, According to parent-reported data from the 2007 National Survey of Children's Health, approximately nine percent of New Jersey's children may struggle with ADHD, a nearly two percentage point increase over the 2003 survey data; and

WHEREAS, Encouraging family members, health care professionals, employers, educators, and other members of the public to improve their understanding of ADHD can remove obstacles to providing individuals with ADHD with the behavioral health services that they need and can promote innovations in diagnosing and treating the disorder; now, therefore,

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

C.36:2-230 "Attention Deficit/Hyperactivity Disorder Awareness Day," January 21; designated.

1. January 21 of each year shall be designated as "Attention Deficit/Hyperactivity Disorder Awareness Day" to raise awareness of this disorder's signs and consequences, to highlight the behavioral health services available for children and adults coping with the disorder, and to promote innovations in diagnosing and treating the disorder.

C.36:2-231 Annual observance.

2. The Governor shall annually issue a proclamation recognizing January 21 as "Attention Deficit/Hyperactivity Disorder Awareness Day" in New Jersey and shall call upon public officials and the citizens of this State to observe the day with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved January 17, 2014.

EXECUTIVE ORDERS

(1861)

EXECUTIVE ORDER NO. 124

WHEREAS, in recent years, our country has been plagued by senseless and devastating mass shootings victimizing numerous innocent persons, and their families, friends, loved ones, and communities; and

WHEREAS, on July 20, 2012, New Jersey, along with the rest of the nation, mourned the loss of the twelve victims and prayed for the full recovery of the fifty-eight individuals injured by acts of violence that befell moviegoers in Aurora, Colorado; and

WHEREAS, on December 14, 2012, we again collectively mourned with profound sadness the death of twenty innocent children and six dedicated educators whose lives were lost in a horrific act of violence at the Sandy Hook Elementary School in Newtown, Connecticut; and

WHEREAS, with each horrific act, we all grieve the immeasurable losses suffered by the families, friends, loved ones, and communities of the fallen and search for ways to keep our families and communities safe; and

WHEREAS, the facts underlying those and other similar tragedies are varied and complex, and reveal myriad factors contributing to these ghastly acts of violence, including deficiencies in gun control laws, imperfections in the delivery of mental health and addictive behavior services, and vulnerabilities in school safety and emergency response protocol; and

WHEREAS, we can – and indeed – must do more to ensure the safety of all New Jerseyans, specifically our most innocent school children who all too often are victimized by such grave violence; and

WHEREAS, in the aftermath of each tragedy, various solutions have been proffered to prevent future acts of violence and senseless loss of life; and

WHEREAS, responsible gun ownership has always been a part of our State's, and our Nation's history, and new solutions designed to stem the tide of violence in our communities should build on the appropriate traditions of mature, conscientious, and accountable ownership of firearms; and

WHEREAS, a comprehensive, balanced, and well-informed approach is required to adequately and holistically address the underlying causes of mass violence and to offer meaningful solutions that will deter those compelled to acts of destruction while protecting all citizens of our State;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a "New Jersey SAFE Task Force on Gun Protection, Addiction, Mental Health and Families, and Education Safety" (hereinafter "the NJ SAFE Task Force").
2. The NJ SAFE Task Force shall consist of six (6) members appointed by the Governor who shall serve at his pleasure. The Governor shall select co-

chairpersons from among the members of the NJ SAFE Task Force. The NJ SAFE Task Force shall consist of members from both inside and outside government who have knowledge and expertise in the areas of gun control, addiction, mental health, school safety, and related areas. All members of the NJ SAFE Task Force shall serve without compensation. The NJ SAFE Task Force shall organize as soon as practicable after the appointment of its members.

3. The NJ SAFE Task Force is charged with commencing a holistic review of the root causes of mass violence and developing recommendations aimed at ameliorating those root causes in order to keep New Jersey residents, including students at educational facilities, safe from gun violence. In particular, the NJ SAFE Task Force should consider and explore the role that addiction, mental health, gun control laws, responsible gun ownership, and school safety measures play in ensuring the safety of New Jersey residents.

4. The Governor's Office shall provide staff support to the NJ SAFE Task Force. The NJ SAFE Task Force 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 NJ SAFE Task Force 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 NJ SAFE Task Force within the limits of its statutory authority and to furnish the NJ SAFE Task Force with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order. The NJ SAFE Task Force may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

5. The NJ SAFE Task Force may report to the Governor from time to time and shall issue a final report to the Governor setting forth the NJ Safe Task Force's recommendations pursuant to this Order no later than sixty (60) days after organizing. The NJ SAFE Task Force shall expire upon issuance of its final report.

6. This Order shall take effect immediately.

Dated January 17, 2013.

EXECUTIVE ORDER NO. 125

WHEREAS, beginning on October 28, 2012, and continuing through October 30, 2012, Hurricane Sandy struck the State of New Jersey with high winds and torrential rains; and

WHEREAS, Sandy produced unprecedented severe weather conditions, including enormous storm surges and devastating flooding; and

WHEREAS, Sandy destroyed entire communities across New Jersey, causing extraordinary damage to the State's people, economy, infrastructure, and resources; and

WHEREAS, the devastation caused by Sandy resulted in severe and unprecedented financial hardship and economic loss to New Jersey; and

WHEREAS, thanks to the efforts of first responders, private businesses, State and local governmental leaders, and all citizens of New Jersey, our State continues to recover and rebuild; and

WHEREAS, in order to address the severe losses suffered by individuals and businesses, the United States Congress passed, and on January 29, 2013, the President signed into law, the Disaster Relief Appropriations Act, 2013, P.L. 113-2, which provides federal fiscal year 2013 supplemental appropriations to respond to and recover from the severe damage caused by Sandy; and

WHEREAS, the State of New Jersey has pledged to work cooperatively and in coordination with our federal partners to ensure the integrity and accountability of all federal reconstruction resources received and distributed by the State to respond to and recover from the severe damage caused by Sandy; and

WHEREAS, in order to ensure the integrity of the expenditure of federal reconstruction resources, it is necessary and essential to implement comprehensive and stringent safeguards to make certain all such resources are utilized through an ethical and transparent process;

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. Each principal department and agency of this State is hereby directed to submit all potential State procurements involving expenditure of federal reconstruction resources to the Office of the State Comptroller (“State Comptroller”) for review prior to commencement of the procurement process. The State Comptroller shall determine whether the proposed procurement process complies with applicable public contracting laws, rules, and regulations. If the State Comptroller determines that the proposed procurement process does not comply with applicable laws, rules, and regulations, the State Comptroller shall inform the contracting agency, as well as the Governor’s Office of Recovery and Rebuilding, of the changes needed to make the process legally compliant.

2. The State Comptroller shall assign appropriate staff to conduct this review as necessary to ensure the integrity of the procurement process while still facilitating the timely expenditure of federal reconstruction resources to help rebuild New Jersey. Each department, office, division, and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the State Comptroller and to furnish the State Comptroller with such information and assistance on as timely a basis as is necessary to accomplish the purposes of this Order.

3. Each principal department and agency of this State is hereby directed to appoint an “Accountability Officer” to oversee the responsible disbursement and utilization of federal reconstruction resources allocated by or through that department or agency.

4. Each Accountability Officer shall serve as a liaison to the Governor's Office of Recovery and Rebuilding and the State Comptroller, and shall cooperate fully with the State Comptroller in its review of potential State procurements involving the expenditure of federal reconstruction resources.

5. In order to ensure transparency and integrity in the procurement process, the State Comptroller, in coordination with the Governor's Office of Recovery and Rebuilding and the New Jersey Office of Information Technology, shall make certain that all approved State contracts for the allocation and expenditure of federal reconstruction resources are made available to the public by posting such contracts on an appropriate State website.

6. The website shall also provide information to the public regarding available federal funding streams and funding criteria, the tracking of federal funding allotments, and contract vendor information.

7. The State Comptroller, in coordination with the Governor's Office of Recovery and Rebuilding, shall provide information to contracting entities regarding applicable public contracting laws, rules, and regulations to help ensure accountability, transparency, and the timely expenditure of federal reconstruction resources.

8. Every State department and agency shall ensure that fraud prevention notices shall be prominently displayed at all construction projects involving federal reconstruction resources overseen by the department or agency. Such notices shall include the toll-free hotline established by the State Comptroller for reporting of fraud, waste, or abuse of federal reconstruction resources. The State Comptroller shall ensure that any information received indicating potential criminal activity shall be referred to the Office of the Attorney General.

9. The State Comptroller and the Governor's Office of Recovery and Rebuilding shall report to the Governor from time to time on the progress of the review process and the publication of related information on the website, and, in doing so, shall indicate whether additional staff and assistance is necessary to ensure accountability, transparency, and the timely expenditure of federal reconstruction resources.

10. This Order shall take effect immediately.

Dated February 8, 2013.

EXECUTIVE ORDER NO. 126

WHEREAS, beginning on October 28, 2012, and continuing through October 30, 2012, Hurricane 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, thanks to the efforts of first responders, private businesses, State and local governmental leaders, and all citizens of New Jersey, 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 mandatory 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;

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 2013, the date on which seasonal alcoholic beverage consumption licensees shall be permitted to commence serving alcoholic beverages shall be advanced from May 1, 2013 to March 1, 2013 and shall end on November 14, 2013, 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 27, 2013.

EXECUTIVE ORDER NO. 127

- WHEREAS, former Attorney General of New Jersey and former Speaker of the New Jersey General Assembly William F. Hyland was an exceptional public servant, devoting over twenty years of his life to serving the people of New Jersey as Attorney General of New Jersey; Speaker of the New Jersey General Assembly; President of the New Jersey Board of Public Utilities; the first Chairman of the New Jersey State Commission of Investigation; and Chairman of the New Jersey Sports and Exposition Authority; and
- WHEREAS, William Hyland was born on July 30, 1923, in Burlington, New Jersey, and was a resident of the Parkside section of Camden, New Jersey; and
- WHEREAS, William Hyland attended the Wharton School of the University of Pennsylvania and the University of Pennsylvania Law School and was admitted to the New Jersey Bar in 1949; and
- WHEREAS, William Hyland served as a Lieutenant Junior Grade in the United States Navy during World War II, participating in Atlantic convoy duty and in the invasions of Iwo Jima and Luzon; and
- WHEREAS, William Hyland began his extraordinary career of public service by being elected as a member of the New Jersey General Assembly, serving from 1954 to 1961, and serving as Assembly Speaker in 1958; and
- WHEREAS, William Hyland was nominated by Governor Robert B. Meyner to the State Board of Public Utilities in 1961, where he served until 1968; and
- WHEREAS, William Hyland was nominated by Governor Richard J. Hughes to be the first Chairman of the New Jersey State Commission of Investigation, which was established in 1968; and
- WHEREAS, William Hyland was nominated by Governor-elect Brendan Byrne as Attorney General of New Jersey in December 1973, and served as Attorney General of New Jersey from 1974 to 1978; and
- WHEREAS, William Hyland continued his dedication to the people of New Jersey after his tenure as Attorney General, serving as Chairman of the New Jersey Sports and Exposition Authority; and
- WHEREAS, in addition to being a distinguished public servant, William Hyland was a respected attorney, first as the founder of Hyland, David and Reberkenny in Camden, New Jersey, and later with Riker, Danzig, Scherer, Hyland and Perretti in Morristown, New Jersey; and
- WHEREAS, William Hyland was also a renowned musician, playing the clarinet with the Paul Whitman Orchestra, Cherry Hill Wind Symphony, Cherry Hill Musicrafters, and other local orchestras, and performing with each of the members of the original Benny Goodman Quartet; and
- WHEREAS, it is with deep sadness that we honor the memory and mourn the passing of former Speaker of the New Jersey General Assembly and former Attorney General of New Jersey William F. Hyland and extend sympathy to his family, his many friends, and his colleagues;

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 11, 2013, in recognition and mourning of the passing of former Speaker of the New Jersey General Assembly and former Attorney General of New Jersey William F. Hyland.
2. This Order shall take effect immediately.

Dated March 7, 2013.

EXECUTIVE ORDER NO. 128

WHEREAS, beginning on October 28, 2012 and continuing through October 30, 2012, Superstorm Sandy struck the State of New Jersey, producing unprecedented damage and destruction; and

WHEREAS, thanks to the efforts of all New Jerseyans, our State continues to recover and rebuild; and

WHEREAS, in addition to the significant damage caused to our State's infrastructure, many residential and commercial properties were substantially damaged or completely destroyed by Superstorm Sandy, which caused a reduction in property values; and

WHEREAS, certain municipalities impacted by Superstorm Sandy may experience a decline in property tax collections due to both the hardships visited upon residents, and the reduction in the assessed value of their properties; and

WHEREAS, municipalities may also face a higher number of property tax appeals related to the damage caused by Superstorm Sandy, which may further reduce property valuations; and

WHEREAS, municipalities and local authorities providing water and sewer utility services may likewise experience revenue reductions associated with damage to their facilities, and the resulting lapse of services; and

WHEREAS, many municipalities, counties, school districts, fire districts, and local authorities recovering from Superstorm Sandy are bearing the cost of certain disaster-related expenses that are ineligible for reimbursement by the Federal Emergency Management Agency ("FEMA"); and

WHEREAS, these fluctuations in property values combined with the costs of reconstruction may trigger a substantial and untenable increase in the property taxes levied on our citizens; and

WHEREAS, in order to ameliorate or eliminate increases in property taxes, municipalities, counties, school districts, fire districts, and local authorities must look to every source of available assistance;

- WHEREAS, FEMA administers a Community Disaster Loan Program offering resources that will help offset these potential lost revenues and unreimbursed disaster-related expenses; and
- WHEREAS, a Community Disaster Loan may be available to those municipalities, counties, school districts, fire districts, and local authorities that have experienced, or will experience, a greater than five-percent revenue loss for either the fiscal year of Superstorm Sandy, or the succeeding fiscal year; and
- WHEREAS, a Community Disaster Loan enjoys an extremely low rate of interest tied to the five-year Treasury Bill; and
- WHEREAS, a Community Disaster Loan is available for a five-year term, with authorization for FEMA to extend the term up to an additional five years based on the recipient's financial condition; and
- WHEREAS, FEMA is authorized to forgive all or part of a Community Disaster Loan where the recipient has met the relevant statutory and regulatory criteria; and
- WHEREAS, the Community Disaster Loan Program provides a vital source of assistance that will help maintain essential services and prevent increases in property tax and utility rates that would impede our State's recovery, and compound the distress and suffering already present in many communities; and
- WHEREAS, it is incumbent upon every municipality, county, school district, fire district, and local authority that qualifies for a Community Disaster Loan to make an appropriate and timely application for a loan to ensure that every possible benefit is provided to our citizens as they rebuild our State; and
- WHEREAS, on October 27, 2012, in light of the dangers posed by Superstorm 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 and of each and every political subdivision of the State, to protect against the emergency created by Sandy; and
- WHEREAS, in light of the foregoing, and pursuant to the authority provided under the Constitution and the statutes of the State of New Jersey, particularly N.J.S.A. App. A:9-40, N.J.S.A. App. A:9-45, and N.J.S.A. App. A:9-62, which confer upon the Governor certain emergency powers, including but not limited to the power to make such orders, rules, and regulations regarding "any matter that may be necessary to protect the health, safety and welfare of the public or that will aid in the prevention of loss to and destruction of property" and permit the State to facilitate the delivery of funds by way of gift, grant, or loan from the Federal government to all State political subdivisions for purposes of disaster relief;

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. Every municipality, county, school district, fire district, local authority, and any other local government entity, which can meet the eligibility requirements of the FEMA Community Disaster Loan Program as determined by the Director of the Division of Local Government Services in the Department of Community Affairs or the Commissioner of Education, as appropriate, may be required by the Division of Local Government Services or the Department of Education to apply for a loan under said program; and

2. The Director of the Division of Local Government Services and the Commissioner of Education, as appropriate, shall have the power and authority to take all necessary and appropriate steps to implement the Community Disaster Loan Program in this State and to require the Community Disaster Loan application of a municipality, county, school district, fire district, local authority, or other local government entity, including, but not limited to, the power and authority to adjust tax levies as appropriate to reflect the use of loan proceeds and waive or relax any statutory or regulatory provision that may prevent, hinder, or otherwise frustrate an eligible entity's application for or receipt of a Community Disaster Loan or ability to recognize such funds as revenue for use in its annual budget; and

3. No municipality, county, school district, fire district, local authority, or other local government entity of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution that will or may in any way conflict with any of the provisions of this Order, or will or may interfere with or impede its achievement; and

4. The Director of the Division of Local Government Services and the Commissioner of Education shall have the power to effectuate and enforce this Order;

5. This Order shall take effect immediately.

Dated March 15, 2013.

EXECUTIVE ORDER NO. 129

WHEREAS, on April 15, 2013, horrifying acts of violence were perpetrated at the Boston Marathon in Boston, Massachusetts; and

WHEREAS, these senseless acts victimized hundreds and devastated the City of Boston, and all of our Nation; and

WHEREAS, it is with profound sadness that we mourn the deaths, and the suffering, inflicted upon the City of Boston; and

WHEREAS, the people of the State of New Jersey pause today in unity with the people of the State of Massachusetts to mourn the devastating losses suffered by the families and loved ones of the fallen; 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 the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, April 18, 2013, in recognition and mourning of the passing of the victims of the bombings that took place at the Boston Marathon.
2. This Order shall take effect immediately.

Dated April 16, 2013.

EXECUTIVE ORDER NO. 130

WHEREAS, in recent years, our country has been plagued by senseless and devastating mass shootings victimizing numerous innocent persons, and their families, friends, loved ones, and communities; and

WHEREAS, with each horrific act, we all grieve the immeasurable losses suffered by the families, friends, loved ones, and communities of the fallen, and search for ways to keep our families and communities safe; and

WHEREAS, the facts underlying those tragedies are varied and complex, and reveal myriad contributing factors, including, among others, imperfections in the delivery of mental health and addictive behavior services; and

WHEREAS, as I have stated before, each life is precious and with the right approach and broad spectrum of care and treatment opportunities, individuals living with mental health and addiction can turn their lives around with dignity, bringing peace of mind and hope to themselves and their families; and

WHEREAS, for their own safety and to help make New Jersey a better place for everyone, individuals living with mental health and addiction should be encouraged to seek help and not suffer under the shadow of the stigma of mental health illness; and

WHEREAS, a comprehensive look at violence in today's society must also include a consideration of violence in the media; and

WHEREAS, in recognition of the foregoing, on January 17, 2013, I ordered the creation of a New Jersey SAFE Task Force on Gun Protection, Addiction, Mental Health and Families, and Education Safety ("NJ SAFE Task Force") to conduct a comprehensive, balanced, and well-informed review of the root causes of mass violence; and

WHEREAS, the NJ SAFE Task Force provided thoughtful recommendations regarding how mass violence might be effectively addressed in its report released on April 10, 2013; and

WHEREAS, the NJ SAFE Task Force specifically recommended the creation of a standing interagency working group to consider the many long-term issues raised by their study;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The creation of a Mental Health and Community Safety Working Group to serve as an interagency, multi-disciplinary working group focused on decreasing violence, promoting safer and healthier communities, and highlighting the importance of de-stigmatizing mental illness, while encouraging early intervention.

2. The Mental Health and Community Safety Working Group shall:

a. Consist of the following cabinet members, or their designees: the Attorney General; the Commissioner of the Department of Children and Families; the Commissioner of the Department of Corrections; the Commissioner of the Department of Education; the Commissioner of the Department of Health; the Commissioner of the Department of Human Services; and the following non-cabinet members, or their designees: the Executive Director of the Juvenile Justice Commission and the Chairman of the State Parole Board; and any other members representing other State agencies or private partners as I may so designate in the future, all of whom shall serve at the pleasure of the Governor.

b. Be chaired by the Attorney General or his designee. The Department of Law and Public Safety shall provide staff support to the Mental Health and Community Safety Working Group. The Mental Health and Community Safety Working Group 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 Mental Health and Community Safety Working Group 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 Mental Health and Community Safety Working Group to furnish such assistance on as timely a basis as is necessary to accomplish the purpose of this Order. The Mental Health and Community Safety Working Group may consult with professionals, experts, or other knowledgeable individuals in the public or private sector on any aspect of its mission;

c. Perform a variety of duties including, but not limited to:

i. Develop strategies with respect to prevention and intervention, including, but not limited to, educating youth, parents, and teachers about the warning signs of violence and the negative consequences felt by teens and young people who are ostracized, isolated, and experience despair;

ii. Develop a public information campaign utilizing all forms of media, communications, and technology to better inform New Jersey residents about the broad range of programs and services available in the community as well as encourage individuals to seek help and no longer suffer under the shadow of the stigma of mental health illness;

iii. Focus on strategies to facilitate workforce expansion in, among other professions, licensed clinical social workers, nursing, and psychiatry, while also encouraging such professionals in those and similar disciplines to work in the public or community health systems;

iv. Examine whether violent media is inappropriately marketed to young people in our State, and develop a plan to educate parents on how to make healthy media choices for their children;

v. Monitor implementation of the "S.W.A.P." Program, which is an initiative proposed by the Department of Education and the Office of the Attorney General, to be administered by the New Jersey State Police, whereby the New Jersey State Police conducts unannounced safety visits to local schools in districts located in municipalities without municipal police forces and are thus patrolled by the New Jersey State Police;

vi. Advise the Governor from time to time and as necessary on matters related to the Mental Health and Community Safety Working Group's mission.

d. All members shall serve without compensation.

e. The Mental Health and Community Safety Working Group shall organize as soon as practicable.

3. This Order shall take effect immediately.

Dated April 19, 2013.

EXECUTIVE ORDER NO. 131

WHEREAS, United States Marine Staff Sergeant Eric Christian grew up in Poughkeepsie, New York, and Ramsey, New Jersey;

WHEREAS, Staff Sergeant Christian was a graduate of Ramsey High School, where he held several records in football; and

WHEREAS, Staff Sergeant Christian enlisted in the United States Marine Corps and served five tours of duty, including tours in Iraq, Afghanistan, and Pakistan; and

WHEREAS, Staff Sergeant Christian was assigned to 2nd Marine Special Operations Battalion, Camp Lejeune, North Carolina; and

WHEREAS, Staff Sergeant Christian tragically lost his life while supporting Operation Enduring Freedom; and

WHEREAS, Staff Sergeant Christian was a dedicated Marine as well as a loving son and brother, whose memory lives in the hearts of his family and fellow Marines; and

WHEREAS, Staff Sergeant Christian'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 and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, May 10, 2013, in recognition and mourning of a brave and loyal American hero, United States Marine Staff Sergeant Eric Christian.
2. This Order shall take effect immediately.

Dated May 8, 2013.

EXECUTIVE ORDER NO. 132

WHEREAS, on May 20, 2013, a severe tornado swept through Oklahoma City, Moore, and surrounding areas in the State of Oklahoma; and
WHEREAS, this natural disaster brought untold devastation to the people and communities of Oklahoma, inflicting suffering and loss to families throughout that region; and
WHEREAS, the people of the State of New Jersey have experienced firsthand the impact of natural disasters, and today we stand in unity with the people of the State of Oklahoma to mourn their losses; and
WHEREAS, it is appropriate to recognize the victims of this tragedy, 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 the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, May 22, 2013, in recognition and mourning of the disaster that struck the State of Oklahoma.
2. This Order shall take effect immediately.

Dated May 21, 2013.

EXECUTIVE ORDER NO. 133

WHEREAS, United States Senator Frank R. Lautenberg was a proud representative of the State of New Jersey, a dedicated public servant, a veteran of the Second World War, and an accomplished leader in business; and

WHEREAS, Senator Lautenberg was born in Paterson, New Jersey on January 23, 1924, and graduated from Nutley High School in 1941; and

WHEREAS, Senator Lautenberg served in the United States Army Signal Corps from 1942 to 1946, and was the last serving World War II veteran in the United States Senate; and

WHEREAS, after World War II, Senator Lautenberg attended Columbia University where he graduated with a degree in economics; and

WHEREAS, Senator Lautenberg co-founded the nation's first payroll services company, Automatic Data Processing, where he served as chairman and Chief Executive Officer until 1982; and

WHEREAS, in 1982, Senator Lautenberg was elected to the United States Senate, and was re-elected in 1988 and 1994; and

WHEREAS, after a brief retirement, Senator Lautenberg was elected to his fourth term as a United States Senator in 2002, and a fifth term in 2008; and

WHEREAS, Senator Lautenberg was a passionate public servant, dedicated to enriching the lives of the people of the State of New Jersey; and

WHEREAS, it is with deep sadness that we mourn the loss of Senator Lautenberg and extend our sincere sympathy to his family and friends; and

WHEREAS, it is appropriate to recognize the achievements and contributions, to honor the memory, and to mark the passing of Senator Lautenberg;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, June 5, 2013, in recognition and mourning of the passing of United States Senator Frank R. Lautenberg.
2. This Order shall take effect immediately.

Dated June 3, 2013.

EXECUTIVE ORDER NO. 134

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, 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 contribute billions of dollars directly and indirectly to our State's economy; and

WHEREAS, Joint Base McGuire-Dix-Lakehurst (hereinafter "the Joint Base") is the State's second largest employer, supporting more than 40,000 military and civilian employees and their families, and contributing more than \$7 billion annually to New Jersey's economy; and

WHEREAS, the Joint Base supports more than 65,000 off-base jobs that further strengthen our State's security, well being, and economic growth; and

WHEREAS, the Joint Base enjoys a unique national stature as the only military installation supporting active duty missions of the Department of the Air Force, the Department of the Army, and the Department of the Navy; and

WHEREAS, the New Jersey Air National Guard 177th Fighter Wing, Picatinny Arsenal, Naval Weapons Station Earle, the United States Coast Guard Training Center Cape May, the United States Coast Guard Air Station Atlantic City, and the Army National Guard armories around the State are critically important to the State's economy and the nation's safety; 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, it is critical that New Jersey take all necessary and appropriate steps to preserve the stability of all military installations in the State; and

WHEREAS, it is essential that New Jersey further develop and enhance the operations of our State's military installations by attracting new missions and fresh projects on, and near those installations; 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 to ensure that all New Jersey military installations are positioned to grow and prosper;

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 created the "New Jersey Military Installation Growth and Development Task Force" (hereinafter "the Task Force").
2. The Task Force shall consist of five (5) members who shall be appointed by the Governor and serve at the Governor's pleasure and will include the Adjutant General of the New Jersey Department of Military and Veterans Affairs, the Chief Executive Officer of the New Jersey Economic Development Authority, the Presi-

dent and Chief Executive Officer of Choose New Jersey, a former member of New Jersey's Congressional delegation, and a civilian member to be selected by the Task Force. All members of the Task Force shall serve without compensation. The Task Force shall organize as soon as practicable after the appointment of its members.

3. The Task Force is charged with, and shall take such steps as are necessary and appropriate for, the development of recommendations relating to additional military missions that will preserve, enhance, and strengthen the State's military installations.

4. The New Jersey Department of Military and Veterans Affairs, in coordination with the New Jersey Economic Development Authority, shall provide staff support to the Task Force. The Task Force 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 Task Force 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 Task Force within the limits of its statutory authority and to furnish the Task Force with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order. The Task Force may consult with experts or other knowledgeable individuals in the public, private, and military sectors on any aspect of its mission.

5. In formulating its recommendations pursuant to this Order, the Task Force may elicit public input from individuals, organizations, community groups, and other interested parties.

6. The Task Force may report to the Governor from time to time and shall issue a final report to the Governor setting forth the Task Force's recommendations pursuant to this Order no later than twelve months after its organization. The Task Force shall expire upon the issuance of its final report.

7. This Order shall take effect immediately.

Dated June 13, 2013.

EXECUTIVE ORDER NO. 135

WHEREAS, James Gandolfini was an iconic actor, who left a timeless impact upon television and film in the State of New Jersey and across our Nation; and
WHEREAS, James Gandolfini was born in Westwood, New Jersey, on September 18, 1961, and grew up in Park Ridge, New Jersey;
WHEREAS, James Gandolfini graduated from Park Ridge High School in 1979, where he played basketball and starred in school plays; and
WHEREAS, James Gandolfini graduated with a Bachelor of Arts degree from Rutgers University, and began to pursue what would become an extraordinarily successful acting career; and

WHEREAS, James Gandolfini's most popularly acclaimed role was the part of Tony Soprano, the lead character in the television drama *The Sopranos*, which debuted in 1999 and continued through 2007; and

WHEREAS, James Gandolfini appeared on Broadway and in several films, including *True Romance*, *Terminal Velocity*, *Get Shorty*, *The Juror*, *The Mexican* and *The Taking of Pelham 123*; and

WHEREAS, James Gandolfini produced two documentaries, *Alive Day Memories: Home from Iraq* and *Wartorn: 1861-2010*, which revealed the immense challenges faced by servicemembers and veterans integrating back into society; and

WHEREAS, James Gandolfini passed away suddenly on June 19, 2013; and

WHEREAS, it is with profound sadness that we mourn the loss of James Gandolfini and extend our sincere sympathy to his family, friends, and countless fans; and

WHEREAS, it is appropriate to recognize the achievements and contributions, to honor the memory, and to mark the passing of James Gandolfini;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, June 24, 2013, in recognition and mourning of the passing of James Gandolfini.
2. This Order shall take effect immediately.

Dated June 21, 2013.

EXECUTIVE ORDER NO. 136

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 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, 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, 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;

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, and 97 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, 2013, 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 June 30, 2013.

EXECUTIVE ORDER NO. 137

WHEREAS, beginning on October 28, 2012, and continuing through October 30, 2012, Superstorm Sandy ("Sandy") struck the State of New Jersey; and

WHEREAS, Sandy destroyed entire communities and caused significant damage, or complete destruction, to thousands of homes across the State; and

WHEREAS, thanks to the efforts of first responders, private businesses, nonprofit organizations, State and local governmental leaders, and all citizens of New Jersey, our State continues to recover and rebuild; and

WHEREAS, since Sandy struck New Jersey, nonprofit organizations and volunteers have generously donated their resources, time, and talents to aid in the State's recovery; and

WHEREAS, some nonprofit groups that are organized primarily for the construction and reconstruction of residences for persons displaced by disasters have contributed volunteers and resources to assist in New Jersey's rebuilding; and

WHEREAS, these nonprofit organizations may recruit high school students, and other minor volunteers, to assist in the repair, construction, and rebuilding of homes damaged or destroyed by Sandy; and

WHEREAS, N.J.S.A. 34:2-21.17d restricts the nature and manner of volunteer construction work that minors between the ages of fourteen and seventeen may perform as volunteers for nonprofit housing organizations; and

WHEREAS, allowing available volunteers who are minors to engage in repair and reconstruction efforts, while maintaining all other safeguards that protect minors engaged in construction, will help many New Jerseyans return to their homes; 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, and of each and every political subdivision of the State, 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;

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 the remainder of calendar year 2013, minors between fourteen and seventeen years of age shall be permitted to work as volunteers for nonprofit organizations engaged in housing construction, provided that all other provisions of N.J.S.A. 34:2-21.17d, and any other applicable law, rule, or regulation concerning the employment and protection of minors, shall remain in full force and effect.
2. The Commissioner of Labor and Workforce Development is directed to take all appropriate steps to effectuate this Order.
3. 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.

4. This Order shall take effect immediately.

Dated July 9, 2013.

EXECUTIVE ORDER NO. 138

WHEREAS, ensuring the solvency and integrity of New Jersey's pension and health benefits systems is one of the highest priorities of my Administration; and

WHEREAS, the landmark, bipartisan pension and health benefits reform I signed into law in 2011 will help ensure the solvency of those programs for the benefit of public employees and retirees, while also ensuring that pension and health benefits obligations do not financially incapacitate the State and other public employers; and

WHEREAS, by making modest but sensible changes to retirement age and incentives, cost-of-living adjustments, and contributions from public employees, the 2011 landmark, bipartisan pension and benefits reform will save taxpayers over \$120 billion over the next thirty years and put the pension system on more sound financial footing; and

WHEREAS, in Fiscal Year 2013, the State made one of the largest pension payments in New Jersey history at \$1.03 billion, and the Fiscal Year 2014 budget will make the largest pension payment in State history at \$1.67 billion; and

WHEREAS, while we have made substantial progress to reform public employee pension and health benefits, additional reforms are needed to safeguard the integrity of the systems and to ensure that taxpayer dollars are properly expended for these benefits; and

WHEREAS, it is critical that potential fraud and abuse of the pension and disability retirement systems be addressed to ensure that recipients are qualified and taxpayer funds are properly expended for the benefit of public employees and retirees; and

WHEREAS, unless these issues are addressed, pension fraud and abuse will place additional strains on public employee retirement systems, as well as State and local budgets; and

WHEREAS, in light of possible fraud and abuse related to retirement and other benefits, coordinated action must be taken to combat fraud and abuse, preserve the integrity of the systems, and protect every taxpayer dollar devoted to the systems;

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 State Treasurer shall establish a Pension Fraud and Abuse Unit within the Department of the Treasury. The Unit shall be dedicated to the prevention and investigation of fraud and abuse of the State's pension and benefits systems, including the payment of retirement, disability, and other benefits.

2. The Director of the Pension Fraud and Abuse Unit shall report directly to the State Treasurer, and the State Treasurer shall appoint or assign such accountants, investigators, and other employees to the Unit as necessary for the efficient and effective operation of the Unit.

3. The Pension Fraud and Abuse Unit shall investigate public pension claims and payments, including, but not limited to, disability pension claims, and claims of improper participation in the retirement systems, as well as potential fraud and abuse of other benefit systems as the State Treasurer may direct in the future.

4. In order to accomplish the purposes of this Order, the Pension Fraud and Abuse Unit shall work closely and coordinate with both the Division of Pensions and Benefits within the Department of the Treasury and the Office of the Attorney General, and shall also receive referrals from the Office of the State Comptroller on claims of potential fraud and abuse.

5. The aforementioned agencies shall work closely to identify cases of suspected pension fraud, abuse, and ineligibility. They shall undertake investigations, share information and resources, develop strategies for curtailing fraud and abuse, and identify cases for civil and criminal prosecution. These agencies shall hold regular meetings to ensure the maximum cooperation in their work.

6. The Pension Fraud and Abuse Unit may recommend all civil or criminal remedies as may be provided by law to address such pension fraud, abuse, and improper participation, and, in conjunction with the Division of Pension and Benefits and the Office of the Attorney General, and as provided by law, may pursue such petitioning of the appropriate boards as necessary for denial of an application or revocation of a pension or benefit improperly granted, and may refer matters to the Division of Pension and Benefits, the Office of the Attorney General, and other State agencies as appropriate for further action.

7. The Pension Fraud and Abuse Unit shall encourage the public to report fraudulent pension and benefit claims and payments and shall maintain a website, mailing address, facsimile, electronic mail address, toll-free number, and other methods to receive such reports at the discretion of the Director.

8. The Pension Fraud and Abuse Unit is authorized to call upon the expertise and assistance of all State departments, divisions, offices, or agencies, as well as all political subdivisions of the State, to carry out its mission, including, but not limited to, the Department of Labor and Workforce Development, the Department of the Treasury, the New Jersey Motor Vehicle Commission, and the Office of the Attorney General.

9. All departments, divisions, offices, agencies, and political subdivisions of the State shall, to the extent not inconsistent with law, cooperate with the Pension Fraud and Abuse Unit and furnish the Unit with information upon request.

10. This Order shall take effect immediately.

Dated August 7, 2013.

EXECUTIVE ORDER NO. 139

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, many New Jerseyans, including thousands of police, fire, military, emergency and construction personnel responded to this tragedy; and

WHEREAS, these horrific attacks not only caused a tremendous loss of life, but also inflicted immense pain and anguish on those who survived the events of that day; and

WHEREAS, twelve years later, the lives of hundreds of New Jersey families are still dramatically affected by the loss of a parent, spouse, child or other loved one; and

WHEREAS, this tragic event will be remembered by all New Jerseyans, both privately as well as in public remembrances and memorial ceremonies; and

WHEREAS, it is fitting that this day be observed with full solemnity, in tribute to the thousands of innocent victims who perished in the attacks;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, instrumentalities and all public buildings during appropriate hours on Wednesday, September 11, 2013 in recognition and mourning of all of those lost in the September 11th attacks, and particularly, those lost from our home State.

2. This Order shall take effect immediately.

Dated September 10, 2013.

EXECUTIVE ORDER NO. 140

WHEREAS, beginning on October 28, 2012, and continuing through October 30, 2012, Superstorm Sandy struck the State of New Jersey, causing unprecedented damage and destruction; and

- WHEREAS, oceanfront and other flood-prone communities lacking the benefits of flood hazard risk reduction measures including protective sand dunes, berms, and engineered beaches (collectively “Flood Hazard Risk Reduction Measures”) experienced significantly more catastrophic damage than surrounding communities; and
- WHEREAS, recognizing the dangers posed by the absence of Flood Hazard Risk Reduction Measures, the United States Congress appropriated funds for the creation, improvement, and reconstruction of these important protections; and
- WHEREAS, working collaboratively with the United States Army Corps of Engineers, New Jersey has begun the process of designing Flood Hazard Risk Reduction Measures for appropriate areas of the New Jersey coastline; and
- WHEREAS, these essential Flood Hazard Risk Reduction Measures must be comprehensively constructed across the areas impacted by Superstorm Sandy and throughout the regions at risk for similar damage from future storms; and
- WHEREAS, some of the land on which this system of Flood Hazard Risk Reduction Measures must be built is privately owned; and
- WHEREAS, recognizing the clear and quantifiable benefit that Flood Hazard Risk Reduction Measures confer on their property, as well as their families, neighbors, and communities, many oceanfront property owners have voluntarily granted easements for the construction of Flood Hazard Risk Reduction Measures; and
- WHEREAS, despite the responsible actions of these many property owners, other residents have frustrated the State’s rebuilding and resiliency plans by refusing to grant easements, thereby jeopardizing the construction of Flood Hazard Risk Reduction Measures for all of New Jersey’s citizens, undermining the essential benefits of these systems, and subjecting entire communities to unnecessary risks and dangers; and
- WHEREAS, these recalcitrant property owners have had ample time and notice to voluntarily agree to grant these easements to help to ensure the health, safety, and welfare of their communities; and
- WHEREAS, the continued absence of Flood Hazard Risk Reduction Measures in coastal communities creates an imminent threat to life, property, and the health, safety, and welfare of those communities; 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; and
- WHEREAS, in light of the significant and widespread dangers posed by Superstorm Sandy, and in order to protect the health, safety, and welfare of the people of the State of New Jersey, on October 27, 2012, I signed Executive Order No. 104 declaring and proclaiming that a State of Emergency exists in the State of New Jersey; and
- WHEREAS, in Executive Order No. 104, and in accordance with N.J.S.A. App. A:9-34 and -51, I expressly reserved the right to utilize and employ all avail-

able 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; and

WHEREAS, employing the procedures set out in N.J.S.A. 20:3-1 et seq., public entities are empowered to condemn private property for public purposes, including the creation of Flood Hazard Risk Reduction Measures; and

WHEREAS, pursuant to N.J.S.A. 12:3-64, the New Jersey Department of Environmental Protection ("DEP") is authorized to acquire any lands in the State that it deems advisable, and may enter upon and take property in advance of making compensation therefore where for any reason it cannot acquire the property by agreement with the owner; and

WHEREAS, pursuant to N.J.S.A. App. A:9-51.5, municipalities are authorized to enter upon and take possession and control of property necessary for the construction of Flood Hazard Risk Reduction Measures; and

WHEREAS, all of the aforementioned authority is necessary to protect the public health, safety, and welfare from future natural disasters; and

WHEREAS, in order to ensure the prompt and coordinated acquisition of easements or other interests in real property necessary to facilitate the timely completion of a comprehensive system of Flood Hazard Risk Reduction Measures, it is necessary to create a single State entity responsible for the rapid acquisition of property vital to these reconstruction 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 the statutes of this State, do hereby ORDER and DIRECT:

1. The Commissioner of Environmental Protection shall create in the DEP the Office of Flood Hazard Risk Reduction Measures (the "Office"). The Office shall be headed by a Director appointed by the Commissioner to serve at the Commissioner's pleasure and who shall report to the Commissioner on the work of the Office. The Office shall lead and coordinate the efforts of the DEP to acquire the necessary interests in real property to undertake Flood Hazard Risk Reduction Measures and shall perform such other duties as the Commissioner may from time to time prescribe.

2. The Attorney General of the State of New Jersey, in conjunction with the Office, shall immediately take action to coordinate those legal proceedings necessary to acquire the necessary easements or other interests in real property for the system of Flood Hazard Risk Reduction Measures.

3. The Office is authorized to call upon any department, office, division, or agency of this State for information or assistance as deemed necessary to discharge the duties of the Office. Each department, office, division, or agency is hereby required, to cooperate with the Office and to provide such assistance as is necessary to accomplish the purpose of this Order. Notwithstanding anything in this Order to the

contrary, the Office shall not supplant the function of any department, office, division, or agency.

4. 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 its achievement.

5. This Order shall take effect immediately.

Dated September 25, 2013.

EXECUTIVE ORDER NO. 141

WHEREAS, United States Army Staff Sergeant Timothy R. McGill was a resident of Ramsey, New Jersey;

WHEREAS, Staff Sergeant McGill graduated from Ramsey High School in 2001; and

WHEREAS, Staff Sergeant McGill entered the United States Marine Corps in 2001 and was deployed to Iraq in 2005; and

WHEREAS, 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, Army National Guard, Middletown, Rhode Island; and

WHEREAS, Staff Sergeant McGill was an honorable and courageous young man who loved his country and the military; and

WHEREAS, Staff Sergeant McGill tragically lost his life in Afghanistan while supporting Operation Enduring Freedom; and

WHEREAS, Staff Sergeant McGill was a dedicated soldier as well as a loving son and brother, whose memory lives in the hearts of his family, friends, and fellow soldiers; and

WHEREAS, Staff Sergeant McGill's heroism, patriotism, and service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, October 4, 2013, in recognition and mourn-

ing of a brave and loyal American hero, United States Army Staff Sergeant Timothy R. McGill.

2. This Order shall take effect immediately.

Dated October 1, 2013.

EXECUTIVE ORDER NO. 142

WHEREAS, United States Army Master Sergeant Nicholas Oresko was born on January 18, 1917, in Bayonne, New Jersey;

WHEREAS, Master Sergeant Oresko joined the United States Army in March 1942; and

WHEREAS, Master Sergeant Oresko arrived in France in September 1944, as a platoon sergeant in Company C, 302nd Infantry Regiment, 94th Infantry Division; and

WHEREAS, on January 23, 1945, Master Sergeant Oresko single-handedly defeated two German bunkers, sustaining serious injuries, but refusing to be evacuated until his mission was successfully accomplished; and

WHEREAS, on October 30, 1945, President Harry Truman formally awarded Master Sergeant Oresko the Medal of Honor, the highest award bestowed upon members of the Armed Forces of the United States, in recognition of his heroic actions; and

WHEREAS, in January 2011, Master Sergeant Oresko became the oldest living Medal of Honor recipient; and

WHEREAS, Master Sergeant Oresko passed away on October 4, 2013, at the age of ninety-six; and

WHEREAS, Master Sergeant Oresko's heroism, patriotism, and service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Pursuant to N.J.S.A. 52:3-11, the flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours from Thursday, October 10, 2013, through Thursday, October 17, 2013, in recognition and mourning of a brave and loyal American hero, United States Army Staff Master Sergeant Nicholas Oresko.

2. This Order shall take effect immediately.

Dated October 9, 2013.

EXECUTIVE ORDER NO. 143

WHEREAS, Rolihlahla “Nelson” Mandela, whose lifetime of steadfast determination and personal sacrifice brought an end to apartheid in South Africa and helped spread democracy, was born on July 18, 1918, in the village of Mvezo in Umtatu, in South Africa’s then-Cape Province; and

WHEREAS, Mandela attended Fort Hare University and studied law at the University of Witwatersrand, where he was the only native African student; and

WHEREAS, after the South African general election in 1948, in which only caucasian persons were permitted to vote, Mandela began organizing boycotts and strikes against the pro-apartheid National Party; and

WHEREAS, Mandela’s struggle for inclusion and equality led to his imprisonment, but did not deter him or change his firm resolve to transform South Africa and help end apartheid; and

WHEREAS, Mandela served as President of the African National Congress from 1991 to 1997 and became the first native South African to hold the office of President of South Africa, serving from 1994 to 1999 and preaching forgiveness and progress over retribution; and

WHEREAS, after leaving office in 1999, Mandela continued to serve as an activist and philanthropist, working with the Nelson Mandela Foundation, founded in 1999 to focus on rural development, school construction, and combating HIV/AIDS; and

WHEREAS, throughout his life, Nelson Mandela enriched the lives of people throughout the world through the inspiration of personal sacrifice to spread freedom and the power of forgiveness; and

WHEREAS, it is with deep sadness that we mourn the loss of Nelson Mandela and extend our sincere sympathy to his family, friends, and those touched by his selflessness; and

WHEREAS, it is appropriate to recognize the achievements and contributions, to honor the memory, and to mark the passing of Nelson Mandela;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, December 9, 2013, in recognition and mourning of the passing of Nelson Mandela.
2. This Order shall take effect immediately.

Dated December 6, 2013.

EXECUTIVE ORDER NO. 144

WHEREAS, beginning on October 28, 2012, and continuing through October 30, 2012, Superstorm Sandy (“Sandy”) struck the State of New Jersey; and

WHEREAS, Sandy destroyed entire communities and caused significant damage, or complete destruction, to thousands of homes across the State; and

WHEREAS, thanks to the efforts of first responders, private businesses, nonprofit organizations, State and local governmental leaders, and all citizens of New Jersey, our State continues to recover and rebuild; and

WHEREAS, since Sandy struck New Jersey, nonprofit organizations and volunteers have generously donated their resources, time, and talents to aid in the State’s recovery; and

WHEREAS, some nonprofit groups that are organized primarily for the construction and reconstruction of residences for persons displaced by disasters have contributed volunteers and resources to assist in New Jersey’s rebuilding; and

WHEREAS, these nonprofit organizations may recruit high school students, and other minor volunteers, to assist in the repair, construction, and rebuilding of homes damaged or destroyed by Sandy; 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, and of each and every political subdivision of the State, 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 July 9, 2013, pursuant to Executive Order No. 137 (2013), I ordered that for the remainder of 2013, minors between fourteen and seventeen years of age would be permitted to work as volunteers for nonprofit organizations engaged in housing construction, provided that all other provisions of N.J.S.A. 34:2-21.17d, and any other applicable law, rule, or regulation concerning the employment and protection of minors remained in full force and effect; and

WHEREAS, since I signed Executive Order No. 137 (2013), more than 2,500 volunteers between fourteen and seventeen years of age have performed repair and construction work on Sandy-damaged homes in coordination with various nonprofit organizations, to the benefit of many New Jerseyans; and

WHEREAS, continuing to permit available volunteers between fourteen and seventeen years of age to engage in such repair and construction work, while maintaining all other safeguards that protect minors engaged in construction, will help New Jerseyans return to their homes;

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. Minors between fourteen and seventeen years of age shall continue to be permitted to work as volunteers for nonprofit organizations engaged in housing construction through, and including, December 31, 2014, provided that all other provisions of N.J.S.A. 34:2-21.17d, and any other applicable law, rule, or regulation concerning the employment and protection of minors, shall remain in full force and effect.
2. The Commissioner of Labor and Workforce Development shall take all appropriate steps to effectuate this Order.
3. 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.
4. All other provisions of Executive Order No. 137 (2013) which are not inconsistent with this Order shall remain in full force and effect.
5. This Order shall take effect immediately.

Dated December 27, 2013.

EXECUTIVE ORDER NO. 145

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 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, 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, 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;

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, and 136 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, 2014, 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.

Date December 30, 2013.

EXECUTIVE ORDER NO. 146

WHEREAS, beginning on January 2, 2014 the State of New Jersey is expected to experience a severe winter storm with high winds, heavy snow, mixed precipitation, dangerous storm surges, and sub-zero temperatures throughout the State; and

WHEREAS, this severe winter storm is predicted to produce hazardous travel conditions, cause fallen trees and power outages, and produce potential coastal, stream, and river flooding throughout the State; and

WHEREAS, this severe winter storm is expected to result in dangerous conditions across New Jersey for several days, impeding transportation and the normal operation of public and private entities; 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 this situation may spread to other parts of the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A:9-33, et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, in order to protect the health, safety, and welfare of the people of the State of New Jersey, DO DECLARE and PROCLAIM that a State of Emergency exists in the State of New Jersey and I hereby ORDER and DIRECT the following:

1. I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, to activate those elements of the State Emergency Operations Plan that he deems necessary to further safeguard the public security, health, and welfare, to direct the activation of county and municipal emergency operations plans as necessary, and to coordinate the preparation, response, and recovery efforts 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 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 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 could present a danger to their health, safety, or welfare because of the conditions created by this emergency.

5. I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency.

6. I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule, the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting 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, 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 dis-

aster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or his deputies in consultation with the State Director of Emergency Management.

12. This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

Dated January 2, 2014.

**AMENDMENTS
ADOPTED IN 2013 TO
THE 1947 CONSTITUTION**

(1897)

AMENDMENTS ADOPTED IN 2013 TO THE 1947 CONSTITUTION

ARTICLE I, PARAGRAPH 23

Amend Article I, paragraph 23 to read as follows:

23. Every employer shall, beginning the January 1 next following the date of the approval of this amendment by the people pursuant to Article IX of the Constitution, pay each employee subject to the "New Jersey State Wage and Hour Law," P.L.1966, c.113 (C.34:11-56a et seq.), or a successor State statute, a wage rate of not less than the rate required by that act, or \$8.25 per hour, whichever is more. On the September 30 next following the date of the approval of this amendment, and on September 30 of each subsequent year, the State minimum wage rate shall be increased, effective the following January 1, by any increase during the one year prior to that September 30 in the consumer price index for all urban wage earners and clerical workers (CPI-W) as calculated by the federal government. If, at any time, the federal minimum hourly wage rate set by section 6 of the federal "Fair Labor Standards Act of 1938" (29 U.S.C. s.206), or a successor federal law, is raised to a level higher than the State minimum wage rate, then the State minimum wage rate shall be increased to the level of the federal minimum wage rate and all subsequent increases based on increases in the CPI-W pursuant to this paragraph shall be applied to the State minimum wage rate as increased to match the federal minimum wage rate. This paragraph shall not be construed as altering or amending any provision of the "New Jersey State Wage and Hour Law," P.L.1966, c.113 (C.34:11-56a et seq.) or a successor State statute, other than the hourly rate set by that act, or prohibiting the Legislature from amending that act.

Approved November 5, 2013.

Effective December 5, 2013.

ARTICLE IV, SECTION VII, PARAGRAPH 2

Amend Article IV, section VII, paragraph 2 to read as follows:

2. No gambling of any kind shall be authorized by the Legislature unless the specific kind, restrictions and control thereof have been heretofore submitted to, and authorized by a majority of the votes cast by, the people at a special election or shall hereafter be submitted to, and authorized by a majority of the votes cast thereon by, the legally qualified voters of the State voting at a general election, except that, without any such submission or authorization:

A. It shall be lawful for bona fide veterans, charitable, educational, religious or fraternal organizations, civic and service clubs, senior citizen associations or clubs, volunteer fire companies and first-aid or rescue squads to conduct, under such restrictions and control as shall from time to time be prescribed by the Legislature by law, games of chance of, and restricted to, the selling of rights to participate, the awarding of prizes, in the specific kind of game of chance sometimes known as bingo or lotto, played with cards bearing numbers or other designations, 5 or more in one line, the holder covering numbers as objects, similarly numbered, are drawn from a receptacle and the game being won by the person who first covers a previously designated arrangement of numbers on such a card, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, and in the case of bona fide veterans' organizations and senior citizen associations or clubs to the support of such organizations, in any municipality, in which a majority of the qualified voters, voting thereon, at a general or special election as the submission thereof shall be prescribed by the Legislature by law, shall authorize the conduct of such games of chance therein;

B. It shall be lawful for the Legislature to authorize, by law, bona fide veterans, charitable, educational, religious or fraternal organizations, civic and service clubs, senior citizen associations or clubs, volunteer fire companies and first-aid or rescue squads to conduct games of chance of, and restricted to, the selling of rights to participate, and the awarding of prizes, in the specific kinds of games of chance sometimes known as raffles, conducted by the drawing for prizes or by the allotment of prizes by chance, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, and in the case of bona fide veterans' organizations and senior citizen associations or clubs to the support of such organizations, in any municipality, in which

such law shall be adopted by a majority of the qualified voters, voting thereon, at a general or special election as the submission thereof shall be prescribed by law and for the Legislature, from time to time, to restrict and control, by law, the conduct of such games of chance;

C. It shall be lawful for the Legislature to authorize the conduct of State lotteries restricted to the selling of rights to participate therein and the awarding of prizes by drawings when the entire net proceeds of any such lottery shall be for State institutions and State aid for education; provided, however, that it shall not be competent for the Legislature to borrow, appropriate or use, under any pretense whatsoever, lottery net proceeds for the confinement, housing, supervision or treatment of, or education programs for, adult criminal offenders or juveniles adjudged delinquent or for the construction, staffing, support, maintenance or operation of an adult or juvenile correctional facility or institution;

D. It shall be lawful for the Legislature to authorize by law the establishment and operation, under regulation and control by the State, of gambling houses or casinos within the boundaries, as heretofore established, of the city of Atlantic City, county of Atlantic, and to license and tax such operations and equipment used in connection therewith. Any law authorizing the establishment and operation of such gambling establishments shall provide for the State revenues derived therefrom to be applied solely for the purpose of providing funding for reductions in property taxes, rental, telephone, gas, electric, and municipal utilities charges of eligible senior citizens and disabled residents of the State, and for additional or expanded health services or benefits or transportation services or benefits to eligible senior citizens and disabled residents, in accordance with such formulae as the Legislature shall by law provide. The type and number of such casinos or gambling houses and of the gambling games which may be conducted in any such establishment shall be determined by or pursuant to the terms of the law authorizing the establishment and operation thereof.

It shall also be lawful for the Legislature to authorize by law wagering at casinos or gambling houses in Atlantic City on the results of any professional, college, or amateur sport or athletic event, except that wagering shall not be permitted on a college sport or athletic event that takes place in New Jersey or on a sport or athletic event in which any New Jersey college team participates regardless of where the event takes place;

E. It shall be lawful for the Legislature to authorize, by law, (1) the simultaneous transmission by picture of running and harness horse races conducted at racetracks located within or outside of this State, or both, to gambling houses or casinos in the city of Atlantic City and (2) the specific

kind, restrictions and control of wagering at those gambling establishments on the results of those races. The State's share of revenues derived therefrom shall be applied for services to benefit eligible senior citizens as shall be provided by law; and

F. It shall be lawful for the Legislature to authorize, by law, the specific kind, restrictions and control of wagering on the results of live or simulcast running and harness horse races conducted within or outside of this State. The State's share of revenues derived therefrom shall be used for such purposes as shall be provided by law.

It shall also be lawful for the Legislature to authorize by law wagering at current or former running and harness horse racetracks in this State on the results of any professional, college, or amateur sport or athletic event, except that wagering shall not be permitted on a college sport or athletic event that takes place in New Jersey or on a sport or athletic event in which any New Jersey college team participates regardless of where the event takes place.

Approved November 5, 2013.

Effective December 5, 2013.

INDEX

(1903)

AGRICULTURE

Department of Agriculture to publish information concerning wineries, community supported agriculture entities on website; required, C.4:1-20.2, Ch.248.

Farmland assessment law, certain provisions; revised, C.54:4-23.3d, amends C.54:4-23.5 et al., repeals C.54:4-23.13a, Ch.43.

ALCOHOLIC BEVERAGES

Craft distillery license; created, amends R.S.33:1-10, Ch.92.

Development projects, qualifying, sale of alcoholic beverages; permitted, C.33:1-12.50 et seq., Ch.63.

AMUSEMENTS

Surcharge on admission charges at major places of amusement, amount permitted; revised, amends C.40:48G-1, Ch.84.

ANIMALS

Dano and Vader's Law, threatening life of certain animals; crime created, amends C.2C:29-3.1, Ch.137.

"Dusty's Law," killing, injuring, interfering with service animal or guide dog, criminal penalties; established, C.2C:29-3.2, Ch.205.

"Patrick's Law," penalties for animal cruelty, degree of offenses, certain; increased, amends R.S.4:22-15 et al., Ch.88.

APPROPRIATIONS

Annual, Ch.77.

Environmental Protection, Department:

Environmental infrastructure projects, various, for FY2014, Ch.95.

From "2009 Green Acres Fund," for local government open space acquisition,

From various funds, reappropriated for State flood control projects, \$3,000,000, Ch.100.

park development projects, \$5,000,000; for coastal blue acres projects, \$2,400,800, Ch.8; grants to nonprofit entities to acquire, develop lands for recreation, conservation purposes, \$8,930,975, Ch.9; from "2009 Green Acres Fund," \$45,000,000, from "2009 Blue Acres Fund," \$12,000,000, for State acquisition of lands for recreation and conservation purposes, Ch.10.

FY2013 supplemental appropriations, certain, language regarding; revised, Ch.76.

NJ Environmental Infrastructure Trust, expenditure of certain funds for loans for infrastructure projects for FY2014, Ch.94.

NJ Historic Trust, for various preservation projects, \$1,393,084, Ch.134.

Secretary of Higher Education:

From the "Building our Future Act," for capital project grants for institutions of higher education, \$715,706,303, Ch.96.

APPROPRIATIONS (Continued)

State Agriculture Development Committee:

From "2009 Farmland Preservation Fund," "Garden State Farmland Preservation Trust Fund" to State Agriculture Development Committee for farmland preservation, \$24,290,379, Ch.23; for planning incentive grants to counties, \$38,500,000, Ch.24; for planning incentive grants to municipalities, \$16,250, 000, Ch.25; to tax exempt nonprofit organizations for preservation purposes, \$4,083,320, Ch.26.

AVIATION

Entering into restricted airport areas, certain; crime established, amends N.J.S.2C:18-1 et al., Ch.138.

BANKING

Credit Union Advisory Council, membership regulations; changed, amends C.17:13-124, Ch.215.

BONDS

Blanket bonds, issuance to certain local government officers, employees; permitted, amends C.40A:5-34.1 et al., Ch.2.

BRIDGES

"Joseph F. Tagliareni, Jr. Memorial Bridge," Paterson Plank Road bridge in Secaucus; designated, Ch.176.

"Officer Thomas E. DeShazo Memorial Bridge," U.S.Route 46 bridge crossing the Rockaway River in Dover; designated, J.R.1.

CEMETERIES

Cemetery companies to file annual financial report; required, C.45:27-15.1, Ch.201.

Work First New Jersey, SSI allowance, registry of cemeteries which accept allowance for burial expenses; established, C.45:27-41, Ch.194.

CHARITIES

Charitable contributions unrelated to determination of residence for tax purposes; clarified, C.54A:1-2.1, Ch.73.

Emergency shelters for homeless, admission of certain mentally ill people; required, C.55:13C-2.1, Ch.203.

Emergency shelters for the homeless, refusal to provide services for minimum time frame under certain circumstances; prohibited, C.55:13C-2.2 et seq., amends C.55:13C-2, Ch.204.

CHILDREN

Child custody, parenting time arrangements relative to military service absences; certain; laws revised, C.9:2-12.1, amends C.2A:34-65 et seq., Ch.7.
Tanning facilities, use by minors, certain; prohibited, C.26:2D-89, amends C.26:2D-82.1 et al., Ch.39.

CIVIL ACTIONS

Attorneys fees, expenses, award in certain landlord-tenants actions; authorized, C.2A:18-61.66 et seq., Ch.206.
Contested case hearings, process; modified, C.52:14B-9.1, amends C.52:14B-9 et al., Ch.236.
Court-imposed financial obligation, credit to person in default, certain circumstances; authorized, amends N.J.S.2C:46-2 et al., Ch.180.
"Self-Service Storage Facility Act," electronic mail notification; permitted, other regulations; revised, C.2A:44-193, amends C.2A:44-188 et al., Ch.128.

CIVIL DEFENSE

Emergency evacuation, pet owners boarding public transportation with certain domesticated animals; permitted, C.App.A:9-43.15, amends C.32:1-146.8, Ch.265.
Municipal emergency management coordinators, appointment pursuant to shared services agreement; permitted, amends C.App.A:9-40.1, Ch.57.

CIVIL RIGHTS

Disclosure of certain employment information, reprisals against employee requesting; prohibited, amends C.10:5-12, Ch.154.
Discrimination based on pregnancy, childbirth or related medical conditions; prohibited, C.10:5-3.1, amends C.10:5-12, Ch.220.
Wrongful imprisonment, compensation for; increased, C.52:4C-7, amends C.52:4C-1 et al., Ch.171.

COLLEGES AND UNIVERSITIES

Board of governors of Rutgers University, membership; increased, number constituting a quorum; changed, amends N.J.S.18A:65-22, Ch.218.
Credit card accounts, direct solicitation of students at institutions of higher education; prohibited, C.18A:62-53 et seq., Ch.18.
Full-time student at an institution of higher education, requirement for maintenance of health insurance coverage; eliminated, amends C.18A:62-15, Ch.78.
"Higher Education Epinephrine Emergency Treatment Act," C.18A:61D-11 et seq., Ch.211.
New Jersey Advisory Council on Youth and Collegiate Affairs; established, C.18A:72P-1 et seq., Ch.175.

COLLEGES AND UNIVERSITIES (Continued)

Public institutions of higher education, certain students, including certain undocumented immigrants, qualification for in-State tuition; permitted, C.18A:62-4.4, Ch.170.

Rowan University – Rutgers Camden Board of Governors, authority; revised, Rowan University participation in public-private partnerships; authorized, C.18A:64M-38.1 et al., amends C.18A:3B-6 et al., Ch.227.

State college, entrance into joint purchasing agreements, certain; permitted, amends C.18A:64-61 et al., Ch.207.

State college faculty members, period of time required to receive tenure; revised, C.18A:60-16 et seq., amends C.18A:60-8, Ch.235.

Student loan repayment information, distribution to students by Higher Education Student Assistance Authority; required, C.18A:71A-35, Ch.1.

“Veterans Higher Education Commission”; established, Ch.64.

COMMERCIAL TRANSACTIONS

Uniform Commercial Code, chapters, certain, replaced, additional provisions, revised, Ch.65.

“Uniform Electronic Transactions Act,” applicability to real estate transactions; clarified, amends C.12A:12-2, Ch.132.

COMMISSIONS

9-1-1 Commission, statutory reference; removed, renamed Statewide Public Safety Communications Commission, amends C.52:17C-19, Ch.245.

“Study Commission on Violence”; established, C.52:17B-239 et seq., Ch.109.

“Veterans Higher Education Commission”; established, Ch.64.

COMMUNICATIONS

Alternate operator telephone service providers, regulation of rates, terms, conditions of service; required, amends C.48:2-21.22, Ch.278.

Disclosure of certain information relative to electronic communications devices at request of employer; prohibited, C.34:6B-5 et seq., Ch.155.

Telecommunication companies, certain, regulations, certain; changed, amends C.48:2-21.19 et al., Ch.181.

CONSTITUTION, STATE

Gambling, authorized by election, amends Article IV, Section VII, paragraph 2; adopted.

Minimum wage increased, amends Article I, paragraph 23; adopted.

CONSUMER AFFAIRS

Building materials dealer, provision of uniquely identified delivery ticket to consumer; required, amends C.51:4-23 et al., Ch.234.

CONSUMER AFFAIRS (Continued)

- Credit card accounts, direct solicitation of students at institutions of higher education; prohibited, C.18A:62-53 et seq., Ch.18.
- Energy suppliers, certain, false, misleading claims to potential customers, certain suppliers' calls; prohibited, amends C.48:3-51 et al., Ch.263.
- Homeowners insurance consumer information brochure, one page summary of policy; required, amends C.17:36-5.36, Ch.53.
- Purchasers of precious metals, jewelry, certain, maintenance of certain records; required, amends C.51:6A-1 et al., Ch.247.
- Service contracts, certain; regulated, C.56:12-87 et seq., amends C.56:12-1, Ch.197.

CORPORATIONS

- Corporate shareholder meeting participation by remote communication; permitted, remedies for dissenting shareholders; clarified, amends N.J.S.14A:5-1 et al., Ch.41.
- Derivative proceedings, shareholder class actions, laws concerning; revised, C.14A:3-6.1 et seq., repeals N.J.S.14A:3-6, Ch.42.
- Resident domestic corporations, interested stockholders, business combinations, certain; permitted, amends C.14A-10A-3 et seq., Ch.40.

CORRECTIONS

- Offender released from custody, transferred, notification; expanded, C.52:4B-71, amends C.30:4-123.53a, Ch.270.
- Wrongful imprisonment, compensation for; increased, C.52:4C-7, amends C.52:4C-1 et al., Ch.171.

COUNTIES

- Blanket bonds, issuance to certain local government officers, employees; permitted, amends C.40A:5-34.1 et al., Ch.2.
- Board of chosen freeholders, publishing of certain notices by title and summary; permitted, amends C.40:41A-101, Ch.118.
- Pilot program allowing certain county utilities authorities to fund certain local infrastructure; created, C.40:14B-40.1 et seq., amends C.40:14B-3 et al., Ch.190.
- Sex offender registration information, release to DHS, county welfare agencies; authorized, amends C.2C:7-5, Ch.38.
- Snow removal reserve funds, use for clearance of debris following declaration of emergency; provided, amends C.40A:4-62.1, Ch.271.
- Special law enforcement officers, certain, county park police officers, appointment, transfer by certain sheriffs, counties; permitted, C.40A:9-117b, amends C.40A:14-146.9 et al., Ch.21.

COURTS

- Court-imposed financial obligation, credit to person in default, certain circumstances; authorized, amends N.J.S.2C:46-2 et al., Ch.180.
- Municipal court, conditional dismissal program; established, C.2C:43-13.1 et seq., amends N.J.S.2C:36A-1 et al., Ch.158.
- Municipal courts, imposition of community service in lieu of payment of penalty; permitted, amends C.2B:12-23.1, Ch.255.

CRIMES AND OFFENSES

- Crimes concerning children, certain, penalties; changed, amends N.J.S.2C:24-4 et al., Ch.136.
- Criminal impersonation committed by any means, including electronic communications, Internet website, subject to criminal penalties; amends N.J.S.2C:21-17, Ch.241.
- Criminal street gang, soliciting, recruiting for on school property; crime upgraded, amends C.2C:33-28, Ch.202.
- Cyber-harassment, crime created, C.2C:33-4.1, Ch.272.
- Dano and Vader's Law, threatening life of certain animals; crime created, amends C.2C:29-3.1, Ch.137.
- "Dusty's Law," killing, injuring, interfering with service animal or guide dog, criminal penalties; established, C.2C:29-3.2, Ch.205.
- Entering into restricted airport areas, certain; crime established, amends N.J.S.2C:18-1 et al., Ch.138.
- Genital mutilation of certain females; prohibited, C.2C:24-10, Ch.200.
- HIV testing, certain, performance within 48 hours of request by victim; required, amends C.2C:43-2.2, Ch.140.
- "Human Trafficking Prevention, Protection, and Treatment Act," C.52:17B-737 et al., amends C.2C:13-8 et al., Ch.51.
- Lieutenant Scott Jenkins' Law, theft from cargo carriers, new criminal offenses; created, C.2C:20-2.4 et seq., amends N.J.S.2C:20-1 et al., Ch.58.
- "Lisa's Law," study of technology for tracking of domestic violence offenders; established, Ch.229.
- "Megan's Law," certain provisions; revised, monthly penalty on sex offenders to fund monitoring, supervision; imposed, C.30:4-123.97 et seq., amends C.2C:7-2 et al., Ch.214.
- "Overdose Prevention Act," C.24:6J-1 et al., Ch.46.
- "Patrick's Law," penalties for animal cruelty, degree of offenses, certain; increased, amends R.S.4:22-15 et al., Ch.88.
- Pepper spray, certain officials, possession quantity carried by law enforcement officers; permitted, amends N.J.S.2C:39-6, Ch.219.
- Sex offender registration information, release to DHS, county welfare agencies; authorized, amends C.2C:7-5, Ch.38.
- Synthetic marijuana, manufacture, sale, possession; prohibited, C.2C:35-5.3b et seq., amends N.J.S.2C:35-2, Ch.35.

CRIMES AND OFFENSES (Continued)

Tanning facilities, use by minors, certain; prohibited, C.26:2D-89, amends C.26:2D-82.1 et al., Ch.39.

Unlawful accessing of location information of law enforcement vehicles through certain electronic means; offense created, C.2C:33-23.3, Ch.127.

Unauthorized practice of certain health care related professions, third degree crime, C.2C:21-20.2 et seq., Ch.168.

DOMESTIC RELATIONS

Child custody, parenting time arrangements relative to military service absences; certain; laws revised, C.9:2-12.1, amends C.2A:34-65 et seq., Ch.7.

Division of Women to conduct audit of coordination of community responses to domestic violence, C.52:27D-43.37, Ch.246.

“Lisa’s Law,” study of technology for tracking of domestic violence offenders; established, Ch.229.

“Mom2Mom Peer Support Program”; established, C.9:3A-15 et seq., Ch.281.

“New Jersey Security and Financial Empowerment Act,” C.34:11C-1, Ch.82.

Premarital, pre-civil union agreements, enforceability; strengthened, amends R.S.37:2-32 et al., Ch.72.

Solemnization of marriage, civil union ceremonies by certain former mayors; permitted, amends R.S.37:1-13, Ch.242.

Solemnization of marriages, civil unions by certified celebrants; authorized, amends R.S.37:1-13, Ch.243.

DRUGS

Medical marijuana, limitations on strains cultivated; prohibited, means of packaging, distribution; expanded, amends C.24:6I-5 et al., Ch.160.

“Overdose Prevention Act,” C.24:6J-1 et al., Ch.46.

Synthetic marijuana, manufacture, sale, possession; prohibited, C.2C:35-5.3b et seq., amends N.J.S.2C:35-2, Ch.35.

ELECTIONS

Nominating petitions for school board candidates, deadline for filing nominating petitions; changed, certain election procedures; revised, amends C.19:60-7 et al., Ch.172.

Pilot program suspending operations of superintendent, deputy superintendent of second class counties, certain; established, C.19:32-26.3 et seq., Ch.17.

EMINENT DOMAIN

Eminent domain, use under the “Local Redevelopment and Housing Law,” protections; codified, amends C.40A:12A-5 et al., Ch.159.

ENVIRONMENT

Landfills, certain, closure, other activities, laws concerning; changed, C.13:1E-125.1 et seq., Ch.69.

ENVIRONMENT (Continued)

- NJ Environmental Infrastructure Trust Financing Program, provisions; changed, C.58:11B-9.5, amends C.58:11B-6 et al., Ch.93.
Remedial investigation of certain contaminated sites, extension; authorized, C.58:10C-27.1, amends C.58:10C-27, Ch.283.

EXECUTIVE ORDERS

- Boston Marathon bombing victims, flag flown at half-staff on April 15, 2013 in commemoration, No.129.
Community disaster loan program, implementation, applications, No.128.
Federal reconstruction resources, expenditure, submission of procurements involving to Office of the State Comptroller for review prior to procurement process, No.125.
James Gandolfini; death commemorated, No.135.
Minors permitted to work as volunteers for nonprofit organizations engaged in housing construction, No.137; continued, No.144.
Nelson Mandela; death commemorated, No.143.
New Jersey Gaming, Sports and Entertainment Advisory Commission; continued, No.136; continued, Nos.136, 145.
“New Jersey Military Installation Growth and Development Task Force”; created, No.134.
“New Jersey SAFE Task Force on Gun Protection, Addiction, Mental Health and Families, and Education Safety,” “NJ SAFE Task Force”; created, No.124.
Office of Flood Hazard Risk Reduction Measures; created, No.140.
Oklahoma tornado, May 20, 2013, flags flown at half-staff, No.132.
Pension Fraud and Abuse Unit; established, No.138.
Seasonal alcoholic beverage consumption, advanced to March 1, 2013, No.126.
Mental Health and Community Safety Working Group; creation, No.130.
September 11 terrorist attacks, flags flown at half-staff, No.139.
Staff Sergeant Eric Christian; death commemorated, No.131.
State Emergency Operations Plan, activation due to severe weather conditions, No.146.
United States Army Staff Master Sergeant Nicholas Oresko; death commemorated, No.142.
United States Army Staff Sergeant Timothy R. McGill; death commemorated, No.141.
United States Senator Frank Lautenberg; death commemorated, No.133.
William F. Hyland, former speaker of the General Assembly, Attorney General; death commemorated, No.127.

FIRE SAFETY

- Emergency services peer counselors, confidentiality privileges; provided, C.2A:84A-22.17, Ch.233.

FIRE SAFETY (Continued)

- Local fire mutual aid plans, determination of necessity of designated command structure, review by Director of Division of Fire Safety; required, Ch.152.
- Medical oxygen providers, notification to fire department when stopping delivery to local residence; required, amends C.52:17B-139.7, Ch.29.
- Recruit firefighter training programs conducted by Division of Fire Safety; accreditation required, C.52:27D-25kk, Ch.32.
- Residences, certain, requirement to be equipped with portable fire extinguisher; removed, Ch.153.
- Roof mounted solar photovoltaic system, identifying emblem, certain, fire department notification; required, C.52:27D-198.17, Ch.228.

FIRST AID AND RESCUE SQUADS

- Emergency services peer counselors, confidentiality privileges; provided, C.2A:84A-22.17, Ch.233.
- “New Jersey Yellow Dot Program”; established, C.40:15A-1 et seq., Ch.191.

FISH AND GAME

- Menhaden, directed bait and human food fishery; established, existing law concerning taking; clarified, C.23:3-51.2 et seq., amends C.23:2B-14 et al., Ch.74.

GAMES AND GAMBLING

- Contests of skill, participation, not deemed unlawful gambling, C.5:19-1, Ch.269.
- Cooperative purchasing agreements, certain, between Casino Reinvestment Development Authority and certain government entities; permitted, amends C.5:12-161 et al., Ch.4.
- Horse racing on beach, certain circumstances, wagering; permitted, C.5:5-38.1, Ch.163.
- Horse racing wagers, use of mobile gaming devices, certain circumstances; authorized, C.5:5-187, Ch.12.
- Internet gaming at Atlantic City casinos, certain circumstances; authorized, C.5:12-95.17 et al., amends C.5:12-5 et al., repeals C.5:12-225, Ch.27.
- Lottery winners, nondisclosure; permitted, Ch.79.
- Veterans’ organization, use of net proceeds from games of chance for organizations’ support; permitted, amends C.5:8-25 et al., Ch.85.

HANDICAPPED PERSONS

- Developmentally disabled persons residing in certain facility, use of audio recording device, certain circumstances; permitted, C.30:6D-5a, Ch.99.
- Disabled person identification cards, placards, relative to parking privileges, laws concerning; revised, amends C.39:4-204 et al., Ch.3.

HANDICAPPED PERSONS (Continued)

Mental capacity of individuals, pejorative terminology, certain; changed, amends C.2A:4A-39 et al., repeals R.S.30:9-1.1 et al., Ch.103.

HEALTH

Adrenoleukodystrophy, screening of newborn infants; provided, C.26:2-111.6, Ch.90.

“Autumn Joy Stillbirth Research and Dignity Act,” C.26:8-40.27 et seq., Ch.217.

“Children’s Sudden Cardiac Events Reporting Act,” C.26:2H-141 et seq., Ch.143.

Coverage for certain breast evaluations, information contained in reports; required, C.26:2-184.3 et al., amends C.17:48-6g et al., Ch.196.

Declarations of death upon basis of neurological criteria, provisions; changed, amends C.26:6A-4, Ch.185.

Diabetes action plan, development; required, C.26:2-142.1, Ch.104.

Health care service referrals providing lithotripsy, referral of patients under certain conditions; permitted, amends C.45:9-22.5, Ch.178.

“Higher Education Epinephrine Emergency Treatment Act,” C.18A:61D-11 et seq., Ch.211.

Medical marijuana, limitations on strains cultivated; prohibited, means of packaging, distribution; expanded, amends C.24:6I-5 et al., Ch.160.

Medical oxygen providers, notification to fire department when stopping delivery to local residence; required, amends C.52:17B-139.7, Ch.29.

New Jersey Epilepsy Task Force, one additional member; added, Ch.66.

New Jersey Task Force on Lupus Education and Awareness in the Department of Health; established, Ch.250.

Organ transplant recipient, discrimination on basis of mental or physical disability; prohibited, C.26:6-86.1 et seq., Ch.80.

“Ovarian Cancer Month,” changed from February to September, amends C.36:2-134 et seq., Ch.164.

Pediatric respite care facilities, licensure; provided, C.26:2H-12.75 et seq., Ch.267.

Pertussis vaccines for adults, information, provision to new mothers; required, C.26:2N-7.1 et seq., Ch.275.

Pharmacists, administration of influenza vaccines to certain children; permitted, amends C.45:14-63, Ch.254.

Prescription eye drops, refills, health benefits coverage under certain conditions; required, C.17:48-6ll et al., Ch.50.

State trauma system, development, implementation; provided, C.26:2KK-1 et seq., Ch.223.

“Sudden Cardiac Arrest Prevention Act,” C.18A:40-41e et seq., amends C.18A:40-41, Ch.209.

Sudden unexpected death in epilepsy, medical examiner training; required, medical information, brain donation for research; requested, C.52:17B-88.12 et seq., Ch.91.

HEALTH (Continued)

Tanning facilities, use by minors, certain; prohibited, C.26:2D-89, amends C.26:2D-82.1 et al., Ch.39.

WIC vendor applications, temporary approval under certain circumstances; provided, C.26:1A-36.b et seq., Ch.157.

HIGHWAYS

“Alex Decroce Memorial Highway,” State Highway Route No. 53; designated, Ch.212.

Helmets to Hardhats pilot program in New Jersey Turnpike Authority; established, C.27:23-51 et seq., Ch.36.

Highway-related sponsorship programs; established, C.27:7-44.18 et al., Ch.130.

“Nikki’s Law,” signage prohibiting texting while driving; required, C.27:7-44.21, Ch.141.

“Peter J. Biondi Bypass,” portion of Route 206 bypass in Hillborough; designated, Ch.81.

“Peter ‘Pete’ Deandrea Section of the Harding Highway,” portion of Route 40 in Buena Borough; designated, Ch.125.

HOLIDAYS AND OBSERVANCES

“Assistance Animal Recognition Day,” Wednesday of second week in August; designated, C.36:2-213 et seq., J.R.10.

“Attention Deficit/Hyperactivity Disorder Awareness Day,” January 21; designated, C.36:2-230 et seq., J.R.18.

“Children’s Product Safety Awareness Month,” November; designated, C.36:2-208 et seq., J.R.8.

“Chronic Obstructive Pulmonary Disease Awareness Month,” November; designated, C.36:2-217 et seq., J.R.12.

“Clarence Clemons Day,” January 11; designated, J.R.9.

“Congenital Adrenal Hyperplasia Awareness Month,” June; designated, C.36:2-226 et seq., J.R.16.

Department of State, posting on website notice of commemorations; required, C.36:2-1.1, Ch.251.

“Human Trafficking Awareness Day,” January 11; designated, C.36:2-204 et seq., J.R.6.

“Disability History and Awareness Month,” October; designated, C.36:2-221 et seq., J.R.14.

“Displaced Homemakers Awareness Month,” May; designated, C.36:2-198 et seq., J.R.2.

“Human Trafficking Month,” January; designated, C.36:2-202 et seq., J.R.5.

“Multiple Sclerosis Education and Awareness Month,” March; designated, C.36:2-200 et seq., J.R.3.

“National Dwarfism Awareness Month,” October; designated, J.R.11.

HOLIDAYS AND OBSERVANCES (Continued)

- “Neonatal Alloimmune Thrombocytopenia Awareness Day,” June 7; designated, C.36:2-206 et seq., J.R.7.
- “Ovarian Cancer Month,” changed from February to September, amends C.36:2-134 et seq., Ch.164.
- “Patient Advocate Day,” November 15; designated, C.36:2-228 et seq., J.R.17.
- “Teen Dating Violence Awareness and Prevention Month,” February; designated, C.36:2-224 et seq., J.R.15.
- “Turner Syndrome Awareness Month,” February; designated, J.R.13.

HORSE RACING

- Moneys, use of certain, subject to agreement between permitholder and horsemen’s organization; permitted, C.5:5-188 et seq., amends C.5:5-64 et al., Ch.266.

HOSPITALS

- Pertussis vaccines for adults, information, provision to new mothers; required, C.26:2N-7.1 et seq., Ch.275.
- Specialty care transportation units used for inter-facility transfers, establishment of protocols; required, C.26:2H-12.73 et seq., Ch.67.
- State hospital financial reporting requirements, review, report by commissioner; required, Ch.195.
- State trauma system, development, implementation; provided, C.26:2KK-1 et seq., Ch.223.

HUMAN SERVICES

- Developmentally disabled persons residing in certain facility, use of audio recording device, certain circumstances; permitted, C.30:6D-5a, Ch.99.
- Emergency shelters for the homeless, admission of certain mentally ill people; required, C.55:13C-2.1, Ch.203.
- Emergency shelters for the homeless, refusal to provide services for minimum time frame under certain circumstances; prohibited, C.55:13C-2.2 et seq., amends C.55:13C-2, Ch.204.
- Mental capacity of individuals, pejorative terminology, certain; changed, amends C.2A:4A-39 et al., repeals R.S.30:9-1.1 et al., Ch.103.
- Mental health records, certain, submission to National Instant Criminal Background Check System; required, C.30:4-24.3a, Ch.115.
- “Mom2Mom Peer Support Program”; established, C.9:3A-15 et seq., Ch.281.
- “New Jersey SNAP Employment and Training Provider Demonstration Project Act,” C.44:10-95 et seq., Ch.45.
- Sexual orientation of minors, attempts to change; prohibited, C.45:1-54 et seq., Ch.150.

INSURANCE

- Coverage for certain breast evaluations, information contained in reports; required, C.26:2-184.3 et al., amends C.17:48-6g et al., Ch.196.

INSURANCE (Continued)

- Dental plans, out-of-network payments based on assignment of benefits; required, amends C.17:48C-8.3 et al., Ch.83.
- Full-time student at an institution of higher education, requirement for maintenance of health insurance coverage; eliminated, amends C.18A:62-15, Ch.78.
- Homeowners insurance consumer information brochure, one page summary of policy; required, amends C.17:36-5.36, Ch.53.
- Limit of liability exposure for mortgage guaranty insurance companies, waiver of limit; extended, amends C.17:46A-3, Ch.226.
- Prescription eye drops, refills, health benefits coverage under certain conditions; required, C.17:48-61l et al., Ch.50.

INTERSTATE RELATIONS

- Emergency evacuation, pet owners boarding public transportation with certain domesticated animals; permitted, C.App.A:9-43.15, amends C.32:1-146.8, Ch.265.
- Port Authority of New York and New Jersey, imposition of cargo facility charge, certain circumstances; prohibited, C.32:23-226 et seq., Ch.216.

JOINT RESOLUTIONS

- “Assistance Animal Recognition Day,” Wednesday of second week in August; designated, C.36:2-213 et seq., J.R.10.
- “Attention Deficit/Hyperactivity Disorder Awareness Day,” January 21; designated, C.36:2-230 et seq., J.R.18.
- “Children’s Product Safety Awareness Month,” November; designated, C.36:2-208 et seq., J.R.8.
- “Clarence Clemons Day,” January 11; designated, J.R.9.
- “Chronic Obstructive Pulmonary Disease Awareness Month,” November; designated, C.36:2-217 et seq., J.R.12.
- “Congenital Adrenal Hyperplasia Awareness Month,” June; designated, C.36:2-226 et seq., J.R.16.
- “Disability History and Awareness Month,” October; designated, C.36:2-221 et seq., J.R.14.
- “Displaced Homemakers Awareness Month,” May; designated, C.36:2-198 et seq., J.R.2.
- “Human Trafficking Awareness Day,” January 11; designated, C.36:2-204 et seq., J.R.6.
- “Human Trafficking Month,” January; designated, C.36:2-202 et seq., J.R.5.
- Israel, congratulations on 65th anniversary of independence, J.R.4.
- “Multiple Sclerosis Education and Awareness Month,” March; designated, C.36:2-200 et seq., J.R.3.
- “National Dwarfism Awareness Month,” October; designated, J.R.11.
- “Neonatal Alloimmune Thrombocytopenia Awareness Day,” June 7; designated, C.36:2-206 et seq., J.R.7.

JOINT RESOLUTIONS (Continued)

- “Officer Thomas E. DeShazo Memorial Bridge,” U.S. Route 46 bridge crossing the Rockaway River in Dover; designated, J.R.1.
- “Patient Advocate Day,” November 15; designated, C.36:2-228 et seq., J.R.17.
- “Teen Dating Violence Awareness and Prevention Month,” February; designated, C.36:2-224 et seq., J.R.15.
- “Turner Syndrome Awareness Month,” February; designated, J.R.13.

LABOR

- Consumer report cards for training providers, certain; required, amends C.34:1A-86 et al., Ch.208.
- Disclosure of certain employment information, reprisals against employee requesting; prohibited, amends C.10:5-12, Ch.154.
- Disclosure of certain information relative to electronic communications devices at request of employer; prohibited, C.34:6B-5 et seq., Ch.155.
- Eligibility for certain leave and benefits; changed, amends C.34:11B-3 et al., Ch.221.
- Employee leasing companies, unemployment compensation; regulated, C.43:21-7.8, amends C.34:8-72 et al., Ch.225.
- Employees, newly hired, report by employer; required, amends C.2A:17-56.61, Ch.169.
- “New Jersey Security and Financial Empowerment Act,” C.34:11C-1, Ch.82.
- Report on departments’ efforts to provide students with information on employment in high-demand industries; required, C.34:15F-17, Ch.256.

LANDLORD AND TENANT

- Attorneys fees, expenses, award in certain landlord-tenants actions; authorized, C.2A:18-61.66 et seq., Ch.206.
- Senior-occupied buildings, certain, emergency operations plans; required, amends C.52:27D-224.1, Ch.186.

LIBRARIES

- Free public libraries, process for dissolution; provided, C.40:54-7.1, Ch.56.

MILITARY AND VETERANS

- Affordable housing occupancy preferences for veterans, certain; permitted, amends C.52:27D-311, Ch.6.
- Burial of indigent veterans who did not serve in time of war; provided, identification of deceased veterans, procedure; clarified, C.38:17-2.1, amends R.S.38:17-1 et al., Ch.238.
- Child custody, parenting time arrangements relative to military service absences; certain; laws revised, C.9:2-12.1, amends C.2A:34-65 et seq., Ch.7.
- Commercial driver licenses, applicants with military experience, skill tests, certain; waived, C.39:3-10.17b, Ch.48.

MILITARY AND VETERANS (Continued)

- Disposition of remains of active duty service member; required, amends C.45:27-22, Ch.268.
- EMT, Mobile Intensive Care Paramedic certification for veterans, certain; provided, C.26:2K-65, amends C.26:2K-8, Ch.101.
- Ex-service members, certain, unemployment benefits; provided, C.43:21-3.1, Ch.102.
- Helmets to Hardhats pilot program in New Jersey Turnpike Authority; established, C.27:23-51 et seq., Ch.36.
- Local public contract set-aside program, businesses owned by, employing veterans; authorized, amends C.40A:11-41 et al., Ch.5.
- Military spouses, certain, temporary teaching certificate; permitted, C.18A:26-2.14, Ch.68.
- “New Jersey Homeless Veterans Grant Program Act,” C.38A:3-6.2a et al., amends N.J.S.38A:3-6, Ch.239.
- Pilot program to recruit, select, train veterans for school security positions; established, C.18A:41-8, Ch.277.
- Professional boards, credits toward requirements for licensure for veterans; required, C.45:1-15.3 et seq., Ch.49.
- State Police Retirement System members, purchase of credit for prior military service; permitted, C.53:5A-6.1, amends C.53:5A-3, Ch.87.
- Veterans Haven North Council; created, amends C.38A:3-47 et al., Ch.260.
- Veterans’ organization, use of net proceeds from games of chance for organizations’ support; permitted, amends C.5:8-25 et al., Ch.85.
- “Veterans Higher Education Commission”; established, Ch.64.
- Veterans, provision by municipalities of free or reduced cost access to beaches; permitted, amends C.40:61-22.20, Ch.240.
- Veteran status, designation on driver’s licenses, identification cards issued by MVC; permitted, C.39:3-10f6, amends C.39:3-29.3, Ch.165.

MOTOR VEHICLES

- All-terrain vehicle use restrictions, certain persons; exempted, amends C.39:3C-1, Ch.135.
- “Angelie’s Law,” operation of certain autobuses; regulated, C.39:3-10.18a et al., Ch.224.
- Commercial driver licenses, applicants with military experience, skill tests, certain; waived, C.39:3-10.17b, Ch.48.
- Diabetics, certain, voluntary notation on drivers license; permitted, C.39:3-10.8a, Ch.139.
- Disabled person identification cards, placards, relative to parking privileges, laws concerning; revised, amends C.39:4-204 et al., Ch.3.
- Driving without motor vehicle license, first offense, driver’s license suspension; discretionary, amends C.39:6B-2, Ch.237.

MOTOR VEHICLES (Continued)

- Failure to keep right, observe traffic lanes, fine; increased, C.39:4-88.1 et seq., Ch.86.
- Impoundment of motor vehicles for certain crimes, offenses; authorized, C.2C:43-2.4, Ch.110.
- Lamps, lighting devices on motor vehicles to be kept in working order; required, C.39:3-66.3, amends R.S.39:3-61, Ch.230.
- “New Jersey Yellow Dot Program”; established, C.40:15A-1 et seq., Ch.191.
- Office of Emergency Management members, certain, exemption from federal commercial driver’s licensing requirements; provided, C.39:3-10K1, Ch.11.
- Omega Psi Phi license plates, creation; authorized, C.39:3-27.144 et seq., Ch.273.
- Talking, texting on hand-held device while driving, fines, penalties; increased, amends C.39:4-97.3, Ch.70.
- Vehicle spot lamps, emergency vehicle exemption; provided, amends R.S.39:3-53, Ch.129.
- Veteran status, designation on driver’s licenses, identification cards issued by MVC; permitted, C.39:3-10f6, amends C.39:3-29.3, Ch.165.

MUNICIPALITIES

- Blanket bonds, issuance to certain local government officers, employees; permitted, amends C.40A:5-34.1 et al., Ch.2.
- Cluster developments, authorization; clarified, C.40:55D-39.1, amends C.40:55D-2 et al., Ch.106.
- “Common Sense Shared Services Pilot Program Act,” C.40A:65-4.1 et seq., amends C.40A:65-2 et al., Ch.166.
- Cooperative purchasing agreements, certain, between Casino Reinvestment Development Authority and certain government entities; permitted, amends C.5:12-161 et al., Ch.4.
- Eminent domain, use under the “Local Redevelopment and Housing Law,” protections; codified, amends C.40A:12A-5 et al., Ch.159.
- Gloucester City in Camden County, special charter amended to revise method of election of members of Common Council, Ch.179.
- Municipal charges, fees under \$10, cancellation; permitted, amends C.40A:5-17.1, Ch.54.
- Municipal emergency management coordinators, appointment pursuant to shared services agreement; permitted, amends C.App.A:9-40.1, Ch.57.
- Municipalities, certain, imposition of parking surcharges; authorized, C.40:48C-1.4 et seq., Ch.284.
- Original performance guarantee, release, reduction under certain circumstances; authorized, C.40:55D-53c et al., amends C.40:55D-38 et al., Ch.123.
- Purchase of fire equipment by local units, entry into joint agreements; permitted, amends C.40A:11-10, Ch.89.
- Snow removal reserve funds, use for clearance of debris following declaration of emergency; provided, amends C.40A:4-62.1, Ch.271.

MUNICIPALITIES (Continued)

Special law enforcement officers, certain, county park police officers, appointment, transfer by certain sheriffs, counties; permitted, C.40A:9-117b, amends C.40A:14-146.9 et al., Ch.21.

Veterans, provision by municipalities of free or reduced cost access to beaches; permitted, amends C.40:61-22.20, Ch.240.

NURSING HOMES, ROOMING, AND BOARDING HOUSES

“Bill of Rights for Continuing Care Retirement Community Residents in Independent Living,” C.52:27D-360.1 et seq., amends C.52:27D-332 et al., Ch.167.

PARTNERSHIPS

Limited liability company members, rights of judgment creditor, certain; modified, amends C.42:2C-8 et al., Ch.276.

PENSIONS AND RETIREMENT

Board of Education Employees’ Pension Fund of Essex County; provisions updated, amends N.J.S.18A:66-97 et al., Ch.16.

Distributions from the Alternate Benefit Program prior to separation from service under certain circumstances, amends C.18A:66-175, Ch.120.

Employees’ Retirement System of Jersey City, eligibility, benefit provisions, certain; changed, C.43:13-22.59b et seq., amends C.43:13-22.50 et al., Ch.282.

State Police Retirement System members, purchase of credit for prior military service; permitted, C.53:5A-6.1, amends C.53:5A-3, Ch.87.

POLICE

Counter-terrorism investigations conducted in-State by out-of-State law enforcement entities, reporting requirements; established, C.2A:156A-35 et seq., Ch.156.

Emergency services peer counselors, confidentiality privileges; provided, C.2A:84A-22.17, Ch.233.

Special law enforcement officers, certain, county park police officers, appointment, transfer by certain sheriffs, counties; permitted, C.40A:9-117b, amends C.40A:14-146.9 et al., Ch.21.

PROFESSIONS AND OCCUPATIONS

EMT, Mobile Intensive Care Paramedic certification for veterans, certain; provided, C.26:2K-65, amends C.26:2K-8, Ch.101.

Genetic counselors, scope of practice; revised, amends C.45:9-37.113 et al., Ch.30.

Health care service referrals providing lithotripsy, referral of patients under certain conditions; permitted, amends C.45:9-22.5, Ch.178.

Home improvement contractors, State-issued identification badge; required, C.56:8-138.1, Ch.144.

PROFESSIONS AND OCCUPATIONS (Continued)

- Medical gas piping in dental offices, clinics, and animal or veterinary facilities, installers, certification; required, amends C.45:14C-28, Ch.222.
- Nursing schools, academic credit for certain training received in U.S. military; required, C.45:11-24.14, Ch.174.
- Pawnbrokers, certain, interest rate chargeable on certain transactions; changed, amends R.S.45:22-22, Ch.213.
- Pharmacists, administration of influenza vaccines to certain children; permitted, amends C.45:14-63, Ch.254.
- Pediatric respite care facilities, licensure; provided, C.26:2H-12.75 et seq., Ch.267.
- Professional boards, credits toward requirements for licensure for veterans; required, C.45:1-15.3 et seq., Ch.49.
- Professional, occupational licenses, certain, law concerning; revised, C.45:1-7.4 et seq., amends C.45:1-7.1, repeals C.45:1-7.2 et seq., Ch.182.
- Radiologic technology licensure, additional license to operate certain equipment; required, C.26:2D-27.1 et seq., Ch.119.
- Sexual orientation of minors, attempts to change; prohibited, C.45:1-54 et seq., Ch.150.
- Temporary professional, occupational licensure for certain military spouses; provided, C.45:1-15.5, Ch.264.
- Unauthorized practice of certain health care related professions, third degree crime, C.2C:21-20.2 et seq., Ch.168.
- Veterinary students, certain, exemption from compliance with veterinary practice laws; provided, amends R.S.45:16-8.1 et al., Ch.122.

PUBLIC CONTRACTS

- Local public contract set-aside program, businesses owned by, employing veterans; authorized, amends C.40A:11-41 et al., Ch.5.
- State colleges, contractors, certain, retainage deduction election; permitted, C.18A:64-76.2 et seq., Ch.147.

PUBLIC EMPLOYEES

- Direct deposit for State employee compensation on and after July 1, 2014; mandatory; other public entities, mandatory direct deposit; optional, C.52:14-15h et seq., amends C.52:14-15a et al., Ch.28.
- SHBP, joint insurance funds, provision of certain information to participating public employers; required, C.52:14-17.37a et al., Ch.189.

PUBLIC RECORDS

- Firearms records, certain, available under open public records law, C.47:1A-1.3, Ch.112.
- Firearms records, regulation exempting from open public records law; codified, amends C.47:1A-1.1, Ch.116.

PUBLIC UTILITIES

- Alternate operator telephone service providers, regulation of rates, terms, conditions of service; required, amends C.48:2-21.22, Ch.278.
- Cable television service outages, compensation requirements; modified, amends C.48:5A-11a et seq., Ch.97.
- CATV company filing requirements, certain; modified, amends C.48:5A-11, Ch.232.
- Electricity customers, provision of price comparison information; authorized, amends C.48:3-56, Ch.184.
- Energy suppliers, certain, false, misleading claims to potential customers, certain suppliers' calls; prohibited, amends C.48:3-51 et al., Ch.263.
- Telecommunication companies, certain, regulations, certain; changed, amends C.48:2-21.19 et al., Ch.181.

RACING

- Horse racing on beach, certain circumstances, wagering; permitted, C.5:5-38.1, Ch.163.
- Horse racing wagers, use of mobile gaming devices, certain circumstances; authorized, C.5:5-187, Ch.12.
- Standardbred Development Program; established, C.5:5-91.1, Ch.133.

REAL PROPERTY

- Advertising, certain, on real property, related structures, without permission of owner; prohibited, C.40:48-2.66, Ch.192.
- Real property assessment demonstration program; established, C.54:1-101 et seq., amends C.54:1-35.25b et al., Ch.15.
- Sale as surplus certain land, improvements now part of East Jersey Prison to Woodbridge Township for restricted use; authorized, Ch.198.
- Sale of State surplus property, certain to the New Jersey Economic Development Authority; authorized, Ch.22.

RECREATION

- Beach bars, noise restrictions; changed, amends C.13:1G-4.3, Ch.34.
- Contests of skill, participation, not deemed unlawful gambling, C.5:19-1, Ch.269.

SCHOOLS

- Biannual letter to school districts relative to obligation to enroll resident students regardless of immigration status, C.18A:38-4.1, Ch.151.
- Budget-related tasks, certain districts, timeline for performing; extended, amends C.18A:7F-5 et al., Ch.280.
- Budgets, municipal review of defeated, deadline; changed, amends C.18A:13-19 et al., Ch.173.

SCHOOLS (Continued)

- Certified educational facilities manager, process for renewal of authorization; established, C.18A:17-53 et seq., amends C.18A:17-51, Ch.47.
- Child who moves out of school district, certain circumstances, remaining enrolled in district until the end of school year; permitted, C.18A:38-1.1 et seq., Ch.231.
- Dyslexia, adoption of International Dyslexia Association's definition into special education regulations; required, C.18A:46-55, Ch.131.
- Informational pamphlets on limiting child's exposure to media violence, preparation, distribution; required, C.18A:40-44 et seq., Ch.146.
- Instruction on responsible use of social media for middle school students; required, C.18A:35-4.27, Ch.257.
- Military spouses, certain, temporary teaching certificate; permitted, C.18A:26-2.14, Ch.68.
- Nominating petitions for school board candidates, deadline for filing nominating petitions; changed, certain election procedures; revised, amends C.19:60-7 et al., Ch.172.
- Nonpublic schools, participation in certain joint purchasing agreements; permitted, amends N.J.S.18A:18A-11, Ch.262.
- Produce grown in community garden, public schools to serve to students; authorized, C.18A:33-20, Ch.249.
- Pilot program to recruit, select, train veterans for school security positions; established, C.18A:41-8, Ch.277.
- Professional development opportunities to school district personnel regarding reading disabilities; required, C.18A:6-130 et seq., Ch.105.
- Pupil directory information, provision to county vocational schools upon request; required, C.18A:54-20.3, Ch.52.
- Renaissance school projects, regulations concerning; changed, C.18A:36C-14 et seq., amends C.18A:36C-3 et al., Ch.149.
- Report on departments' efforts to provide students with information on employment in high-demand industries; required, C.34:15F-17, Ch.256.
- Salary policy of up to five years, adoption by board of education; permitted, amends N.J.S.18A:29-4.1, Ch.199.
- "Scholastic Student-Athlete Safety Act," C.18A:40-41.6 et al., amends C.18A:40-41, Ch.71.
- School districts, development of plan to establish stability in special education programming; directed, C.18A:46-54, Ch.19.
- Schools participating in Statewide interscholastic sports programs, annual notification to student-athletes about National Collegiate Athletic Association eligibility standards; required, C.18A:11-3.4, Ch.33.
- School Security Task Force; established, Ch.142.
- School superintendent contracts, inclusion of bonus provision, certain; prohibited, C.18A:17-19.1, Ch.187.
- Screening for dyslexia, other reading disabilities; required, C.18A:40-5.1 et seq., Ch.210.

SCHOOLS (Continued)

- Sports-related eye injuries, DOE to develop fact sheet for distribution to parents; required, C.18A:40-41.8 et seq., Ch.183.
- Student loan repayment information, distribution to students by Higher Education Student Assistance Authority; required, C.18A:71A-35, Ch.1.
- “Sudden Cardiac Arrest Prevention Act,” C.18A:40-41e et seq., amends C.18A:40-41, Ch.209.
- Task Force on Improving Special Education for Public School Students; established, Ch.31.
- “The Anti-Big Brother Act,” C.18A:36-39, Ch.44.

SENIOR CITIZENS

- Senior-occupied buildings, certain, emergency operations plans; required, amends C.52:27D-224.1, Ch.186.

SEWERAGE

- Wastewater, sewer service area designations, extended validity; provided, planning process; revised, Ch.188.

SOLID WASTE

- Landfills, certain, closure, other activities, laws concerning; changed, C.13:1E-125.1 et seq., Ch.69.

STATE GOVERNMENT

- 9-1-1 Commission, statutory reference; removed, renamed Statewide Public Safety Communications Commission, amends C.52:17C-19, Ch.245.
- Affordable housing occupancy preferences for veterans, certain; permitted, amends C.52:27D-311, Ch.6.
- Authorities, board, commissions, councils, divisions, task forces, laws concerning; revised, C.30:1-2.3a, amends C.13:1C-2 et al., repeals C.2C:7-11 et al., Ch.253.
- Contested case hearings, process; modified, C.52:14B-9.1, amends C.52:14B-9 et al., Ch.236.
- Department of State, posting on website notice of commemorations; required, C.36:2-1.1, Ch.251.
- Funeral payments for public safety personnel killed in the line of duty, certain; authorized, C.52:18A-218.1 et seq., Ch.177.
- Integrity oversight monitors in implementation of certain recovery, rebuilding projects, deployment; authorized, C.52:15D-1 et seq., Ch.37.
- “New Jersey Economic Opportunity Act of 2013,” C.52:27D-489p et seq., amends C.34:1B-114 et al., Ch.161.
- Records, certain, transfer to certain departments; required, C.30:1-1.3 et al., amends R.S.26:8-24 et al., Ch.274.
- Recruit firefighter training programs conducted by Division of Fire Safety; accreditation required, C.52:27D-25kk, Ch.32.

STATE GOVERNMENT (Continued)

- Sale as surplus certain land, improvements now part of East Jersey Prison to Woodbridge Township for restricted use; authorized, Ch.198.
- Sale of State surplus property, certain to the New Jersey Economic Development Authority; authorized, Ch.22.
- SHBP, joint insurance funds, provision of certain information to participating public employers; required, C.52:14-17.37a et al., Ch.189.
- State agencies, use of various electronic technologies in rule-making procedures, regulations; changed, C.52:14B-31, amends C.52:14B-2 et al., Ch.259.
- State college, entrance into joint purchasing agreements, certain; permitted, amends C.18A:64-61 et al., Ch.207.
- State departments, agencies, charging fee to applicant to correct clerical errors; prohibited, C.52:18-50, Ch.258.
- “Study Commission on Violence”; established, C.52:17B-239 et seq., Ch.109.
- Surplus real property, Eagle Manor, Cumberland county, sale; authorized, Ch.121.
- Wrongful imprisonment, compensation for; increased, C.52:4C-7, amends C.52:4C-1 et al., Ch.171.

TAXATION

- 2014 Special Olympics USA Games, voluntary contributions through gross income tax returns; authorized, C.54A:9-25.32, Ch.13.
- Charitable contributions unrelated to determination of residence for tax purposes; clarified, C.54A:1-2.1, Ch.73.
- Cigarettes, unstamped, counterfeit, penalties; increased, C.54:40A-7.1 et al., amends C.54:40A-4 et al., Ch.145.
- Farmland assessment law, certain provisions; revised, C.54:4-23.3d, amends C.54:4-23.5 et al., repeals C.54:4-23.13a, Ch.43.
- Foreign corporations carrying passengers into and out of State in motor vehicle or motorbus, certain, imposition of corporation business tax; prohibited, amends C.54:10A-2, Ch.98.
- Fraud prevention contractors, use by Division of Taxation; authorized, amends C.54:49-12.2 et al., Ch.20.
- “Jen’s Law,” sale tax exemption for certain cosmetic services provided in conjunction with reconstructive breast surgery, amends C.54:32B-3, Ch.193.
- Neighborhood revitalization State tax credit, gross income taxpayers; included, amends C.52:27D-492, Ch.61.
- “New Jersey Angel Investor Tax Credit Act,” C.54A:4-13 et al., Ch.14.
- Properties acquired by municipalities, certain, exemption from certain taxes; provided, C.54:4-3.3g, amends N.J.S.40A:14-79 et al., Ch.261.
- Real property assessment demonstration program; established, C.54:1-101 et seq., amends C.54:1-35.25b et al., Ch.15.
- Review of corporation business tax credit, gross income tax credit programs for payments to interns; required, Ch.60.

TAXATION (Continued)

The Leukemia & Lymphoma Society, voluntary contributions by taxpayers through income tax returns; permitted, C.54A:9-25.34, Ch.244.

TOBACCO

Cigarettes, unstamped, counterfeit, penalties; increased, C.54:40A-7.1 et al., amends C.54:40A-4 et al., Ch.145.

TRADE REGULATION

Home improvement contractors, State-issued identification badge; required, C.56:8-138.1, Ch.144.

TRANSPORTATION

DOT to update, maintain certain information on its website; required, C.27:1A-5.22, Ch.252.

TRUSTS

Trustee's discretionary authority relative to income tax liability; clarified, amends N.J.S.3B:11-1, Ch.55.

UNEMPLOYMENT COMPENSATION

Employee leasing companies, unemployment compensation; regulated, C.43:21-7.8, amends C.34:8-72 et al., Ch.225.

Employer unemployment insurance accounts, relieving certain charges; prohibited, amends R.S.43:21-6, Ch.148.

Ex-service members, certain, unemployment benefits; provided, C.43:21-3.1, Ch.102.

Fraudulently obtained benefits, penalties, deposit of recovered penalties; provided, amends R.S.43:21-16, Ch.124.

Short-time unemployment benefits, laws regarding; modified, amends C.43:21-20.3 et al., Ch.279.

Surcharge, certain eliminated during FY2014, amends R.S.43:21-7, Ch.75.

VALIDATING ACTS

School bond authorization proceedings taken by Monmouth Regional High School District; Ch.59.

WATERWAYS

Structures, certain, raised as high as highest applicable flood elevation standard, exemption, certain; provided, C.58:16A-103, Ch.107.

WATER SUPPLY

Wastewater, sewer service area designations, extended validity; provided, planning process; revised, Ch.188.

WEAPONS

- “Anti-Gun Trafficking Act of 2013,” amends N.J.S.2C:39-9 et al., Ch.111.
- Federal Terrorist Watchlist, person named on, disqualified from obtaining firearms identification card or permit to purchase handgun, amends N.J.S.2C:58-3, Ch.114.
- Firearms information, certain, collection, reporting; required, C.52:17B-9.18 et seq., amends C.52:17B-5.3, Ch.162.
- Firearms records, certain, available under open public records law, C.47:1A-1.3, Ch.112.
- Firearms records, regulation exempting from open public records law; codified, amends C.47:1A-1.1, Ch.116.
- Firearms, unlawful possession, upgraded to first degree crime, penalties, certain, under the “Graves Act”; revised, amends N.J.S.2C:39-5 et seq., Ch.113.
- Pepper spray, certain officials, possession quantity carried by law enforcement officers; permitted, amends N.J.S.2C:39-6, Ch.219.
- Transfer of firearm to underage person, certain circumstances, penalty; upgraded, amends N.J.S.2C:39-10 et al., Ch.108.
- Unlawfully possessed firearms, certain, 180-day window for persons to dispose of; provided, Ch.117.

WEIGHTS AND MEASURES

- Building materials dealer, provision of uniquely identified delivery ticket to consumer; required, amends C.51:4-23 et al., Ch.234.
- Precious metals buyers, penalties for violations; increased, seizure of scales under certain circumstances; permitted, C.51:6A-9, amends C.51:6A-3 et al., Ch.126.
- Purchasers of precious metals, jewelry, certain, maintenance of certain records; required, amends C.51:6A-1 et al., Ch.247.

WOMEN

- Division of Women to conduct audit of coordination of community responses to domestic violence, C.52:27D-43.37, Ch.246.

WORKERS' COMPENATION

- Fire, police personnel, surviving spouses, certain, workers' compensation for entire period of survivorship; provided, amends R.S.34:15-13, Ch.62.