

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

**GOVERNOR'S PRESS RELEASE ON SIGNING
EXECUTIVE ORDER NO. 15 for 2010:** Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government
Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

OTHER: Yes

Executive Order no. 15 of 2010

974.90 R242 2010u

Review of New Jersey boards, commissions and authorities pursuant to
Executive order no. 15 of Governor Chris Christie.

Trenton, N.J. : New Jersey Office of the Governor 2010.

<http://hdl.handle.net/10929/24389>

LAW/KR

P.L.2013, CHAPTER 253, *approved January 17, 2014*

Assembly, No. 3067 (*Third Reprint*)

1 AN ACT concerning certain authorities, boards, commissions,
2 councils, divisions, and task forces, amending and repealing
3 various parts of the statutory law and supplementing Title 52 of
4 the Revised Statutes.

5

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

8

9 1. Section 2 of P.L.1966, c.291 (C.13:1C-2) is amended to read
10 as follows:

11 2. a. There is hereby established in the Department of
12 Community Affairs the Board of Recreation Examiners of the State
13 of New Jersey, which shall consist of five members to be appointed
14 by the Governor with the advice and consent of the Senate.

15 b. Upon the enactment of P.L. , c. , (C.) (pending
16 before the Legislature as this bill) the Board of Recreation
17 Examiners of the State of New Jersey is abolished, and the powers,
18 functions, and duties of the board are transferred to and vested in
19 the Commissioner of Community Affairs.

20 (cf: P.L.1971, c.411, s.6)

21

22 2. Section 20 of P.L.2001, c.131 (C.17:48E-68) is amended to
23 read as follows:

24 20. a. **There is established in, but not of, the Department of the**
25 **Treasury a Health Service Corporation Conversion Temporary**
26 **Advisory Commission. The advisory commission shall consist of 15**
27 **members. Seven members shall be appointed by the Governor,**
28 **including two public members, one physician licensed to practice**
29 **medicine in New Jersey, one licensed health care provider other**
30 **than a physician, one representative of the dental community, one**
31 **representative of a community based organization that provides or**
32 **assists in providing health care or health care services to New**
33 **Jersey residents and one representative of the AFL-CIO. Three**
34 **members shall be appointed by the President of the Senate,**
35 **including one public member, one representative of the hospital**
36 **community and one physician licensed to practice medicine in New**
37 **Jersey. One public member shall be appointed by the Minority**
38 **Leader of the Senate. Three members shall be appointed by the**

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted March 21, 2013.

²Assembly floor amendments adopted June 20, 2013.

³Senate floor amendments adopted January 9, 2014.

1 Speaker of the General Assembly, including one public member,
2 one representative of the hospital community and one representative
3 of a community based organization that provides or assists in
4 providing health care or health care services to New Jersey
5 residents. One public member shall be appointed by the Minority
6 Leader of the General Assembly. A vacancy in the membership of
7 the advisory commission shall be filled in the same manner
8 provided for the original appointment. Members shall serve without
9 fee or compensation. The advisory commission shall commence its
10 activities upon appointment of at least a majority of its initial
11 members.

12 The advisory commission shall, in anticipation of a conversion of
13 a health service corporation as authorized under this act, examine
14 issues related to access to affordable, quality health care for
15 underserved individuals and promoting fundamental improvements
16 in the health status of New Jerseyans, and may review experiences
17 in other states related to the establishment of foundations in
18 connection with the conversion of non-profit health insurers similar
19 to health care service corporations licensed to do business in New
20 Jersey. The advisory commission shall advise the Attorney General
21 and Commissioner of Banking and Insurance as to its findings on
22 these issues. The Department of the Treasury shall provide the
23 advisory commission with such assistance as the advisory
24 commission may require in order to perform its duties under this
25 act. The advisory commission may engage the services of advisors
26 and consultants in order to assist in the performance of its duties
27 under this act.】 (Deleted by amendment, P.L. , c.) (pending
28 before the Legislature as this bill)

29 b. 【Upon the creation of a foundation pursuant to section 19 of
30 P.L.2001, c.131 (C.17:48E-67) and the approval of the foundation
31 by a court of competent jurisdiction, the advisory commission
32 created pursuant to subsection a. of this section shall be dissolved.】
33 The foundation created pursuant to section 19 of P.L.2001, c.131
34 (C.17:48E-67) shall have a board of directors consisting of 15
35 members. Seven members shall be appointed by the Governor,
36 including two public members, one physician licensed to practice
37 medicine in New Jersey, one licensed health care provider other
38 than a physician, one representative of the dental community, one
39 representative of a community based organization that provides or
40 assists in providing health care or health care services to New
41 Jersey residents and one representative of the AFL-CIO. Three
42 members shall be appointed by the President of the Senate,
43 including one public member, one representative of the hospital
44 community and one physician licensed to practice medicine in New
45 Jersey. One public member shall be appointed by the Minority
46 Leader of the Senate. Three members shall be appointed by the
47 Speaker of the General Assembly, including one public member,
48 one representative of the hospital community and one representative

1 of a community based organization that provides or assists in
2 providing health care or health care services to New Jersey
3 residents. One public member shall be appointed by the Minority
4 Leader of the General Assembly. ~~Initially, the members of the~~
5 ~~advisory commission shall constitute the board of the foundation,~~
6 ~~and shall serve for a term of three years. Thereafter, the~~ The
7 members of the board of the foundation shall be appointed for a
8 term of three years. Each member shall hold office until
9 reappointed or a successor is appointed and qualified. A vacancy in
10 the membership of the board shall be filled for an unexpired term in
11 the same manner provided for the original appointment. Members
12 shall serve without fee or compensation. The foundation shall
13 commence its activities upon the appointment of at least a majority
14 of its initial board of directors. In the event more than one
15 foundation is established pursuant to ~~this act~~ P.L.2001, c.131
16 (C.17:48E-49 et seq.), the board of directors of any such additional
17 foundations shall be appointed in compliance with the requirements
18 of this subsection.
19 (cf: P.L.2001, c.387, s.1)

20
21 3. Section 77 of P.L.1991, c.187 (C.18A:62-15) is amended to
22 read as follows:

23 77. a. Every student enrolled as a full-time student at a public or
24 private institution of higher education in this State shall maintain
25 health insurance coverage which provides basic hospital benefits.
26 The coverage shall be maintained throughout the period of the
27 student's enrollment.

28 b. Every student enrolled as a full-time student shall present
29 evidence of the health insurance coverage required by subsection a.
30 of this section to the institution at least annually, in a manner
31 prescribed by the institution.

32 c. The State Department of Health shall require all public and
33 private institutions of higher education in this State to offer health
34 insurance coverage on a group or individual basis for purchase by
35 students who are required to maintain the coverage pursuant to this
36 section.

37 d. The Commissioner of Health shall adopt rules and
38 regulations pursuant to the "Administrative Procedure Act,"
39 P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the purposes of
40 subsections a., b. and c. of this section.

41 e. The ~~Student Assistance Board~~ Higher Education Student
42 Assistance Authority in but not of the Department of ~~the Treasury~~
43 State shall adopt rules and regulations to require that a public or
44 private institution of higher education in this State consider the
45 coverage required pursuant to this section as an educational cost for
46 purposes of determining a student's eligibility for financial aid.

47 f. Nothing in this section shall be construed to permit a
48 hospital in this State to deny access to hospital care to a full-time

1 student whose health insurance coverage required by this section
2 lapses for any reason.

3 g. The provisions of this section shall not apply to a person
4 who is a participant in the REACH program established pursuant to
5 P.L.1987, c.282 (C.44:10-9 et seq.).

6 (cf: P.L.1994, c.48, s.87)

7

8 4. Section 2 of P.L.1995, c.318 (C.26:2B-37) is amended to
9 read as follows:

10 2. a. The Commissioner of Health **【and Senior Services】** shall
11 establish an "Alcohol and Drug Abuse Program for the Deaf, Hard
12 of Hearing and Disabled" **【in consultation with the program**
13 **advisory committee established pursuant to this section and】**.

14 b. Pursuant to Reorganization Plan No. 002-2004, the
15 Commissioner of Human Services shall continue to operate the
16 program established pursuant to subsection a. of this section
17 through the Division of Mental Health and Addiction Services in
18 the Department of Human Services, in consultation with **【and after**
19 **review by】** the Governor's Council on Alcoholism and Drug Abuse.

20 **【There is established a program advisory committee to advise**
21 **the commissioner on the establishment and operation of the**
22 **"Alcohol and Drug Abuse Program for the Deaf, Hard of Hearing,**
23 **and Disabled." The members of the advisory committee shall be**
24 **appointed by the commissioner and shall consist of five members**
25 **who are either deaf, hard of hearing, or disabled, two members of**
26 **the public with an interest in issues relating to alcohol and drug**
27 **abuse and one representative each from the Governor's Council on**
28 **Alcoholism and Drug Abuse, the Developmental Disabilities**
29 **Council, the Division of Vocational Rehabilitation Services in the**
30 **Department of Labor, and the Division of the Deaf and Hard of**
31 **Hearing and the Office of Disability Services in the Department of**
32 **Human Services. The commissioner shall serve as an ex officio**
33 **member of the committee.】**

34 (cf: P.L.1999, c.91, s.11)

35

36 5. Section 1 of P.L.1968, c.457 (C.27:7-21.8) is amended to
37 read as follows:

38 1. The Commissioner of Transportation is directed to devise
39 and put into effect such programs as shall be necessary to provide
40 for the eradication of rats and other harmful rodents from the
41 public highways, giving special attention to highways, or sections
42 thereof, adjacent to residential areas; and to enter into an
43 agreement with, or otherwise secure the co-operation of, the New
44 Jersey Turnpike Authority **【,** the New Jersey Expressway
45 **Authority,】** and the **【New】** South Jersey 【Highway】 Transportation
46 Authority, in the formulation and implementation of programs

1 designed to accomplish such purposes.

2 (cf: P.L.1968, c.457, s.1)

3

4 6. Section 2 of P.L.2002, c.77 (C.27:23-6.2) is amended to read
5 as follows:

6 2. a. An operator awarded a contract for towing and storage
7 services by the New Jersey Turnpike Authority shall register with
8 the authority. Upon issuance of the registration, the authority shall
9 provide the operator with two decals and accompanying notices for
10 each tow truck owned or leased by that operator and to be used
11 under the terms of the contract. The decals and the accompanying
12 notices, which shall be of a distinctive design and color, shall be
13 conspicuously displayed on the exterior of each such tow truck in a
14 manner and location prescribed by the authority.

15 The decals shall set forth a specific registration number for each
16 registered tow truck. The notices shall include a statement
17 indicating substantially the following: "This tow truck is registered
18 with the New Jersey **Highway** Turnpike Authority. The driver is
19 required to provide you with a written schedule of the fees charged
20 for towing and storage services before providing that service to you,
21 including those services for which there is no fee. If the fee charged
22 is in excess of the fee listed on the schedule, please notify the
23 authority or the New Jersey Division of Consumer Affairs." An
24 operator shall file a copy of the schedule of fees with the authority.
25 Upon request of the Division of Consumer Affairs in the
26 Department of Law and Public Safety, the authority shall provide a
27 list of the registered tow trucks to the division, in addition to a copy
28 of the schedule of fees.

29 b. Prior to providing any towing services, a driver of a tow
30 truck shall provide the person whose vehicle is to be towed a
31 written schedule of fees and shall recite the information contained
32 in the notice.

33 c. An operator who fails to display the decals and notices
34 required by subsection a. of this section or the driver of a tow truck
35 who fails to provide a person to be towed the written schedule of
36 fees or recite the information contained in the notice prior to
37 providing a towing service as required by subsection b. of this
38 section shall be subject to a fine of \$300 for the first offense. For
39 the second and any subsequent offense the operator or the driver, as
40 the case may be, shall be subject to a fine of \$600.

41 d. It shall be an unlawful practice and a violation of P.L.1960,
42 c.39 (C.56:8-1 et seq.) for any person to charge a fee in excess of
43 the fee listed in the written schedule of fees provided pursuant to
44 subsection a. of this section.

45 e. If an operator or the driver of an operator's tow truck is
46 convicted a third time for violation of any provisions of this section,
47 the authority may, in its discretion, terminate the operator's contract

1 for towing and storage services with the authority.
2 (cf: P.L.2009, c.39, s.11)

3

4 7. Section 2 of P.L.1991, c.252 (C.27:25A-2) is amended to
5 read as follows:

6 2. The Legislature finds and declares that:

7 a. It is the public policy of this State to provide for the
8 coordinated development and planning of the State's transportation
9 system both on the State and regional level. Through the medium
10 of the Transportation Executive Council, established by Executive
11 Order No. 10 of 1990, the activities of the various transportation
12 related authorities are coordinated on the State level. In the northern
13 region of the State the Port Authority of New York and New Jersey,
14 the New Jersey Turnpike Authority, [the New Jersey Highway
15 Authority,] the Hackensack Meadowlands Development
16 Commission, the North Jersey Transportation Coordinating
17 Committee and other organizations exist to provide for the support
18 and planning of the transportation system in that region.

19 b. In the southern region of the State an increase in residential
20 development, the completion of Interstate Route 476 (also known
21 as the "Blue Route") in Pennsylvania, the establishment of casino
22 gaming in Atlantic City, and other factors, have caused an increase
23 in vehicular traffic in southern New Jersey and have highlighted the
24 need for a more coordinated effort on a regional basis to deal with
25 the operation and possible extension of the region's highway
26 system, the improvement and expansion of its aviation facilities,
27 and the coordination of Atlantic County's transportation system
28 within the larger regional system.

29 c. Concomitant with the development of the transportation
30 system in southern New Jersey the need exists for the ancillary
31 establishment of economic development facilities directly related to
32 transportation projects in that region to be funded by a
33 transportation authority.

34 d. It is in the public interest to create a South Jersey
35 Transportation Authority, encompassing the counties of Atlantic,
36 Camden, Cape May, Cumberland, Gloucester, and Salem, as a
37 successor to the New Jersey Expressway Authority and the Atlantic
38 County Transportation Authority, to provide more coordination of
39 the region's transportation system and to deal particularly with the
40 highway system, aviation facilities and the transportation problems
41 of Atlantic County through the acquisition, construction,
42 maintenance, operation and support of expressway and
43 transportation projects and economic development facilities directly
44 related to transportation projects authorized by this act. However,
45 the activities of a transportation authority are not to supplant or
46 replace the funding of projects by the Transportation Trust Fund
47 Authority or the operation of public transportation services by the

1 New Jersey Transit Corporation.

2 (cf: P.L.1991, c.252, s.2)

3

4 8. Section 3 of P.L.2002, c.77 (C.27:25A-8.1) is amended to
5 read as follows:

6 3. a. An operator awarded a contract for towing and storage
7 services by the South Jersey Transportation Authority shall register
8 with the authority. Upon issuance of the registration, the authority
9 shall provide the operator with two decals and accompanying
10 notices for each tow truck owned or leased by that operator and to
11 be used under the terms of the contract. The decals and the
12 accompanying notices, which shall be of a distinctive design and
13 color, shall be conspicuously displayed on the exterior of each such
14 tow truck in a manner and location prescribed by the authority.

15 The decals shall set forth a specific registration number for each
16 registered tow truck. The notices shall include a statement
17 indicating substantially the following: "This tow truck is registered
18 with the **【New】** South Jersey **【Highway】** Transportation Authority.
19 The driver is required to provide you with a written schedule of the
20 fees charged for towing and storage services before providing that
21 service to you, including those services for which there is no fee. If
22 the fee charged is in excess of the fee listed on the schedule, please
23 notify the authority or the New Jersey Division of Consumer
24 Affairs." An operator shall file a copy of the schedule of fees with
25 the authority. Upon request of the Division of Consumer Affairs in
26 the Department of Law and Public Safety, the authority shall
27 provide a list of the registered tow trucks to the division, in addition
28 to a copy of the schedule of fees.

29 b. Prior to providing any towing services, a driver of a tow
30 truck shall provide the person whose vehicle is to be towed a
31 written schedule of fees and shall recite the information contained
32 in the notice.

33 c. An operator who fails to display the decals and notices
34 required by subsection a. of this section or the driver of a tow truck
35 who fails to provide a person to be towed the written schedule of
36 fees or recite the information contained in the notice prior to
37 providing a towing service as required by subsection b. of this
38 section shall be subject to a fine of \$300 for the first offense. For
39 the second and any subsequent offense the operator or the driver, as
40 the case may be, shall be subject to a fine of \$600.

41 d. It shall be an unlawful practice and a violation of P.L.1960,
42 c.39 (C.56:8-1 et seq.) for any person to charge a fee in excess of
43 the fee listed in the written schedule of fees provided pursuant to
44 subsection a. of this section.

45 e. If an operator or the driver of an operator's tow truck is
46 found to have been convicted a third time for violation of any
47 provisions of this section, the authority may, in its discretion,

1 terminate the operator's contract for towing and storage services
2 with the authority.

3 (cf: P.L.2009, c.39, s.12)

4

5 ²9. R.S.30:1-1 is amended to read as follows:

6 30:1-1. As used in this Title:

7 "Commissioner" means the Commissioner of Human Services.

8 "Department" means the **【State】** Department of Human
9 Services.

10 **【"State board" means the State Board of Human Services.】²**

11 (cf: P.L.1981, c.115, s.1)

12

13 ²10. R.S.30:1-2 is amended to read as follows:

14 30:1-2. The Department of Human Services created as the
15 Department of Institutions and Agencies by an act entitled "An act
16 concerning the charitable, hospital, relief, training, correctional,
17 reformatory and penal institutions, boards and commissions located
18 and conducted in this State, which are supported in whole or in part
19 from county, municipal or State funds," approved February 28,
20 1918 (L.1918, c. 147, p. 343, as amended by L.1919, c. 97, p. 222),
21 and continued and reorganized by P.L.1976, c. 98, is continued and
22 is hereby constituted a principal department in the Executive
23 Branch of the State Government. Such department shall consist of
24 the Commissioner of Human Services, who shall be the head of the
25 department and its principal executive officer, **【and the State Board
26 of Human Services,】** with such divisions, bureaus, branches,
27 committees, officers, and employees specifically referred to in
28 **【said】** the act, or as may be constituted or employed by virtue of
29 this Title.²

30 (cf: P.L.1981, c.115, s.2)

31

32 ²**【9.】** 11.² R.S.30:1-7 is amended to read as follows:

33 30:1-7. The long-term care facilities, institutions, and psychiatric
34 facilities of this State, within the meaning of this Title, shall include
35 the following, and, as well, any facilities established hereafter for
36 any similar purpose:

37 Trenton Psychiatric Hospital,

38 Greystone Park Psychiatric Hospital,

39 Ancora Psychiatric Hospital,

40 ²**【Senator Garrett W. Hagedorn Psychiatric Hospital,】²**

41 Ann Klein Forensic Center,

42 North Jersey Developmental Center,

43 New Lisbon Developmental Center,

44 Woodbine Developmental Center,

45 Vineland Developmental Center,

46 Woodbridge Developmental Center,

47 Hunterdon Developmental Center **【,**

1 Arthur Brisbane Child Center at Allaire].
2 (cf: P.L.2001, c.268, s.1)

3

4 ²12. R.S.30:4-60 is amended to read as follows:

5 30:4-60. a. If the court shall determine that the person has a
6 mental illness and is in need of treatment at a psychiatric facility, it
7 may determine the legal settlement of the person and, consistent
8 with the laws governing civil commitment and the Rules of Court,
9 direct the admission or hospitalization of the person to the care of
10 the Commissioner of Human Services for treatment in a psychiatric
11 facility, short-term care facility, or special psychiatric hospital in
12 this State.

13 b. If the Department of Human Services determines that the
14 person has a developmental disability and is eligible for functional
15 services from the Division of Developmental Disabilities, the
16 department, using a formula of financial ability to pay as
17 promulgated annually by the Department of the Treasury, shall
18 determine if the person with a developmental disability has
19 sufficient income, assets, resources or estate to pay for **his** the
20 person's maintenance as fixed by the **State Board of Human**
21 **Services** department, or is able to make any payment towards
22 **his** the person's maintenance, or if the person's chargeable
23 relatives or other persons chargeable by contract are able to pay the
24 person's maintenance or make any payment toward the person's
25 maintenance on the person's behalf. The department shall determine
26 the legal settlement of the developmentally disabled person
27 pursuant to section 86 of P.L.1965, c.59 (C.30:4-165.3).

28 The department shall send written notice of the periodic payment
29 amount to the person or **his** the person's parent or guardian,
30 chargeable relative, or other person chargeable by contract for the
31 person's support. All required payments shall be made directly to
32 the department unless otherwise specified in the notice. The notice
33 may, in the discretion of the department, contain such direction as
34 may seem proper concerning security to be given for the payment.
35 The payment notice shall be separate and independent of any order
36 of commitment to the care and custody of the commissioner or any
37 order of guardianship.

38 The department shall annually review and revise, as appropriate,
39 its payment calculations. If the financial circumstances of the
40 person or persons chargeable by law or contract for the support of
41 the developmentally disabled person change prior to the annual
42 review, the chargeable person or persons shall immediately notify
43 the department in writing.

44 c. (1) A person with mental illness who is 18 years of age or
45 older and is being treated in a psychiatric facility as defined in
46 section 2 of P.L.1987, c.116 (C.30:40-27.2) shall be liable for the
47 full cost of **his** the person's treatment, maintenance, and all

1 necessary and related expenses of the person's hospitalization until
2 **[he]** the person is determined to be ineligible for or has exhausted
3 any third party insurance benefits or medical assistance program
4 that will pay an amount toward the facility's bill. The obligation by
5 the person with mental illness for the remainder of the facility's bill,
6 after the credit for all available third party insurance payments or
7 medical assistance program payment, will be in an amount based
8 upon the sliding scale fee schedule established for charity care
9 pursuant to subsection b. of section 10 of P.L.1992, c.160
10 (C.26:2H-18.60).

11 (2) The obligation of the parent of a person with mental illness
12 under the age of 18 for the remainder of the facility's bill shall be
13 based upon the lesser of the sliding scale fee schedule established
14 for charity care pursuant to subsection b. of section 10 of P.L.1992,
15 c.160 (C.26:2H-18.60), or the formula of financial ability to pay as
16 promulgated annually by the Department of the Treasury pursuant
17 to subsection b. of this section.

18 (3) A person with mental illness or a person responsible under a
19 court order for the cost of care and maintenance of a person with
20 mental illness who, without good cause, (a) refuses to submit
21 information and authorizations sufficient to enable the facility to
22 access any available third-party payer, or (b) refuses to apply for
23 public medical assistance for which the person with mental illness
24 may be eligible, shall be responsible for the full cost of the person's
25 care and maintenance at the facility without the application of the
26 criteria set forth in paragraphs (1) and (2) of this subsection.

27 (4) Based upon the criteria set forth in paragraphs (1) and (2) of
28 this subsection, the Department of Human Services or county
29 adjuster in the county of settlement, as applicable, shall make a
30 determination of the amount the person with mental illness who is
31 18 years of age or older, or the parent of a person with mental
32 illness under the age of 18, shall be liable to contribute toward the
33 cost of the person's treatment, maintenance, and all necessary and
34 related expenses of the person's hospitalization. The liability may
35 be enforced by the Commissioner of Human Services in the manner
36 set forth in section 1 of P.L.1962, c.207 (C.30:4-75.1).

37 (5) In the case of a person with mental illness who is married,
38 the department shall establish a spousal share of the combined
39 assets of the couple that shall be preserved for the
40 noninstitutionalized spouse and immune from execution to satisfy
41 the person's liability to contribute toward the cost of treatment,
42 maintenance, and all necessary and related expenses of the person's
43 hospitalization. In order to determine the spousal share of the
44 combined assets to be preserved, the Commissioner of Human
45 Services shall employ the same methodology used by the State
46 Medicaid program to determine the resources that are preserved for
47 the needs of the community spouse of an institutionalized individual
48 in accordance with N.J.A.C.10:71-4.8.

1 (6) The Commissioner of Human Services shall act on any
2 request by a person with mental illness who is 18 years of age or
3 older, or the parent of a person with mental illness under the age of
4 18, to compromise for settlement of the obligation established
5 pursuant to this section. With respect to the request, the
6 commissioner shall allow the person or parent to retain adequate
7 funds to:

8 (a) maintain the person's or parent's housing and usual standard
9 of living in the community;

10 (b) provide for any necessary medical expenses or special needs;

11 (c) support any minor, disabled, elderly, or other dependent;

12 (d) establish a trust to ensure future self-sufficiency; or

13 (e) provide for any other genuine financial needs.

14 Requests to compromise for settlement of the obligation shall be
15 liberally granted by the commissioner and shall promote the
16 person's or **his** the person's parent's opportunity to obtain and
17 maintain employment, purchase property, both real and personal,
18 and achieve full reintegration into the community, as applicable.
19 The commissioner shall ensure that all persons and parents are
20 notified of their right to request a compromise and the procedure for
21 doing so.²

22 (cf: P.L.2005, c.55, s.4)

23
24 ²13. R.S.30:4-63 is amended to read as follows:

25 30:4-63. a. The court may, after final hearing, commit any
26 person with mental illness to any State or county psychiatric
27 institution irrespective of the person's legal settlement where
28 provision is made for **his** the person's care and maintenance, in
29 an amount approved by the **State Board of Human Services**
30 department or by the board of chosen freeholders, as the case may
31 be. The person may remain as a full paying patient in such
32 institution as long as such sum shall be regularly paid out of the
33 estate of the person, or by the person or persons chargeable by law
34 with **his** the person's care and maintenance, or under contract. In
35 the event that such sum cannot be paid because of a change in the
36 financial circumstances of the person with mental illness or **his**
37 the person's legally responsible relatives then the court may make
38 such order as may be necessary with regard to the manner and the
39 amount of maintenance which shall be paid on behalf of the person
40 with mental illness and by whom.

41 b. The Department of Human Services may admit a person
42 found eligible for functional services from the Division of
43 Developmental Disabilities to a residential functional services
44 placement irrespective of the person's legal settlement if provision
45 is made for the payment of the full cost of the person's care and
46 maintenance, in an amount approved by the **State Board of Human**
47 **Services** department. The person may remain as a full paying

1 person in the residential functional services placement, or in another
2 residential functional services placement deemed appropriate by the
3 department, as long as the full per capita amount for the placement
4 is regularly paid from the person's income, benefits, assets,
5 resources ₂ or estate, or by the person chargeable by law or under
6 contract with **[his]** the person's care and maintenance.²
7 (cf: P.L.2005, c.55, s.5)

8
9 ²14. R.S.30:4-160 is amended to read as follows:

10 30:4-160. The New Jersey State Hospitals, designated in
11 R.S.30:1-7 as psychiatric hospitals, shall include the existing
12 buildings and lands of Ancora Psychiatric Hospital, Greystone Park
13 Psychiatric Hospital, **[Senator Garrett W. Hagedorn Psychiatric**
14 **Hospital,]** Trenton Psychiatric Hospital ₂ and the Ann Klein
15 Forensic Center, and all grounds or places where the patients
16 thereof may from time to time be maintained, kept, housed ₂ or
17 employed.²
18 (cf: P.L.2001, c.268, s.2)

19
20 ²15. Section 4 of P.L.1951, c.138 (C.30:4C-4) is amended to
21 read as follows:

22 4. The Department of Children and Families shall have the
23 requisite powers to:

24 (a) Exercise general supervision over children for whom care,
25 custody or guardianship is provided in accordance with Article II of
26 this act;

27 (b) Administer the powers and duties provided in chapter 3 of
28 Title 9 of the Revised Statutes (Adoption), as amended and
29 supplemented, as the same may be delegated and assigned by the
30 department;

31 (c) Administer the powers and duties as provided in chapter 7
32 of Title 9 of the Revised Statutes (dependent children; bringing
33 into State), as amended and supplemented, as the same may be
34 delegated and assigned by the commissioner;

35 (d) Administer the powers and duties provided in R.S.30:1-14
36 through 30:1-17 of chapter 1 of Title 30 of the Revised Statutes
37 (visitation and inspection), as amended and supplemented with
38 respect to institutions, organizations ₂ and noninstitutional agencies
39 for the care, custody ₂ and welfare of children;

40 (e) Provide care and exercise supervision over children paroled
41 or released from State correctional institutions for juveniles in
42 accordance with rules and regulations **[established by the State**
43 **Board of Human Services]**;

44 (f) Make investigations or provide supervision of any child in
45 this State at the request and on behalf of a public or private agency
46 or institution of any other State;

1 (g) Meet and confer, as the unmet needs of New Jersey's
2 children may require, with representatives of the public welfare
3 boards and the private agencies and institutions for the care of
4 children in this State in order that the programs of such boards,
5 agencies, and institutions may be developed and fully utilized and
6 that there may be a coordination of all public and private facilities
7 for the protection and care of children;

8 (h) Issue such reasonable rules and regulations as may be
9 necessary for the purpose of carrying into effect the meaning of this
10 act, which rules and regulations shall be binding so far as they are
11 consistent with such purpose;

12 (i) Promulgate rules and regulations as may be necessary as a
13 basis for the provision for payment for services rendered by
14 privately sponsored agencies or institutions to children under the
15 care, custody or guardianship of the division. Such rules and
16 regulations shall include, but shall not be limited to, standards of
17 professional training, experience and practices, and requirements
18 relating to the moral responsibility of the trustees, officers or other
19 persons supervising or conducting the program, the adequacy of the
20 facilities, the maintenance of adequate casework records, and the
21 furnishing of comprehensive reports;

22 (j) Enter into written agreements with public, private or
23 voluntary agencies to provide maintenance, related services, and
24 youth facility aid to such agencies, subject to a preaward
25 qualification review of the agency's fiscal and programmatic
26 abilities and periodic reviews.²

27 (cf: P.L.2006, c.47, s.119)

28
29 ²**[10.] 16.**² Section 2 of P.L.1980, c.35 (C.30:4E-2) is amended
30 to read as follows:

31 2. a. The Commissioner of Human Services shall organize an
32 Interagency Task Force on Home Care Services, hereinafter known
33 as the "task force," which shall consist of the commissioner, the
34 Commissioner of Health, the Commissioner of Insurance, and the
35 Commissioner of Community Affairs, or their designated
36 representatives. The task force shall review and coordinate efforts
37 among departments to develop home health care and homemaker
38 services and shall consult on the propriety and effects of State and
39 Federal home health care and homemaker legislation, rules, and
40 regulations. The task force shall work toward regulatory and
41 legislative change which it feels will promote the utilization of
42 home health care and homemaker services as an alternative to
43 institutional care.

44 b. The task force shall meet as frequently as its business may
45 require and at least once in each calendar quarter of each year.

46 c. The task force shall consult on a regular basis with **[the**
47 **Statewide Health Coordinating Council and with]** public and
48 private nonprofit, proprietary, and hospital based providers of home

1 health care and homemaker services. The task force shall also
2 consult with service consumers.

3 (cf: P.L.1980, c.35, s.2)

4

5 ²**【11.】** 17.² Section 8 of P.L.1948, c.249 (C.34:6-47.8) is
6 amended to read as follows:

7 8. This act shall not be construed as applying to, shall not apply to,
8 to, and is not intended to apply to, the construction, reconstruction,
9 operations, and maintenance of overhead electrical conductors and
10 their supporting structures and associated equipment by authorized
11 and qualified electrical workers; nor to the authorized and qualified
12 employees of any person engaged in the construction,
13 reconstruction, operation, and maintenance of overhead electrical
14 circuits or conductors and their supporting structures and associated
15 equipment of rail transportation systems, or electrical generating,
16 transmission, distribution, and communication systems. This
17 exception when applied to railway systems, shall be construed as
18 permitting operation of standard rail equipment, which is normally
19 used in the transportation of freight or passengers or both and the
20 operation of relief trains, or other equipment in emergencies, or in
21 maintenance of way service, at a distance of less than 6 feet from
22 any high-voltage conductor of such railway system; but this act
23 shall be construed as prohibiting normal repair or construction
24 operations at a distance of less than 6 feet from any high-voltage
25 conductor by other than properly qualified and authorized persons
26 or employees under the direct supervision of an authorized person
27 who is familiar with the hazards involved, unless there has been
28 compliance with the safety provisions of sections 2, 4, and 5
29 hereof.

30 This act shall not be construed as applying to, shall not apply to
31 and is not intended to apply to, motor vehicle transportation across
32 or along a public road or highway where such transportation is
33 subject to the requirements of Title 39, Motor Vehicles and Traffic
34 Regulation of the Revised Statutes, nor to motor vehicle
35 transportation subject to the requirements of **【P.L.1952, chapter 16,**
36 **page 65, section 1 et seq., New Jersey Highway Authority or**
37 **P.L.1948, chapter 454, page 1856, section 1 et seq.,】** the New
38 Jersey Turnpike Authority, P.L.1948 c. 454 (C.27:23-1 et seq.).

39 (cf: P.L.1966, c.261, s.7)

40

41 ²**【12.】** 18.² Section 1 of P.L.2009, c.247 (C.34:6-158) is
42 amended to read as follows:

43 1. The Legislature finds and declares that:

44 a. A significant portion of the apparel industry has a history of
45 poor conditions for its workers;

46 b. The largest part of the apparel purchases of the State of New
47 Jersey are for State employee uniforms, which should project a

1 positive image for the State and help to instill pride on the part of
2 State employees;

3 c. The State of New Jersey has, as a market participant, a
4 compelling interest in guaranteeing that these uniforms and all of
5 the other apparel it acquires are produced in the United States of
6 America in conditions which are conducive to the reliable provision
7 of high quality apparel and of which the State, its citizens, and its
8 employees may be proud; and

9 d. It is, therefore, an appropriate policy **【to establish an**
10 **Apparel Procurement Board】** to ensure that the State's interests as a
11 market participant are protected with respect to apparel contracts
12 entered into by the State and its instrumentalities.

13 (cf: P.L.2009, c.247, s.1)

14

15 ²**【13.】** 19.² Section 2 of P.L.2009, c.247 (C.34:6-159) is
16 amended to read as follows:

17 2. For the purpose of **【this act】** P.L.2009, c.247 (C.34:6-158 et
18 seq.):

19 "Apparel" means any clothing, headwear, linens or fabric.

20 "Apparel contracts" shall include all purchases, rentals or other
21 acquisitions of apparel products by the State of New Jersey,
22 including authorizations by the State of New Jersey for vendors to
23 sell apparel products through cash allowances or vouchers issued by
24 the State of New Jersey, and license agreements with a public body.

25 "Apparel production" shall include the cutting and manufacturing
26 of apparel products performed by the vendor or by any sub-
27 contractors, not including the production of supplies or sundries
28 such as buttons, zippers, and thread.

29 "Bidder" means any person making a bid with a public body to
30 serve as a vendor to a public body.

31 **【"Board" means the Apparel Procurement Board established by**
32 **this act.】**

33 "Commissioner" means the Commissioner of Labor and
34 Workforce Development.

35 "Poverty line" means the official poverty line based on family
36 size, established and adjusted under section 673 (2) of Subtitle B of
37 the "Community Services Block Grant Act," Pub.L.97-35 (42
38 U.S.C. s.9902 (2)).

39 "Public body" means the State of New Jersey, any agency of the
40 State or any authority created by the Legislature.

41 "Vendor" means any person or business selling or otherwise
42 providing apparel to or for a public body or entering into a license
43 agreement with a public body to produce or provide items of
44 apparel bearing names, trademarks or images of, or related to, the
45 public body.

46 (cf: P.L.2009, c.247, s.2)

1 ²**[14.] 20.**² Section 3 of P.L.2009, c.247 (C.34:6-160) is
2 amended to read as follows:

3 3. When purchasing or otherwise obtaining apparel from a
4 vendor, including approving a vendor for participation in allowance
5 or voucher programs, a public body shall require that all apparel
6 production is in compliance with each of the following
7 requirements, except in the case of a requirement that is adjudicated
8 to be unenforceable because of preemption by federal law:

9 a. All apparel production under the contract shall be performed
10 in the United States, except in cases in which the commissioner
11 determines that it is not possible for the public body to obtain
12 apparel produced in the United States which meets the necessary
13 requirements of the public body;

14 b. Apparel production workers employed to produce the
15 apparel shall be provided a work environment that is safe, healthy,
16 and free of discrimination on the basis of race, national origin,
17 religion, sex and sexual preference;

18 c. Apparel production workers employed to produce the
19 apparel shall be provided non-poverty compensation at an hourly
20 rate determined by the commissioner to be not less than the poverty
21 line for a family of three, based on 40 hours of work a week for 50
22 weeks a year;

23 d. Apparel production workers employed to produce the
24 apparel shall not be terminated except for just-cause and vendors
25 and their contractors and sub-contractors shall provide a mechanism
26 to resolve all disputes with apparel production workers;

27 e. Vendors and their contractors and sub-contractors shall
28 adapt a neutrality position with respect to attempts to organize by
29 their employees, and agree to voluntarily recognize a union when a
30 majority of workers have signed cards authorizing union
31 representation;

32 f. The facilities where the apparel production occurs shall be
33 open to inspection by the commissioner, **[the board, or]** any
34 political subdivision of this State, any other state or other
35 governmental or intergovernmental unit with which the
36 commissioner **[or the board]** cooperates, or by any appropriate
37 consortia in which **[the board or]** the commissioner participates
38 **[pursuant to section 5 of this act]**; and

39 g. No contractor or sub-contractor involved in the providing or
40 production of apparel has a pattern or practice of violation of legal
41 employment protections, including laws and regulations governing
42 wages and hours, discrimination, occupational safety and health,
43 child labor, industrial homework, workers' compensation, and
44 occupational safety and health.

45 Every apparel contract and bid application shall contain a
46 provision or provisions detailing the requirements of **[this act]**
47 P.L.2009, c.247 (C.34:6-158 et seq.), and compliance with **[this**

1 act] P.L.2009, c.247 (C.34:6-158 et seq.) shall be made a binding
2 part of all apparel contracts.
3 (cf: P.L.2009, c.247, s.3)
4

5 ²**[15.] 21.**² Section 4 of P.L.2009, c.247 (C.34:6-161) is
6 amended to read as follows:

7 4. Every bidder for an apparel contract with a public body shall
8 inform the public body in writing of the following information,
9 which shall be made available by the public body to the public as
10 soon as possible, but in no case less than 30 days before a decision
11 is made to award an apparel contract to a bidder:

12 a. Every location where apparel production is to take place,
13 including any sub-contractor locations;

14 b. The name, business address, and names of principal officers
15 of each sub-contractor to be used for apparel production in
16 fulfillment of an apparel contract; and

17 c. An affidavit that each apparel production location meets the
18 requirements of **[this act] P.L.2009, c.247 (C.34:6-158 et seq.)**.

19 Any changes to the reported information during the term of an
20 apparel contract must be reported by the vendor to the public body.
21 The public body shall report all information required under this
22 section to the **[Apparel Procurement Board] commissioner,**
23 **[which] who** shall make the information available upon request to
24 the public.

25 (cf: P.L.2009, c.247, s.4)
26

27 ²**[16.] 22.**² Section 3 of P.L.1997, c.415 (C.39:4-98.4) is
28 amended to read as follows:

29 3. As used in this act:

30 "Authorities" means the **[New Jersey Highway Authority, the]**
31 **New Jersey Turnpike Authority and the South Jersey Transportation**
32 **Authority.**

33 "Commissioner" means the Commissioner of Transportation.

34 "Eligible public highways" means public highways as defined in
35 section 3 of P.L.1984, c.73 (C.27:1B-3) of which portions have
36 been determined by the commissioner to be appropriate for a 65
37 miles per hour speed limit based on such criteria as determined by
38 the commissioner. Public highways under the jurisdiction of
39 counties and municipalities shall not be eligible public highways.

40 (cf: P.L.1997, c.415, s.3)
41

42 ²**[17.] 23.**² Section 1 of P.L.1993, c.332 (C.39:4-203.5) is
43 amended to read as follows:

44 1. a. For the purposes of this act:

45 "Area of highway construction or repair" means that segment of
46 any highway which is identified by properly posted traffic control
47 devices or signs as undergoing construction, reconstruction, repair,

1 or maintenance operation. An area of highway construction or
2 repair shall consist of that area between the first traffic control
3 device or sign informing motor vehicle operators of their
4 approaching highway construction or repair and the last traffic
5 control device or sign indicating all restrictions are removed and
6 normal motor vehicle operations may resume.

7 "Highway" means any highway under the jurisdiction of the
8 **【State】** Department of Transportation, a county, a municipality, or
9 a toll road authority.

10 "Safe corridor" or "safe corridor area" means a segment of
11 highway under the jurisdiction of the Department of Transportation
12 which, based upon accident rates, fatalities, traffic volume and other
13 highway traffic safety criteria, is identified by the Commissioner of
14 Transportation as a segment warranting designation as a "safe
15 corridor."

16 "Toll road authority" means the New Jersey Turnpike
17 Authority**【,** the New Jersey Highway Authority,**】** or the South
18 Jersey Transportation Authority.

19 b. The fine for a motor vehicle offense embodied in the
20 following sections of statutory law, when committed in an area of
21 highway construction or repair, or when committed in a designated
22 safe corridor, shall be double the amount specified by law:

23 Subsection b. of R.S.39:3-20;

24 R.S.39:4-52;

25 R.S.39:4-57;

26 R.S.39:4-71;

27 R.S.39:4-80;

28 R.S.39:4-81;

29 R.S.39:4-82;

30 R.S.39:4-83;

31 R.S.39:4-84;

32 R.S.39:4-85;

33 R.S.39:4-86;

34 R.S.39:4-88;

35 R.S.39:4-89;

36 R.S.39:4-90;

37 R.S.39:4-96;

38 R.S.39:4-97;

39 R.S.39:4-98;

40 R.S.39:4-99;

41 R.S.39:4-105;

42 R.S.39:4-115;

43 R.S.39:4-119;

44 R.S.39:4-122;

45 R.S.39:4-123;

46 R.S.39:4-124;

47 R.S.39:4-125;

48 R.S.39:4-127;

1 R.S.39:4-129;
2 R.S.39:4-144;
3 P.L.1955, c.217 (C.39:5C-1);
4 Section 48 of P.L.1951, c.23 (C.39:4-66.1);
5 Section 41 of P.L.1951, c.23 (C.39:4-82.1);
6 Section 51 of P.L.1951, c.23 (C.39:4-90.1);
7 Section 1 of P.L.2000, c.75 (C.39:4-97.2);
8 Section 6 of P.L.1997, c.415 (C.39:4-98.7);
9 Section 5 of P.L.1951, c.264 (C.27:23-29);
10 Section 18 of P.L.1952, c.16 (C.27:12B-18); and
11 Section 21 of P.L.1991, c.252 (C.27:25A-21).

12 When an area of highway construction or repair is within a safe
13 corridor, the fine for a motor vehicle offense embodied in the
14 preceding sections of statutory law shall be doubled only once.
15 When a safe corridor is within an area of highway construction or
16 repair, the fine for a motor vehicle offense embodied in the
17 preceding sections of statutory law shall be doubled only once.
18 Fines for violation of section 6 of P.L.1997, c.415 (C.39:4-98.7) in
19 a safe corridor or an area of highway construction or repair shall be
20 doubled only once. Notwithstanding any other provision of law, the
21 increase from the doubled fines imposed and collected in designated
22 safe corridor areas shall be forwarded by the person to whom they
23 are paid to the State Treasurer, who shall annually deposit those
24 moneys in the "Highway Safety Fund" established pursuant to
25 section 5 of P.L.2003, c.131 (C.39:3-20.4).

26 c. (1) Signs designed in compliance with the specifications of
27 the Department of Transportation or, if appropriate, the toll road
28 authority having jurisdiction over the appropriate highway, shall be
29 appropriately placed, by order of the Commissioner of
30 Transportation, the appropriate local official, or the affected toll
31 road authority, as the case may be, to notify drivers approaching
32 areas of highway construction or repair, or designated safe corridor
33 areas, that the fines are doubled for motor vehicle offenses in those
34 areas.

35 (2) In addition, all traffic control signs and devices erected or
36 displayed by the State Department of Transportation, a county, a
37 municipality or a toll road authority within an area of highway
38 construction or repair or safe corridor area shall conform to the
39 uniform system specified in the most current "Manual on Uniform
40 Traffic Control Devices for Streets and Highways," prepared by the
41 Federal Highway Administration in the United States Department of
42 Transportation.

43 d. It shall not be a defense to the imposition of the fines
44 authorized under the provisions of **[this act]** P.L.1993, c.332 that a
45 sign notifying drivers who are approaching highway construction or
46 repair areas, or designated safe corridor areas, that fines are doubled
47 for motor vehicle offenses in those areas was not posted, improperly
48 posted, wrongfully removed or stolen, or that signs or devices were

1 not placed in compliance with the most current "Manual on
2 Uniform Traffic Control Devices for Streets and Highways" as
3 required pursuant to paragraph (2) of subsection c. of this section.

4 e. The director shall include information concerning the
5 penalties imposed pursuant to this act in any subsequent revision of
6 the New Jersey Driver Manual and the New Jersey Motorist Guide.

7 f. Safe corridor areas shall be designated by traffic order
8 issued pursuant to P.L.1998, c.28 (C.39:4-8.2 et seq.).

9 (cf: P.L.2003, c.131, s.1)

10

11 ²~~18.~~ 24.² Section 2 of P.L.1983, c.2 (C.40:48-2.12a1) is
12 amended to read as follows:

13 2. No exemption from inspection pursuant to the provisions of
14 ~~section 3 of P.L.1967, c.76 (C.55:13A-3)~~ statutory law shall
15 prevent any municipality from adopting an ordinance to provide for
16 the inspection of buildings to assure the health, safety, and public
17 welfare of the municipality and its residents.

18 (cf: P.L.1983, c.2, s.2)

19

20 ²~~19.~~ 25.² Section 4 of P.L.1973, c.155 (C.43:7-18.1) is
21 amended to read a follows:

22 4. The ~~pension commission~~ Division of Pensions and
23 Benefits in the Department of the Treasury shall have the general
24 responsibility for the proper operation of the pension fund and shall
25 have such powers and shall exercise such functions and duties, as
26 may be necessary and appropriate for the proper operation of the
27 fund, subject to the provisions of P.L.1955, c.70 (C.52:18A-95 et
28 seq.). Any reference in a law, rule, regulation, judicial or
29 administrative proceeding, or otherwise to the Prison Officers'
30 Pension Commission shall mean and refer to the Division of
31 Pensions and Benefits.

32 The ~~commission~~ division may make all necessary rules and
33 regulations. Such rules and regulations shall be consistent with
34 those adopted by the other pension funds within the Division of
35 Pensions and Benefits in order to permit the most economical and
36 uniform administration of all such retirement systems.

37 (cf: P.L.1973, c.155, s.4)

38

39 ²~~20.~~ 26.² Section 13 of P.L.1941, c.220 (C.43:7-19) is
40 amended to read as follows:

41 13. The ~~said pension commission~~ Division of Pensions and
42 Benefits in the Department of the Treasury shall have control and
43 management of said fund subject to the provisions of P.L.1950,
44 c.270 (C.52:18A-79 et seq.), and of the retirement of said prison
45 officers, and ~~they are~~ the division is hereby empowered to make
46 all necessary rules and regulations regarding the same not
47 inconsistent with this act. All moneys belonging to said pension

1 fund shall be received and paid over to the Treasurer of the State of
2 New Jersey, whose official bond shall cover the same. All moneys
3 paid out of such pension fund shall be paid by the said treasurer
4 upon warrants signed by the [president and secretary of said
5 pension commission, or such other officers at the pension
6 commission shall designate] director of the division.

7 (cf: P.L.1941, c.220, s.13)

8

9 ²[21.] 27.² Section 15 of P.L.1941, c.220 (C.43:7-21) is
10 amended to read as follows:

11 15. The [president and secretary] Division of Pensions and
12 Benefits in the Department of the Treasury shall, on behalf of the
13 said pension [commission] fund, execute any and all releases,
14 acquittances, receipts, or discharges of any and all written
15 evidences of indebtedness to said pension [commission] fund.

16 (cf: P.L.1941, c.220, s.15)

17

18 ²[22.] 28.² Section 16 of P.L.1941, c.220 (C.43:7-22) is
19 amended to read as follows:

20 16. The [pension commission] Division of Pensions and
21 Benefits in the Department of the Treasury shall make an annual
22 report of the conditions of such fund and the manner in which same
23 is invested.

24 (cf: P.L.1941, c.220, s.16)

25

26 ²[23.] 29.² Section 7 of P.L.1952, c.358 (C.43:16-6.2) is
27 amended to read as follows:

28 7. [On July 1, 1952, and in each succeeding year, or, when
29 July 1 is a legal holiday, upon the first business day thereafter, the
30 members of the commission shall meet in annual meeting at which a
31 chairman shall be elected from the membership thereof.] The
32 [commission] Division of Pensions and Benefits in the Department
33 of the Treasury shall keep, in convenient form, such data as may be
34 necessary for the actuarial evaluation of the fund committed to its
35 charge and to serve as a record of its experience in the
36 administration of the pension system dependent upon such fund.
37 [A record shall be kept of all proceedings of the commission, which
38 shall be open to public inspection.] The Attorney General shall act
39 as the legal adviser [of the commission] for the fund, except that if
40 the Attorney General determines that a conflict of interest would
41 affect the ability of the Attorney General to represent the
42 [commission] division on a matter affecting the retirement system,
43 the [commission] division may select and employ legal counsel to
44 advise and represent the [commission] division on that matter. The
45 actuary of the fund shall be selected by the Retirement Systems
46 Actuary Selection Committee established by P.L.1992, c.125. [He]

1 The actuary of the fund shall be the technical adviser of the
2 **【commission】** division on all matters regarding the operation of the
3 pension fund not otherwise prescribed by law.

4 (cf: P.L.1992, c.125, s.11)

5
6 ²**【24.】** 30.² R.S.43:16-7 is amended to read as follows:

7 43:16-7. The **【commission】** Division of Pensions and Benefits
8 in the Department of the Treasury shall be **【and are hereby**
9 **constituted trustees】** the trustee of all the funds established by this
10 act. The division shall have the general responsibility for the
11 proper operation of the pension fund and shall have such powers
12 and shall exercise such functions and duties as may be necessary
13 and appropriate for the proper operation of the fund. Any reference
14 in a law, rule, regulation, judicial or administrative proceeding, or
15 otherwise to the Consolidated Police and Firemen's Pension Fund
16 Commission shall mean and refer to the Division of Pensions and
17 Benefits.

18 The **【commission】** division may make all necessary rules and
19 regulations with regard thereto. Such rules and regulations shall be
20 consistent with those adopted by the other pension funds within the
21 Division of Pensions and Benefits in order to permit the most
22 economical and uniform administration of all such retirement
23 systems. All moneys and assets of and belonging to the funds
24 consolidated and required by this chapter to be consolidated and
25 transferred to the pension fund, together with all increments and
26 contributions thereto shall be received and paid over to the State
27 Treasurer, whose official bond shall cover the same. No moneys
28 shall be paid out of the consolidated fund except upon the warrant
29 of the fund, signed by the **【chairman and secretary】** director of the
30 division. All pensions granted under this chapter shall be exempt
31 from execution, garnishment, attachment, sequestration, or other
32 legal process. All moneys not needed for the immediate payment of
33 pensions under this chapter shall be invested **【for the commission】**
34 by the Director of the Division of Investment established pursuant
35 to the provisions of chapter 270 of the laws of 1950, subject to the
36 limitations contained in section 11 of said chapter. **【A member of**
37 **the commission, to be designated by a majority vote thereof, shall**
38 **serve on the State Investment Council as a representative of said**
39 **commission.】**

40 (cf: P.L.1971, c.179, s.3)

41

42 ²**【25.】** 31.² Section 12 of P.L.1944, c.253 (C.43:16-17) is
43 amended to read as follows:

44 12. The following words and phrases as used in this act, unless a
45 different meaning is plainly required by the context, shall have the
46 following meanings:

- 1 (1) "Member" shall mean a person who on July 1, 1944, was a
2 member of a municipal police department or paid or part-paid fire
3 department or county police department or a paid or part-paid fire
4 department of a fire district located in a township and who has
5 contributed to the pension fund established under chapter 16 of
6 Title 43 of the Revised Statutes and shall hereafter contribute to
7 said fund.
- 8 (2) "Active member" shall mean any "member" who is a police
9 officer, firefighter, detective, line person, driver of police van, fire
10 alarm operator or inspector of combustibles and who is subject to
11 call for active service or duty as such.
- 12 (3) "Employee member" shall mean any "member" who is not
13 subject to call for active service or duty as a police officer,
14 firefighter, detective, line person, driver of police van, fire alarm
15 operator or inspector of combustibles.
- 16 (4) "Commission" shall mean the board having the general
17 responsibility for the proper operation of the pension fund created
18 by this act, subject to the provisions of chapter 70 of the laws of
19 1955.
- 20 (5) "Physician or surgeon" shall mean the medical board
21 composed of physicians who shall be called upon to determine the
22 disability of members as provided by this act.
- 23 (6) "Employer" shall mean the county, municipality or agency
24 thereof by which a member is employed.
- 25 (7) "Service" shall mean service rendered while a member is
26 employed by a municipal police department, paid or part-paid fire
27 department, county police department or paid or part-paid fire
28 department of a fire district located in a township prior to the
29 effective date of this act for such service to such departments
30 thereafter.
- 31 (8) "Pension" shall mean the amount payable to a member or the
32 member's beneficiary under the provisions of this act.
- 33 (9) "Average salary" shall mean the average salary paid during
34 the last three years of a member's service.
- 35 (10) "Beneficiary" shall mean any person or persons, other than a
36 member, receiving or entitled to receive a pension or benefits, as
37 provided by this act.
- 38 (11) "Parent" shall mean the parent of a member who was
39 receiving at least one-half of that parent's support from the member
40 in the 12-month period immediately preceding the member's death
41 or the accident which was the direct cause of the member's death.
42 The dependency of such a parent will be considered terminated by
43 marriage of the parent subsequent to the death of the member.
- 44 (12) "County police" shall mean all police officers having
45 supervision of regulation of traffic upon county roads.
- 46 (13) (Deleted by amendment, P.L.1989, c.78.)
- 47 (14) "Surviving spouse" shall mean the person to whom a
48 member was married before the date of retirement or at least two

1 years before the date of the member's death and whose marriage to
2 the member continued until the member's death.

3 (15) "Child" shall mean a deceased member's unmarried child
4 either (a) under the age of 18 or (b) of any age who, at the time of
5 the member's death, is disabled because of an intellectual disability
6 or physical incapacity, is unable to do any substantial, gainful work
7 because of the impairment and whose impairment has lasted or can
8 be expected to last for a continuous period of not less than 12
9 months, as affirmed by the examining physicians of the fund.

10 (16) "Regular interest" shall mean interest as determined by the
11 State Treasurer, after consultation with the Directors of the
12 Divisions of Investment and Pensions and Benefits, **【the**
13 **commission】** and the actuary. It shall bear a reasonable relationship
14 to the percentage rate of earnings on investments based on the
15 market value of the assets but shall not exceed the assumed
16 percentage rate of increase applied to salaries plus 3%, provided
17 however that the **【commission shall not set the】** average percentage
18 rate of increase applied to salaries shall not be set below 6%.

19 (17) "Final compensation" shall mean the compensation received
20 by the member in the last 12 months of service preceding
21 retirement.

22 (18) "Compensation" shall mean the base salary, for services as a
23 member as defined in this act, which is in accordance with
24 established salary policies of the member's employer for all
25 employees in the same position but shall not include individual
26 salary adjustments which are granted primarily in anticipation of
27 the member's retirement or additional remuneration for performing
28 temporary duties beyond the regular workday.

29 (cf: P.L.2010, c.50, s.73)

30

31 ²**【26.】** 32.² Section 1 of P.L.1955, c.137 (C.43:16-19) is
32 amended to read as follows:

33 1. Any member or any beneficiary who has been or, in the
34 future, may be retired, or receive a pension, benefit, or retirement
35 allowance, including an annuity, pursuant to the provisions of the
36 act to which this act is a supplement, may, by filing written request
37 with the **【commission】** Division of Pensions and Benefits in the
38 Department of the Treasury, waive payment of a portion of the
39 pension, benefit, or retirement allowance, including annuity, to
40 which **【he】** the member or beneficiary may be entitled.

41 (cf: P.L.1955, c.137, s.1)

42

43 ²**【27.】** 33.² Section 2 of P.L.1955, c.137 (C.43:16-20) is
44 amended to read as follows:

45 2. Upon the receipt of such a waiver, and until the same is
46 withdrawn, altered, or revoked by a subsequent written request,
47 similarly filed, the **【commission】** Division of Pensions and Benefits

1 shall pay a reduced pension, benefit, retirement allowance, or
2 annuity, as shall be requested in such waiver.

3 (cf: P.L.1955, c.137, s.2)

4

5 ²**[28.]** 34.² Section 2 of P.L.1978, c.73 (C.45:1-15) is amended
6 to read as follows:

7 2. The provisions of this act shall apply to the following boards
8 and all professions or occupations regulated by, through or with the
9 advice of those boards: the New Jersey State Board of
10 Accountancy, the New Jersey State Board of Architects, the New
11 Jersey State Board of Cosmetology and Hairstyling, the Board of
12 Examiners of Electrical Contractors, the New Jersey State Board of
13 Dentistry, the State Board of Mortuary Science of New Jersey, the
14 State Board of Professional Engineers and Land Surveyors, the
15 State Board of Marriage and Family Therapy Examiners, the State
16 Board of Medical Examiners, the New Jersey Board of Nursing, the
17 New Jersey State Board of Optometrists, the State Board of
18 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
19 the Board of Pharmacy, the State Board of Professional Planners,
20 the State Board of Psychological Examiners, the State Board of
21 Examiners of Master Plumbers, the State Board of Court Reporting,
22 the State Board of Veterinary Medical Examiners, the State Board
23 of Chiropractic Examiners, the State Board of Respiratory Care, the
24 State Real Estate Appraiser Board, the State Board of Social Work
25 Examiners, the State Board of Examiners of Heating, Ventilating,
26 Air Conditioning and Refrigeration Contractors, the Elevator,
27 Escalator, and Moving Walkway Mechanics Licensing Board, the
28 State Board of Physical Therapy Examiners, the State Board of
29 Polysomnography, the Professional Counselor Examiners
30 Committee, the New Jersey Cemetery Board, the Orthotics and
31 Prosthetics Board of Examiners, the Occupational Therapy
32 Advisory Council, the Electrologists Advisory Committee, the
33 Acupuncture Advisory Committee, the Alcohol and Drug Counselor
34 Committee, the Athletic Training Advisory Committee, the
35 Certified Psychoanalysts Advisory Committee, the Fire Alarm,
36 Burglar Alarm, and Locksmith Advisory Committee, the Home
37 Inspection Advisory Committee, the Interior Design Examination
38 and Evaluation Committee, the Hearing Aid Dispensers Examining
39 Committee, **[**the Landscape Architect Examination and Evaluation
40 Committee,**]** the Perfusionists Advisory Committee, the Physician
41 Assistant Advisory Committee, the Audiology and Speech-
42 Language Pathology Advisory Committee, the New Jersey Board of
43 Massage and Bodywork Therapy, the Genetic Counseling Advisory
44 Committee and any other entity hereafter created under Title 45 to
45 license or otherwise regulate a profession or occupation.

46 (cf: P.L.2012, c.71, s.17)

47

48 ²**[29.]** 35.² R.S.45:9-1 is amended to read as follows:

1 45:9-1. The State Board of Medical Examiners, hereinafter in
2 this chapter designated as the "board" shall consist of 21 members,
3 one of whom shall be the Commissioner of Health **【and Senior**
4 **Services】**, or **【his】** the commissioner's designee, three of whom
5 shall be public members and one an executive department designee
6 as required pursuant to section 2 of P.L.1971, c.60 (C.45:1-2.2), and
7 16 of whom shall be persons of recognized professional ability and
8 honor, and shall possess a license to practice their respective
9 professions in New Jersey, and all of whom shall be appointed by
10 the Governor in accordance with the provisions of section 2 of
11 P.L.1971, c.60 (C.45:1-2.2); provided, however, that said board
12 shall consist of 12 graduates of schools of medicine or osteopathic
13 medicine who shall possess the degree of M.D. or D.O. The
14 number of osteopathic physicians on the board shall be a minimum
15 of, but not limited to, two members. In addition the membership of
16 said board shall comprise: one podiatric physician who does not
17 possess a license to practice in any other health care profession
18 regulated under Title 45 of the Revised Statutes; one physician
19 assistant; one certified nurse midwife; and one licensed bio-
20 analytical laboratory director, who may or may not be the holder of
21 a degree of M.D. The term of office of members of the board
22 hereafter appointed shall be three years or until their successors are
23 appointed. A member is eligible for reappointment for one
24 additional term of office, but no member shall serve more than two
25 consecutive terms of office. Said appointees shall, within 30 days
26 after receipt of their respective commissions, take and subscribe the
27 oath or affirmation prescribed by law and file the same in the office
28 of the Secretary of State.

29 **【The Governor shall also appoint an advisory committee to**
30 **consist of four licensed bio-analytical laboratory directors, only two**
31 **of whom shall possess the degree of M.D. or D.O., and who shall be**
32 **appointed from a list to be submitted by the society or organization**
33 **of which the persons nominated are members. The members of this**
34 **advisory committee shall serve for a term of three years and until**
35 **their successors are appointed and qualified, and shall be available**
36 **to assist the board in the administration of the "Bio-analytical**
37 **Laboratory and Laboratory Directors Act (1953)," P.L.1953, c.420**
38 **(C.45:9-42.1 et al.). The advisory committee shall meet at the call**
39 **of the board. The board may authorize reimbursement of the**
40 **members of the advisory committee for their actual expenses**
41 **incurred in connection with the performance of their duties as**
42 **members of the committee.】**
43 (cf: P.L.2011, c.22, s.1)
44

45 ²**【30.】** 36.² Section 1 of P.L.2009, c.82 (C.45:22A-46.3) is
46 amended to read as follows:

47 1. The Legislature finds and declares that:

1 a. While the cost of housing in New Jersey has declined under
2 currently eroding economic conditions, the cost of both renting and
3 homeownership remains unaffordable to a large percentage of New
4 Jersey residents, including those who make vital contributions to
5 their communities such as teachers, nurses, police officers,
6 firefighters, and the general workforce population;

7 b. In recognition of this crisis, Governor Jon S. Corzine has
8 committed to producing and preserving 100,000 units of affordable
9 housing for low-, moderate- and middle-income families and
10 individuals over the next 10 years;

11 c. According to the 2000 U.S. Census, 55 percent of these
12 families are one and two person households, many of which are
13 unable to find homes and apartments designed to meet their needs;

14 d. While no policy is singularly responsible for current housing
15 conditions, zoning practices have resulted in a lack of land
16 approved for housing which meets the needs of households
17 requiring smaller housing units;

18 e. The shortage of affordably priced workforce housing has
19 been exacerbated in recent years by a municipal preference for age-
20 restricted housing which has resulted in an oversupply of age-
21 restricted housing approvals and an inability among the majority of
22 New Jersey's workforce to live near their jobs;

23 f. **【While the Legislature has created a State Housing**
24 **Commission, which has been charged with reviewing New Jersey's**
25 **housing limitations and its future needs to create a balanced housing**
26 **policy and plan appropriate for all New Jerseyans, it has not yet**
27 **commenced operation;】** (Deleted by amendment, P.L. , c. .)
28 (pending before the Legislature as this bill)

29 g. Although the maximum municipal percentage of affordable
30 fair share housing which may be met by age-restricted units in a
31 municipality has been reduced from 50 percent to 25 percent under
32 the recently adopted rules of the Council on Affordable Housing, a
33 mechanism is needed to permit an age-restricted development to
34 change to a converted development to meet this rule, and to meet
35 demographic needs; and

36 h. Under currently deteriorating national economic conditions,
37 it is appropriate to take immediate action at this time to create the
38 opportunity to increase the production and supply of workforce
39 housing through the conversion of the over-supplied age-restricted
40 market to meet the needs of New Jersey's residents who require
41 smaller, more reasonably priced homes.

42 (cf: P.L.2009, c.82, s.1)

43
44 ²**【31.】** 37.² Section 10 of P.L.2001, c.416 (C.48:16-22.3b) is
45 amended to read as follows:

46 10. Any person who owns a limousine service shall require an
47 applicant for employment as a limousine operator or driver to be
48 tested, at the applicant's expense, for dangerous controlled

1 substances as defined in N.J.S.2C:35-2. **【**Upon the advice of the
2 State Limousine Advisory Committee, **the】** The Chief
3 Administrator of the New Jersey Motor Vehicle Commission shall
4 adopt regulations, pursuant to the "Administrative Procedure Act,"
5 P.L.1968, c.410 (C.52:14B-1 et seq.), for the licensing and testing
6 of applicants for employment as limousine operators or drivers.
7 The regulations shall be substantially similar to the regulations of
8 New York City concerning the testing of an applicant for a for-hire
9 vehicle driver's license pursuant to section 6-15 of Title 35 of the
10 New York City Rules and Regulations.

11 (cf: P.L.2007, c.35, s.2)

12

13 ²**【32.】** 38.² Section 3 of P.L.2002, c.129 (C.52:17B-194.3) is
14 amended to read as follows:

15 3. a. The Attorney General shall establish "Amber's Plan," a
16 program authorizing the broadcast media, upon notice from the
17 State Police, to transmit an emergency alert to inform the public of
18 a child abduction. The program shall be a voluntary, cooperative
19 effort between State and local law enforcement agencies and the
20 broadcast media.

21 b. The Attorney General shall notify the broadcast media
22 serving the State of New Jersey of the establishment of "Amber's
23 Plan" and invite their voluntary participation.

24 c. The following criteria shall be met before the State Police
25 activate the Amber Alert:

- 26 (1) The child is believed to be abducted;
27 (2) The child is 17 years of age or younger;
28 (3) The child may be in danger of death or serious bodily injury;
29 and
30 (4) There is sufficient information available to indicate that an
31 "Amber Alert" would assist in locating the child.

32 d. The participating media shall voluntarily agree, upon notice
33 from the State Police, to transmit emergency alerts to inform the
34 public of a child abduction that has occurred within their broadcast
35 service regions. The notice shall be provided through the State
36 Police operational dispatch unit.

37 The alerts shall be read after a distinctive sound tone and the
38 statement: "This is an Amber Abducted Child Alert." The alerts
39 shall be broadcast as often as possible, pursuant to the guidelines
40 established by the New Jersey Broadcasters' Association, for the
41 first three hours. After the initial three hours, the alert shall be
42 rebroadcast at such intervals as the investigating authority, the State
43 Police and the participating media deem appropriate.

44 The alerts shall include a description of the child, such details of
45 the abduction and abductor as may be known, and such other
46 information as the State Police may deem pertinent and appropriate.
47 The State Police shall in a timely manner update the broadcast

1 media with new information when appropriate concerning the
2 abduction.

3 The alerts also shall provide information concerning how those
4 members of the public who have information relating to the
5 abduction may contact the State Police or other appropriate law
6 enforcement agency.

7 Concurrent with the notice provided to the broadcast media, the
8 State Police operational dispatch unit shall also notify the
9 Department of Transportation, **the New Jersey Highway**
10 **Authority,** the New Jersey Turnpike Authority and the South
11 Jersey Transportation Authority of the "Amber Alert." Through the
12 use of their variable message signs, the department and the affected
13 authorities shall inform the motoring public that an "Amber Alert"
14 is in progress and provide information relating to the abduction and
15 how motorists may report any information they have to the State
16 Police or other appropriate law enforcement agency.

17 e. The alerts shall terminate upon notice from the State Police.

18 f. The Attorney General, with the assistance of the
19 participating broadcast media, shall develop and undertake a public
20 education campaign to inform the public about "Amber's Plan" and
21 the emergency alert program established under this act.

22 g. The Attorney General may adopt guidelines to effectuate the
23 purposes of this act.

24 (cf: P.L.2002, c.129, s.3)

25

26 ²**[33.** Section 1 of P.L.1989, c.3 (C.52:17C-1) is amended to
27 read as follows:

28 1. As used in this act:

29 a. "Automatic number identification (ANI)" means an
30 enhanced 9-1-1 service capability that enables the automatic display
31 of the callback number used to place a 9-1-1 call;

32 b. "Automatic location identification (ALI)" means an
33 enhanced 9-1-1 service capability that enables the automatic display
34 of information defining the geographical location of the telephone
35 used to place a 9-1-1 call;

36 c. "Commission" means the Statewide Public Safety
37 Communications Commission **created pursuant to section 5 of**
38 **P.L.2011, c.4 (C.52:17C-3.2)** in, but not of, the Department of
39 Law and Public Safety pursuant to section 53 of P.L. c. (C.)
40 (pending before the Legislature as this bill);

41 d. "County 9-1-1 Coordinator" means the County 9-1-1
42 Coordinator appointed pursuant to section 5 of this act;

43 e. "Enhanced 9-1-1 network" means the switching equipment,
44 trunk system, database operation and connections to the public
45 safety answering point;

46 f. "Enhanced 9-1-1 network features" means those features of
47 selective routing which have the capability of automatic number
48 and location identification;

- 1 g. "Enhanced 9-1-1 service" means a service consisting of
2 telephone network features and public safety answering points
3 provided for users of the public telephone system enabling the users
4 to reach a public service answering point by dialing the digits "9-1-
5 1." The service directs 9-1-1 calls to appropriate public safety
6 answering points by selective routing based on the location from
7 which the call originated and provides for automatic number
8 identification and automatic location identification features;
- 9 h. "Enhanced 9-1-1 termination equipment" means the
10 equipment located at the public safety answering point which is
11 needed to receive or record voice and data communications from
12 the enhanced 9-1-1 network;
- 13 i. "Office" means the Office of **【Emergency**
14 **Telecommunications Services established by section 3 of this act】**
15 Homeland Security and Preparedness in but not of the Department
16 of Law and Public Safety;
- 17 j. "Public safety agency" means a functional division of a
18 municipality, a county, or the State which dispatches or provides
19 law enforcement, fire fighting, emergency medical services, or
20 other emergency services;
- 21 k. "Private safety agency" means any entity, except a
22 municipality or a public safety agency, providing emergency
23 medical services, fire fighting, or other emergency services;
- 24 l. "Public safety answering point (PSAP)" means a facility,
25 operated on a 24-hour basis, assigned the responsibility of receiving
26 9-1-1 calls and, as appropriate, directly dispatching emergency
27 response services or transferring or relaying emergency 9-1-1 calls
28 to other public safety agencies. A public safety answering point is
29 the first point of reception by a public safety agency of 9-1-1 calls
30 and serves the jurisdictions in which it is located or other
31 participating jurisdictions;
- 32 m. "Selective routing" means the method employed to direct 9-
33 1-1 calls to the appropriate public safety answering point based on
34 the location from which the call originated;
- 35 n. "Emergency enhanced 9-1-1 system" or "system" means the
36 emergency enhanced 9-1-1 telephone system to be established
37 pursuant to this act, including wireless enhanced 9-1-1 service;
- 38 o. "Telephone company" means the organization that provides
39 switched local telephone exchange access service;
- 40 p. "Wireless telephone company" means any person providing
41 commercial mobile radio service as defined in 47 U.S.C.s.332 (d);
- 42 q. "FCC wireless E9-1-1 requirements" means the order
43 adopted in the Federal Communications Commission proceeding
44 entitled "Revision of the Commission's Rules to Ensure
45 Comparability with Enhanced 9-1-1 Emergency Calling Systems,"
46 (CC Docket No. 94-102: RM-8143), or any successor proceeding,
47 and the rules adopted by the Federal Communications Commission

- 1 in any such proceeding, as these rules may be amended from time to
2 time;
- 3 r. "Wireless 9-1-1 service" means the service which enables
4 wireless telephone company customers to dial the digits 9-1-1 and
5 be connected to a public safety agency;
- 6 s. "Wireless enhanced 9-1-1 service" means the service
7 required to be provided by a wireless telephone company pursuant
8 to FCC wireless E9-1-1 requirements;
- 9 t. "Chief Technology Officer" means the person appointed by
10 and serving at the pleasure of the Governor who is responsible for
11 the day-to-day operations of the Office of Information Technology;
- 12 u. (Deleted by amendment, P.L.2011, c.4).
- 13 v. "Office of Information Technology" means the Office of
14 Information Technology in but not of the Department of the
15 Treasury;
- 16 w. "Council" means the Statewide Public Safety
17 Communications Advisory Council created pursuant to section 6 of
18 P.L.2011, c.4 (C.52:17C-3.3);
- 19 x. "Delaware River Homeland Security Region
20 Communications Working Group" means the group of individuals
21 from agencies assigned to that region by the Office of Homeland
22 Security and Preparedness that collaborate on common
23 communications issues;
- 24 y. "Interoperability" means the ability of diverse information
25 and communication technology systems and the processes they
26 support to effectively work together through compatible
27 communication paths to directly and satisfactorily exchange,
28 correlate, and integrate data, information, and knowledge across
29 jurisdictional boundaries and to use the data, information, and
30 knowledge that has been exchanged;
- 31 z. "Northeast/UASI Homeland Security Region
32 Communications Working Group" means the group of individuals
33 from agencies assigned to that region by the Office of Homeland
34 Security and Preparedness that collaborate on common
35 communications issues;
- 36 aa. "Northwest Homeland Security Region Communications
37 Working Group" means the group of individuals from agencies
38 assigned to that region by the Office of Homeland Security and
39 Preparedness that collaborate on common communications issues;
- 40 bb. "Shore Homeland Security Region Communications
41 Working Group" means the group of individuals from agencies
42 assigned to that region by the Office of Homeland Security and
43 Preparedness that collaborate on common communications issues;
44 and
- 45 cc. "State Agency Communications Working Group" means the
46 group of individuals made up of State and quasi-state agencies as
47 defined in the State Preparedness Report that collaborate on

1 common communications issues.

2 (cf: P.L.2011, c.4, s.1)]²

3

4 ²[34. Section 5 of P.L.2011, c.4 (C.52:17C-3.2) is amended
5 to read as follows:

6 5. a. There is established [in the Office of Information
7 Technology] a Statewide Public Safety Communications
8 Commission in the Department of Law and Public Safety pursuant
9 to section 53 of P.L. c. (C.) (pending before the legislature as
10 this bill) which shall oversee the office in the planning, design, and
11 implementation of the Statewide emergency enhanced 9-1-1
12 telephone system and the New Jersey Interoperable
13 Communications System.

14 b. The commission shall consist of 16 members as follows: two
15 members of the Senate appointed by the President of the Senate,
16 who shall not be both of the same political party; two members of
17 the General Assembly appointed by the Speaker of the General
18 Assembly, who shall not be both of the same political party; the
19 following members ex officio: Chief Technology Officer of the
20 Office of Information Technology or his designee; Director of the
21 Office of Homeland Security and Preparedness or his designee;
22 Superintendent of State Police or his designee; Commissioner of the
23 Department of Health [and Senior Services] or his designee; the
24 State Treasurer or his designee; the New Jersey State Fire Marshal
25 or his designee; the following public members appointed by the
26 Governor with the advice and consent of the Senate: a
27 representative of the Northeast/UASI Homeland Security Region; a
28 representative of the Delaware River Homeland Security Region; a
29 representative of the Shore Homeland Security Region; a
30 representative of the Northwest Homeland Security Region; a
31 representative from the State Agency Communications Working
32 Group; and a representative from the Statewide Public Safety
33 Communications Advisory Council.

34 c. The members of the Senate and General Assembly appointed
35 to the commission shall serve for the term for which they were
36 elected. The members of the Senate and General Assembly
37 appointed to the commission shall be non-voting, advisory
38 members, appointed solely for the purpose of developing and
39 facilitating legislation to assist the commission in fulfilling its
40 statutory mission, and may not exercise any of the executive powers
41 delegated to the commission by law.

42 d. Of the public members first appointed to the commission by
43 the Governor with the advice and consent of the Senate, two shall
44 be appointed for terms of three years, two shall be appointed for
45 terms of two years, and one shall be appointed for a term of one
46 year. Thereafter, the public members of the commission shall be
47 appointed for terms of three years. Vacancies on the commission
48 shall be filled in the same manner as the original appointment but

1 for the unexpired term. Members may be removed by the appointing
2 authority for cause. The initial members shall be appointed within
3 30 days of the effective date of this act. The commission shall have
4 the authority to establish subcommittees as it deems appropriate to
5 carry out the purposes of this act.

6 e. The commission shall be co-chaired by the Chief
7 Technology Officer within the Office of Information Technology
8 and the Director of the Office of Homeland Security and
9 Preparedness, or their designees.

10 f. The commission shall be constituted upon the appointment
11 of the majority of its authorized membership and shall have no
12 expiration date.

13 g. The commission shall meet bi-annually or at more frequent
14 intervals at the discretion of the co-chairs. The meetings of the
15 commission shall be held at the times and in the places necessary
16 and appropriate to fulfill its duties and responsibilities.

17 h. The **【Office of Information Technology】** Office of
18 Homeland Security and Preparedness shall provide such
19 administrative and professional assistance as the commission
20 requires to carry out its work.

21 i. The commission shall be authorized to call to its assistance
22 and avail itself of the services of the employees of any State,
23 county, or local law enforcement entity, any fire department, paid
24 or volunteer, rescue squad or any other department or agency as it
25 may require. State, county, and municipal agencies shall cooperate
26 with the commission by providing information and data as needed.

27 j. For security concerns, meetings of the commission shall be
28 exempt from the provisions set forth in the "Senator Byron M. Baer
29 Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).
30 Records made or maintained by the commission shall not be
31 considered public or government records under P.L.1963, c.73
32 (C.47:1A-1 et seq.). The commission may call upon staff members
33 and the expertise of non-council members to participate in
34 commission activities to provide information and advice.

35 k. The commission shall adopt a charter to effectuate this act
36 within 180 days after the first meeting date.

37 (cf: P.L.2011, c.4, s.5)]²

38

39 ²**【35.】** 39.² Section 1 of P.L.1959, c.17 (C.52:18A-88.1) is
40 amended to read as follows:

41 1. The Director of the Division of Investment, in addition to
42 other investments, presently or from time to time hereafter
43 authorized by law, shall have authority to invest and reinvest the
44 moneys in, and to acquire for or on behalf of the funds of the
45 following enumerated agencies:

46 The Consolidated Police and Firemen's Pension Fund
47 **【Commission】**;

48 The Police and Firemen's Retirement System of New Jersey;

1 The Prison Officers' Pension **[Commission] Fund**;
2 The Public Employees' Retirement System of New Jersey;
3 The State Police Retirement System;
4 The Teachers' Pension and Annuity Fund;
5 The Judicial Retirement System of New Jersey;
6 The Trustees for the Support of Public Schools;
7 and all other funds in the custody of the State Treasurer, unless
8 otherwise provided by law;
9 such investments which shall be authorized or approved for
10 investment by regulation of the State Investment Council.
11 (cf: P.L.1997, c.26, s.25)

12
13 ²**[36.] 40.**² Section 4 of P.L.1985, c.494 (C.52:18A-208) is
14 amended to read as follows:
15 4. There is created in the Department of the Treasury, a fund to
16 be known as the Vietnam Veterans' Memorial Fund. The fund shall
17 be credited with **[any moneys received by the Vietnam Veterans'**
18 **Memorial Committee as donations under section 3 of this act, and]**
19 any moneys as may **[thereafter]** be donated by members of the
20 public or appropriated to the fund by law. All interest on moneys in
21 the fund shall be credited to the fund. The moneys in the fund shall
22 be administered by the State Treasurer, to be held thereby in the
23 fund until appropriated by law. Not later than **[six months after the**
24 **effective date of this act]** July 21, 1986, and periodically thereafter,
25 the State Treasurer shall certify to the Legislature the total amount
26 of moneys in the fund.
27 (cf: P.L.1985, c.494, s.4)

28
29 ²**[37.] 41.**² Section 4 of P.L.1996, c.72 (C.52:18A-218) is
30 amended to read as follows:
31 4. There is created in the Department of the Treasury, a fund to
32 be known as the Korean Veterans' Memorial Fund. The fund shall
33 be credited with **[any moneys received by the Korean Veterans'**
34 **Memorial Committee as donations under section 3 of this act,]** any
35 moneys that may **[thereafter]** be donated by members of the public,
36 the money appropriated to the fund under section 6 of **[this act]**
37 P.L.1996, c.72 and any other moneys appropriated to the fund by
38 law. All interest on moneys in the fund shall be credited to the
39 fund. The moneys in the fund shall be administered by the State
40 Treasurer, to be held thereby in the fund until appropriated by law.
41 Not later than **[six months after the effective date of this act]**
42 January 22, 1997, and periodically thereafter, the State Treasurer
43 shall certify to the Legislature the total amount of moneys in the
44 fund.
45 (cf: P.L.1996, c.72, s.4)

1 ²**[38.] 42.**² Section 8 of P.L.2007, c.56 (C.52:18A-226) is
2 amended to read as follows:

3 8. As used in this act:

4 a. **["Chair"** means the chairperson of the New Jersey
5 Information Technology Governing Board.] (Deleted by
6 amendment, P.L. , c.) (pending before the Legislature as this
7 bill)

8 b. **["Governing Board"** means the New Jersey Information
9 Technology Governing Board established by section 10 of
10 P.L.2007, c.56 (C.52:18A-228).] (Deleted by amendment, P.L. ,
11 c.) (pending before the Legislature as this bill)

12 c. "Office" means the Office of Information Technology
13 established by section 9 of P.L.2007, c.56 (C.52:18A-227).

14 d. "Project Review Board" means the New Jersey Information
15 Technology Project Review Board established by section 14 of
16 P.L.2007, c.56 (C.52:18A-232).

17 (cf: P.L.2007, c.56, s.8)

18

19 ²**[39.] 43.**² Section 9 of P.L.2007, c.56 (C.52:18A-227) is
20 amended to read as follows:

21 9. a. There is established an Office of Information Technology.

22 b. The office shall be established in the Executive Branch of
23 State Government and to comply with the provisions of Article V,
24 Section IV, paragraph 1 of the New Jersey Constitution, the office
25 shall be allocated in but not of the Department of the Treasury.
26 Notwithstanding this allocation, the office shall be independent of
27 any supervision or control by the State Treasurer, or the department,
28 or by any division, board, office, or other officer thereof.

29 c. The office shall be directed by the Chief Technology
30 Officer, who shall report directly to the Governor.

31 d. The Chief Technology Officer shall submit requests for the
32 budget of the office **【directly to the Governing Board which shall**
33 **review the requests and upon approval forward them】** to the
34 Division of Budget and Accounting in the Department of the
35 Treasury.

36 e. Under the direction of the Chief Technology Officer, the
37 office shall be responsible for **【**:

38 (1)**】** providing and maintaining the information technology
39 infrastructure of the Executive Branch of State Government,
40 including all ancillary departments and agencies of the Executive
41 Branch of State Government **【**; and

42 (2) providing staff support to the Governing Board at the request
43 of the Chair**】**.

44 f. The functions, powers, and duties granted to the office by
45 Executive Order No. 84 of 1984, Executive Order No. 87 of 1998,
46 and Executive Order No. 42 of 2006 shall be continued, and any
47 function, power, or duty granted to the office by the Executive

1 Orders that is inconsistent with the provisions of this act shall be
2 rescinded.

3 (cf: P.L.2007, c.56, s.9)

4

5 ²**[40.]** 44.² Section 12 of P.L.2007, c.56 (C.52:18A-230) is
6 amended to read as follows:

7 12. The Chief Technology Officer shall be authorized to:

8 a. Establish the internal organizational structure of the Office
9 of Information Technology in a manner appropriate to carrying out
10 the duties and functions, and fulfilling the responsibilities, of the
11 office;

12 b. Coordinate and conduct all information technology
13 operations in the Executive Branch of State Government, including
14 agency technology operations;

15 c. Draft and establish Service Level Agreements with each
16 department and agency in the Executive Branch of State
17 Government;

18 d. **[In consultation with the Governing Board, review]** Review
19 and analyze the results of the Statewide Information Technology
20 Assessment Study; and

21 e. Enter into agreements, in accordance and consistent with
22 applicable law, regulations, and existing contracts, with private and
23 public entities or individuals to effectuate the purposes of sections 6
24 through 16 of P.L.2007, c.56 (C.52:18A-224 through C.52:18A-
25 234).

26 (cf: P.L.2007, c.56, s.12)

27

28 ²**[41.]** 45.² Section 13 of P.L.2007, c.56 (C.52:18A-231) is
29 amended to read as follows:

30 13. a. The Chief Technology Officer is authorized to appoint up
31 to six Deputy Chief Technology Officers.

32 b. Each Deputy Chief Technology Officer shall be appointed
33 by and serve at the pleasure of the Chief Technology Officer, and
34 shall be responsible for information technology planning,
35 coordination, budgeting, technical architecture, and management of
36 large-scale information technology initiatives, in a single area of
37 interest as determined by the **[Chair of the Governing Board and**
38 **the]** Chief Technology Officer.

39 (cf: P.L.2007, c.56, s.13)

40

41 ²**[42.]** 46.² Section 14 of P.L.2007, c.56 (C.52:18A-232) is
42 amended to read as follows:

43 14. a. There is established the New Jersey Information
44 Technology Project Review Board.

45 b. The Project Review Board shall report directly to the
46 **[Governing Board]** Chief Technology Officer and shall be
47 comprised of between three and five Executive Branch officials,

1 selected by the **Chair of the Governing Board** with the approval of
2 the **Governor**.

3 c. The Project Review Board shall be responsible for the
4 review, approval, and monitoring of large-scale information
5 technology projects in the Executive Branch of State Government.

6 d. The Project Review Board shall meet at the discretion of the
7 **Chair of the Governing Board** Chief Technology Officer or the
8 Governor, and shall convene meetings and hearings at the times and
9 in the places as a majority of the members of the board shall decide.

10 e. The Office of Information Technology shall provide such
11 stenographic, clerical, and other administrative assistants, and such
12 professional staff, as the Project Review Board requires to carry out
13 its work. The board shall be entitled to call to its assistance, and
14 avail itself of the services of, the employees of any State, county, or
15 municipal department, board, bureau, commission, or agency as it
16 may require and as may be available for its purposes.

17 f. The Governor shall define the extent of large-scale
18 information technology projects and establish a monetary threshold
19 for information technology projects requiring the review and
20 approval of the Project Review Board.

21 (cf: P.L.2007, c.56, s.14)

22

23 ²**[43.] 47.**² Section 16 of P.L.2007, c.56 (C.52:18A-234) is
24 amended to read as follows:

25 16. All Executive Branch departments and State agencies are
26 directed to cooperate fully with the Office of Information
27 Technology **], the Governing Board,** and the Chief Technology
28 Officer to implement the provisions of sections 6 through 16 of
29 P.L.2007, c.56 (C.52:18A-224 through C.52:18A-234) and to
30 ensure effective use of information technology within the Executive
31 Branch of State Government.

32 The Governor shall define and establish the overall direction,
33 standards, and priorities for the information technology community
34 in the Executive Branch of State Government.

35 (cf: P.L.2007, c.56, s.16)

36

37 ²**[44.] 48.**² Section 6 of P.L.1966, c.293 (C.52:27D-6) is
38 amended to read as follows:

39 6. (a) There is hereby established in the Department of
40 Community Affairs **[an Advisory Council on Community Affairs,**
41 an Office of Community Services, a Division of Local Finance, a
42 Division of Housing and Urban Renewal, a Division of State and
43 Regional Planning, a Division on Aging, a Division of Youth, and
44 an Office of Economic Opportunity.

45 The commissioner also shall have authority to organize and
46 maintain in **[his]** the commissioner's offices an administrative
47 division and to assign to employment therein such secretarial,

1 clerical and other assistants in the department as his office and the
2 internal operations of the department shall require.

3 (b) In addition, the commissioner shall have the authority to
4 reorganize the department and the several divisions, offices,
5 bureaus and agencies established therein, in any manner which he
6 deems to be necessary and desirable.
7 (cf: P.L.1967, c.286, s.18)

8
9 ²**[45.]** 49.² Section 20 of P.L.1985, c.222 (C.52:27D-320) is
10 amended to read as follows:

11 20. There is established in the Department of Community
12 Affairs a separate trust fund, to be used for the exclusive purposes
13 as provided in this section, and which shall be known as the "New
14 Jersey Affordable Housing Trust Fund." The fund shall be a non-
15 lapsing, revolving trust fund, and all monies deposited or received
16 for purposes of the fund shall be accounted for separately, by source
17 and amount, and remain in the fund until appropriated for such
18 purposes. The fund shall be the repository of all State funds
19 appropriated for affordable housing purposes, including, but not
20 limited to, the proceeds from the receipts of the additional fee
21 collected pursuant to paragraph (2) of subsection a. of section 3 of
22 P.L.1968, c.49 (C.46:15-7), proceeds from available receipts of the
23 Statewide non-residential development fees collected pursuant to
24 section 35 of P.L.2008, c.46 (C.40:55D-8.4), monies lapsing or
25 reverting from municipal development trust funds, or other monies
26 as may be dedicated, earmarked, or appropriated by the Legislature
27 for the purposes of the fund. All references in any law, order, rule,
28 regulation, contract, loan, document, or otherwise, to the
29 "Neighborhood Preservation Nonlapsing Revolving Fund" shall
30 mean the "New Jersey Affordable Housing Trust Fund." The
31 department shall be permitted to utilize annually up to 7.5 percent
32 of the monies available in the fund for the payment of any
33 necessary administrative costs related to the administration of the
34 "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), **[the**
35 **State Housing Commission,]** or any costs related to administration
36 of P.L.2008, c.46 (C.52:27D-329.1 et al.).

37 a. Except as permitted pursuant to subsection g. of this section,
38 and by section 41 of P.L.2009, c.90 (C.52:27D-320.1), the
39 commissioner shall award grants or loans from this fund for
40 housing projects and programs in municipalities whose housing
41 elements have received substantive certification from the council, in
42 municipalities receiving State aid pursuant to P.L.1978, c.14
43 (C.52:27D-178 et seq.), in municipalities subject to a builder's
44 remedy as defined in section 28 of P.L.1985, c.222 (C.52:27D-328)
45 or in receiving municipalities in cases where the council has
46 approved a regional contribution agreement and a project plan
47 developed by the receiving municipality.

1 Of those monies deposited into the "New Jersey Affordable
2 Housing Trust Fund" that are derived from municipal development
3 fee trust funds, or from available collections of Statewide non-
4 residential development fees, a priority for funding shall be
5 established for projects in municipalities that have petitioned the
6 council for substantive certification.

7 Programs and projects in any municipality shall be funded only
8 after receipt by the commissioner of a written statement in support
9 of the program or project from the municipal governing body.

10 b. The commissioner shall establish rules and regulations
11 governing the qualifications of applicants, the application
12 procedures, and the criteria for awarding grants and loans and the
13 standards for establishing the amount, terms and conditions of each
14 grant or loan.

15 c. For any period which the council may approve, the
16 commissioner may assist affordable housing programs which are
17 not located in municipalities whose housing elements have been
18 granted substantive certification or which are not in furtherance of a
19 regional contribution agreement; provided that the affordable
20 housing program will meet all or part of a municipal low and
21 moderate income housing obligation.

22 d. Amounts deposited in the "New Jersey Affordable Housing
23 Trust Fund" shall be targeted to regions based on the region's
24 percentage of the State's low and moderate income housing need as
25 determined by the council. Amounts in the fund shall be applied for
26 the following purposes in designated neighborhoods:

27 (1) Rehabilitation of substandard housing units occupied or to
28 be occupied by low and moderate income households;

29 (2) Creation of accessory apartments to be occupied by low and
30 moderate income households;

31 (3) Conversion of non-residential space to residential purposes;
32 provided a substantial percentage of the resulting housing units are
33 to be occupied by low and moderate income households;

34 (4) Acquisition of real property, demolition and removal of
35 buildings, or construction of new housing that will be occupied by
36 low and moderate income households, or any combination thereof;

37 (5) Grants of assistance to eligible municipalities for costs of
38 necessary studies, surveys, plans and permits; engineering,
39 architectural and other technical services; costs of land acquisition
40 and any buildings thereon; and costs of site preparation, demolition
41 and infrastructure development for projects undertaken pursuant to
42 an approved regional contribution agreement;

43 (6) Assistance to a local housing authority, nonprofit or limited
44 dividend housing corporation or association or a qualified entity
45 acting as a receiver under P.L.2003, c.295 (C.2A:42-114 et al.) for
46 rehabilitation or restoration of housing units which it administers
47 which: (a) are unusable or in a serious state of disrepair; (b) can be
48 restored in an economically feasible and sound manner; and (c) can

1 be retained in a safe, decent and sanitary manner, upon completion
2 of rehabilitation or restoration; and

3 (7) Other housing programs for low and moderate income
4 housing, including, without limitation, (a) infrastructure projects
5 directly facilitating the construction of low and moderate income
6 housing not to exceed a reasonable percentage of the construction
7 costs of the low and moderate income housing to be provided and
8 (b) alteration of dwelling units occupied or to be occupied by
9 households of low or moderate income and the common areas of the
10 premises in which they are located in order to make them accessible
11 to handicapped persons.

12 e. Any grant or loan agreement entered into pursuant to this
13 section shall incorporate contractual guarantees and procedures by
14 which the division will ensure that any unit of housing provided for
15 low and moderate income households shall continue to be occupied
16 by low and moderate income households for at least 20 years
17 following the award of the loan or grant, except that the division
18 may approve a guarantee for a period of less than 20 years where
19 necessary to ensure project feasibility.

20 f. Notwithstanding the provisions of any other law, rule or
21 regulation to the contrary, in making grants or loans under this
22 section, the department shall not require that tenants be certified as
23 low or moderate income or that contractual guarantees or deed
24 restrictions be in place to ensure continued low and moderate
25 income occupancy as a condition of providing housing assistance
26 from any program administered by the department, when that
27 assistance is provided for a project of moderate rehabilitation if the
28 project (1) contains 30 or fewer rental units and (2) is located in a
29 census tract in which the median household income is 60 percent or
30 less of the median income for the housing region in which the
31 census tract is located, as determined for a three person household
32 by the council in accordance with the latest federal decennial
33 census. A list of eligible census tracts shall be maintained by the
34 department and shall be adjusted upon publication of median
35 income figures by census tract after each federal decennial census.

36 g. In addition to other grants or loans awarded pursuant to this
37 section, and without regard to any limitations on such grants or
38 loans for any other purposes herein imposed, the commissioner
39 shall annually allocate such amounts as may be necessary in the
40 commissioner's discretion, and in accordance with section 3 of
41 P.L.2004, c.140 (C.52:27D-287.3), to fund rental assistance grants
42 under the program created pursuant to P.L.2004, c.140 (C.52:27D-
43 287.1 et al.). Such rental assistance grants shall be deemed
44 necessary and authorized pursuant to P.L.1985, c.222 (C.52:27D-
45 301 et al.), in order to meet the housing needs of certain low income
46 households who may not be eligible to occupy other housing
47 produced pursuant to P.L.1985, c.222 (C.52:27D-301 et al.).

1 h. The department and the State Treasurer shall submit the
2 "New Jersey Affordable Housing Trust Fund" for an audit annually
3 by the State Auditor or State Comptroller, at the discretion of the
4 Treasurer. In addition, the department shall prepare an annual
5 report for each fiscal year, and submit it by November 30th of each
6 year to the Governor and the Legislature, and the Joint Committee
7 on Housing Affordability, or its successor, and post the information
8 to its web site, of all activity of the fund, including details of the
9 grants and loans by number of units, number and income ranges of
10 recipients of grants or loans, location of the housing renovated or
11 constructed using monies from the fund, the number of units upon
12 which affordability controls were placed, and the length of those
13 controls. The report also shall include details pertaining to those
14 monies allocated from the fund for use by the State rental assistance
15 program pursuant to section 3 of P.L.2004, c.140 (C.52:27D-287.3)
16 and subsection g. of this section.

17 i. The commissioner may award or grant the amount of any
18 appropriation deposited in the "New Jersey Affordable Housing
19 Trust Fund" pursuant to section 41 of P.L.2009, c.90 (C.52:27D-
20 320.1) to municipalities pursuant to the provisions of section 39 of
21 P.L.2009, c.90 (C.40:55D-8.8).
22 (cf: P.L.2009, c.90, s.38)
23

24 ²**[46.]** 50.² Section 2 of P.L.1986, c.103 (C.52:27D-331) is
25 amended to read as follows:

26 2. The Legislature finds and declares that: continuing care
27 retirement communities are becoming an important and increasingly
28 preferred alternative for the long-term residential, social and health
29 care needs of New Jersey's senior citizens; because senior citizens
30 often expend a significant portion of their savings in order to
31 purchase care in the retirement community and thereby expect to
32 receive care at the retirement community for the rest of their lives,
33 tragic consequences can result to senior citizens when a continuing
34 care provider becomes insolvent or unable to provide responsible
35 care; and there is a need for full disclosure concerning the terms of
36 agreements made between prospective residents and the continuing
37 care providers and the operations of the providers; therefore, it is
38 the policy of this State that providers of continuing care shall
39 register with and be monitored by the State Department of
40 Community Affairs **[and that a Continuing Care Advisory Council**
41 **be established to advise and assist the Commissioner of Community**
42 **Affairs in the monitoring of these providers and the regulation of**
43 **continuing care retirement facilities].**

44 (cf: P.L.1986, c.103, s.2)
45

46 ²**[47.]** 51.² Section 19 of P.L.2004, c.120 (C.54:1-85) is
47 amended to read as follows:

- 1 19. a. (1) **【**There is established in the Department of the
2 Treasury the "Highlands Municipal Property Tax Stabilization
3 Board," which shall consist of three members to be appointed by the
4 Governor, who shall be recognized experts in the field of taxation.
5 Members of the board may also be members of the Highlands Water
6 Protection and Planning Council established pursuant to section 4 of
7 P.L.2004, c.120 (C.13:20-4).**】** (Deleted by amendment, P.L. _____,
8 c.) (pending before the Legislature as this bill)
- 9 (2) **【**Within 120 days after the date of enactment of P.L.2004,
10 c.120 (C.13:20-1 et al.), the board, in consultation with the
11 Highlands Water Protection and Planning Council, shall establish
12 procedures for determining the valuation base of a qualified
13 municipality, whether fiscal stress has been caused by the
14 implementation of the "Highlands Water Protection and Planning
15 Act," P.L.2004, c.120 (C.13:20-1 et al.) in a qualified municipality,
16 and the amount due a qualified municipality to compensate for a
17 decline in the aggregate true value of vacant land directly
18 attributable to the implementation of the "Highlands Water
19 Protection and Planning Act."**】** (Deleted by amendment, P.L. _____,
20 c.) (pending before the Legislature as this bill)
- 21 b. The "Highlands Municipal Property Tax Stabilization Fund"
22 is established in the General Fund as a special nonlapsing fund for
23 the purpose of providing State aid to qualified municipalities
24 pursuant to this section. There shall be credited each State fiscal
25 year from the "Highlands Protection Fund" created pursuant to
26 section 21 of P.L.2004, c.120 (C.13:20-19) to the Highlands
27 Municipal Property Tax Stabilization Fund such sums as shall be
28 necessary to provide State aid to qualified municipalities pursuant
29 to this section. Every qualified municipality shall be eligible for a
30 distribution from the fund pursuant to the provisions of this section.
- 31 c. The assessor of every qualified municipality shall certify to
32 the county tax board on a form to be prescribed by the Director of
33 the Division of Taxation in the Department of the Treasury, and on
34 or before December 1 annually, a report of the assessed value of
35 each parcel of vacant land in the base year and the change in the
36 assessed value of each such parcel in the current tax year
37 attributable to successful appeals of assessed values of vacant land
38 to the county tax board pursuant to R.S.54:3-21 et seq. or
39 attributable to a revaluation approved by the director and
40 implemented or a reassessment approved by the county board of
41 taxation. If a judgment or an appeal is overturned or modified,
42 upon a final judgment an appropriate adjustment shall be made by
43 the director in the payment of the entitlement due next following
44 the judgment.
- 45 d. (1) Upon receipt of reports filed pursuant to subsection c. of
46 this section **【**and using procedures developed by the board pursuant
47 to subsection a. of this section**】**, the county tax board shall compute

1 and certify to the director on or before December 20 of each year, in
2 such manner as to identify for each qualified municipality the
3 aggregate decline, if any, in the true value of vacant land,
4 comparing the current tax year to the base year. The aggregate
5 changes so identified for each qualified municipality shall constitute
6 its valuation base for purposes of this section.

7 (2) **【The Director of the Division of Taxation shall, on or before**
8 **January 10 of each year, provide the board with all relevant**
9 **information collected pursuant to the provisions of this section and**
10 **any other information deemed necessary by the board to determine**
11 **the valuation base.】** (Deleted by amendment, P.L. , c.) (pending
12 before the Legislature as this bill)

13 (3) **【Upon receipt of the information, the board shall make a**
14 **final determination on the valuation base of each qualified**
15 **municipality; calculate the amount due a qualified municipality, in**
16 **accordance with the procedures developed pursuant to subsection a.**
17 **of this section, to compensate for a decline, if any, by multiplying**
18 **its valuation base by its tax rate; and certify to the director and the**
19 **State Treasurer, on or before February 1 of each year, that amount**
20 **to which each qualified municipality is entitled.】** (Deleted by
21 amendment, P.L. , c.) (pending before the Legislature as this
22 bill)

23 e. **【Upon receipt of the certification by the board, the】** The
24 State Treasurer shall certify to each qualified municipality, on or
25 before February 15, its property tax stabilization amount. A copy of
26 the certified amounts shall be forwarded to the Director of the
27 Division of Local Government Services in the Department of
28 Community Affairs.

29 f. (1) The State Treasurer, upon warrant of the Director of the
30 Division of Budget and Accounting in the Department of the
31 Treasury, shall pay to each qualified municipality its entitlement as
32 State aid from the sums available in the “Highlands Municipal
33 Property Tax Stabilization Fund” in two equal installments pursuant
34 to a schedule prescribed by the Division of Local Government
35 Services.

36 (2) If the amount available in the “Highlands Municipal
37 Property Tax Stabilization Fund” in any year is insufficient to pay
38 the full amount to which each qualified municipality is entitled
39 pursuant to this section, the payments shall be made on a pro rata
40 basis.

41 (3) Notwithstanding any provisions of this section to the
42 contrary, in the sixth, seventh, eighth, ninth, and tenth years of the
43 State aid program created by this section, a qualified municipality
44 shall be entitled to receive, respectively, 90%, 70%, 50%, 30%, and
45 10% of the sum it otherwise would have been paid pursuant to this
46 subsection, and thereafter the program shall expire.

47 g. Any municipality receiving a certification from the State
48 Treasurer pursuant to subsection e. of this section shall anticipate

1 such sums in its annual budget or any amendments or supplements
2 thereto as a direct offset to the amount to be raised by taxation.

3 h. The Director of the Division of Taxation in reviewing the
4 reports filed pursuant to subsection c. of this section may make such
5 changes therein as the director deems necessary to ensure that the
6 reports accurately reflect the change in the assessed value of vacant
7 land.

8 i. The Director of the Division of Local Government Services
9 shall make such changes in the budget of any qualified municipality
10 to ensure that all sums received pursuant to this section are utilized
11 as a direct offset to the amount to be raised by taxation and shall
12 make such changes therein as the director deems necessary to
13 ensure that the offset occurs.

14 j. Any sum received by a qualified municipality pursuant to
15 this section shall not be considered as an exception or exemption
16 under P.L.1976, c.68 (C.40A:4-45.1 et seq.).

17 k. Notwithstanding the provisions of the "Local Budget Law"
18 (N.J.S.40A:4-1 et seq.), a qualified municipality which is due a
19 property tax stabilization payment pursuant to this section may
20 anticipate the amount of the entitlement in its annual budget for the
21 year in which the payment is made.

22 l. The State Treasurer may deduct from the State aid a
23 municipality would otherwise receive pursuant to this section an
24 amount equivalent to that portion of any sums received by a
25 municipality pursuant to section 1 of P.L.1999, c.225 (C.58:29-8)
26 that the State Treasurer, in consultation with the Director of the
27 Division of Local Government Services, determines to be
28 duplicative of any State aid received pursuant to this section.

29 m. The Director of the Division of Taxation and the Director of
30 the Division of Local Government Services shall each adopt,
31 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
32 (C.52:14B-1 et seq.), such rules and regulations as may be
33 necessary to implement the provisions of this section.

34 n. As used in this section:

35 "Base year" means the calendar year 2003;

36 **["Board" means the Highlands Municipal Property Tax**
37 **Stabilization Board established pursuant to subsection a. of this**
38 **section;]**

39 "Current tax year" means the most recent year for which a report
40 is filed pursuant to subsection c. of this section;

41 "Highlands preservation area" means the preservation area of the
42 Highlands Region designated by subsection b. of section 7 of
43 P.L.2004, c.120 (C.13:20-7);

44 "Qualified municipality" means any municipality located wholly
45 or partially in the Highlands preservation area, provided however,
46 that after the adoption of the Highlands regional master plan by the
47 Highlands Water Protection and Planning Council pursuant to
48 section 8 of P.L.2004, c.120 (C.13:20-8), qualified municipality

1 shall mean only a municipality that has conformed its municipal
2 master plan and development regulations to the Highlands regional
3 master plan pursuant to section 14 of P.L.2004, c.120 (C.13:20-14);

4 “Tax rate” means that portion of the effective property tax rate
5 for the current tax year which reflects local taxes to be raised for
6 district school purposes and local municipal purposes, calculated by
7 dividing the total of column 12, section C by net valuation on which
8 county taxes are apportioned in column 11, both as reflected in the
9 Abstract of Ratables for the current tax year, and expressed as a rate
10 per \$100 of true value;

11 “True value of vacant land” or “true value” means the aggregate
12 assessed value of vacant land divided by the average ratio of
13 assessed-to-true value of real property (commonly known as the
14 equalization rate) promulgated by the Director of the Division of
15 Taxation in the Department of the Treasury and published in the
16 table of equalized valuation; and

17 “Valuation base” means the change in the aggregate true value of
18 vacant land directly attributable to the implementation of the
19 “Highlands Water Protection and Planning Act,” P.L.2004, c.120
20 (C.13:20-1 et al.) in a qualified municipality when comparing the
21 current tax year to the base year.

22 o. This section shall expire July 1 next following one year after
23 the date the last State aid payment is made to a qualified
24 municipality in the tenth year as provided pursuant to paragraph (3)
25 of subsection f. of this section.

26 (cf: P.L.2004, c.120, s.19)

27

28 ²[48.] 52.² Section 2 of P.L.1999, c.92 (C.54A:9-25.16) is
29 amended to read as follows:

30 2. The Legislature shall annually appropriate all funds
31 deposited in the "Korean Veterans' Memorial Fund" to **the Korean**
32 **Veterans' Memorial Committee in** the Department of Military and
33 Veterans' Affairs.

34 (cf: P.L.1999, c.92, s.2)

35

36 ²[49.] 53.² Section 3 of P.L.1967, c.76 (C.55:13A-3) is
37 amended to read as follows:

38 3. The following terms whenever used or referred to in **this**
39 **act** P.L.1967, c.76 (C.55:13A-1 et seq.) shall have the following
40 respective meanings for the purposes **of this act** thereof, except in
41 those instances where the context clearly indicates otherwise:

42 (a) The term "act" shall mean **this act** P.L.1967, c.76
43 (C.55:13A-1 et seq.), any amendments or supplements thereto, and
44 any rules and regulations promulgated thereunder.

45 (b) The term "accessory building" shall mean any building
46 which is used in conjunction with the main building of a hotel,
47 whether separate therefrom or adjoining thereto.

- 1 (c) **【**The term "board" shall mean the Hotel and Multiple
2 Dwelling Health and Safety Board created by subsection (a) of
3 section 5 of this act in the Division of Housing and Development of
4 the Department of Community Affairs.**】** (Deleted by amendment,
5 P.L. , c. .) (pending before the Legislature as this bill)
- 6 (d) The term "bureau" shall mean the Bureau of Housing
7 Inspection in the Department of Community Affairs.
- 8 (e) (Deleted by amendment.)
- 9 (f) The term "commissioner" shall mean the Commissioner of
10 **【**the Department of**】** Community Affairs.
- 11 (g) The term "department" shall mean the Department of
12 Community Affairs.
- 13 (h) The term "unit of dwelling space" or the term "dwelling
14 unit" shall mean any room or rooms, or suite or apartment thereof,
15 whether furnished or unfurnished, which is occupied, or intended,
16 arranged or designed to be occupied, for sleeping or dwelling
17 purposes by one or more persons, including but not limited to the
18 owner thereof, or any of **【**his**】** the person's or persons' servants,
19 agents or employees, and shall include all privileges, services,
20 furnishings, furniture, equipment, facilities and improvements
21 connected with the use or occupancy thereof.
- 22 (i) The term "protective equipment" shall mean any equipment,
23 device, system or apparatus, whether manual, mechanical, electrical
24 or otherwise, permitted or required by the commissioner to be
25 constructed or installed in any hotel or multiple dwelling for the
26 protection of the occupants or intended occupants thereof, or of the
27 public generally.
- 28 (j) The term "hotel" shall mean any building, including but not
29 limited to any related structure, accessory building, and land
30 appurtenant thereto, and any part thereof, which contains 10 or
31 more units of dwelling space or has sleeping facilities for 25 or
32 more persons and is kept, used, maintained, advertised as, or held
33 out to be, a place where sleeping or dwelling accommodations are
34 available to transient or permanent guests.
- 35 This definition shall also mean and include any hotel, motor
36 hotel, motel, or established guesthouse, which is commonly
37 regarded as a hotel, motor hotel, motel, or established guesthouse,
38 as the case may be, in the community in which it is located;
39 provided, that this definition shall not be construed to include any
40 building or structure defined as a multiple dwelling in **【**this act**】**
41 P.L.1967, c.76 (C.55:13A-1 et seq.), registered as a multiple
42 dwelling with the Commissioner of Community Affairs as
43 hereinafter provided, and occupied or intended to be occupied as
44 such nor shall this definition be construed to include a rooming
45 house or a boarding house as defined in the "Rooming and Boarding
46 House Act of 1979," P.L.1979, c.496 (C.55:13B-1 et al.) or, except
47 as otherwise set forth in P.L.1987, c.270 (C.55:13A-7.5, 55:13A-

1 7.6, 55:13A-12.1, 55:13A-13.2), any retreat lodging facility, as
2 defined in this section.

3 (k) The term "multiple dwelling" shall mean any building or
4 structure of one or more stories and any land appurtenant thereto,
5 and any portion thereof, in which three or more units of dwelling
6 space are occupied, or are intended to be occupied by three or more
7 persons who live independently of each other. This definition shall
8 also mean any group of ten or more buildings on a single parcel of
9 land or on contiguous parcels under common ownership, in each of
10 which two units of dwelling space are occupied or intended to be
11 occupied by two persons or households living independently of
12 each other, and any land appurtenant thereto, and any portion
13 thereof. This definition shall not include:

14 (1) any building or structure defined as a hotel in **[this act]**
15 P.L.1967, c.76 (C.55:13A-1 et seq.), or registered as a hotel with
16 the Commissioner of Community Affairs as hereinafter provided, or
17 occupied or intended to be occupied exclusively as such;

18 (2) a building section containing not more than four dwelling
19 units, provided the building has at least two exterior walls
20 unattached to any adjoining building section and the dwelling units
21 are separated exclusively by walls of such fire-resistant rating as
22 comports with the "State Uniform Construction Code Act,"
23 P.L.1975, c.217 (C.52:27D-119 et seq.) at the time of their
24 construction or with a rating as shall be established by the bureau in
25 conformity with recognized standards and the building is held under
26 a condominium or cooperative form of ownership, or by a mutual
27 housing corporation, provided that if any units within such a
28 building section are not occupied by an owner of the unit, then that
29 unit and the common areas within that building section shall not be
30 exempted from the definition of a multiple dwelling for the
31 purposes of P.L.1967, c.76 (C.55:13A-1 et seq.). A condominium
32 association, or a cooperative or mutual housing corporation shall
33 provide the bureau with any information necessary to justify an
34 exemption for a dwelling unit pursuant to this paragraph; or

35 (3) any building of three stories or less, owned or controlled by
36 a nonprofit corporation organized under any law of this State for the
37 primary purpose to provide for its shareholders or members housing
38 in a retirement community as same is defined under the provisions
39 of the "Retirement Community Full Disclosure Act," P.L.1969,
40 c.215 (C.45:22A-1 et seq.), provided that the corporation meets the
41 requirements of section 2 of P.L.1983, c.154 (C.55:13A-13.1).

42 (l) The term "owner" shall mean the person who owns, purports
43 to own, or exercises control of any hotel or multiple dwelling. The
44 term "owner" shall also mean and include any person who owns,
45 purports to own, or exercises control over three or more dwelling
46 units within a multiple dwelling.

47 (m) The term "person" shall mean any individual, corporation,
48 association, or other entity, as defined in R.S.1:1-2.

1 (n) The term "continuing violation" shall mean any violation of
2 **【this act】** P.L.1967, c.76 (C.55:13A-1 et seq.) or any regulation
3 promulgated thereunder, where notice is served within two years of
4 the date of service of a previous notice and where violation, premise
5 and person cited in both notices are substantially identical.

6 (o) The term "project" shall mean a group of buildings subject to
7 the provisions of **【this act】** P.L.1967, c.76 (C.55:13A-1 et seq.),
8 which are or are represented to be under common or substantially
9 common ownership and which stand on a single parcel of land or
10 parcels of land which are contiguous and which group of buildings
11 is named, designated or advertised as a common entity. The
12 contiguity of such parcels shall not be adversely affected by public
13 rights-of-way incidental to such buildings.

14 (p) The term "mutual housing corporation" means a corporation
15 not-for-profit incorporated under the laws of New Jersey on a
16 mutual or cooperative basis within the scope of Title VI, s.607 of
17 the "Lanham Public War Housing Act," 54 Stat. 1125, 42 U.S.C.
18 s.1501 et seq., as amended, which acquired a National Defense
19 Housing Project pursuant to said act.

20 (q) "Condominium" means the form of ownership so defined in
21 the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.).

22 (r) "Cooperative" means a housing corporation or association
23 which entitles the holder of a share or membership interest thereof
24 to possess and occupy for dwelling purposes a house, apartment or
25 other structure owned or leased by said corporation or association,
26 or to lease or purchase a dwelling constructed or to be constructed
27 by said corporation or association.

28 (s) "Retreat lodging facility" means a building or structure,
29 including but not limited to any related structure, accessory
30 building, and land appurtenant thereto, and any part thereof, owned
31 by a nonprofit corporation or association which has tax-exempt
32 charitable status under the federal Internal Revenue Code and which
33 has sleeping facilities used exclusively on a transient basis by
34 persons participating in programs of a religious, cultural or
35 educational nature, conducted under the sole auspices of one or
36 more corporations or associations having tax-exempt charitable
37 status under the federal Internal Revenue Code, which are made
38 available without any mandatory charge to such participants.

39 (cf: P.L.1999, c.384, s.1)

40
41 ²**【50.】** 54.² Section 5 of P.L.1967, c.76 (C.55:13A-5) is
42 amended to read as follows:

43 5. (a) The Board of Housing Inspection heretofore constituted
44 in the Division of Housing and Urban Renewal in the Department of
45 Community Affairs by section 23 of chapter 293 of the laws of
46 1966 is hereby abolished, except that the powers, functions and
47 duties of said Board of Housing Inspection are hereby transferred to
48 and vested in the commissioner. **【In its stead, there is hereby**

1 created in the Division of Housing and Urban Renewal of the
2 Department of Community Affairs a Hotel and Multiple Dwelling
3 Health and Safety Board. Said board shall consist of 10 members,
4 each of whom shall be a resident of this State, to be appointed by
5 the Governor with the advice and consent of the Senate for terms of
6 5 years. Of the members appointed by the Governor, 6 shall be
7 residents of this State representing the general public, 2 shall be
8 representatives of the hotel and motel industry by reason of
9 experience in the construction or operation of hotels or motels, and
10 2 shall be representatives of the real estate industry by reason of
11 experience in the construction, operation or sales of multiple
12 dwellings. Each member shall serve for the term of his appointment
13 and until his successor shall have been appointed and qualified.
14 Any vacancy in the membership of the board shall be filled by
15 appointment for the unexpired term only. Any member of the board
16 may be removed by the Governor at any time, for cause, upon
17 notice and opportunity to be heard. The members of the board shall
18 serve without compensation, but shall be entitled to reimbursement
19 for all necessary expenses incurred in the discharge of their duties.

20 The board shall consult with and advise the commissioner with
21 respect to rules and regulations proposed to be promulgated
22 pursuant to this act and advise the commissioner on matters
23 concerning hotel and multiple dwelling health and safety generally.
24 The board shall meet at the call of the commissioner, the time and
25 place of such meeting to be fixed by the commissioner. The board
26 shall annually elect one of its members as the chairman thereof, and
27 such other officers as it may deem appropriate.

28 The persons in office on the effective date of this act as members
29 of the Board of Housing Inspection hereby abolished shall continue
30 in office as members of the Hotel and Multiple Dwelling Health and
31 Safety Board created herein, for the periods of their respective
32 terms as members of said Board of Housing Inspection which
33 remain unexpired on the effective date of this act, and until their
34 respective successors are appointed by the Governor and have
35 qualified.】

36 (b) The office of supervisor of hotel fire safety heretofore
37 constituted in the Bureau of Housing Inspection of the Division of
38 Housing and Urban Renewal in the Department of Community
39 Affairs by section 24 of chapter 293 of the laws of 1966 is hereby
40 abolished, except that the powers, functions and duties of said
41 office of supervisor of hotel fire safety are hereby transferred to and
42 vested in the commissioner.

43 (cf: P.L.1967, c.76, s.5)
44

45 ²【51.】 55.² Section 6 of P.L.1967, c.76 (C.55:13A-6) is amended
46 to read as follows:

47 6. The commissioner is hereby granted and shall have and
48 exercise, in addition to other powers herein granted, all the powers

- 1 necessary and appropriate to carry out and execute the purposes of
2 **【this act】** P.L.1967, c.76 (C.55:13A-1 et seq.), including but not
3 limited to, the power:
- 4 (a) To provide owners or groups of owners with such advisory
5 consultation and educational services as will assist said owners or
6 groups of owners to discharge their responsibilities under **【this act】**
7 P.L.1967, c.76 (C.55:13A-1 et seq.), and to suggest to said owners
8 or groups of owners methods and procedures by which they may
9 develop and implement health and safety programs;
- 10 (b) To enter and inspect, without prior notice, any hotel or
11 multiple dwelling as provided by **【this amendatory and**
12 **supplementary act】** P.L.1967, c.76 (C.55:13A-1 et seq.), and to
13 make such investigation as is reasonably necessary to carry out the
14 provisions of **【this act】** P.L.1967, c.76 (C.55:13A-1 et seq.);
- 15 (c) To administer and enforce the provisions of existing law,
16 and any amendments and supplements thereto, and any rules or
17 regulations promulgated thereunder, concerning the regulation of
18 multiple dwellings, also commonly known as tenements, and hotels;
- 19 (d) To issue subpoenas to any person subject to **【this act】**
20 P.L.1967, c.76 (C.55:13A-1 et seq.) which shall compel attendance
21 at any hearing as a witness and shall compel production of such
22 reports, documents, books or papers, in any part of the State before
23 the commissioner or a member of the department designated by
24 **【him】** the commissioner, as the commissioner may deem necessary
25 to implement the purposes of **【this act】** P.L.1967, c.76 (C.55:13A-1
26 et seq.). In any case where a person neglects or refuses to obey the
27 command of such subpoena, the commissioner may apply ex parte to
28 the Superior Court for an order compelling a person to testify or to
29 produce files, books, papers, documents or other objects in
30 accordance with the subpoena issued by the commissioner and, in
31 addition, said person shall be subject to a penalty of \$100,000.00
32 for each instance in which **【he】** the person does not comply with
33 the subpoena issued by the commissioner, said penalty to be
34 recovered pursuant to section 18 of **【this act】** P.L.1967, c.76
35 (C.55:13A-18);
- 36 (e) To issue and promulgate such rules and regulations as the
37 commissioner may deem necessary to implement the purposes of
38 **【this act】** P.L.1967, c.76 (C.55:13A-1 et seq.), which rules and
39 regulations shall have the force and effect of law until revised,
40 repealed or amended from time to time by the commissioner in the
41 exercise of **【his】** the commissioner's discretion; provided, that any
42 such rules and regulations shall be filed with the Office of
43 Administrative Law;
- 44 (f) To enforce and administer the provisions of **【this act】**
45 P.L.1967, c.76 (C.55:13A-1 et seq.), enter complaints against any
46 person violating the provisions **【of this act】** thereof, and to
47 prosecute or cause to be prosecuted violations of the provisions **【of**

1 this act] thereof in administrative hearings and civil actions in State
2 or local courts;

3 (g) To assess penalties and to compromise and settle any claim
4 for a penalty for any violation of the provisions of [this act]
5 P.L.1967, c.76 (C.55:13A-1 et seq.) in such amount in the
6 discretion of the commissioner as may appear appropriate and
7 equitable under all of the circumstances of said violation in any of
8 the actions or proceedings mentioned in subsection (f) of this
9 section;

10 (h) To institute an in rem action against the property upon which
11 a violation exists in cases where the owner, after diligent effort,
12 cannot be served;

13 (i) To institute a quasi in rem action against the owner by
14 attachment of the property upon which a violation exists, followed
15 by service by publication, in cases where the owner, after diligent
16 effort, cannot be served;

17 (j) To hold and exercise all the rights and remedies available to
18 a judgment creditor where a judgment lien arises as a result of a
19 penalty action or an administrative proceeding taken pursuant to
20 enforcement of [this act] P.L.1967, c.76 (C.55:13A-1 et seq.); and

21 (k) To adopt, amend and repeal [, after consultation with the
22 Hotel and Multiple Dwelling Health and Safety Board,] rules
23 concerning the qualifications and licensing of persons employed by
24 local agencies and municipalities to enforce this amendatory and
25 supplementary act and fees to cover the cost of any licensing
26 program.

27 (cf: P.L.1987, c.30, s.1)

28

29 ²[52.] 56.² Section 13 of P.L.1967, c.76 (C.55:13A-13) is
30 amended to read as follows:

31 13. (a) Each multiple dwelling and each hotel shall be inspected
32 at least once in every five years for the purpose of determining the
33 extent to which each hotel or multiple dwelling complies with the
34 provisions of [this act] P.L.1967, c.76 (C.55:13A-1 et seq.) and
35 regulations promulgated hereunder.

36 (b) Within 90 days of the most recent inspection, the owner of
37 each hotel shall file with the commissioner, upon forms provided by
38 the commissioner, an application for a certificate of inspection.
39 Said application shall include such information as the commissioner
40 shall prescribe to enforce the provisions of this law. Said
41 application shall be accompanied by a fee as follows: \$15 per unit
42 of dwelling space for the first 20 units of dwelling space in any
43 building or project, \$12 per unit of dwelling space for the 21st
44 through 100th unit in any building or project, \$8 per unit of
45 dwelling space for the 101st through 250th unit in any building or
46 project, and \$5 per unit of dwelling space for all units over 250 in
47 any building or project, except that in the case of hotels open and

1 operating less than six months in each year the fee shall be one-half
2 that which would otherwise be required. A certificate of inspection
3 and the fees therefor shall not be required more often than once
4 every five years.

5 Additionally, there shall be reinspection fees for hotels in the
6 amount of \$10 for each dwelling unit reinspected.

7 Within 90 days of the most recent inspection of any multiple
8 dwelling occupied or intended to be occupied by three or more
9 persons living independently of each other, the owner of each such
10 multiple dwelling shall file with the commissioner, upon forms
11 provided by the commissioner, an application for a certificate of
12 inspection. Said application shall include such information as the
13 commissioner shall prescribe to enforce the provisions of this law.
14 Said application shall be accompanied by a fee of \$33 per unit of
15 dwelling space for the first 7 units in any building or project, \$21
16 per unit of dwelling space for the 8th through the 24th unit in any
17 building or project, \$18 per unit for the 25th through the 48th unit
18 in any building or project, and \$12 per unit of dwelling space for all
19 units of dwelling space over 48 in any building or project, provided
20 that the maximum total fee for owner-occupied three-unit multiple
21 dwellings shall be limited to \$65 for owners having a household
22 income that is less than 80 percent of the median income for
23 households of similar size in the county in which the multiple
24 dwelling is located, and the maximum total fee for owner-occupied
25 four-unit multiple dwellings shall be limited to \$80 for owners
26 having a household income that is less than 80 percent of the
27 median income for households of similar size in the county in
28 which the multiple dwelling is located. A certificate of inspection
29 and the fees therefor shall not be required more often than once
30 every five years.

31 Additionally, there shall be reinspection fees for multiple
32 dwellings in the amount of \$40 for each dwelling unit reinspected,
33 but only after the first reinspection.

34 The commissioner may waive the inspection fee for any unit
35 upon a finding that the unit has been thoroughly inspected within
36 the previous 12-month period under a municipal ordinance
37 requiring inspection upon change of occupancy in accordance with
38 the maintenance standards established by the commissioner under
39 **[this act]** P.L.1967, c.76 (C.55:13A-1 et seq.), and has received a
40 municipal certificate of occupancy as a result of that inspection.

41 If the commissioner finds that (1) a building has been thoroughly
42 inspected prior to resale since the most recent inspection in
43 accordance with this section, (2) the inspection prior to resale was
44 conducted by the municipality in accordance with the maintenance
45 standards established by the commissioner under **[this act]**
46 P.L.1967, c.76 (C.55:13A-1 et seq.), and (3) a municipal certificate
47 of occupancy was issued as a result of that inspection, the
48 commissioner may accept the inspection done prior to resale in lieu

1 of a current inspection under this section. If the commissioner
2 accepts an inspection prior to resale in lieu of a current inspection,
3 no fee shall be charged for any inspection done by the
4 commissioner within five years after the date of the inspection so
5 accepted.

6 (c) If the commissioner determines, as a result of the most
7 recent inspection of any hotel or multiple dwelling as required by
8 subsection (a) of this section, that any hotel or multiple dwelling
9 complies with the provisions of **[this act]** P.L.1967, c.76
10 (C.55:13A-1 et seq.) and regulations promulgated hereunder, then
11 the commissioner shall issue to the owner thereof, upon receipt of
12 the application and fee as required by subsection (b) of this section,
13 a certificate of inspection. Any owner to whom a certificate of
14 inspection is issued shall keep said certificate posted in a
15 conspicuous location in the hotel or multiple dwelling to which the
16 certificate applies. The certificate of inspection shall be in such
17 form as may be prescribed by the commissioner.

18 The commissioner may, upon finding a consistent pattern of
19 compliance with the maintenance standards established under **[this**
20 **act]** P.L.1967, c.76 (C.55:13A-1 et seq.) in at least 20 percent of the
21 units in a building or project, issue a certificate of inspection for the
22 building or project, in which case the inspection fee shall be
23 charged on the basis of the number of units inspected.

24 The commissioner may by rule establish standards for self-
25 inspection by condominium associations exercising control over
26 buildings of not more than three stories, constructed after 1976, and
27 certified by the local enforcing agency having jurisdiction as being
28 in compliance with the Uniform Fire Code promulgated pursuant to
29 P.L.1983, c.383 (C.52:27D-192 et seq.), in which at least 80 percent
30 of the dwelling units are occupied by the unit owners. The
31 commissioner shall issue a certificate of acceptance, which shall be
32 in lieu of a certificate of inspection, upon acceptance of any such
33 self-inspection and upon payment of a fee of \$25.

34 (d) If the commissioner determines, as a result of the most
35 recent inspection of any hotel or multiple dwelling as required by
36 subsection (a) of this section, that any hotel or multiple dwelling
37 does not comply with the provisions of **[this act]** P.L.1967, c.76
38 (C.55:13A-1 et seq.) and regulations promulgated thereunder, then
39 the commissioner shall issue to the owner thereof a written notice
40 stating the manner in which any such hotel or multiple dwelling
41 does not comply with **[this act]** P.L.1967, c.76 (C.55:13A-1 et seq.)
42 or regulations promulgated thereunder. Said notice shall fix such
43 date, not less than 60 days nor more than 180 days, on or before
44 which any such hotel or multiple dwelling must comply with the
45 provisions of **[this act]** P.L.1967, c.76 (C.55:13A-1 et seq.) and
46 regulations promulgated thereunder. If any such hotel or multiple
47 dwelling is made to comply with the provisions of **[this act]**

1 P.L.1967, c.76 (C.55:13A-1 et seq.) and regulations promulgated
2 thereunder on or before the date fixed in said notice, then the
3 commissioner shall issue to the owner thereof a certificate of
4 inspection as described in subsection (c) of this section. If any such
5 hotel or multiple dwelling is not made to comply with the
6 provisions of **【this act】** P.L.1967, c.76 (C.55:13A-1 et seq.) and
7 regulations promulgated thereunder on or before the date fixed in
8 said notice, then the commissioner shall not issue to the owner
9 thereof a certificate of inspection as described in subsection (c) of
10 this section, and shall enforce the provisions of **【this act】** P.L.1967,
11 c.76 (C.55:13A-1 et seq.) against the owner thereof.

12 (e) The commissioner shall annually review the cost of
13 implementing and enforcing **【this act】** P.L.1967, c.76 (C.55:13A-1
14 et seq.), including the cost to municipalities of carrying out
15 inspections pursuant to section 21 of **【this act】** P.L.1967, c.76
16 (C.55:13A-21), and shall establish by rule, not more frequently than
17 once every three years, such fees as may be necessary to cover the
18 costs of such implementation and enforcement; provided, however,
19 that any increase or decrease shall be applied as a uniform
20 percentage to each category of fee established herein, and provided,
21 further, that the percentage amount of any increase shall not exceed
22 the percentage increase in salaries paid to State employees since the
23 then current fee schedule was established. The commissioner shall
24 provide by rule to owners the option of paying inspection fees in
25 installments in the form of an annual fee. The commissioner shall
26 annually prepare and file with the presiding officers of the Senate
27 and General Assembly and the legislative committees having
28 jurisdiction in housing matters a report setting forth the amounts of
29 fees and penalties received by the Bureau of Housing Inspection,
30 the cost to the bureau of enforcing this act, and information
31 concerning the productivity of the bureau. Copies of the report
32 shall also be submitted to the Office of Administrative Law for
33 publication in the New Jersey Register **【and to the members of the**
34 **Hotel and Multiple Dwelling Health and Safety Board】**. If in any
35 State fiscal year the fee revenue received by the bureau exceeds the
36 cost of enforcement of **【this act】** P.L.1967, c.76 (C.55:13A-1 et
37 seq.), the excess revenue shall be distributed pro rata to persons
38 who paid inspection fees during that fiscal year. Such distribution
39 shall be made within three months after the end of the fiscal year.

40 (f) Except as otherwise provided in section 2 of P.L.1991, c.179
41 (C.55:13A-26.1), the fees established by or pursuant to the
42 provisions of this section are dedicated to meeting the costs of
43 implementing and enforcing **【this act】** P.L.1967, c.76 (C.55:13A-1
44 et seq.) and shall not be used for any other purpose. All receipts in
45 excess of \$2,200,000 are hereby appropriated for the purposes of
46 **【this act】** P.L.1967, c.76 (C.55:13A-1 et seq.).

47 (cf: P.L.1991, c.179, s.1)

1 ²[53. (New section) a. The Statewide Public Safety
2 Communications Commission in the Office of Information
3 Technology, together with its functions, powers, and duties is
4 transferred to and constituted as the Statewide Public Safety
5 Communications Commission in, but not of, the Department of Law
6 and Public Safety. All references in any law, order, rule, regulation,
7 contract, document, judicial or administrative proceeding, or
8 otherwise to the Statewide Public Safety Communications
9 Commission in the Office of Information Technology, or the
10 supervisor thereof, shall mean the Statewide Public Safety
11 Communications Commission, in but not of, the Department of Law
12 and Public Safety. All transfers shall be made pursuant to the “State
13 Agency Transfer Act,” P.L.1971, c.375 (C.52:14d-1 et seq.).

14 b. For the purposes of complying with Article V, Section IV,
15 paragraph 1 of the New Jersey Constitution, the commission is
16 allocated to the Department of Law and Public Safety but,
17 notwithstanding that allocation, except as provided in subsection c.
18 of this section, the division shall be independent of any supervision
19 or control by the department or the Attorney General or any other
20 officer of the department.

21 c. Notwithstanding the provisions of subsection b. of this
22 section, the Director of the Office of Homeland Security and
23 Preparedness shall provide oversight of the commission, and shall
24 work in conjunction with the commission in order to properly
25 coordinate the functions of the commission.

26 In order to achieve administrative efficiencies, any employee of
27 the Statewide Public Safety Communications Commission engaged
28 in commission functions, as well as any additional administrative or
29 clerical support personnel, may be transferred to the Office of
30 Homeland Security, as mutually agreed upon by the Chief
31 Technology Officer of the Office of Information Technology and
32 the Director of the Office of Homeland Security and Preparedness.
33 Personnel transferred from the Office of Information Technology to
34 the Office of Homeland Security and Preparedness pursuant to this
35 section shall be transferred with all tenure rights and any rights or
36 protections provided by Title 11A of the New Jersey Statutes or
37 other applicable statute, and any pension law or retirement
38 system.】²

39
40 ²57. (New section) a. The State Board of Human Services in the
41 Department of Human Services, established as the State Board of
42 Control of Institutions and Agencies pursuant to R.S.30:1-2 and
43 continued as the State Board of Human Services pursuant to section
44 20 of P.L.1971, c.384 (C.30:1-2.2), is abolished; and all of its
45 functions, powers, and duties are transferred to the Department of
46 Human Services, subject to the provisions of P.L. , c. (C.)
47 (pending before the Legislature as this bill) and in accordance with

1 the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et
2 seq.).

3 b. All appropriations and other monies available, and to
4 become available, to the State Board of Human Services are
5 continued in the Department of Human Services and shall be
6 available for the objects and purposes for which these monies are
7 appropriated, subject to the provisions of this act and any other
8 terms, restrictions, limitations, or other requirements imposed by
9 law.

10 c. Whenever, in any law, rule, regulation, order, contract,
11 document, judicial or administrative proceeding, or otherwise,
12 reference is made to the State Board of Human Services, the same
13 shall mean and refer to the Department of Human Services.²

14
15 ²**[54.] 58.**² The following are repealed:

16 Section 6 of P.L.1994, c.128 (C.2C:7-11);

17 Sections 1 through 5 and 10 of P.L.1997, c.97 (C.12:6B-1
18 through C.12:6B-6);

19 Sections 1 and 3 through 19 of P.L.1966, c.291 (C.13:1C-1 and
20 C.13:1C-3 through C.13:1C-19);

21 P.L.2008, c.82 (C.13:19-38 et seq.);

22 Section 16 of P.L.1996, c.45 (C.17:1-24);

23 ¹**[Sections 305 through 314 of P.L.1948, c.67 (C.17:9A-305**
24 **through C.17:9A-314);]**¹

25 Sections 9 and 10 of P.L.1993, c.327 (C.26:1A-36.13 and
26 C.26:1A-36.14);

27 ³**[Sections 2 through 4 of P.L.1957, c.72 (C.26:1A-108 through**
28 **C.26:1A-110);]**³

29 Sections 5 through 7 of P.L.2003, c.266 (C.26:2C-8.19 through
30 C.26:2C-8.21);

31 ²**P.L.1999, c.72 (C.26:2V-1 et seq.);**

32 **Sections 20 and 21 of P.L.1971, c.384 (C.30:1-2.2 and C.30:1-**
33 **2.3);**²

34 Sections 21 and 24 of P.L.1976, c.98 (C.30:1B-21 and C.30:1B-
35 23);

36 ²**Section 3 of P.L.1950, c.166 (C.30:4B-3);**²

37 P.L.1947, c.252 (C.30:4-177.1 et seq.);

38 P.L.1997, c.402 (C.32:35-1 et seq.);

39 P.L.1997, c.87 (C.34:1A-81 et seq.);

40 P.L.1995, c.293 (C.34:1B-107 et seq.);

41 Section 6 of P.L.1997, c.97 (C.34:1B-140);

42 Section 21 of P.L.2008, c.27 (C.34:1B-230);

43 Section 22 of P.L.2008, c.27 (C.34:1B-231);

44 Section 26 of P.L.2008, c.27 (C.34:1B-235);

45 Section 30 of P.L.2003, c.13 (C.39:2A-30);

46 Section 12 of P.L.1941, c.220 (C.43:7-18);

47 Section 5 of P.L.1952, c.358 (C.43:16-6.1);

1 Section 17 of P.L.1999, c.356 (C.48:16-22.7);
2 P.L.1993, c.199 (C.52:9XX-1 et seq.);
3 P.L.1999, J.R.1 (C.52:14-15.111 et seq.);
4 Section 10 of P.L.2007, c.56 (C.52:18A-228);
5 Section 30 of P.L.1998, c.44 (C.52:27C-90);
6 Section 31 of P.L.1998, c.44 (C.52:27C-91);
7 Section 32 of P.L.1998, c.44 (C.52:27C-92);
8 Section 1 of P.L.1996, c.269 (C.52:27D-11);
9 Section 11 of P.L.1971, c.411 (C.52:27D-107);
10 Sections 21 through 30 of P.L.2008, c.46 (C.52:27D-329.10
11 through C.52:27D-329.19);
12 P.L.1993, J.R.7;
13 P.L.1993, c.82;
14 Section 47 of P.L.1993, c.139;
15 P.L.1993, c.196;
16 P.L.1993, c.336;
17 P.L.1997, c.275;
18 P.L.1999, c.7;
19 Section 4 of P.L.2000, c.35;
20 P.L.2000, c.64;
21 Section 8 of P.L.2001, c.5;
22 Section 15 of P.L.2001, c.404;
23 P.L.2001, c.445;
24 P.L.2005, c.102;
25 P.L.2005, c.279;
26 P.L.2005, c.305;
27 P.L.2005, c.312;
28 Sections 1 through 3 of P.L.2005, c.321;
29 P.L.2005, c.339;
30 P.L.2005, J.R.8;
31 P.L.2007, c.173; and
32 Section 118 of P.L.2008, c.29.

33
34 ²**[55.]** 59.² The following boards, commissions, committees,
35 and councils, however created, are hereby terminated:

36 The Advisory Council on Juvenile Justice; and
37 The Board of Family Development.

38
39 ²**[56.]** 60.² This act shall take effect immediately.

40
41

42
43

44 Concerns various authorities, boards, commissions, councils,
45 divisions, and task forces.

ASSEMBLY, No. 3067

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 7, 2013

Sponsored by:

Assemblyman TROY SINGLETON

District 7 (Burlington)

Assemblyman PETER J. BARNES, III

District 18 (Middlesex)

SYNOPSIS

Concerns various authorities, boards, commissions, councils, divisions, and task forces.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain authorities, boards, commissions,
2 councils, divisions, and task forces, amending and repealing
3 various parts of the statutory law and supplementing Title 52 of
4 the Revised Statutes.

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. Section 2 of P.L.1966, c.291 (C.13:1C-2) is amended to read
10 as follows:

11 2. a. There is hereby established in the Department of
12 Community Affairs the Board of Recreation Examiners of the State
13 of New Jersey, which shall consist of five members to be appointed
14 by the Governor with the advice and consent of the Senate.

15 b. Upon the enactment of P.L. , c. , (C.) (pending
16 before the Legislature as this bill) the Board of Recreation
17 Examiners of the State of New Jersey is abolished, and the powers,
18 functions, and duties of the board are transferred to and vested in
19 the Commissioner of Community Affairs.

20 (cf: P.L.1971, c.411, s.6)

21
22 2. Section 20 of P.L.2001, c.131 (C.17:48E-68) is amended to
23 read as follows:

24 20. a. **[**There is established in, but not of, the Department of the
25 Treasury a Health Service Corporation Conversion Temporary
26 Advisory Commission. The advisory commission shall consist of 15
27 members. Seven members shall be appointed by the Governor,
28 including two public members, one physician licensed to practice
29 medicine in New Jersey, one licensed health care provider other
30 than a physician, one representative of the dental community, one
31 representative of a community based organization that provides or
32 assists in providing health care or health care services to New
33 Jersey residents and one representative of the AFL-CIO. Three
34 members shall be appointed by the President of the Senate,
35 including one public member, one representative of the hospital
36 community and one physician licensed to practice medicine in New
37 Jersey. One public member shall be appointed by the Minority
38 Leader of the Senate. Three members shall be appointed by the
39 Speaker of the General Assembly, including one public member,
40 one representative of the hospital community and one representative
41 of a community based organization that provides or assists in
42 providing health care or health care services to New Jersey
43 residents. One public member shall be appointed by the Minority
44 Leader of the General Assembly. A vacancy in the membership of
45 the advisory commission shall be filled in the same manner

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 provided for the original appointment. Members shall serve without
2 fee or compensation. The advisory commission shall commence its
3 activities upon appointment of at least a majority of its initial
4 members.

5 The advisory commission shall, in anticipation of a conversion of
6 a health service corporation as authorized under this act, examine
7 issues related to access to affordable, quality health care for
8 underserved individuals and promoting fundamental improvements
9 in the health status of New Jerseyans, and may review experiences
10 in other states related to the establishment of foundations in
11 connection with the conversion of non-profit health insurers similar
12 to health care service corporations licensed to do business in New
13 Jersey. The advisory commission shall advise the Attorney General
14 and Commissioner of Banking and Insurance as to its findings on
15 these issues. The Department of the Treasury shall provide the
16 advisory commission with such assistance as the advisory
17 commission may require in order to perform its duties under this
18 act. The advisory commission may engage the services of advisors
19 and consultants in order to assist in the performance of its duties
20 under this act.] (Deleted by amendment, P.L. , c.) (pending
21 before the Legislature as this bill)

22 b. [Upon the creation of a foundation pursuant to section 19 of
23 P.L.2001, c.131 (C.17:48E-67) and the approval of the foundation
24 by a court of competent jurisdiction, the advisory commission
25 created pursuant to subsection a. of this section shall be dissolved.]
26 The foundation created pursuant to section 19 of P.L.2001, c.131
27 (C.17:48E-67) shall have a board of directors consisting of 15
28 members. Seven members shall be appointed by the Governor,
29 including two public members, one physician licensed to practice
30 medicine in New Jersey, one licensed health care provider other
31 than a physician, one representative of the dental community, one
32 representative of a community based organization that provides or
33 assists in providing health care or health care services to New
34 Jersey residents and one representative of the AFL-CIO. Three
35 members shall be appointed by the President of the Senate,
36 including one public member, one representative of the hospital
37 community and one physician licensed to practice medicine in New
38 Jersey. One public member shall be appointed by the Minority
39 Leader of the Senate. Three members shall be appointed by the
40 Speaker of the General Assembly, including one public member,
41 one representative of the hospital community and one representative
42 of a community based organization that provides or assists in
43 providing health care or health care services to New Jersey
44 residents. One public member shall be appointed by the Minority
45 Leader of the General Assembly. [Initially, the members of the
46 advisory commission shall constitute the board of the foundation,
47 and shall serve for a term of three years. Thereafter, the] The

1 members of the board of the foundation shall be appointed for a
2 term of three years. Each member shall hold office until
3 reappointed or a successor is appointed and qualified. A vacancy in
4 the membership of the board shall be filled for an unexpired term in
5 the same manner provided for the original appointment. Members
6 shall serve without fee or compensation. The foundation shall
7 commence its activities upon the appointment of at least a majority
8 of its initial board of directors. In the event more than one
9 foundation is established pursuant to **[this act]** P.L.2001, c.131
10 (C.17:48E-49 et seq.), the board of directors of any such additional
11 foundations shall be appointed in compliance with the requirements
12 of this subsection.

13 (cf: P.L.2001, c.387, s.1)

14

15 3. Section 77 of P.L.1991, c.187 (C.18A:62-15) is amended to
16 read as follows:

17 77. a. Every student enrolled as a full-time student at a public
18 or private institution of higher education in this State shall maintain
19 health insurance coverage which provides basic hospital benefits.
20 The coverage shall be maintained throughout the period of the
21 student's enrollment.

22 b. Every student enrolled as a full-time student shall present
23 evidence of the health insurance coverage required by subsection a.
24 of this section to the institution at least annually, in a manner
25 prescribed by the institution.

26 c. The State Department of Health shall require all public and
27 private institutions of higher education in this State to offer health
28 insurance coverage on a group or individual basis for purchase by
29 students who are required to maintain the coverage pursuant to this
30 section.

31 d. The Commissioner of Health shall adopt rules and regulations
32 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
33 (C.52:14B-1 et seq.) to carry out the purposes of subsections a., b.
34 and c. of this section.

35 e. The **[Student Assistance Board]** Higher Education Student
36 Assistance Authority in but not of the Department of **[the Treasury]**
37 State shall adopt rules and regulations to require that a public or
38 private institution of higher education in this State consider the
39 coverage required pursuant to this section as an educational cost for
40 purposes of determining a student's eligibility for financial aid.

41 f. Nothing in this section shall be construed to permit a hospital
42 in this State to deny access to hospital care to a full-time student
43 whose health insurance coverage required by this section lapses for
44 any reason.

45 g. The provisions of this section shall not apply to a person who
46 is a participant in the REACH program established pursuant to
47 P.L.1987, c.282 (C.44:10-9 et seq.).

48 (cf: P.L.1994, c.48, s.87)

1 4. Section 2 of P.L.1995, c.318 (C.26:2B-37) is amended to read
2 as follows:

3 2. a. The Commissioner of Health **[and Senior Services]** shall
4 establish an "Alcohol and Drug Abuse Program for the Deaf, Hard
5 of Hearing and Disabled" **[in consultation with the program**
6 **advisory committee established pursuant to this section and]** .

7 b. Pursuant to Reorganization Plan No. 002-2004, the
8 Commissioner of Human Services shall continue to operate the
9 program established pursuant to subsection a. of this section
10 through the Division of Mental Health and Addiction Services in
11 the Department of Human Services, in consultation with **[and after**
12 **review by]** the Governor's Council on Alcoholism and Drug Abuse.

13 **[There is established a program advisory committee to advise**
14 **the commissioner on the establishment and operation of the**
15 **"Alcohol and Drug Abuse Program for the Deaf, Hard of Hearing,**
16 **and Disabled."** The members of the advisory committee shall be
17 appointed by the commissioner and shall consist of five members
18 who are either deaf, hard of hearing, or disabled, two members of
19 the public with an interest in issues relating to alcohol and drug
20 abuse and one representative each from the Governor's Council on
21 Alcoholism and Drug Abuse, the Developmental Disabilities
22 Council, the Division of Vocational Rehabilitation Services in the
23 Department of Labor, and the Division of the Deaf and Hard of
24 Hearing and the Office of Disability Services in the Department of
25 Human Services. The commissioner shall serve as an ex officio
26 member of the committee.]

27 (cf: P.L.1999, c.91, s.11)

28

29 5. Section 1 of P.L.1968, c.457 (C.27:7-21.8) is amended to read
30 as follows:

31 1. The Commissioner of Transportation is directed to devise and
32 put into effect such programs as shall be necessary to provide for
33 the eradication of rats and other harmful rodents from the public
34 highways, giving special attention to highways, or sections thereof,
35 adjacent to residential areas; and to enter into an agreement with,
36 or otherwise secure the co-operation of, the New Jersey Turnpike
37 Authority **[, the New Jersey Expressway Authority,]** and the
38 **[New] South Jersey [Highway] Transportation** Authority, in the
39 formulation and implementation of programs designed to
40 accomplish such purposes.

41 (cf: P.L.1968, c.457, s.1)

42

43 6. Section 2 of P.L.2002, c.77 (C.27:23-6.2) is amended to read
44 as follows:

45 2. a. An operator awarded a contract for towing and storage
46 services by the New Jersey Turnpike Authority shall register with
47 the authority. Upon issuance of the registration, the authority shall

1 provide the operator with two decals and accompanying notices for
2 each tow truck owned or leased by that operator and to be used
3 under the terms of the contract. The decals and the accompanying
4 notices, which shall be of a distinctive design and color, shall be
5 conspicuously displayed on the exterior of each such tow truck in a
6 manner and location prescribed by the authority.

7 The decals shall set forth a specific registration number for each
8 registered tow truck. The notices shall include a statement
9 indicating substantially the following: "This tow truck is registered
10 with the New Jersey **[Highway]** Turnpike Authority. The driver is
11 required to provide you with a written schedule of the fees charged
12 for towing and storage services before providing that service to you,
13 including those services for which there is no fee. If the fee charged
14 is in excess of the fee listed on the schedule, please notify the
15 authority or the New Jersey Division of Consumer Affairs." An
16 operator shall file a copy of the schedule of fees with the authority.
17 Upon request of the Division of Consumer Affairs in the
18 Department of Law and Public Safety, the authority shall provide a
19 list of the registered tow trucks to the division, in addition to a copy
20 of the schedule of fees.

21 b. Prior to providing any towing services, a driver of a tow
22 truck shall provide the person whose vehicle is to be towed a
23 written schedule of fees and shall recite the information contained
24 in the notice.

25 c. An operator who fails to display the decals and notices
26 required by subsection a. of this section or the driver of a tow truck
27 who fails to provide a person to be towed the written schedule of
28 fees or recite the information contained in the notice prior to
29 providing a towing service as required by subsection b. of this
30 section shall be subject to a fine of \$300 for the first offense. For
31 the second and any subsequent offense the operator or the driver, as
32 the case may be, shall be subject to a fine of \$600.

33 d. It shall be an unlawful practice and a violation of P.L.1960,
34 c.39 (C.56:8-1 et seq.) for any person to charge a fee in excess of
35 the fee listed in the written schedule of fees provided pursuant to
36 subsection a. of this section.

37 e. If an operator or the driver of an operator's tow truck is
38 convicted a third time for violation of any provisions of this section,
39 the authority may, in its discretion, terminate the operator's contract
40 for towing and storage services with the authority.

41 (cf: P.L.2009, c.39, s.11)

42

43 7. Section 2 of P.L.1991, c.252 (C.27:25A-2) is amended to read
44 as follows:

45 2. The Legislature finds and declares that:

46 a. It is the public policy of this State to provide for the
47 coordinated development and planning of the State's transportation
48 system both on the State and regional level. Through the medium

1 of the Transportation Executive Council, established by Executive
2 Order No. 10 of 1990, the activities of the various transportation
3 related authorities are coordinated on the State level. In the northern
4 region of the State the Port Authority of New York and New Jersey,
5 the New Jersey Turnpike Authority, [the New Jersey Highway
6 Authority,] the Hackensack Meadowlands Development
7 Commission, the North Jersey Transportation Coordinating
8 Committee and other organizations exist to provide for the support
9 and planning of the transportation system in that region.

10 b. In the southern region of the State an increase in residential
11 development, the completion of Interstate Route 476 (also known
12 as the "Blue Route") in Pennsylvania, the establishment of casino
13 gaming in Atlantic City, and other factors, have caused an increase
14 in vehicular traffic in southern New Jersey and have highlighted the
15 need for a more coordinated effort on a regional basis to deal with
16 the operation and possible extension of the region's highway
17 system, the improvement and expansion of its aviation facilities,
18 and the coordination of Atlantic County's transportation system
19 within the larger regional system.

20 c. Concomitant with the development of the transportation
21 system in southern New Jersey the need exists for the ancillary
22 establishment of economic development facilities directly related to
23 transportation projects in that region to be funded by a
24 transportation authority.

25 d. It is in the public interest to create a South Jersey
26 Transportation Authority, encompassing the counties of Atlantic,
27 Camden, Cape May, Cumberland, Gloucester, and Salem, as a
28 successor to the New Jersey Expressway Authority and the Atlantic
29 County Transportation Authority, to provide more coordination of
30 the region's transportation system and to deal particularly with the
31 highway system, aviation facilities and the transportation problems
32 of Atlantic County through the acquisition, construction,
33 maintenance, operation and support of expressway and
34 transportation projects and economic development facilities directly
35 related to transportation projects authorized by this act. However,
36 the activities of a transportation authority are not to supplant or
37 replace the funding of projects by the Transportation Trust Fund
38 Authority or the operation of public transportation services by the
39 New Jersey Transit Corporation.

40 (cf: P.L.1991, c.252, s.2)

41

42 8. Section 3 of P.L.2002, c.77 (C.27:25A-8.1) is amended to
43 read as follows:

44 3. a. An operator awarded a contract for towing and storage
45 services by the South Jersey Transportation Authority shall register
46 with the authority. Upon issuance of the registration, the authority
47 shall provide the operator with two decals and accompanying
48 notices for each tow truck owned or leased by that operator and to

1 be used under the terms of the contract. The decals and the
2 accompanying notices, which shall be of a distinctive design and
3 color, shall be conspicuously displayed on the exterior of each such
4 tow truck in a manner and location prescribed by the authority.

5 The decals shall set forth a specific registration number for each
6 registered tow truck. The notices shall include a statement
7 indicating substantially the following: "This tow truck is registered
8 with the **【New】** South Jersey **【Highway】** Transportation Authority.
9 The driver is required to provide you with a written schedule of the
10 fees charged for towing and storage services before providing that
11 service to you, including those services for which there is no fee. If
12 the fee charged is in excess of the fee listed on the schedule, please
13 notify the authority or the New Jersey Division of Consumer
14 Affairs." An operator shall file a copy of the schedule of fees with
15 the authority. Upon request of the Division of Consumer Affairs in
16 the Department of Law and Public Safety, the authority shall
17 provide a list of the registered tow trucks to the division, in addition
18 to a copy of the schedule of fees.

19 b. Prior to providing any towing services, a driver of a tow
20 truck shall provide the person whose vehicle is to be towed a
21 written schedule of fees and shall recite the information contained
22 in the notice.

23 c. An operator who fails to display the decals and notices
24 required by subsection a. of this section or the driver of a tow truck
25 who fails to provide a person to be towed the written schedule of
26 fees or recite the information contained in the notice prior to
27 providing a towing service as required by subsection b. of this
28 section shall be subject to a fine of \$300 for the first offense. For
29 the second and any subsequent offense the operator or the driver, as
30 the case may be, shall be subject to a fine of \$600.

31 d. It shall be an unlawful practice and a violation of P.L.1960,
32 c.39 (C.56:8-1 et seq.) for any person to charge a fee in excess of
33 the fee listed in the written schedule of fees provided pursuant to
34 subsection a. of this section.

35 e. If an operator or the driver of an operator's tow truck is
36 found to have been convicted a third time for violation of any
37 provisions of this section, the authority may, in its discretion,
38 terminate the operator's contract for towing and storage services
39 with the authority.

40 (cf: P.L.2009, c.39, s.12)

41

42 9. R.S.30:1-7 is amended to read as follows:

43 30:1-7. The long-term care facilities, institutions, and psychiatric
44 facilities of this State, within the meaning of this Title, shall include
45 the following, and, as well, any facilities established hereafter for
46 any similar purpose:

47 Trenton Psychiatric Hospital,

48 Greystone Park Psychiatric Hospital,

1 Ancora Psychiatric Hospital,
2 Senator Garrett W. Hagedorn Psychiatric Hospital,
3 Ann Klein Forensic Center,
4 North Jersey Developmental Center,
5 New Lisbon Developmental Center,
6 Woodbine Developmental Center,
7 Vineland Developmental Center,
8 Woodbridge Developmental Center,
9 Hunterdon Developmental Center [,
10 Arthur Brisbane Child Center at Allaire].

11 (cf: P.L.2001, c.268, s.1)

12

13 10. Section 2 of P.L.1980, c.35 (C.30:4E-2) is amended to read
14 as follows:

15 2. a. The Commissioner of Human Services shall organize an
16 Interagency Task Force on Home Care Services, hereinafter known
17 as the "task force," which shall consist of the commissioner, the
18 Commissioner of Health, the Commissioner of Insurance, and the
19 Commissioner of Community Affairs, or their designated
20 representatives. The task force shall review and coordinate efforts
21 among departments to develop home health care and homemaker
22 services and shall consult on the propriety and effects of State and
23 Federal home health care and homemaker legislation, rules, and
24 regulations. The task force shall work toward regulatory and
25 legislative change which it feels will promote the utilization of
26 home health care and homemaker services as an alternative to
27 institutional care.

28 b. The task force shall meet as frequently as its business may
29 require and at least once in each calendar quarter of each year.

30 c. The task force shall consult on a regular basis with [the
31 Statewide Health Coordinating Council and with] public and
32 private nonprofit, proprietary, and hospital based providers of home
33 health care and homemaker services. The task force shall also
34 consult with service consumers.

35 (cf: P.L.1980, c.35, s.2)

36

37 11. Section 8 of P.L.1948, c.249 (C.34:6-47.8) is amended to
38 read as follows:

39 8. This act shall not be construed as applying to, shall not apply
40 to, and is not intended to apply to, the construction, reconstruction,
41 operations, and maintenance of overhead electrical conductors and
42 their supporting structures and associated equipment by authorized
43 and qualified electrical workers; nor to the authorized and qualified
44 employees of any person engaged in the construction,
45 reconstruction, operation, and maintenance of overhead electrical
46 circuits or conductors and their supporting structures and associated
47 equipment of rail transportation systems, or electrical generating,
48 transmission, distribution, and communication systems. This

1 exception when applied to railway systems, shall be construed as
2 permitting operation of standard rail equipment, which is normally
3 used in the transportation of freight or passengers or both and the
4 operation of relief trains, or other equipment in emergencies, or in
5 maintenance of way service, at a distance of less than 6 feet from
6 any high-voltage conductor of such railway system; but this act
7 shall be construed as prohibiting normal repair or construction
8 operations at a distance of less than 6 feet from any high-voltage
9 conductor by other than properly qualified and authorized persons
10 or employees under the direct supervision of an authorized person
11 who is familiar with the hazards involved, unless there has been
12 compliance with the safety provisions of sections 2, 4, and 5
13 hereof.

14 This act shall not be construed as applying to, shall not apply to
15 and is not intended to apply to, motor vehicle transportation across
16 or along a public road or highway where such transportation is
17 subject to the requirements of Title 39, Motor Vehicles and Traffic
18 Regulation of the Revised Statutes, nor to motor vehicle
19 transportation subject to the requirements of [P.L.1952, chapter 16,
20 page 65, section 1 et seq., New Jersey Highway Authority or
21 P.L.1948, chapter 454, page 1856, section 1 et seq.,] the New
22 Jersey Turnpike Authority, P.L.1948 c. 454 (C.27:23-1 et seq.).
23 (cf: P.L.1966, c.261, s.7)
24

25 12. Section 1 of P.L.2009, c.247 (C.34:6-158) is amended to read
26 as follows:

27 1. The Legislature finds and declares that:

28 a. A significant portion of the apparel industry has a history of
29 poor conditions for its workers;

30 b. The largest part of the apparel purchases of the State of New
31 Jersey are for State employee uniforms, which should project a
32 positive image for the State and help to instill pride on the part of
33 State employees;

34 c. The State of New Jersey has, as a market participant, a
35 compelling interest in guaranteeing that these uniforms and all of
36 the other apparel it acquires are produced in the United States of
37 America in conditions which are conducive to the reliable provision
38 of high quality apparel and of which the State, its citizens, and its
39 employees may be proud; and

40 d. It is, therefore, an appropriate policy [to establish an
41 Apparel Procurement Board] to ensure that the State's interests as a
42 market participant are protected with respect to apparel contracts
43 entered into by the State and its instrumentalities.

44 (cf: P.L.2009, c.247, s.1)
45

46 13. Section 2 of P.L.2009, c.247 (C.34:6-159) is amended to
47 read as follows:

1 2. For the purpose of **[this act]** P.L.2009, c.247 (C.34:6-158 et
2 seq.):

3 "Apparel" means any clothing, headwear, linens or fabric.

4 "Apparel contracts" shall include all purchases, rentals or other
5 acquisitions of apparel products by the State of New Jersey,
6 including authorizations by the State of New Jersey for vendors to
7 sell apparel products through cash allowances or vouchers issued by
8 the State of New Jersey, and license agreements with a public body.

9 "Apparel production" shall include the cutting and manufacturing
10 of apparel products performed by the vendor or by any sub-
11 contractors, not including the production of supplies or sundries
12 such as buttons, zippers, and thread.

13 "Bidder" means any person making a bid with a public body to
14 serve as a vendor to a public body.

15 **["Board" means the Apparel Procurement Board established by**
16 **this act.]**

17 "Commissioner" means the Commissioner of Labor and
18 Workforce Development.

19 "Poverty line" means the official poverty line based on family
20 size, established and adjusted under section 673 (2) of Subtitle B of
21 the "Community Services Block Grant Act," Pub.L.97-35 (42
22 U.S.C. s.9902 (2)).

23 "Public body" means the State of New Jersey, any agency of the
24 State or any authority created by the Legislature.

25 "Vendor" means any person or business selling or otherwise
26 providing apparel to or for a public body or entering into a license
27 agreement with a public body to produce or provide items of
28 apparel bearing names, trademarks or images of, or related to, the
29 public body.

30 (cf: P.L.2009, c.247, s.2)

31

32 14. Section 3 of P.L.2009, c.247 (C.34:6-160) is amended to
33 read as follows:

34 3. When purchasing or otherwise obtaining apparel from a
35 vendor, including approving a vendor for participation in allowance
36 or voucher programs, a public body shall require that all apparel
37 production is in compliance with each of the following
38 requirements, except in the case of a requirement that is adjudicated
39 to be unenforceable because of preemption by federal law:

40 a. All apparel production under the contract shall be performed
41 in the United States, except in cases in which the commissioner
42 determines that it is not possible for the public body to obtain
43 apparel produced in the United States which meets the necessary
44 requirements of the public body;

45 b. Apparel production workers employed to produce the
46 apparel shall be provided a work environment that is safe, healthy,
47 and free of discrimination on the basis of race, national origin,
48 religion, sex and sexual preference;

1 c. Apparel production workers employed to produce the
2 apparel shall be provided non-poverty compensation at an hourly
3 rate determined by the commissioner to be not less than the poverty
4 line for a family of three, based on 40 hours of work a week for 50
5 weeks a year;

6 d. Apparel production workers employed to produce the
7 apparel shall not be terminated except for just-cause and vendors
8 and their contractors and sub-contractors shall provide a mechanism
9 to resolve all disputes with apparel production workers;

10 e. Vendors and their contractors and sub-contractors shall
11 adapt a neutrality position with respect to attempts to organize by
12 their employees, and agree to voluntarily recognize a union when a
13 majority of workers have signed cards authorizing union
14 representation;

15 f. The facilities where the apparel production occurs shall be
16 open to inspection by the commissioner, [the board, or] any
17 political subdivision of this State, any other state or other
18 governmental or intergovernmental unit with which the
19 commissioner [or the board] cooperates, or by any appropriate
20 consortia in which [the board or] the commissioner participates
21 [pursuant to section 5 of this act]; and

22 g. No contractor or sub-contractor involved in the providing or
23 production of apparel has a pattern or practice of violation of legal
24 employment protections, including laws and regulations governing
25 wages and hours, discrimination, occupational safety and health,
26 child labor, industrial homework, workers' compensation, and
27 occupational safety and health.

28 Every apparel contract and bid application shall contain a
29 provision or provisions detailing the requirements of [this act]
30 P.L.2009, c.247 (C.34:6-158 et seq.), and compliance with [this
31 act] P.L.2009, c.247 (C.34:6-158 et seq.) shall be made a binding
32 part of all apparel contracts.

33 (cf: P.L.2009, c.247, s.3)

34

35 15. Section 4 of P.L.2009, c.247 (C.34:6-161) is amended to
36 read as follows:

37 4. Every bidder for an apparel contract with a public body shall
38 inform the public body in writing of the following information,
39 which shall be made available by the public body to the public as
40 soon as possible, but in no case less than 30 days before a decision
41 is made to award an apparel contract to a bidder:

42 a. Every location where apparel production is to take place,
43 including any sub-contractor locations;

44 b. The name, business address, and names of principal officers
45 of each sub-contractor to be used for apparel production in
46 fulfillment of an apparel contract; and

1 c. An affidavit that each apparel production location meets the
2 requirements of **[this act]** P.L.2009, c.247 (C.34:6-158 et seq.).

3 Any changes to the reported information during the term of an
4 apparel contract must be reported by the vendor to the public body.
5 The public body shall report all information required under this
6 section to the **[Apparel Procurement Board]** commissioner,
7 **[which]** who shall make the information available upon request to
8 the public.

9 (cf: P.L.2009, c.247, s.4)

10

11 16. Section 3 of P.L.1997, c.415 (C.39:4-98.4) is amended to
12 read as follows:

13 3. As used in this act:

14 "Authorities" means the **[New Jersey Highway Authority, the]**
15 New Jersey Turnpike Authority and the South Jersey Transportation
16 Authority.

17 "Commissioner" means the Commissioner of Transportation.

18 "Eligible public highways" means public highways as defined in
19 section 3 of P.L.1984, c.73 (C.27:1B-3) of which portions have
20 been determined by the commissioner to be appropriate for a 65
21 miles per hour speed limit based on such criteria as determined by
22 the commissioner. Public highways under the jurisdiction of
23 counties and municipalities shall not be eligible public highways.

24 (cf: P.L.1997, c.415, s.3)

25

26 17. Section 1 of P.L.1993, c.332 (C.39:4-203.5) is amended to
27 read as follows:

28 1. a. For the purposes of this act:

29 "Area of highway construction or repair" means that segment of
30 any highway which is identified by properly posted traffic control
31 devices or signs as undergoing construction, reconstruction, repair,
32 or maintenance operation. An area of highway construction or
33 repair shall consist of that area between the first traffic control
34 device or sign informing motor vehicle operators of their
35 approaching highway construction or repair and the last traffic
36 control device or sign indicating all restrictions are removed and
37 normal motor vehicle operations may resume.

38 "Highway" means any highway under the jurisdiction of the
39 **[State]** Department of Transportation, a county, a municipality, or
40 a toll road authority.

41 "Safe corridor" or "safe corridor area" means a segment of
42 highway under the jurisdiction of the Department of Transportation
43 which, based upon accident rates, fatalities, traffic volume and other
44 highway traffic safety criteria, is identified by the Commissioner of
45 Transportation as a segment warranting designation as a "safe
46 corridor."

1 "Toll road authority" means the New Jersey Turnpike
2 Authority[, the New Jersey Highway Authority,] or the South
3 Jersey Transportation Authority.

4 b. The fine for a motor vehicle offense embodied in the
5 following sections of statutory law, when committed in an area of
6 highway construction or repair, or when committed in a designated
7 safe corridor, shall be double the amount specified by law:

8 Subsection b. of R.S.39:3-20;

9 R.S.39:4-52;

10 R.S.39:4-57;

11 R.S.39:4-71;

12 R.S.39:4-80;

13 R.S.39:4-81;

14 R.S.39:4-82;

15 R.S.39:4-83;

16 R.S.39:4-84;

17 R.S.39:4-85;

18 R.S.39:4-86;

19 R.S.39:4-88;

20 R.S.39:4-89;

21 R.S.39:4-90;

22 R.S.39:4-96;

23 R.S.39:4-97;

24 R.S.39:4-98;

25 R.S.39:4-99;

26 R.S.39:4-105;

27 R.S.39:4-115;

28 R.S.39:4-119;

29 R.S.39:4-122;

30 R.S.39:4-123;

31 R.S.39:4-124;

32 R.S.39:4-125;

33 R.S.39:4-127;

34 R.S.39:4-129;

35 R.S.39:4-144;

36 P.L.1955, c.217 (C.39:5C-1);

37 Section 48 of P.L.1951, c.23 (C.39:4-66.1);

38 Section 41 of P.L.1951, c.23 (C.39:4-82.1);

39 Section 51 of P.L.1951, c.23 (C.39:4-90.1);

40 Section 1 of P.L.2000, c.75 (C.39:4-97.2);

41 Section 6 of P.L.1997, c.415 (C.39:4-98.7);

42 Section 5 of P.L.1951, c.264 (C.27:23-29);

43 Section 18 of P.L.1952, c.16 (C.27:12B-18); and

44 Section 21 of P.L.1991, c.252 (C.27:25A-21).

45 When an area of highway construction or repair is within a safe
46 corridor, the fine for a motor vehicle offense embodied in the
47 preceding sections of statutory law shall be doubled only once.

48 When a safe corridor is within an area of highway construction or

1 repair, the fine for a motor vehicle offense embodied in the
2 preceding sections of statutory law shall be doubled only once.
3 Fines for violation of section 6 of P.L.1997, c.415 (C.39:4-98.7) in
4 a safe corridor or an area of highway construction or repair shall be
5 doubled only once. Notwithstanding any other provision of law, the
6 increase from the doubled fines imposed and collected in designated
7 safe corridor areas shall be forwarded by the person to whom they
8 are paid to the State Treasurer, who shall annually deposit those
9 moneys in the "Highway Safety Fund" established pursuant to
10 section 5 of P.L.2003, c.131 (C.39:3-20.4).

11 c. (1) Signs designed in compliance with the specifications of the
12 Department of Transportation or, if appropriate, the toll road
13 authority having jurisdiction over the appropriate highway, shall be
14 appropriately placed, by order of the Commissioner of
15 Transportation, the appropriate local official, or the affected toll
16 road authority, as the case may be, to notify drivers approaching
17 areas of highway construction or repair, or designated safe corridor
18 areas, that the fines are doubled for motor vehicle offenses in those
19 areas.

20 (2) In addition, all traffic control signs and devices erected or
21 displayed by the State Department of Transportation, a county, a
22 municipality or a toll road authority within an area of highway
23 construction or repair or safe corridor area shall conform to the
24 uniform system specified in the most current "Manual on Uniform
25 Traffic Control Devices for Streets and Highways," prepared by the
26 Federal Highway Administration in the United States Department of
27 Transportation.

28 d. It shall not be a defense to the imposition of the fines
29 authorized under the provisions of **[this act]** P.L.1993, c.332 that a
30 sign notifying drivers who are approaching highway construction or
31 repair areas, or designated safe corridor areas, that fines are doubled
32 for motor vehicle offenses in those areas was not posted, improperly
33 posted, wrongfully removed or stolen, or that signs or devices were
34 not placed in compliance with the most current "Manual on
35 Uniform Traffic Control Devices for Streets and Highways" as
36 required pursuant to paragraph (2) of subsection c. of this section.

37 e. The director shall include information concerning the
38 penalties imposed pursuant to this act in any subsequent revision of
39 the New Jersey Driver Manual and the New Jersey Motorist Guide.

40 f. Safe corridor areas shall be designated by traffic order
41 issued pursuant to P.L.1998, c.28 (C.39:4-8.2 et seq.).

42 (cf: P.L.2003, c.131, s.1)

43

44 18. Section 2 of P.L.1983, c.2 (C.40:48-2.12a1) is amended to
45 read as follows:

46 2. No exemption from inspection pursuant to the provisions of
47 **[section 3 of P.L.1967, c.76 (C.55:13A-3)]** statutory law shall
48 prevent any municipality from adopting an ordinance to provide for

1 the inspection of buildings to assure the health, safety, and public
2 welfare of the municipality and its residents.

3 (cf: P.L.1983, c.2, s.2)

4

5 19. Section 4 of P.L.1973, c.155 (C.43:7-18.1) is amended to
6 read a follows:

7 4. The **【pension commission】** Division of Pensions and Benefits
8 in the Department of the Treasury shall have the general
9 responsibility for the proper operation of the pension fund and shall
10 have such powers and shall exercise such functions and duties, as
11 may be necessary and appropriate for the proper operation of the
12 fund, subject to the provisions of P.L.1955, c.70 (C.52:18A-95 et
13 seq.). Any reference in a law, rule, regulation, judicial or
14 administrative proceeding, or otherwise to the Prison Officers’
15 Pension Commission shall mean and refer to the Division of
16 Pensions and Benefits.

17 The **【commission】** division may make all necessary rules and
18 regulations. Such rules and regulations shall be consistent with
19 those adopted by the other pension funds within the Division of
20 Pensions and Benefits in order to permit the most economical and
21 uniform administration of all such retirement systems.

22 (cf: P.L.1973, c.155, s.4)

23

24 20. Section 13 of P.L.1941, c.220 (C.43:7-19) is amended to
25 read as follows:

26 13. The **【said pension commission】** Division of Pensions and
27 Benefits in the Department of the Treasury shall have control and
28 management of said fund subject to the provisions of P.L.1950,
29 c.270 (C.52:18A-79 et seq.), and of the retirement of said prison
30 officers, and 【they are】 the division is hereby empowered to make
31 all necessary rules and regulations regarding the same not
32 inconsistent with this act. All moneys belonging to said pension
33 fund shall be received and paid over to the Treasurer of the State of
34 New Jersey, whose official bond shall cover the same. All moneys
35 paid out of such pension fund shall be paid by the said treasurer
36 upon warrants signed by the 【president and secretary of said
37 pension commission, or such other officers at the pension
38 commission shall designate】 director of the division.

39 (cf: P.L.1941, c.220, s.13)

40

41 21. Section 15 of P.L.1941, c.220 (C.43:7-21) is amended to
42 read as follows:

43 15. The **【president and secretary】** Division of Pensions and
44 Benefits in the Department of the Treasury shall, on behalf of the
45 said pension **【commission】** fund, execute any and all releases,
46 acquittances, receipts, or discharges of any and all written

1 evidences of indebtedness to said pension **[commission]** fund.
2 (cf: P.L.1941, c.220, s.15)

3

4 22. Section 16 of P.L.1941, c.220 (C.43:7-22) is amended to
5 read as follows:

6 16. The **[pension commission]** Division of Pensions and
7 Benefits in the Department of the Treasury shall make an annual
8 report of the conditions of such fund and the manner in which same
9 is invested.

10 (cf: P.L.1941, c.220, s.16)

11

12 23. Section 7 of P.L.1952, c.358 (C.43:16-6.2) is amended to
13 read as follows:

14 7. **[On July 1, 1952, and in each succeeding year, or, when**
15 **July 1 is a legal holiday, upon the first business day thereafter, the**
16 **members of the commission shall meet in annual meeting at which a**
17 **chairman shall be elected from the membership thereof.]** The
18 **[commission]** Division of Pensions and Benefits in the Department
19 of the Treasury shall keep, in convenient form, such data as may be
20 necessary for the actuarial evaluation of the fund committed to its
21 charge and to serve as a record of its experience in the
22 administration of the pension system dependent upon such fund.
23 **[A record shall be kept of all proceedings of the commission, which**
24 **shall be open to public inspection.]** The Attorney General shall act
25 as the legal adviser **[of the commission]** for the fund, except that if
26 the Attorney General determines that a conflict of interest would
27 affect the ability of the Attorney General to represent the
28 **[commission]** division on a matter affecting the retirement system,
29 the **[commission]** division may select and employ legal counsel to
30 advise and represent the **[commission]** division on that matter. The
31 actuary of the fund shall be selected by the Retirement Systems
32 Actuary Selection Committee established by P.L.1992, c.125. **[He]**
33 The actuary of the fund shall be the technical adviser of the
34 **[commission]** division on all matters regarding the operation of the
35 pension fund not otherwise prescribed by law.

36 (cf: P.L.1992, c.125, s.11)

37

38 24. R.S.43:16-7 is amended to read as follows:

39 43:16-7. The **[commission]** Division of Pensions and Benefits
40 in the Department of the Treasury shall be **[and are hereby**
41 **constituted trustees]** the trustee of all the funds established by this
42 act. The division shall have the general responsibility for the
43 proper operation of the pension fund and shall have such powers
44 and shall exercise such functions and duties as may be necessary
45 and appropriate for the proper operation of the fund. Any reference
46 in a law, rule, regulation, judicial or administrative proceeding, or

1 otherwise to the Consolidated Police and Firemen's Pension Fund
2 Commission shall mean and refer to the Division of Pensions and
3 Benefits.

4 The **commission** division may make all necessary rules and
5 regulations with regard thereto. Such rules and regulations shall be
6 consistent with those adopted by the other pension funds within the
7 Division of Pensions and Benefits in order to permit the most
8 economical and uniform administration of all such retirement
9 systems. All moneys and assets of and belonging to the funds
10 consolidated and required by this chapter to be consolidated and
11 transferred to the pension fund, together with all increments and
12 contributions thereto shall be received and paid over to the State
13 Treasurer, whose official bond shall cover the same. No moneys
14 shall be paid out of the consolidated fund except upon the warrant
15 of the fund, signed by the **chairman and secretary** director of the
16 division. All pensions granted under this chapter shall be exempt
17 from execution, garnishment, attachment, sequestration, or other
18 legal process. All moneys not needed for the immediate payment of
19 pensions under this chapter shall be invested **for the commission**
20 by the Director of the Division of Investment established pursuant
21 to the provisions of chapter 270 of the laws of 1950, subject to the
22 limitations contained in section 11 of said chapter. **A member of**
23 **the commission, to be designated by a majority vote thereof, shall**
24 **serve on the State Investment Council as a representative of said**
25 **commission.**】

26 (cf: P.L.1971, c.179, s.3)

27

28 25. Section 12 of P.L.1944, c.253 (C.43:16-17) is amended to
29 read as follows:

30 12. The following words and phrases as used in this act, unless a
31 different meaning is plainly required by the context, shall have the
32 following meanings:

33 (1) "Member" shall mean a person who on July 1, 1944, was a
34 member of a municipal police department or paid or part-paid fire
35 department or county police department or a paid or part-paid fire
36 department of a fire district located in a township and who has
37 contributed to the pension fund established under chapter 16 of
38 Title 43 of the Revised Statutes and shall hereafter contribute to
39 said fund.

40 (2) "Active member" shall mean any "member" who is a police
41 officer, firefighter, detective, line person, driver of police van, fire
42 alarm operator or inspector of combustibles and who is subject to
43 call for active service or duty as such.

44 (3) "Employee member" shall mean any "member" who is not
45 subject to call for active service or duty as a police officer,
46 firefighter, detective, line person, driver of police van, fire alarm
47 operator or inspector of combustibles.

- 1 (4) "Commission" shall mean the board having the general
2 responsibility for the proper operation of the pension fund created
3 by this act, subject to the provisions of chapter 70 of the laws of
4 1955.
- 5 (5) "Physician or surgeon" shall mean the medical board
6 composed of physicians who shall be called upon to determine the
7 disability of members as provided by this act.
- 8 (6) "Employer" shall mean the county, municipality or agency
9 thereof by which a member is employed.
- 10 (7) "Service" shall mean service rendered while a member is
11 employed by a municipal police department, paid or part-paid fire
12 department, county police department or paid or part-paid fire
13 department of a fire district located in a township prior to the
14 effective date of this act for such service to such departments
15 thereafter.
- 16 (8) "Pension" shall mean the amount payable to a member or the
17 member's beneficiary under the provisions of this act.
- 18 (9) "Average salary" shall mean the average salary paid during
19 the last three years of a member's service.
- 20 (10) "Beneficiary" shall mean any person or persons, other than a
21 member, receiving or entitled to receive a pension or benefits, as
22 provided by this act.
- 23 (11) "Parent" shall mean the parent of a member who was
24 receiving at least one-half of that parent's support from the member
25 in the 12-month period immediately preceding the member's death
26 or the accident which was the direct cause of the member's death.
27 The dependency of such a parent will be considered terminated by
28 marriage of the parent subsequent to the death of the member.
- 29 (12) "County police" shall mean all police officers having
30 supervision of regulation of traffic upon county roads.
- 31 (13) (Deleted by amendment, P.L.1989, c.78.)
- 32 (14) "Surviving spouse" shall mean the person to whom a
33 member was married before the date of retirement or at least two
34 years before the date of the member's death and whose marriage to
35 the member continued until the member's death.
- 36 (15) "Child" shall mean a deceased member's unmarried child
37 either (a) under the age of 18 or (b) of any age who, at the time of
38 the member's death, is disabled because of an intellectual disability
39 or physical incapacity, is unable to do any substantial, gainful work
40 because of the impairment and whose impairment has lasted or can
41 be expected to last for a continuous period of not less than 12
42 months, as affirmed by the examining physicians of the fund.
- 43 (16) "Regular interest" shall mean interest as determined by the
44 State Treasurer, after consultation with the Directors of the
45 Divisions of Investment and Pensions and Benefits, [the
46 commission] and the actuary. It shall bear a reasonable
47 relationship to the percentage rate of earnings on investments based
48 on the market value of the assets but shall not exceed the assumed

1 percentage rate of increase applied to salaries plus 3%, provided
2 however that the [commission shall not set the] average percentage
3 rate of increase applied to salaries shall not be set below 6%.

4 (17) "Final compensation" shall mean the compensation received
5 by the member in the last 12 months of service preceding
6 retirement.

7 (18) "Compensation" shall mean the base salary, for services as a
8 member as defined in this act, which is in accordance with
9 established salary policies of the member's employer for all
10 employees in the same position but shall not include individual
11 salary adjustments which are granted primarily in anticipation of
12 the member's retirement or additional remuneration for performing
13 temporary duties beyond the regular workday.

14 (cf: P.L.2010, c.50, s.73)

15

16 26. Section 1 of P.L.1955, c.137 (C.43:16-19) is amended to
17 read as follows:

18 1. Any member or any beneficiary who has been or, in the
19 future, may be retired, or receive a pension, benefit, or retirement
20 allowance, including an annuity, pursuant to the provisions of the
21 act to which this act is a supplement, may, by filing written request
22 with the [commission] Division of Pensions and Benefits in the
23 Department of the Treasury, waive payment of a portion of the
24 pension, benefit, or retirement allowance, including annuity, to
25 which [he] the member or beneficiary may be entitled.

26 (cf: P.L.1955, c.137, s.1)

27

28 27. Section 2 of P.L.1955, c.137 (C.43:16-20) is amended to
29 read as follows:

30 2. Upon the receipt of such a waiver, and until the same is
31 withdrawn, altered, or revoked by a subsequent written request,
32 similarly filed, the [commission] Division of Pensions and Benefits
33 shall pay a reduced pension, benefit, retirement allowance, or
34 annuity, as shall be requested in such waiver.

35 (cf: P.L.1955, c.137, s.2)

36

37 28. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read
38 as follows:

39 2. The provisions of this act shall apply to the following boards
40 and all professions or occupations regulated by, through or with the
41 advice of those boards: the New Jersey State Board of
42 Accountancy, the New Jersey State Board of Architects, the New
43 Jersey State Board of Cosmetology and Hairstyling, the Board of
44 Examiners of Electrical Contractors, the New Jersey State Board of
45 Dentistry, the State Board of Mortuary Science of New Jersey, the
46 State Board of Professional Engineers and Land Surveyors, the
47 State Board of Marriage and Family Therapy Examiners, the State
48 Board of Medical Examiners, the New Jersey Board of Nursing, the

1 New Jersey State Board of Optometrists, the State Board of
2 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
3 the Board of Pharmacy, the State Board of Professional Planners,
4 the State Board of Psychological Examiners, the State Board of
5 Examiners of Master Plumbers, the State Board of Court Reporting,
6 the State Board of Veterinary Medical Examiners, the State Board
7 of Chiropractic Examiners, the State Board of Respiratory Care, the
8 State Real Estate Appraiser Board, the State Board of Social Work
9 Examiners, the State Board of Examiners of Heating, Ventilating,
10 Air Conditioning and Refrigeration Contractors, the Elevator,
11 Escalator, and Moving Walkway Mechanics Licensing Board, the
12 State Board of Physical Therapy Examiners, the State Board of
13 Polysomnography, the Professional Counselor Examiners
14 Committee, the New Jersey Cemetery Board, the Orthotics and
15 Prosthetics Board of Examiners, the Occupational Therapy
16 Advisory Council, the Electrologists Advisory Committee, the
17 Acupuncture Advisory Committee, the Alcohol and Drug Counselor
18 Committee, the Athletic Training Advisory Committee, the
19 Certified Psychoanalysts Advisory Committee, the Fire Alarm,
20 Burglar Alarm, and Locksmith Advisory Committee, the Home
21 Inspection Advisory Committee, the Interior Design Examination
22 and Evaluation Committee, the Hearing Aid Dispensers Examining
23 Committee, [the Landscape Architect Examination and Evaluation
24 Committee,] the Perfusionists Advisory Committee, the Physician
25 Assistant Advisory Committee, the Audiology and Speech-
26 Language Pathology Advisory Committee, the New Jersey Board of
27 Massage and Bodywork Therapy, the Genetic Counseling Advisory
28 Committee and any other entity hereafter created under Title 45 to
29 license or otherwise regulate a profession or occupation.
30 (cf: P.L.2012, c.71, s.17)

31

32 29. R.S.45:9-1 is amended to read as follows:

33 45:9-1. The State Board of Medical Examiners, hereinafter in
34 this chapter designated as the "board" shall consist of 21 members,
35 one of whom shall be the Commissioner of Health [and Senior
36 Services], or [his] the commissioner's designee, three of whom
37 shall be public members and one an executive department designee
38 as required pursuant to section 2 of P.L.1971, c.60 (C.45:1-2.2), and
39 16 of whom shall be persons of recognized professional ability and
40 honor, and shall possess a license to practice their respective
41 professions in New Jersey, and all of whom shall be appointed by
42 the Governor in accordance with the provisions of section 2 of
43 P.L.1971, c.60 (C.45:1-2.2); provided, however, that said board
44 shall consist of 12 graduates of schools of medicine or osteopathic
45 medicine who shall possess the degree of M.D. or D.O. The
46 number of osteopathic physicians on the board shall be a minimum
47 of, but not limited to, two members. In addition the membership of
48 said board shall comprise: one podiatric physician who does not

1 possess a license to practice in any other health care profession
2 regulated under Title 45 of the Revised Statutes; one physician
3 assistant; one certified nurse midwife; and one licensed bio-
4 analytical laboratory director, who may or may not be the holder of
5 a degree of M.D. The term of office of members of the board
6 hereafter appointed shall be three years or until their successors are
7 appointed. A member is eligible for reappointment for one
8 additional term of office, but no member shall serve more than two
9 consecutive terms of office. Said appointees shall, within 30 days
10 after receipt of their respective commissions, take and subscribe the
11 oath or affirmation prescribed by law and file the same in the office
12 of the Secretary of State.

13 **【The Governor shall also appoint an advisory committee to**
14 **consist of four licensed bio-analytical laboratory directors, only two**
15 **of whom shall possess the degree of M.D. or D.O., and who shall be**
16 **appointed from a list to be submitted by the society or organization**
17 **of which the persons nominated are members. The members of this**
18 **advisory committee shall serve for a term of three years and until**
19 **their successors are appointed and qualified, and shall be available**
20 **to assist the board in the administration of the "Bio-analytical**
21 **Laboratory and Laboratory Directors Act (1953)," P.L.1953, c.420**
22 **(C.45:9-42.1 et al.). The advisory committee shall meet at the call**
23 **of the board. The board may authorize reimbursement of the**
24 **members of the advisory committee for their actual expenses**
25 **incurred in connection with the performance of their duties as**
26 **members of the committee.】**

27 (cf: P.L.2011, c.22, s.1)

28

29 30. Section 1 of P.L.2009, c.82 (C.45:22A-46.3) is amended to
30 read as follows:

31 1. The Legislature finds and declares that:

32 a. While the cost of housing in New Jersey has declined under
33 currently eroding economic conditions, the cost of both renting and
34 homeownership remains unaffordable to a large percentage of New
35 Jersey residents, including those who make vital contributions to
36 their communities such as teachers, nurses, police officers,
37 firefighters, and the general workforce population;

38 b. In recognition of this crisis, Governor Jon S. Corzine has
39 committed to producing and preserving 100,000 units of affordable
40 housing for low-, moderate- and middle-income families and
41 individuals over the next 10 years;

42 c. According to the 2000 U.S. Census, 55 percent of these
43 families are one and two person households, many of which are
44 unable to find homes and apartments designed to meet their needs;

45 d. While no policy is singularly responsible for current housing
46 conditions, zoning practices have resulted in a lack of land
47 approved for housing which meets the needs of households
48 requiring smaller housing units;

1 e. The shortage of affordably priced workforce housing has
2 been exacerbated in recent years by a municipal preference for age-
3 restricted housing which has resulted in an oversupply of age-
4 restricted housing approvals and an inability among the majority of
5 New Jersey's workforce to live near their jobs;

6 f. **【While the Legislature has created a State Housing**
7 **Commission, which has been charged with reviewing New Jersey's**
8 **housing limitations and its future needs to create a balanced housing**
9 **policy and plan appropriate for all New Jerseyans, it has not yet**
10 **commenced operation;】** (Deleted by amendment, P.L. , c. .)
11 (pending before the Legislature as this bill)

12 g. Although the maximum municipal percentage of affordable
13 fair share housing which may be met by age-restricted units in a
14 municipality has been reduced from 50 percent to 25 percent under
15 the recently adopted rules of the Council on Affordable Housing, a
16 mechanism is needed to permit an age-restricted development to
17 change to a converted development to meet this rule, and to meet
18 demographic needs; and

19 h. Under currently deteriorating national economic conditions,
20 it is appropriate to take immediate action at this time to create the
21 opportunity to increase the production and supply of workforce
22 housing through the conversion of the over-supplied age-restricted
23 market to meet the needs of New Jersey's residents who require
24 smaller, more reasonably priced homes.
25 (cf: P.L.2009, c.82, s.1)

26
27 31. Section 10 of P.L.2001, c.416 (C.48:16-22.3b) is amended to
28 read as follows:

29 10. Any person who owns a limousine service shall require an
30 applicant for employment as a limousine operator or driver to be
31 tested, at the applicant's expense, for dangerous controlled
32 substances as defined in N.J.S.2C:35-2. **【Upon the advice of the**
33 **State Limousine Advisory Committee, the】** The Chief
34 Administrator of the New Jersey Motor Vehicle Commission shall
35 adopt regulations, pursuant to the "Administrative Procedure Act,"
36 P.L.1968, c.410 (C.52:14B-1 et seq.), for the licensing and testing
37 of applicants for employment as limousine operators or drivers.
38 The regulations shall be substantially similar to the regulations of
39 New York City concerning the testing of an applicant for a for-hire
40 vehicle driver's license pursuant to section 6-15 of Title 35 of the
41 New York City Rules and Regulations.
42 (cf: P.L.2007, c.35, s.2)

43
44 32. Section 3 of P.L.2002, c.129 (C.52:17B-194.3) is amended
45 to read as follows:

46 3. a. The Attorney General shall establish "Amber's Plan," a
47 program authorizing the broadcast media, upon notice from the
48 State Police, to transmit an emergency alert to inform the public of

1 a child abduction. The program shall be a voluntary, cooperative
2 effort between State and local law enforcement agencies and the
3 broadcast media.

4 b. The Attorney General shall notify the broadcast media
5 serving the State of New Jersey of the establishment of "Amber's
6 Plan" and invite their voluntary participation.

7 c. The following criteria shall be met before the State Police
8 activate the Amber Alert:

- 9 (1) The child is believed to be abducted;
10 (2) The child is 17 years of age or younger;
11 (3) The child may be in danger of death or serious bodily injury;
12 and

13 (4) There is sufficient information available to indicate that an
14 "Amber Alert" would assist in locating the child.

15 d. The participating media shall voluntarily agree, upon notice
16 from the State Police, to transmit emergency alerts to inform the
17 public of a child abduction that has occurred within their broadcast
18 service regions. The notice shall be provided through the State
19 Police operational dispatch unit.

20 The alerts shall be read after a distinctive sound tone and the
21 statement: "This is an Amber Abducted Child Alert." The alerts
22 shall be broadcast as often as possible, pursuant to the guidelines
23 established by the New Jersey Broadcasters' Association, for the
24 first three hours. After the initial three hours, the alert shall be
25 rebroadcast at such intervals as the investigating authority, the State
26 Police and the participating media deem appropriate.

27 The alerts shall include a description of the child, such details of
28 the abduction and abductor as may be known, and such other
29 information as the State Police may deem pertinent and appropriate.
30 The State Police shall in a timely manner update the broadcast
31 media with new information when appropriate concerning the
32 abduction.

33 The alerts also shall provide information concerning how those
34 members of the public who have information relating to the
35 abduction may contact the State Police or other appropriate law
36 enforcement agency.

37 Concurrent with the notice provided to the broadcast media, the
38 State Police operational dispatch unit shall also notify the
39 Department of Transportation, [the New Jersey Highway
40 Authority,] the New Jersey Turnpike Authority and the South
41 Jersey Transportation Authority of the "Amber Alert." Through the
42 use of their variable message signs, the department and the affected
43 authorities shall inform the motoring public that an "Amber Alert"
44 is in progress and provide information relating to the abduction and
45 how motorists may report any information they have to the State
46 Police or other appropriate law enforcement agency.

47 e. The alerts shall terminate upon notice from the State Police.

1 f. The Attorney General, with the assistance of the
2 participating broadcast media, shall develop and undertake a public
3 education campaign to inform the public about "Amber's Plan" and
4 the emergency alert program established under this act.

5 g. The Attorney General may adopt guidelines to effectuate the
6 purposes of this act.
7 (cf: P.L.2002, c.129, s.3)

8
9 33. Section 1 of P.L.1989, c.3 (C.52:17C-1) is amended to read
10 as follows:

11 1. As used in this act:

12 a. "Automatic number identification (ANI)" means an
13 enhanced 9-1-1 service capability that enables the automatic display
14 of the callback number used to place a 9-1-1 call;

15 b. "Automatic location identification (ALI)" means an
16 enhanced 9-1-1 service capability that enables the automatic display
17 of information defining the geographical location of the telephone
18 used to place a 9-1-1 call;

19 c. "Commission" means the Statewide Public Safety
20 Communications Commission **【**created pursuant to section 5 of
21 P.L.2011, c.4 (C.52:17C-3.2)**】** in, but not of, the Department of
22 Law and Public Safety pursuant to section 53 of P.L. c. (C.)
23 (pending before the Legislature as this bill);

24 d. "County 9-1-1 Coordinator" means the County 9-1-1
25 Coordinator appointed pursuant to section 5 of this act;

26 e. "Enhanced 9-1-1 network" means the switching equipment,
27 trunk system, database operation and connections to the public
28 safety answering point;

29 f. "Enhanced 9-1-1 network features" means those features of
30 selective routing which have the capability of automatic number
31 and location identification;

32 g. "Enhanced 9-1-1 service" means a service consisting of
33 telephone network features and public safety answering points
34 provided for users of the public telephone system enabling the users
35 to reach a public service answering point by dialing the digits "9-1-
36 1." The service directs 9-1-1 calls to appropriate public safety
37 answering points by selective routing based on the location from
38 which the call originated and provides for automatic number
39 identification and automatic location identification features;

40 h. "Enhanced 9-1-1 termination equipment" means the
41 equipment located at the public safety answering point which is
42 needed to receive or record voice and data communications from
43 the enhanced 9-1-1 network;

44 i. "Office" means the Office of **【**Emergency
45 Telecommunications Services established by section 3 of this act**】**
46 Homeland Security and Preparedness in but not of the Department
47 of Law and Public Safety;

- 1 j. "Public safety agency" means a functional division of a
2 municipality, a county, or the State which dispatches or provides
3 law enforcement, fire fighting, emergency medical services, or
4 other emergency services;
- 5 k. "Private safety agency" means any entity, except a
6 municipality or a public safety agency, providing emergency
7 medical services, fire fighting, or other emergency services;
- 8 l. "Public safety answering point (PSAP)" means a facility,
9 operated on a 24-hour basis, assigned the responsibility of receiving
10 9-1-1 calls and, as appropriate, directly dispatching emergency
11 response services or transferring or relaying emergency 9-1-1 calls
12 to other public safety agencies. A public safety answering point is
13 the first point of reception by a public safety agency of 9-1-1 calls
14 and serves the jurisdictions in which it is located or other
15 participating jurisdictions;
- 16 m. "Selective routing" means the method employed to direct 9-
17 1-1 calls to the appropriate public safety answering point based on
18 the location from which the call originated;
- 19 n. "Emergency enhanced 9-1-1 system" or "system" means the
20 emergency enhanced 9-1-1 telephone system to be established
21 pursuant to this act, including wireless enhanced 9-1-1 service;
- 22 o. "Telephone company" means the organization that provides
23 switched local telephone exchange access service;
- 24 p. "Wireless telephone company" means any person providing
25 commercial mobile radio service as defined in 47 U.S.C.s.332 (d);
- 26 q. "FCC wireless E9-1-1 requirements" means the order
27 adopted in the Federal Communications Commission proceeding
28 entitled "Revision of the Commission's Rules to Ensure
29 Comparability with Enhanced 9-1-1 Emergency Calling Systems,"
30 (CC Docket No. 94-102: RM-8143), or any successor proceeding,
31 and the rules adopted by the Federal Communications Commission
32 in any such proceeding, as these rules may be amended from time to
33 time;
- 34 r. "Wireless 9-1-1 service" means the service which enables
35 wireless telephone company customers to dial the digits 9-1-1 and
36 be connected to a public safety agency;
- 37 s. "Wireless enhanced 9-1-1 service" means the service
38 required to be provided by a wireless telephone company pursuant
39 to FCC wireless E9-1-1 requirements;
- 40 t. "Chief Technology Officer" means the person appointed by
41 and serving at the pleasure of the Governor who is responsible for
42 the day-to-day operations of the Office of Information Technology;
- 43 u. (Deleted by amendment, P.L.2011, c.4).
- 44 v. "Office of Information Technology" means the Office of
45 Information Technology in but not of the Department of the
46 Treasury;

1 w. "Council" means the Statewide Public Safety
2 Communications Advisory Council created pursuant to section 6 of
3 P.L.2011, c.4 (C.52:17C-3.3);

4 x. "Delaware River Homeland Security Region
5 Communications Working Group" means the group of individuals
6 from agencies assigned to that region by the Office of Homeland
7 Security and Preparedness that collaborate on common
8 communications issues;

9 y. "Interoperability" means the ability of diverse information
10 and communication technology systems and the processes they
11 support to effectively work together through compatible
12 communication paths to directly and satisfactorily exchange,
13 correlate, and integrate data, information, and knowledge across
14 jurisdictional boundaries and to use the data, information, and
15 knowledge that has been exchanged;

16 z. "Northeast/UASI Homeland Security Region
17 Communications Working Group" means the group of individuals
18 from agencies assigned to that region by the Office of Homeland
19 Security and Preparedness that collaborate on common
20 communications issues;

21 aa. "Northwest Homeland Security Region Communications
22 Working Group" means the group of individuals from agencies
23 assigned to that region by the Office of Homeland Security and
24 Preparedness that collaborate on common communications issues;

25 bb. "Shore Homeland Security Region Communications
26 Working Group" means the group of individuals from agencies
27 assigned to that region by the Office of Homeland Security and
28 Preparedness that collaborate on common communications issues;
29 and

30 cc. "State Agency Communications Working Group" means the
31 group of individuals made up of State and quasi-state agencies as
32 defined in the State Preparedness Report that collaborate on
33 common communications issues.

34 (cf: P.L.2011, c.4, s.1)

35

36 34. Section 5 of P.L.2011, c.4 (C.52:17C-3.2) is amended to
37 read as follows:

38 5. a. There is established **[in the Office of Information**
39 **Technology]** a Statewide Public Safety Communications
40 Commission in the Department of Law and Public Safety pursuant
41 to section 53 of P.L. c. (C.) (pending before the legislature as
42 this bill) which shall oversee the office in the planning, design, and
43 implementation of the Statewide emergency enhanced 9-1-1
44 telephone system and the New Jersey Interoperable
45 Communications System.

46 b. The commission shall consist of 16 members as follows: two
47 members of the Senate appointed by the President of the Senate,
48 who shall not be both of the same political party; two members of

1 the General Assembly appointed by the Speaker of the General
2 Assembly, who shall not be both of the same political party; the
3 following members ex officio: Chief Technology Officer of the
4 Office of Information Technology or his designee; Director of the
5 Office of Homeland Security and Preparedness or his designee;
6 Superintendent of State Police or his designee; Commissioner of the
7 Department of Health [and Senior Services] or his designee; the
8 State Treasurer or his designee; the New Jersey State Fire Marshal
9 or his designee; the following public members appointed by the
10 Governor with the advice and consent of the Senate: a
11 representative of the Northeast/UASI Homeland Security Region; a
12 representative of the Delaware River Homeland Security Region; a
13 representative of the Shore Homeland Security Region; a
14 representative of the Northwest Homeland Security Region; a
15 representative from the State Agency Communications Working
16 Group; and a representative from the Statewide Public Safety
17 Communications Advisory Council.

18 c. The members of the Senate and General Assembly appointed
19 to the commission shall serve for the term for which they were
20 elected. The members of the Senate and General Assembly
21 appointed to the commission shall be non-voting, advisory
22 members, appointed solely for the purpose of developing and
23 facilitating legislation to assist the commission in fulfilling its
24 statutory mission, and may not exercise any of the executive powers
25 delegated to the commission by law.

26 d. Of the public members first appointed to the commission by
27 the Governor with the advice and consent of the Senate, two shall
28 be appointed for terms of three years, two shall be appointed for
29 terms of two years, and one shall be appointed for a term of one
30 year. Thereafter, the public members of the commission shall be
31 appointed for terms of three years. Vacancies on the commission
32 shall be filled in the same manner as the original appointment but
33 for the unexpired term. Members may be removed by the appointing
34 authority for cause. The initial members shall be appointed within
35 30 days of the effective date of this act. The commission shall have
36 the authority to establish subcommittees as it deems appropriate to
37 carry out the purposes of this act.

38 e. The commission shall be co-chaired by the Chief
39 Technology Officer within the Office of Information Technology
40 and the Director of the Office of Homeland Security and
41 Preparedness, or their designees.

42 f. The commission shall be constituted upon the appointment
43 of the majority of its authorized membership and shall have no
44 expiration date.

45 g. The commission shall meet bi-annually or at more frequent
46 intervals at the discretion of the co-chairs. The meetings of the
47 commission shall be held at the times and in the places necessary
48 and appropriate to fulfill its duties and responsibilities.

1 h. The **【Office of Information Technology】** Office of
2 Homeland Security and Preparedness shall provide such
3 administrative and professional assistance as the commission
4 requires to carry out its work.

5 i. The commission shall be authorized to call to its assistance
6 and avail itself of the services of the employees of any State,
7 county, or local law enforcement entity, any fire department, paid
8 or volunteer, rescue squad or any other department or agency as it
9 may require. State, county, and municipal agencies shall cooperate
10 with the commission by providing information and data as needed.

11 j. For security concerns, meetings of the commission shall be
12 exempt from the provisions set forth in the "Senator Byron M. Baer
13 Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).
14 Records made or maintained by the commission shall not be
15 considered public or government records under P.L.1963, c.73
16 (C.47:1A-1 et seq.). The commission may call upon staff members
17 and the expertise of non-council members to participate in
18 commission activities to provide information and advice.

19 k. The commission shall adopt a charter to effectuate this act
20 within 180 days after the first meeting date.

21 (cf: P.L.2011, c.4, s.5)

22
23 35. Section 1 of P.L.1959, c.17 (C.52:18A-88.1) is amended to
24 read as follows:

25 1. The Director of the Division of Investment, in addition to
26 other investments, presently or from time to time hereafter
27 authorized by law, shall have authority to invest and reinvest the
28 moneys in, and to acquire for or on behalf of the funds of the
29 following enumerated agencies:

30 The Consolidated Police and Firemen's Pension Fund
31 **【Commission】**;

32 The Police and Firemen's Retirement System of New Jersey;

33 The Prison Officers' Pension **【Commission】** Fund;

34 The Public Employees' Retirement System of New Jersey;

35 The State Police Retirement System;

36 The Teachers' Pension and Annuity Fund;

37 The Judicial Retirement System of New Jersey;

38 The Trustees for the Support of Public Schools;

39 and all other funds in the custody of the State Treasurer, unless
40 otherwise provided by law;

41 such investments which shall be authorized or approved for
42 investment by regulation of the State Investment Council.

43 (cf: P.L.1997, c.26, s.25)

44
45 36. Section 4 of P.L.1985, c.494 (C.52:18A-208) is amended to
46 read as follows:

47 4. There is created in the Department of the Treasury, a fund to
48 be known as the Vietnam Veterans' Memorial Fund. The fund shall

1 be credited with **any moneys received by the Vietnam Veterans'**
2 **Memorial Committee as donations under section 3 of this act, and**
3 **any moneys as may [thereafter] be donated by members of the**
4 **public or appropriated to the fund by law. All interest on moneys in**
5 **the fund shall be credited to the fund. The moneys in the fund shall**
6 **be administered by the State Treasurer, to be held thereby in the**
7 **fund until appropriated by law. Not later than [six months after the**
8 **effective date of this act] July 21, 1986, and periodically thereafter,**
9 **the State Treasurer shall certify to the Legislature the total amount**
10 **of moneys in the fund.**

11 (cf: P.L.1985, c.494, s.4)

12

13 37. Section 4 of P.L.1996, c.72 (C.52:18A-218) is amended to
14 read as follows:

15 4. There is created in the Department of the Treasury, a fund to
16 be known as the Korean Veterans' Memorial Fund. The fund shall
17 be credited with **any moneys received by the Korean Veterans'**
18 **Memorial Committee as donations under section 3 of this act,] any**
19 **moneys that may [thereafter] be donated by members of the public,**
20 **the money appropriated to the fund under section 6 of [this act]**
21 **P.L.1996, c.72 and any other moneys appropriated to the fund by**
22 **law. All interest on moneys in the fund shall be credited to the**
23 **fund. The moneys in the fund shall be administered by the State**
24 **Treasurer, to be held thereby in the fund until appropriated by law.**
25 **Not later than [six months after the effective date of this act]**
26 **January 22, 1997, and periodically thereafter, the State Treasurer**
27 **shall certify to the Legislature the total amount of moneys in the**
28 **fund.**

29 (cf: P.L.1996, c.72, s.4)

30

31 38. Section 8 of P.L.2007, c.56 (C.52:18A-226) is amended to
32 read as follows:

33 8. As used in this act:

34 a. **["Chair" means the chairperson of the New Jersey**
35 **Information Technology Governing Board.] (Deleted by**
36 **amendment, P.L. , c.) (pending before the Legislature as this**
37 **bill)**

38 b. **["Governing Board" means the New Jersey Information**
39 **Technology Governing Board established by section 10 of**
40 **P.L.2007, c.56 (C.52:18A-228).] (Deleted by amendment, P.L. ,**
41 **c.) (pending before the Legislature as this bill)**

42 c. "Office" means the Office of Information Technology
43 established by section 9 of P.L.2007, c.56 (C.52:18A-227).

44 d. "Project Review Board" means the New Jersey Information
45 Technology Project Review Board established by section 14 of
46 P.L.2007, c.56 (C.52:18A-232).

47 (cf: P.L.2007, c.56, s.8)

1 39. Section 9 of P.L.2007, c.56 (C.52:18A-227) is amended to
2 read as follows:

3 9. a. There is established an Office of Information Technology.

4 b. The office shall be established in the Executive Branch of
5 State Government and to comply with the provisions of Article V,
6 Section IV, paragraph 1 of the New Jersey Constitution, the office
7 shall be allocated in but not of the Department of the Treasury.
8 Notwithstanding this allocation, the office shall be independent of
9 any supervision or control by the State Treasurer, or the department,
10 or by any division, board, office, or other officer thereof.

11 c. The office shall be directed by the Chief Technology
12 Officer, who shall report directly to the Governor.

13 d. The Chief Technology Officer shall submit requests for the
14 budget of the office [directly to the Governing Board which shall
15 review the requests and upon approval forward them] to the
16 Division of Budget and Accounting in the Department of the
17 Treasury.

18 e. Under the direction of the Chief Technology Officer, the
19 office shall be responsible for [:

20 (1)] providing and maintaining the information technology
21 infrastructure of the Executive Branch of State Government,
22 including all ancillary departments and agencies of the Executive
23 Branch of State Government [; and

24 (2) providing staff support to the Governing Board at the request
25 of the Chair].

26 f. The functions, powers, and duties granted to the office by
27 Executive Order No. 84 of 1984, Executive Order No. 87 of 1998,
28 and Executive Order No. 42 of 2006 shall be continued, and any
29 function, power, or duty granted to the office by the Executive
30 Orders that is inconsistent with the provisions of this act shall be
31 rescinded.

32 (cf: P.L.2007, c.56, s.9)

33

34 40. Section 12 of P.L.2007, c.56 (C.52:18A-230) is amended to
35 read as follows:

36 12. The Chief Technology Officer shall be authorized to:

37 a. Establish the internal organizational structure of the Office
38 of Information Technology in a manner appropriate to carrying out
39 the duties and functions, and fulfilling the responsibilities, of the
40 office;

41 b. Coordinate and conduct all information technology
42 operations in the Executive Branch of State Government, including
43 agency technology operations;

44 c. Draft and establish Service Level Agreements with each
45 department and agency in the Executive Branch of State
46 Government;

1 d. **【In consultation with the Governing Board, review】** Review
2 and analyze the results of the Statewide Information Technology
3 Assessment Study; and

4 e. Enter into agreements, in accordance and consistent with
5 applicable law, regulations, and existing contracts, with private and
6 public entities or individuals to effectuate the purposes of sections 6
7 through 16 of P.L.2007, c.56 (C.52:18A-224 through C.52:18A-
8 234).
9 (cf: P.L.2007, c.56, s.12)

10
11 41. Section 13 of P.L.2007, c.56 (C.52:18A-231) is amended to
12 read as follows:

13 13. a. The Chief Technology Officer is authorized to appoint up
14 to six Deputy Chief Technology Officers.

15 b. Each Deputy Chief Technology Officer shall be appointed
16 by and serve at the pleasure of the Chief Technology Officer, and
17 shall be responsible for information technology planning,
18 coordination, budgeting, technical architecture, and management of
19 large-scale information technology initiatives, in a single area of
20 interest as determined by the **【Chair of the Governing Board and**
21 **the】** Chief Technology Officer.
22 (cf: P.L.2007, c.56, s.13)

23
24 42. Section 14 of P.L.2007, c.56 (C.52:18A-232) is amended to
25 read as follows:

26 14. a. There is established the New Jersey Information
27 Technology Project Review Board.

28 b. The Project Review Board shall report directly to the
29 **【Governing Board】** Chief Technology Officer and shall be
30 comprised of between three and five Executive Branch officials,
31 selected by the **【Chair of the Governing Board with the approval of**
32 **the】** Governor.

33 c. The Project Review Board shall be responsible for the
34 review, approval, and monitoring of large-scale information
35 technology projects in the Executive Branch of State Government.

36 d. The Project Review Board shall meet at the discretion of the
37 **【Chair of the Governing Board】** Chief Technology Officer or the
38 Governor, and shall convene meetings and hearings at the times and
39 in the places as a majority of the members of the board shall decide.

40 e. The Office of Information Technology shall provide such
41 stenographic, clerical, and other administrative assistants, and such
42 professional staff, as the Project Review Board requires to carry out
43 its work. The board shall be entitled to call to its assistance, and
44 avail itself of the services of, the employees of any State, county, or
45 municipal department, board, bureau, commission, or agency as it
46 may require and as may be available for its purposes.

1 f. The Governor shall define the extent of large-scale
2 information technology projects and establish a monetary threshold
3 for information technology projects requiring the review and
4 approval of the Project Review Board.

5 (cf: P.L.2007, c.56, s.14)

6
7 43. Section 16 of P.L.2007, c.56 (C.52:18A-234) is amended to
8 read as follows:

9 16. All Executive Branch departments and State agencies are
10 directed to cooperate fully with the Office of Information
11 Technology **【, the Governing Board,】** and the Chief Technology
12 Officer to implement the provisions of sections 6 through 16 of
13 P.L.2007, c.56 (C.52:18A-224 through C.52:18A-234) and to
14 ensure effective use of information technology within the Executive
15 Branch of State Government.

16 The Governor shall define and establish the overall direction,
17 standards, and priorities for the information technology community
18 in the Executive Branch of State Government.

19 (cf: P.L.2007, c.56, s.16)

20
21 44. Section 6 of P.L.1966, c.293 (C.52:27D-6) is amended to
22 read as follows:

23 6. (a) There is hereby established in the Department of
24 Community Affairs **【an Advisory Council on Community Affairs,】**
25 an Office of Community Services, a Division of Local Finance, a
26 Division of Housing and Urban Renewal, a Division of State and
27 Regional Planning, a Division on Aging, a Division of Youth, and
28 an Office of Economic Opportunity.

29 The commissioner also shall have authority to organize and
30 maintain in **【his】** the commissioner's offices an administrative
31 division and to assign to employment therein such secretarial,
32 clerical and other assistants in the department as his office and the
33 internal operations of the department shall require.

34 (b) In addition, the commissioner shall have the authority to
35 reorganize the department and the several divisions, offices,
36 bureaus and agencies established therein, in any manner which he
37 deems to be necessary and desirable.

38 (cf: P.L.1967, c.286, s.18)

39
40 45. Section 20 of P.L.1985, c.222 (C.52:27D-320) is amended to
41 read as follows:

42 20. There is established in the Department of Community
43 Affairs a separate trust fund, to be used for the exclusive purposes
44 as provided in this section, and which shall be known as the "New
45 Jersey Affordable Housing Trust Fund." The fund shall be a non-
46 lapsing, revolving trust fund, and all monies deposited or received
47 for purposes of the fund shall be accounted for separately, by source
48 and amount, and remain in the fund until appropriated for such

1 purposes. The fund shall be the repository of all State funds
2 appropriated for affordable housing purposes, including, but not
3 limited to, the proceeds from the receipts of the additional fee
4 collected pursuant to paragraph (2) of subsection a. of section 3 of
5 P.L.1968, c.49 (C.46:15-7), proceeds from available receipts of the
6 Statewide non-residential development fees collected pursuant to
7 section 35 of P.L.2008, c.46 (C.40:55D-8.4), monies lapsing or
8 reverting from municipal development trust funds, or other monies
9 as may be dedicated, earmarked, or appropriated by the Legislature
10 for the purposes of the fund. All references in any law, order, rule,
11 regulation, contract, loan, document, or otherwise, to the
12 "Neighborhood Preservation Nonlapsing Revolving Fund" shall
13 mean the "New Jersey Affordable Housing Trust Fund." The
14 department shall be permitted to utilize annually up to 7.5 percent
15 of the monies available in the fund for the payment of any
16 necessary administrative costs related to the administration of the
17 "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), [the
18 State Housing Commission,] or any costs related to administration
19 of P.L.2008, c.46 (C.52:27D-329.1 et al.).

20 a. Except as permitted pursuant to subsection g. of this section,
21 and by section 41 of P.L.2009, c.90 (C.52:27D-320.1), the
22 commissioner shall award grants or loans from this fund for
23 housing projects and programs in municipalities whose housing
24 elements have received substantive certification from the council, in
25 municipalities receiving State aid pursuant to P.L.1978, c.14
26 (C.52:27D-178 et seq.), in municipalities subject to a builder's
27 remedy as defined in section 28 of P.L.1985, c.222 (C.52:27D-328)
28 or in receiving municipalities in cases where the council has
29 approved a regional contribution agreement and a project plan
30 developed by the receiving municipality.

31 Of those monies deposited into the "New Jersey Affordable
32 Housing Trust Fund" that are derived from municipal development
33 fee trust funds, or from available collections of Statewide non-
34 residential development fees, a priority for funding shall be
35 established for projects in municipalities that have petitioned the
36 council for substantive certification.

37 Programs and projects in any municipality shall be funded only
38 after receipt by the commissioner of a written statement in support
39 of the program or project from the municipal governing body.

40 b. The commissioner shall establish rules and regulations
41 governing the qualifications of applicants, the application
42 procedures, and the criteria for awarding grants and loans and the
43 standards for establishing the amount, terms and conditions of each
44 grant or loan.

45 c. For any period which the council may approve, the
46 commissioner may assist affordable housing programs which are
47 not located in municipalities whose housing elements have been
48 granted substantive certification or which are not in furtherance of a

1 regional contribution agreement; provided that the affordable
2 housing program will meet all or part of a municipal low and
3 moderate income housing obligation.

4 d. Amounts deposited in the "New Jersey Affordable Housing
5 Trust Fund" shall be targeted to regions based on the region's
6 percentage of the State's low and moderate income housing need as
7 determined by the council. Amounts in the fund shall be applied for
8 the following purposes in designated neighborhoods:

9 (1) Rehabilitation of substandard housing units occupied or to
10 be occupied by low and moderate income households;

11 (2) Creation of accessory apartments to be occupied by low and
12 moderate income households;

13 (3) Conversion of non-residential space to residential purposes;
14 provided a substantial percentage of the resulting housing units are
15 to be occupied by low and moderate income households;

16 (4) Acquisition of real property, demolition and removal of
17 buildings, or construction of new housing that will be occupied by
18 low and moderate income households, or any combination thereof;

19 (5) Grants of assistance to eligible municipalities for costs of
20 necessary studies, surveys, plans and permits; engineering,
21 architectural and other technical services; costs of land acquisition
22 and any buildings thereon; and costs of site preparation, demolition
23 and infrastructure development for projects undertaken pursuant to
24 an approved regional contribution agreement;

25 (6) Assistance to a local housing authority, nonprofit or limited
26 dividend housing corporation or association or a qualified entity
27 acting as a receiver under P.L.2003, c.295 (C.2A:42-114 et al.) for
28 rehabilitation or restoration of housing units which it administers
29 which: (a) are unusable or in a serious state of disrepair; (b) can be
30 restored in an economically feasible and sound manner; and (c) can
31 be retained in a safe, decent and sanitary manner, upon completion
32 of rehabilitation or restoration; and

33 (7) Other housing programs for low and moderate income
34 housing, including, without limitation, (a) infrastructure projects
35 directly facilitating the construction of low and moderate income
36 housing not to exceed a reasonable percentage of the construction
37 costs of the low and moderate income housing to be provided and
38 (b) alteration of dwelling units occupied or to be occupied by
39 households of low or moderate income and the common areas of the
40 premises in which they are located in order to make them accessible
41 to handicapped persons.

42 e. Any grant or loan agreement entered into pursuant to this
43 section shall incorporate contractual guarantees and procedures by
44 which the division will ensure that any unit of housing provided for
45 low and moderate income households shall continue to be occupied
46 by low and moderate income households for at least 20 years
47 following the award of the loan or grant, except that the division

1 may approve a guarantee for a period of less than 20 years where
2 necessary to ensure project feasibility.

3 f. Notwithstanding the provisions of any other law, rule or
4 regulation to the contrary, in making grants or loans under this
5 section, the department shall not require that tenants be certified as
6 low or moderate income or that contractual guarantees or deed
7 restrictions be in place to ensure continued low and moderate
8 income occupancy as a condition of providing housing assistance
9 from any program administered by the department, when that
10 assistance is provided for a project of moderate rehabilitation if the
11 project (1) contains 30 or fewer rental units and (2) is located in a
12 census tract in which the median household income is 60 percent or
13 less of the median income for the housing region in which the
14 census tract is located, as determined for a three person household
15 by the council in accordance with the latest federal decennial
16 census. A list of eligible census tracts shall be maintained by the
17 department and shall be adjusted upon publication of median
18 income figures by census tract after each federal decennial census.

19 g. In addition to other grants or loans awarded pursuant to this
20 section, and without regard to any limitations on such grants or
21 loans for any other purposes herein imposed, the commissioner
22 shall annually allocate such amounts as may be necessary in the
23 commissioner's discretion, and in accordance with section 3 of
24 P.L.2004, c.140 (C.52:27D-287.3), to fund rental assistance grants
25 under the program created pursuant to P.L.2004, c.140 (C.52:27D-
26 287.1 et al.). Such rental assistance grants shall be deemed
27 necessary and authorized pursuant to P.L.1985, c.222 (C.52:27D-
28 301 et al.), in order to meet the housing needs of certain low income
29 households who may not be eligible to occupy other housing
30 produced pursuant to P.L.1985, c.222 (C.52:27D-301 et al.).

31 h. The department and the State Treasurer shall submit the "New
32 Jersey Affordable Housing Trust Fund" for an audit annually by the
33 State Auditor or State Comptroller, at the discretion of the
34 Treasurer. In addition, the department shall prepare an annual
35 report for each fiscal year, and submit it by November 30th of each
36 year to the Governor and the Legislature, and the Joint Committee
37 on Housing Affordability, or its successor, and post the information
38 to its web site, of all activity of the fund, including details of the
39 grants and loans by number of units, number and income ranges of
40 recipients of grants or loans, location of the housing renovated or
41 constructed using monies from the fund, the number of units upon
42 which affordability controls were placed, and the length of those
43 controls. The report also shall include details pertaining to those
44 monies allocated from the fund for use by the State rental assistance
45 program pursuant to section 3 of P.L.2004, c.140 (C.52:27D-287.3)
46 and subsection g. of this section.

47 i. The commissioner may award or grant the amount of any
48 appropriation deposited in the "New Jersey Affordable Housing

1 Trust Fund" pursuant to section 41 of P.L.2009, c.90 (C.52:27D-
2 320.1) to municipalities pursuant to the provisions of section 39 of
3 P.L.2009, c.90 (C.40:55D-8.8).
4 (cf: P.L.2009, c.90, s.38)

5

6 46. Section 2 of P.L.1986, c.103 (C.52:27D-331) is amended to
7 read as follows:

8 2. The Legislature finds and declares that: continuing care
9 retirement communities are becoming an important and increasingly
10 preferred alternative for the long-term residential, social and health
11 care needs of New Jersey's senior citizens; because senior citizens
12 often expend a significant portion of their savings in order to
13 purchase care in the retirement community and thereby expect to
14 receive care at the retirement community for the rest of their lives,
15 tragic consequences can result to senior citizens when a continuing
16 care provider becomes insolvent or unable to provide responsible
17 care; and there is a need for full disclosure concerning the terms of
18 agreements made between prospective residents and the continuing
19 care providers and the operations of the providers; therefore, it is
20 the policy of this State that providers of continuing care shall
21 register with and be monitored by the State Department of
22 Community Affairs [and that a Continuing Care Advisory Council
23 be established to advise and assist the Commissioner of Community
24 Affairs in the monitoring of these providers and the regulation of
25 continuing care retirement facilities].

26 (cf: P.L.1986, c.103, s.2)

27

28 47. Section 19 of P.L.2004, c.120 (C.54:1-85) is amended to
29 read as follows:

30 19. a. (1) [There is established in the Department of the
31 Treasury the "Highlands Municipal Property Tax Stabilization
32 Board," which shall consist of three members to be appointed by the
33 Governor, who shall be recognized experts in the field of taxation.
34 Members of the board may also be members of the Highlands Water
35 Protection and Planning Council established pursuant to section 4 of
36 P.L.2004, c.120 (C.13:20-4).] (Deleted by amendment, P.L. _____,
37 c.) (pending before the Legislature as this bill)

38 (2) [Within 120 days after the date of enactment of P.L.2004,
39 c.120 (C.13:20-1 et al.), the board, in consultation with the
40 Highlands Water Protection and Planning Council, shall establish
41 procedures for determining the valuation base of a qualified
42 municipality, whether fiscal stress has been caused by the
43 implementation of the "Highlands Water Protection and Planning
44 Act," P.L.2004, c.120 (C.13:20-1 et al.) in a qualified municipality,
45 and the amount due a qualified municipality to compensate for a
46 decline in the aggregate true value of vacant land directly
47 attributable to the implementation of the "Highlands Water

1 Protection and Planning Act.”] (Deleted by amendment, P.L. _____,
2 c.) (pending before the Legislature as this bill)

3 b. The “Highlands Municipal Property Tax Stabilization Fund”
4 is established in the General Fund as a special nonlapsing fund for
5 the purpose of providing State aid to qualified municipalities
6 pursuant to this section. There shall be credited each State fiscal
7 year from the “Highlands Protection Fund” created pursuant to
8 section 21 of P.L.2004, c.120 (C.13:20-19) to the Highlands
9 Municipal Property Tax Stabilization Fund such sums as shall be
10 necessary to provide State aid to qualified municipalities pursuant
11 to this section. Every qualified municipality shall be eligible for a
12 distribution from the fund pursuant to the provisions of this section.

13 c. The assessor of every qualified municipality shall certify to
14 the county tax board on a form to be prescribed by the Director of
15 the Division of Taxation in the Department of the Treasury, and on
16 or before December 1 annually, a report of the assessed value of
17 each parcel of vacant land in the base year and the change in the
18 assessed value of each such parcel in the current tax year
19 attributable to successful appeals of assessed values of vacant land
20 to the county tax board pursuant to R.S.54:3-21 et seq. or
21 attributable to a revaluation approved by the director and
22 implemented or a reassessment approved by the county board of
23 taxation. If a judgment or an appeal is overturned or modified,
24 upon a final judgment an appropriate adjustment shall be made by
25 the director in the payment of the entitlement due next following
26 the judgment.

27 d. (1) Upon receipt of reports filed pursuant to subsection c. of
28 this section [and using procedures developed by the board pursuant
29 to subsection a. of this section], the county tax board shall compute
30 and certify to the director on or before December 20 of each year, in
31 such manner as to identify for each qualified municipality the
32 aggregate decline, if any, in the true value of vacant land,
33 comparing the current tax year to the base year. The aggregate
34 changes so identified for each qualified municipality shall constitute
35 its valuation base for purposes of this section.

36 (2) [The Director of the Division of Taxation shall, on or before
37 January 10 of each year, provide the board with all relevant
38 information collected pursuant to the provisions of this section and
39 any other information deemed necessary by the board to determine
40 the valuation base.] (Deleted by amendment, P.L. _____, c.) (pending
41 before the Legislature as this bill)

42 (3) [Upon receipt of the information, the board shall make a
43 final determination on the valuation base of each qualified
44 municipality; calculate the amount due a qualified municipality, in
45 accordance with the procedures developed pursuant to subsection a.
46 of this section, to compensate for a decline, if any, by multiplying
47 its valuation base by its tax rate; and certify to the director and the

1 State Treasurer, on or before February 1 of each year, that amount
2 to which each qualified municipality is entitled.] (Deleted by
3 amendment, P.L. _____, c. _____) (pending before the Legislature as this
4 bill)

5 e. ~~Upon receipt of the certification by the board, the~~ The State
6 Treasurer shall certify to each qualified municipality, on or before
7 February 15, its property tax stabilization amount. A copy of the
8 certified amounts shall be forwarded to the Director of the Division
9 of Local Government Services in the Department of Community
10 Affairs.

11 f. (1) The State Treasurer, upon warrant of the Director of the
12 Division of Budget and Accounting in the Department of the
13 Treasury, shall pay to each qualified municipality its entitlement as
14 State aid from the sums available in the “Highlands Municipal
15 Property Tax Stabilization Fund” in two equal installments pursuant
16 to a schedule prescribed by the Division of Local Government
17 Services.

18 (2) If the amount available in the “Highlands Municipal
19 Property Tax Stabilization Fund” in any year is insufficient to pay
20 the full amount to which each qualified municipality is entitled
21 pursuant to this section, the payments shall be made on a pro rata
22 basis.

23 (3) Notwithstanding any provisions of this section to the
24 contrary, in the sixth, seventh, eighth, ninth, and tenth years of the
25 State aid program created by this section, a qualified municipality
26 shall be entitled to receive, respectively, 90%, 70%, 50%, 30%, and
27 10% of the sum it otherwise would have been paid pursuant to this
28 subsection, and thereafter the program shall expire.

29 g. Any municipality receiving a certification from the State
30 Treasurer pursuant to subsection e. of this section shall anticipate
31 such sums in its annual budget or any amendments or supplements
32 thereto as a direct offset to the amount to be raised by taxation.

33 h. The Director of the Division of Taxation in reviewing the
34 reports filed pursuant to subsection c. of this section may make such
35 changes therein as the director deems necessary to ensure that the
36 reports accurately reflect the change in the assessed value of vacant
37 land.

38 i. The Director of the Division of Local Government Services
39 shall make such changes in the budget of any qualified municipality
40 to ensure that all sums received pursuant to this section are utilized
41 as a direct offset to the amount to be raised by taxation and shall
42 make such changes therein as the director deems necessary to
43 ensure that the offset occurs.

44 j. Any sum received by a qualified municipality pursuant to this
45 section shall not be considered as an exception or exemption under
46 P.L.1976, c.68 (C.40A:4-45.1 et seq.).

47 k. Notwithstanding the provisions of the “Local Budget Law”
48 (N.J.S.40A:4-1 et seq.), a qualified municipality which is due a

1 property tax stabilization payment pursuant to this section may
2 anticipate the amount of the entitlement in its annual budget for the
3 year in which the payment is made.

4 l. The State Treasurer may deduct from the State aid a
5 municipality would otherwise receive pursuant to this section an
6 amount equivalent to that portion of any sums received by a
7 municipality pursuant to section 1 of P.L.1999, c.225 (C.58:29-8)
8 that the State Treasurer, in consultation with the Director of the
9 Division of Local Government Services, determines to be
10 duplicative of any State aid received pursuant to this section.

11 m. The Director of the Division of Taxation and the Director of
12 the Division of Local Government Services shall each adopt,
13 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
14 (C.52:14B-1 et seq.), such rules and regulations as may be
15 necessary to implement the provisions of this section.

16 n. As used in this section:

17 "Base year" means the calendar year 2003;

18 ["Board" means the Highlands Municipal Property Tax
19 Stabilization Board established pursuant to subsection a. of this
20 section;]

21 "Current tax year" means the most recent year for which a report
22 is filed pursuant to subsection c. of this section;

23 "Highlands preservation area" means the preservation area of the
24 Highlands Region designated by subsection b. of section 7 of
25 P.L.2004, c.120 (C.13:20-7);

26 "Qualified municipality" means any municipality located wholly
27 or partially in the Highlands preservation area, provided however,
28 that after the adoption of the Highlands regional master plan by the
29 Highlands Water Protection and Planning Council pursuant to
30 section 8 of P.L.2004, c.120 (C.13:20-8), qualified municipality
31 shall mean only a municipality that has conformed its municipal
32 master plan and development regulations to the Highlands regional
33 master plan pursuant to section 14 of P.L.2004, c.120 (C.13:20-14);

34 "Tax rate" means that portion of the effective property tax rate
35 for the current tax year which reflects local taxes to be raised for
36 district school purposes and local municipal purposes, calculated by
37 dividing the total of column 12, section C by net valuation on which
38 county taxes are apportioned in column 11, both as reflected in the
39 Abstract of Ratables for the current tax year, and expressed as a rate
40 per \$100 of true value;

41 "True value of vacant land" or "true value" means the aggregate
42 assessed value of vacant land divided by the average ratio of
43 assessed-to-true value of real property (commonly known as the
44 equalization rate) promulgated by the Director of the Division of
45 Taxation in the Department of the Treasury and published in the
46 table of equalized valuation; and

47 "Valuation base" means the change in the aggregate true value of
48 vacant land directly attributable to the implementation of the

1 “Highlands Water Protection and Planning Act,” P.L.2004, c.120
2 (C.13:20-1 et al.) in a qualified municipality when comparing the
3 current tax year to the base year.

4 o. This section shall expire July 1 next following one year after
5 the date the last State aid payment is made to a qualified
6 municipality in the tenth year as provided pursuant to paragraph (3)
7 of subsection f. of this section.

8 (cf: P.L.2004, c.120, s.19)

9

10 48. Section 2 of P.L.1999, c.92 (C.54A:9-25.16) is amended to
11 read as follows:

12 2. The Legislature shall annually appropriate all funds
13 deposited in the "Korean Veterans' Memorial Fund" to [the Korean
14 Veterans' Memorial Committee in] the Department of Military and
15 Veterans' Affairs.

16 (cf: P.L.1999, c.92, s.2)

17

18 49. Section 3 of P.L.1967, c.76 (C.55:13A-3) is amended to read
19 as follows:

20 3. The following terms whenever used or referred to in [this
21 act] P.L.1967, c.76 (C.55:13A-1 et seq.) shall have the following
22 respective meanings for the purposes [of this act] thereof, except in
23 those instances where the context clearly indicates otherwise:

24 (a) The term "act" shall mean [this act] P.L.1967, c.76
25 (C.55:13A-1 et seq.), any amendments or supplements thereto, and
26 any rules and regulations promulgated thereunder.

27 (b) The term "accessory building" shall mean any building
28 which is used in conjunction with the main building of a hotel,
29 whether separate therefrom or adjoining thereto.

30 (c) [The term "board" shall mean the Hotel and Multiple
31 Dwelling Health and Safety Board created by subsection (a) of
32 section 5 of this act in the Division of Housing and Development of
33 the Department of Community Affairs.] (Deleted by amendment,
34 P.L. , c. .) (pending before the Legislature as this bill)

35 (d) The term "bureau" shall mean the Bureau of Housing
36 Inspection in the Department of Community Affairs.

37 (e) (Deleted by amendment.)

38 (f) The term "commissioner" shall mean the Commissioner of
39 [the Department of] Community Affairs.

40 (g) The term "department" shall mean the Department of
41 Community Affairs.

42 (h) The term "unit of dwelling space" or the term "dwelling
43 unit" shall mean any room or rooms, or suite or apartment thereof,
44 whether furnished or unfurnished, which is occupied, or intended,
45 arranged or designed to be occupied, for sleeping or dwelling
46 purposes by one or more persons, including but not limited to the
47 owner thereof, or any of [his] the person's or persons' servants,

1 agents or employees, and shall include all privileges, services,
2 furnishings, furniture, equipment, facilities and improvements
3 connected with the use or occupancy thereof.

4 (i) The term "protective equipment" shall mean any equipment,
5 device, system or apparatus, whether manual, mechanical, electrical
6 or otherwise, permitted or required by the commissioner to be
7 constructed or installed in any hotel or multiple dwelling for the
8 protection of the occupants or intended occupants thereof, or of the
9 public generally.

10 (j) The term "hotel" shall mean any building, including but not
11 limited to any related structure, accessory building, and land
12 appurtenant thereto, and any part thereof, which contains 10 or
13 more units of dwelling space or has sleeping facilities for 25 or
14 more persons and is kept, used, maintained, advertised as, or held
15 out to be, a place where sleeping or dwelling accommodations are
16 available to transient or permanent guests.

17 This definition shall also mean and include any hotel, motor
18 hotel, motel, or established guesthouse, which is commonly
19 regarded as a hotel, motor hotel, motel, or established guesthouse,
20 as the case may be, in the community in which it is located;
21 provided, that this definition shall not be construed to include any
22 building or structure defined as a multiple dwelling in **[this act]**
23 P.L.1967, c.76 (C.55:13A-1 et seq.), registered as a multiple
24 dwelling with the Commissioner of Community Affairs as
25 hereinafter provided, and occupied or intended to be occupied as
26 such nor shall this definition be construed to include a rooming
27 house or a boarding house as defined in the "Rooming and Boarding
28 House Act of 1979," P.L.1979, c.496 (C.55:13B-1 et al.) or, except
29 as otherwise set forth in P.L.1987, c.270 (C.55:13A-7.5, 55:13A-
30 7.6, 55:13A-12.1, 55:13A-13.2), any retreat lodging facility, as
31 defined in this section.

32 (k) The term "multiple dwelling" shall mean any building or
33 structure of one or more stories and any land appurtenant thereto,
34 and any portion thereof, in which three or more units of dwelling
35 space are occupied, or are intended to be occupied by three or more
36 persons who live independently of each other. This definition shall
37 also mean any group of ten or more buildings on a single parcel of
38 land or on contiguous parcels under common ownership, in each of
39 which two units of dwelling space are occupied or intended to be
40 occupied by two persons or households living independently of
41 each other, and any land appurtenant thereto, and any portion
42 thereof. This definition shall not include:

43 (1) any building or structure defined as a hotel in **[this act]**
44 P.L.1967, c.76 (C.55:13A-1 et seq.), or registered as a hotel with
45 the Commissioner of Community Affairs as hereinafter provided, or
46 occupied or intended to be occupied exclusively as such;

47 (2) a building section containing not more than four dwelling
48 units, provided the building has at least two exterior walls

1 unattached to any adjoining building section and the dwelling units
2 are separated exclusively by walls of such fire-resistant rating as
3 comports with the "State Uniform Construction Code Act,"
4 P.L.1975, c.217 (C.52:27D-119 et seq.) at the time of their
5 construction or with a rating as shall be established by the bureau in
6 conformity with recognized standards and the building is held under
7 a condominium or cooperative form of ownership, or by a mutual
8 housing corporation, provided that if any units within such a
9 building section are not occupied by an owner of the unit, then that
10 unit and the common areas within that building section shall not be
11 exempted from the definition of a multiple dwelling for the
12 purposes of P.L.1967, c.76 (C.55:13A-1 et seq.). A condominium
13 association, or a cooperative or mutual housing corporation shall
14 provide the bureau with any information necessary to justify an
15 exemption for a dwelling unit pursuant to this paragraph; or

16 (3) any building of three stories or less, owned or controlled by
17 a nonprofit corporation organized under any law of this State for the
18 primary purpose to provide for its shareholders or members housing
19 in a retirement community as same is defined under the provisions
20 of the "Retirement Community Full Disclosure Act," P.L.1969,
21 c.215 (C.45:22A-1 et seq.), provided that the corporation meets the
22 requirements of section 2 of P.L.1983, c.154 (C.55:13A-13.1).

23 (l) The term "owner" shall mean the person who owns, purports
24 to own, or exercises control of any hotel or multiple dwelling. The
25 term "owner" shall also mean and include any person who owns,
26 purports to own, or exercises control over three or more dwelling
27 units within a multiple dwelling.

28 (m) The term "person" shall mean any individual, corporation,
29 association, or other entity, as defined in R.S.1:1-2.

30 (n) The term "continuing violation" shall mean any violation of
31 **【this act】** P.L.1967, c.76 (C.55:13A-1 et seq.) or any regulation
32 promulgated thereunder, where notice is served within two years of
33 the date of service of a previous notice and where violation, premise
34 and person cited in both notices are substantially identical.

35 (o) The term "project" shall mean a group of buildings subject to
36 the provisions of **【this act】** P.L.1967, c.76 (C.55:13A-1 et seq.),
37 which are or are represented to be under common or substantially
38 common ownership and which stand on a single parcel of land or
39 parcels of land which are contiguous and which group of buildings
40 is named, designated or advertised as a common entity. The
41 contiguity of such parcels shall not be adversely affected by public
42 rights-of-way incidental to such buildings.

43 (p) The term "mutual housing corporation" means a corporation
44 not-for-profit incorporated under the laws of New Jersey on a
45 mutual or cooperative basis within the scope of Title VI, s.607 of
46 the "Lanham Public War Housing Act," 54 Stat. 1125, 42 U.S.C.
47 s.1501 et seq., as amended, which acquired a National Defense
48 Housing Project pursuant to said act.

1 (q) "Condominium" means the form of ownership so defined in
2 the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.).

3 (r) "Cooperative" means a housing corporation or association
4 which entitles the holder of a share or membership interest thereof
5 to possess and occupy for dwelling purposes a house, apartment or
6 other structure owned or leased by said corporation or association,
7 or to lease or purchase a dwelling constructed or to be constructed
8 by said corporation or association.

9 (s) "Retreat lodging facility" means a building or structure,
10 including but not limited to any related structure, accessory
11 building, and land appurtenant thereto, and any part thereof, owned
12 by a nonprofit corporation or association which has tax-exempt
13 charitable status under the federal Internal Revenue Code and which
14 has sleeping facilities used exclusively on a transient basis by
15 persons participating in programs of a religious, cultural or
16 educational nature, conducted under the sole auspices of one or
17 more corporations or associations having tax-exempt charitable
18 status under the federal Internal Revenue Code, which are made
19 available without any mandatory charge to such participants.

20 (cf: P.L.1999, c.384, s.1)

21

22 50. Section 5 of P.L.1967, c.76 (C.55:13A-5) is amended to read
23 as follows:

24 5. (a) The Board of Housing Inspection heretofore constituted in
25 the Division of Housing and Urban Renewal in the Department of
26 Community Affairs by section 23 of chapter 293 of the laws of
27 1966 is hereby abolished, except that the powers, functions and
28 duties of said Board of Housing Inspection are hereby transferred to
29 and vested in the commissioner. [In its stead, there is hereby
30 created in the Division of Housing and Urban Renewal of the
31 Department of Community Affairs a Hotel and Multiple Dwelling
32 Health and Safety Board. Said board shall consist of 10 members,
33 each of whom shall be a resident of this State, to be appointed by
34 the Governor with the advice and consent of the Senate for terms of
35 5 years. Of the members appointed by the Governor, 6 shall be
36 residents of this State representing the general public, 2 shall be
37 representatives of the hotel and motel industry by reason of
38 experience in the construction or operation of hotels or motels, and
39 2 shall be representatives of the real estate industry by reason of
40 experience in the construction, operation or sales of multiple
41 dwellings. Each member shall serve for the term of his appointment
42 and until his successor shall have been appointed and qualified.
43 Any vacancy in the membership of the board shall be filled by
44 appointment for the unexpired term only. Any member of the board
45 may be removed by the Governor at any time, for cause, upon
46 notice and opportunity to be heard. The members of the board shall
47 serve without compensation, but shall be entitled to reimbursement
48 for all necessary expenses incurred in the discharge of their duties.

1 The board shall consult with and advise the commissioner with
2 respect to rules and regulations proposed to be promulgated
3 pursuant to this act and advise the commissioner on matters
4 concerning hotel and multiple dwelling health and safety generally.
5 The board shall meet at the call of the commissioner, the time and
6 place of such meeting to be fixed by the commissioner. The board
7 shall annually elect one of its members as the chairman thereof, and
8 such other officers as it may deem appropriate.

9 The persons in office on the effective date of this act as members
10 of the Board of Housing Inspection hereby abolished shall continue
11 in office as members of the Hotel and Multiple Dwelling Health and
12 Safety Board created herein, for the periods of their respective
13 terms as members of said Board of Housing Inspection which
14 remain unexpired on the effective date of this act, and until their
15 respective successors are appointed by the Governor and have
16 qualified.】

17 (b) The office of supervisor of hotel fire safety heretofore
18 constituted in the Bureau of Housing Inspection of the Division of
19 Housing and Urban Renewal in the Department of Community
20 Affairs by section 24 of chapter 293 of the laws of 1966 is hereby
21 abolished, except that the powers, functions and duties of said
22 office of supervisor of hotel fire safety are hereby transferred to and
23 vested in the commissioner.

24 (cf: P.L.1967, c.76, s.5)
25

26 51. Section 6 of P.L.1967, c.76 (C.55:13A-6) is amended to read
27 as follows:

28 6. The commissioner is hereby granted and shall have and
29 exercise, in addition to other powers herein granted, all the powers
30 necessary and appropriate to carry out and execute the purposes of
31 **【this act】** P.L.1967, c.76 (C.55:13A-1 et seq.), including but not
32 limited to, the power:

33 (a) To provide owners or groups of owners with such advisory
34 consultation and educational services as will assist said owners or
35 groups of owners to discharge their responsibilities under **【this act】**
36 P.L.1967, c.76 (C.55:13A-1 et seq.), and to suggest to said owners
37 or groups of owners methods and procedures by which they may
38 develop and implement health and safety programs;

39 (b) To enter and inspect, without prior notice, any hotel or
40 multiple dwelling as provided by **【this amendatory and
41 supplementary act】** P.L.1967, c.76 (C.55:13A-1 et seq.), and to
42 make such investigation as is reasonably necessary to carry out the
43 provisions of **【this act】** P.L.1967, c.76 (C.55:13A-1 et seq.);

44 (c) To administer and enforce the provisions of existing law, and
45 any amendments and supplements thereto, and any rules or
46 regulations promulgated thereunder, concerning the regulation of
47 multiple dwellings, also commonly known as tenements, and hotels;

1 (d) To issue subpoenas to any person subject to **[this act]**
2 P.L.1967, c.76 (C.55:13A-1 et seq.) which shall compel attendance
3 at any hearing as a witness and shall compel production of such
4 reports, documents, books or papers, in any part of the State before
5 the commissioner or a member of the department designated by
6 **[him]** the commissioner, as the commissioner may deem necessary
7 to implement the purposes of **[this act]** P.L.1967, c.76 (C.55:13A-1
8 et seq.). In any case where a person neglects or refuses to obey the
9 command of such subpoena, the commissioner may apply ex parte to
10 the Superior Court for an order compelling a person to testify or to
11 produce files, books, papers, documents or other objects in
12 accordance with the subpoena issued by the commissioner and, in
13 addition, said person shall be subject to a penalty of \$100,000.00
14 for each instance in which **[he]** the person does not comply with
15 the subpoena issued by the commissioner, said penalty to be
16 recovered pursuant to section 18 of **[this act]** P.L.1967, c.76
17 (C.55:13A-18);

18 (e) To issue and promulgate such rules and regulations as the
19 commissioner may deem necessary to implement the purposes of
20 **[this act]** P.L.1967, c.76 (C.55:13A-1 et seq.), which rules and
21 regulations shall have the force and effect of law until revised,
22 repealed or amended from time to time by the commissioner in the
23 exercise of **[his]** the commissioner's discretion; provided, that any
24 such rules and regulations shall be filed with the Office of
25 Administrative Law;

26 (f) To enforce and administer the provisions of **[this act]**
27 P.L.1967, c.76 (C.55:13A-1 et seq.), enter complaints against any
28 person violating the provisions **[of this act]** thereof, and to
29 prosecute or cause to be prosecuted violations of the provisions **[of**
30 **this act]** thereof in administrative hearings and civil actions in State
31 or local courts;

32 (g) To assess penalties and to compromise and settle any claim
33 for a penalty for any violation of the provisions of **[this act]**
34 P.L.1967, c.76 (C.55:13A-1 et seq.) in such amount in the
35 discretion of the commissioner as may appear appropriate and
36 equitable under all of the circumstances of said violation in any of
37 the actions or proceedings mentioned in subsection (f) of this
38 section;

39 (h) To institute an in rem action against the property upon which
40 a violation exists in cases where the owner, after diligent effort,
41 cannot be served;

42 (i) To institute a quasi in rem action against the owner by
43 attachment of the property upon which a violation exists, followed
44 by service by publication, in cases where the owner, after diligent
45 effort, cannot be served;

46 (j) To hold and exercise all the rights and remedies available to
47 a judgment creditor where a judgment lien arises as a result of a

1 penalty action or an administrative proceeding taken pursuant to
2 enforcement of **[this act]** P.L.1967, c.76 (C.55:13A-1 et seq.); and

3 (k) To adopt, amend and repeal **[**, after consultation with the
4 Hotel and Multiple Dwelling Health and Safety Board,**]** rules
5 concerning the qualifications and licensing of persons employed by
6 local agencies and municipalities to enforce this amendatory and
7 supplementary act and fees to cover the cost of any licensing
8 program.

9 (cf: P.L.1987, c.30, s.1)

10

11 52. Section 13 of P.L.1967, c.76 (C.55:13A-13) is amended to
12 read as follows:

13 13. (a) Each multiple dwelling and each hotel shall be inspected
14 at least once in every five years for the purpose of determining the
15 extent to which each hotel or multiple dwelling complies with the
16 provisions of **[this act]** P.L.1967, c.76 (C.55:13A-1 et seq.) and
17 regulations promulgated hereunder.

18 (b) Within 90 days of the most recent inspection, the owner of
19 each hotel shall file with the commissioner, upon forms provided by
20 the commissioner, an application for a certificate of inspection.
21 Said application shall include such information as the commissioner
22 shall prescribe to enforce the provisions of this law. Said
23 application shall be accompanied by a fee as follows: \$15 per unit
24 of dwelling space for the first 20 units of dwelling space in any
25 building or project, \$12 per unit of dwelling space for the 21st
26 through 100th unit in any building or project, \$8 per unit of
27 dwelling space for the 101st through 250th unit in any building or
28 project, and \$5 per unit of dwelling space for all units over 250 in
29 any building or project, except that in the case of hotels open and
30 operating less than six months in each year the fee shall be one-half
31 that which would otherwise be required. A certificate of inspection
32 and the fees therefor shall not be required more often than once
33 every five years.

34 Additionally, there shall be reinspection fees for hotels in the
35 amount of \$10 for each dwelling unit reinspected.

36 Within 90 days of the most recent inspection of any multiple
37 dwelling occupied or intended to be occupied by three or more
38 persons living independently of each other, the owner of each such
39 multiple dwelling shall file with the commissioner, upon forms
40 provided by the commissioner, an application for a certificate of
41 inspection. Said application shall include such information as the
42 commissioner shall prescribe to enforce the provisions of this law.
43 Said application shall be accompanied by a fee of \$33 per unit of
44 dwelling space for the first 7 units in any building or project, \$21
45 per unit of dwelling space for the 8th through the 24th unit in any
46 building or project, \$18 per unit for the 25th through the 48th unit
47 in any building or project, and \$12 per unit of dwelling space for all
48 units of dwelling space over 48 in any building or project, provided

1 that the maximum total fee for owner-occupied three-unit multiple
2 dwellings shall be limited to \$65 for owners having a household
3 income that is less than 80 percent of the median income for
4 households of similar size in the county in which the multiple
5 dwelling is located, and the maximum total fee for owner-occupied
6 four-unit multiple dwellings shall be limited to \$80 for owners
7 having a household income that is less than 80 percent of the
8 median income for households of similar size in the county in
9 which the multiple dwelling is located. A certificate of inspection
10 and the fees therefor shall not be required more often than once
11 every five years.

12 Additionally, there shall be reinspection fees for multiple
13 dwellings in the amount of \$40 for each dwelling unit reinspected,
14 but only after the first reinspection.

15 The commissioner may waive the inspection fee for any unit
16 upon a finding that the unit has been thoroughly inspected within
17 the previous 12-month period under a municipal ordinance
18 requiring inspection upon change of occupancy in accordance with
19 the maintenance standards established by the commissioner under
20 **[this act]** P.L.1967, c.76 (C.55:13A-1 et seq.), and has received a
21 municipal certificate of occupancy as a result of that inspection.

22 If the commissioner finds that (1) a building has been thoroughly
23 inspected prior to resale since the most recent inspection in
24 accordance with this section, (2) the inspection prior to resale was
25 conducted by the municipality in accordance with the maintenance
26 standards established by the commissioner under **[this act]**
27 P.L.1967, c.76 (C.55:13A-1 et seq.), and (3) a municipal certificate
28 of occupancy was issued as a result of that inspection, the
29 commissioner may accept the inspection done prior to resale in lieu
30 of a current inspection under this section. If the commissioner
31 accepts an inspection prior to resale in lieu of a current inspection,
32 no fee shall be charged for any inspection done by the
33 commissioner within five years after the date of the inspection so
34 accepted.

35 (c) If the commissioner determines, as a result of the most
36 recent inspection of any hotel or multiple dwelling as required by
37 subsection (a) of this section, that any hotel or multiple dwelling
38 complies with the provisions of **[this act]** P.L.1967, c.76
39 (C.55:13A-1 et seq.) and regulations promulgated hereunder, then
40 the commissioner shall issue to the owner thereof, upon receipt of
41 the application and fee as required by subsection (b) of this section,
42 a certificate of inspection. Any owner to whom a certificate of
43 inspection is issued shall keep said certificate posted in a
44 conspicuous location in the hotel or multiple dwelling to which the
45 certificate applies. The certificate of inspection shall be in such
46 form as may be prescribed by the commissioner.

47 The commissioner may, upon finding a consistent pattern of
48 compliance with the maintenance standards established under **[this**

1 act] P.L.1967, c.76 (C.55:13A-1 et seq.) in at least 20 percent of the
2 units in a building or project, issue a certificate of inspection for the
3 building or project, in which case the inspection fee shall be
4 charged on the basis of the number of units inspected.

5 The commissioner may by rule establish standards for self-
6 inspection by condominium associations exercising control over
7 buildings of not more than three stories, constructed after 1976, and
8 certified by the local enforcing agency having jurisdiction as being
9 in compliance with the Uniform Fire Code promulgated pursuant to
10 P.L.1983, c.383 (C.52:27D-192 et seq.), in which at least 80 percent
11 of the dwelling units are occupied by the unit owners. The
12 commissioner shall issue a certificate of acceptance, which shall be
13 in lieu of a certificate of inspection, upon acceptance of any such
14 self-inspection and upon payment of a fee of \$25.

15 (d) If the commissioner determines, as a result of the most
16 recent inspection of any hotel or multiple dwelling as required by
17 subsection (a) of this section, that any hotel or multiple dwelling
18 does not comply with the provisions of [this act] P.L.1967, c.76
19 (C.55:13A-1 et seq.) and regulations promulgated thereunder, then
20 the commissioner shall issue to the owner thereof a written notice
21 stating the manner in which any such hotel or multiple dwelling
22 does not comply with [this act] P.L.1967, c.76 (C.55:13A-1 et seq.)
23 or regulations promulgated thereunder. Said notice shall fix such
24 date, not less than 60 days nor more than 180 days, on or before
25 which any such hotel or multiple dwelling must comply with the
26 provisions of [this act] P.L.1967, c.76 (C.55:13A-1 et seq.) and
27 regulations promulgated thereunder. If any such hotel or multiple
28 dwelling is made to comply with the provisions of [this act]
29 P.L.1967, c.76 (C.55:13A-1 et seq.) and regulations promulgated
30 thereunder on or before the date fixed in said notice, then the
31 commissioner shall issue to the owner thereof a certificate of
32 inspection as described in subsection (c) of this section. If any such
33 hotel or multiple dwelling is not made to comply with the
34 provisions of [this act] P.L.1967, c.76 (C.55:13A-1 et seq.) and
35 regulations promulgated thereunder on or before the date fixed in
36 said notice, then the commissioner shall not issue to the owner
37 thereof a certificate of inspection as described in subsection (c) of
38 this section, and shall enforce the provisions of [this act] P.L.1967,
39 c.76 (C.55:13A-1 et seq.) against the owner thereof.

40 (e) The commissioner shall annually review the cost of
41 implementing and enforcing [this act] P.L.1967, c.76 (C.55:13A-1
42 et seq.), including the cost to municipalities of carrying out
43 inspections pursuant to section 21 of [this act] P.L.1967, c.76
44 (C.55:13A-21), and shall establish by rule, not more frequently than
45 once every three years, such fees as may be necessary to cover the
46 costs of such implementation and enforcement; provided, however,
47 that any increase or decrease shall be applied as a uniform

1 percentage to each category of fee established herein, and provided,
2 further, that the percentage amount of any increase shall not exceed
3 the percentage increase in salaries paid to State employees since the
4 then current fee schedule was established. The commissioner shall
5 provide by rule to owners the option of paying inspection fees in
6 installments in the form of an annual fee. The commissioner shall
7 annually prepare and file with the presiding officers of the Senate
8 and General Assembly and the legislative committees having
9 jurisdiction in housing matters a report setting forth the amounts of
10 fees and penalties received by the Bureau of Housing Inspection,
11 the cost to the bureau of enforcing this act, and information
12 concerning the productivity of the bureau. Copies of the report
13 shall also be submitted to the Office of Administrative Law for
14 publication in the New Jersey Register [and to the members of the
15 Hotel and Multiple Dwelling Health and Safety Board]. If in any
16 State fiscal year the fee revenue received by the bureau exceeds the
17 cost of enforcement of [this act] P.L.1967, c.76 (C.55:13A-1 et
18 seq.), the excess revenue shall be distributed pro rata to persons
19 who paid inspection fees during that fiscal year. Such distribution
20 shall be made within three months after the end of the fiscal year.

21 (f) Except as otherwise provided in section 2 of P.L.1991, c.179
22 (C.55:13A-26.1), the fees established by or pursuant to the
23 provisions of this section are dedicated to meeting the costs of
24 implementing and enforcing [this act] P.L.1967, c.76 (C.55:13A-1
25 et seq.) and shall not be used for any other purpose. All receipts in
26 excess of \$2,200,000 are hereby appropriated for the purposes of
27 [this act] P.L.1967, c.76 (C.55:13A-1 et seq.).

28 (cf: P.L.1991, c.179, s.1)

29

30 53. (New section) a. The Statewide Public Safety
31 Communications Commission in the Office of Information
32 Technology, together with its functions, powers, and duties is
33 transferred to and constituted as the Statewide Public Safety
34 Communications Commission in, but not of, the Department of Law
35 and Public Safety. All references in any law, order, rule, regulation,
36 contract, document, judicial or administrative proceeding, or
37 otherwise to the Statewide Public Safety Communications
38 Commission in the Office of Information Technology, or the
39 supervisor thereof, shall mean the Statewide Public Safety
40 Communications Commission, in but not of, the Department of Law
41 and Public Safety. All transfers shall be made pursuant to the "State
42 Agency Transfer Act," P.L.1971, c.375 (C.52:14d-1 et seq.).

43 b. For the purposes of complying with Article V, Section IV,
44 paragraph 1 of the New Jersey Constitution, the commission is
45 allocated to the Department of Law and Public Safety but,
46 notwithstanding that allocation, except as provided in subsection c.
47 of this section, the division shall be independent of any supervision

1 or control by the department or the Attorney General or any other
2 officer of the department.

3 c. Notwithstanding the provisions of subsection b. of this
4 section, the Director of the Office of Homeland Security and
5 Preparedness shall provide oversight of the commission, and shall
6 work in conjunction with the commission in order to properly
7 coordinate the functions of the commission.

8 In order to achieve administrative efficiencies, any employee of
9 the Statewide Public Safety Communications Commission engaged
10 in commission functions, as well as any additional administrative or
11 clerical support personnel, may be transferred to the Office of
12 Homeland Security, as mutually agreed upon by the Chief
13 Technology Officer of the Office of Information Technology and
14 the Director of the Office of Homeland Security and Preparedness.
15 Personnel transferred from the Office of Information Technology to
16 the Office of Homeland Security and Preparedness pursuant to this
17 section shall be transferred with all tenure rights and any rights or
18 protections provided by Title 11A of the New Jersey Statutes or
19 other applicable statute, and any pension law or retirement system.

20

21 54. The following are repealed:

22 Section 6 of P.L.1994, c.128 (C.2C:7-11);

23 Sections 1 through 5 and 10 of P.L.1997, c.97 (C.12:6B-1
24 through C.12:6B-6);

25 Sections 1 and 3 through 19 of P.L.1966, c.291 (C.13:1C-1 and
26 C.13:1C-3 through C.13:1C-19);

27 P.L.2008, c.82 (C.13:19-38 et seq.);

28 Section 16 of P.L.1996, c.45 (C.17:1-24);

29 Sections 305 through 314 of P.L.1948, c.67 (C.17:9A-305
30 through C.17:9A-314);

31 P.L.1991, c.277 (C.26:2P-1 et seq.);

32 Sections 9 and 10 of P.L.1993, c.327 (C.26:1A-36.13 and
33 C.26:1A-36.14);

34 Sections 2 through 4 of P.L.1957, c.72 (C.26:1A-108 through
35 C.26:1A-110);

36 Sections 5 through 7 of P.L.2003, c.266 (C.26:2C-8.19 through
37 C.26:2C-8.21);

38 Sections 21 and 24 of P.L.1976, c.98 (C.30:1B-21 and C.30:1B-
39 23);

40 P.L.1947, c.252 (C.30:4-177.1 et seq.);

41 P.L.1997, c.402 (C.32:35-1 et seq.);

42 P.L.1997, c.87 (C.34:1A-81 et seq.);

43 P.L.1995, c.293 (C.34:1B-107 et seq.);

44 Section 6 of P.L.1997, c.97 (C.34:1B-140);

45 Section 21 of P.L.2008, c.27 (C.34:1B-230);

46 Section 22 of P.L.2008, c.27 (C.34:1B-231);

47 Section 26 of P.L.2008, c.27 (C.34:1B-235);

48 Section 30 of P.L.2003, c.13 (C.39:2A-30);

1 Section 12 of P.L.1941, c.220 (C.43:7-18);
 2 Section 5 of P.L.1952, c.358 (C.43:16-6.1);
 3 Section 17 of P.L.1999, c.356 (C.48:16-22.7);
 4 P.L.1993, c.199 (C.52:9XX-1 et seq.);
 5 P.L.1999, J.R.1 (C.52:14-15.111 et seq.);
 6 Section 10 of P.L.2007, c.56 (C.52:18A-228);
 7 Section 30 of P.L.1998, c.44 (C.52:27C-90);
 8 Section 31 of P.L.1998, c.44 (C.52:27C-91);
 9 Section 32 of P.L.1998, c.44 (C.52:27C-92);
 10 Section 1 of P.L.1996, c.269 (C.52:27D-11);
 11 Section 11 of P.L.1971, c.411 (C.52:27D-107);
 12 Sections 21 through 30 of P.L.2008, c.46 (C.52:27D-329.10
 13 through C.52:27D-329.19);
 14 P.L.1993, J.R.7;
 15 P.L.1993, c.82;
 16 Section 47 of P.L.1993, c.139;
 17 P.L.1993, c.196;
 18 P.L.1993, c.336;
 19 P.L.1997, c.275;
 20 P.L.1999, c.7;
 21 Section 4 of P.L.2000, c.35;
 22 P.L.2000, c.64;
 23 Section 8 of P.L.2001, c.5;
 24 Section 15 of P.L.2001, c.404;
 25 P.L.2001, c.445;
 26 P.L.2005, c.102;
 27 P.L.2005, c.279;
 28 P.L.2005, c.305;
 29 P.L.2005, c.312;
 30 Sections 1 through 3 of P.L.2005, c.321;
 31 P.L.2005, c.339;
 32 P.L.2005, J.R.8;
 33 P.L.2007, c.173; and
 34 Section 118 of P.L.2008, c.29.

35
 36 55. The following boards, commissions, committees, and
 37 councils, however created, are hereby terminated:
 38 The Advisory Council on Juvenile Justice; and
 39 The Board of Family Development.

40
 41 56. This act shall take effect immediately.

42
 43
 44 STATEMENT

45
 46 This bill eliminates the following authorities, boards,
 47 commissions, committees, councils, and task forces and removes

1 references to the following inactive, expired, obsolete, or previously
2 abolished entities:

3 Community Notification Advisory Council (Section 6 of
4 P.L.1994, c.128);

5 Board of Recreation Examiners of the State of New Jersey
6 (Sections 1 and 3 through 19 of P.L.1966, c.291);

7 Public Access and Marina Safety Task Force (P.L.2008, c.82);

8 Department of Banking and Insurance Study Commission
9 (Section 16 of P.L.1996, c.45);

10 Banking Advisory Board (Sections 305 through 314 of P.L.1948,
11 c.67);

12 Governor's Lyme Disease Advisory Council (P.L.1991, c.277);

13 Health Wellness Promotion Advisory Board (Sections 9 and 10
14 of P.L.1993, c.327);

15 New Jersey State Commission on Aging (Sections 2 through 4 of
16 P.L.1957, c.72);

17 Low Emission Vehicle Review Commission (Sections 5 through
18 7 of P.L.2003, c.266);

19 Advisory Council on Corrections (Sections 21 and 24 of
20 P.L.1976, c.98);

21 Arthur Brisbane Child Treatment Center (P.L.1947, c.252);

22 Northeast Interstate Dairy Compact Commission (P.L.1997,
23 c.402);

24 Council on Undocumented Aliens (P.L.1997, c.87);

25 New Capital Sources Board (P.L.1995, c.293; Section 32 of
26 P.L.1998, c.44; and Section 26 of P.L.2008, c.27);

27 Economic Development Site Task Force (Section 6 of P.L.1997,
28 c.97; Section 31 of P.L.1998, c.31; and Section 21 of P.L.2008,
29 c.27);

30 Dredging Project Facilitation Task Force (Sections 1 through 5
31 and Section 10 of P.L.1997, c.97; Section 30 of P.L.1998, c.40; and
32 Section 22 of P.L.2008, c.27);

33 Motor Vehicle Affordability and Fairness Task Force (Section 30
34 of P.L.2003, c.13);

35 Prison Officers' Pension Commission (Section 12 of P.L.1941,
36 c.220);

37 Consolidated Police and Firemen's Pension Fund Commission
38 (Section 5 of P.L.1952, c.358);

39 State Limousine Advisory Committee (Section 17 of P.L.1999,
40 c.356);

41 New Jersey Information Resources Management Commission
42 (P.L.1993, c.199);

43 Public Officers Salary Review Commission (P.L.1999, J.R.1);

44 Office of Information Technology Governing Board (Section 10
45 of P.L.2007, c.56);

46 Advisory Council on Community Affairs (Section 1 of P.L.1996,
47 c.269);

1 Board of Recreation Examiners of the State of New Jersey
2 (Section 11 of P.L.1971, c.411);
3 State Housing Commission (Sections 21 through 30 of P.L.2008,
4 c.46);
5 New Jersey Uniform Securities Law Study Commission
6 (P.L.1993, J.R.7);
7 Light Pollution Study Commission (P.L.1993, c.82);
8 Environmental Risk Assessment and Risk Management Study
9 Commission (Section 47 of P.L.1993, c.139);
10 Medicaid Salary Region Advisory Panel (P.L.1993, c.196);
11 General Aviation Study Commission (P.L.1993, c.336);
12 Ticket Brokering Study Commission (P.L.1997, c.275);
13 Task Force on Diabetes and the Schools (P.L.1999, c.7);
14 World War II Veterans' Memorial Highway Committee (Section
15 4 of P.L.2000, c.35);
16 New Jersey Pain Management Policy Advisory Council
17 (P.L.2000, c.64);
18 Regulatory Impact Analysis Advisory Task Force (Section 8 of
19 P.L.2001, c.5);
20 Privacy Study Commission (Section 15 of P.L.2001, c.404);
21 Coordinating Committee on Youth (P.L.2001, c.445);
22 Smart Freight Railroad Study Commission (P.L.2005, J.R.8);
23 Meadowlands Transportation Planning Board (P.L.2005, c.102);
24 Task Force on Health Care Professional Responsibility and
25 Reporting (P.L.2005, c.279);
26 New Jersey Health Care Access Study Commission (P.L.2005,
27 c.305);
28 Inmate Education and Vocational Training Study Commission
29 (P.L.2005, c.312);
30 New Jersey Death Penalty Study Commission (Sections 1
31 through 3 of P.L.2005, c.321);
32 Special Education Review Commission (P.L.2005, c.339);
33 New Jersey Adults with Autism Task Force (P.L.2007, c.173);
34 and
35 Civil Service Reform Task Force (Section 118 of P.L.2008,
36 c.29);
37 Korean Veteran's Memorial Committee (expired pursuant to
38 P.L.1996, c.72); and
39 Vietnam Veterans' Memorial Committee (expired pursuant to
40 P.L.1989, c.72)
41 These authorities, boards, commissions, committees, councils,
42 and task forces have served their purpose, been inactive for years,
43 no longer have a role to fulfill, have completed their work, have not
44 been convened for a long period of time, or were never organized.
45 This bill implements recommendations provided by the
46 commissioners of State departments to Governor Christie as
47 required by Executive Order No. 15 of 2010.

1 The bill terminates the following boards, commissions,
2 committees, and councils, which have no statutory reference: the
3 Advisory Council on Juvenile Justice and the Board of Family
4 Development.

5 The bill transfers on-going functions of eliminated authorities,
6 boards, commissions, committees, councils, and task forces to
7 another State entity and makes proper reference to the State entity
8 assuming responsibility for those powers, functions, and duties.
9 The bill also updates statutory references to previously eliminated
10 authorities, boards, commissions, committees, councils, and task
11 forces.

12 Specifically, under the bill:

13 The powers, functions, and duties of the New Jersey Board of
14 Recreation Examiners are transferred to the Commissioner of
15 Community Affairs.

16 Reference to the Student Assistance Board is eliminated and
17 reference to the Higher Education Student Assistance Authority is
18 made as the Student Assistance Board has been eliminated and its
19 duties and responsibilities have been assumed by the Higher
20 Education Student Assistance Authority.

21 The bill eliminates the Advisory Committee to the Alcoholism
22 and Drug Abuse Program for the Deaf, Hard of Hearing, and
23 Disabled. The bill deletes the statutory reference to the Statewide
24 Health Coordinating Council, which is no longer operative, and
25 repeals the law establishing the Arthur Brisbane Child Treatment
26 Center to reflect the fact that the center has closed. In addition, the
27 bill deletes the statutory reference to the bio-analytical laboratories
28 advisory committee to the State Board of Medical Examiners.

29 The bill updates references to the State's toll road authorities, the
30 New Jersey Turnpike Authority and the South Jersey Transportation
31 Authority.

32 The powers, functions, and duties for the administration of the
33 Consolidated Police and Firemen's Pension Fund Commission and
34 the Prison Officers' Pension Fund are transferred to the Division of
35 Pensions and Benefits in the Department of the Treasury.

36 This bill transfers the powers, functions, and duties of the
37 Statewide Public Safety Communications Commission from the
38 Office of Information Technology and reconstitutes it as a
39 commission in, but not of, the Department of Law and Public
40 Safety. The bill grants the Director of the Office of Homeland
41 Security and Preparedness the supervisory authority over the
42 commission's functions. Further, the bill allows personnel
43 employed by the commission to be transferred to the Office of
44 Homeland Security and Preparedness upon a mutual agreement
45 between the directors. Personnel transferred to the Office of
46 Homeland Security and Preparedness are to retain all tenure rights
47 and any rights or protections provided by Title 11A of the New

1 Jersey Statutes or other applicable statute, and any pension law or
2 retirement system.

3 This bill also transfers to the Governor the duty of the Office of
4 Information Technology Governing Board to define the extent of
5 large-scale information technology projects and to establish a
6 monetary threshold for information technology projects requiring
7 the review and approval of the Project Review Board, and to define
8 and establish the overall direction, standards, and priorities for the
9 information technology community in the Executive Branch of
10 State Government. The bill transfers to the Governor the duty to
11 select the three to five members of the Project Review Board; these
12 members are currently selected by the chair of the governing board.

ASSEMBLY REGULATORY OVERSIGHT AND GAMING
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3067

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 2013

The Assembly Regulatory Oversight and Gaming Committee reports favorably Assembly Bill No. 3067.

This bill eliminates the following authorities, boards, commissions, committees, councils, and task forces and removes references to the following inactive, expired, obsolete, or previously abolished entities:

Community Notification Advisory Council (Section 6 of P.L.1994, c.128);

Board of Recreation Examiners of the State of New Jersey (Sections 1 and 3 through 19 of P.L.1966, c.291);

Public Access and Marina Safety Task Force (P.L.2008, c.82);

Department of Banking and Insurance Study Commission (Section 16 of P.L.1996, c.45);

Banking Advisory Board (Sections 305 through 314 of P.L.1948, c.67);

Governor's Lyme Disease Advisory Council (P.L.1991, c.277);

Health Wellness Promotion Advisory Board (Sections 9 and 10 of P.L.1993, c.327);

New Jersey State Commission on Aging (Sections 2 through 4 of P.L.1957, c.72);

Low Emission Vehicle Review Commission (Sections 5 through 7 of P.L.2003, c.266);

Advisory Council on Corrections (Sections 21 and 24 of P.L.1976, c.98);

Arthur Brisbane Child Treatment Center (P.L.1947, c.252);

Northeast Interstate Dairy Compact Commission (P.L.1997, c.402);

Council on Undocumented Aliens (P.L.1997, c.87);

New Capital Sources Board (P.L.1995, c.293; Section 32 of P.L.1998, c.44; and Section 26 of P.L.2008, c.27);

Economic Development Site Task Force (Section 6 of P.L.1997, c.97; Section 31 of P.L.1998, c.31; and Section 21 of P.L.2008, c.27);

Dredging Project Facilitation Task Force (Sections 1 through 5 and Section 10 of P.L.1997, c.97; Section 30 of P.L.1998, c.40; and Section 22 of P.L.2008, c.27);

Motor Vehicle Affordability and Fairness Task Force (Section 30 of P.L.2003, c.13);

Prison Officers' Pension Commission (Section 12 of P.L.1941, c.220);

Consolidated Police and Firemen's Pension Fund Commission (Section 5 of P.L.1952, c.358);

State Limousine Advisory Committee (Section 17 of P.L.1999, c.356);

New Jersey Information Resources Management Commission (P.L.1993, c.199);

Public Officers Salary Review Commission (P.L.1999, J.R.1);

Office of Information Technology Governing Board (Section 10 of P.L.2007, c.56);

Advisory Council on Community Affairs (Section 1 of P.L.1996, c.269);

Board of Recreation Examiners of the State of New Jersey (Section 11 of P.L.1971, c.411);

State Housing Commission (Sections 21 through 30 of P.L.2008, c.46);

New Jersey Uniform Securities Law Study Commission (P.L.1993, J.R.7);

Light Pollution Study Commission (P.L.1993, c.82);

Environmental Risk Assessment and Risk Management Study Commission (Section 47 of P.L.1993, c.139);

Medicaid Salary Region Advisory Panel (P.L.1993, c.196);

General Aviation Study Commission (P.L.1993, c.336);

Ticket Brokering Study Commission (P.L.1997, c.275);

Task Force on Diabetes and the Schools (P.L.1999, c.7);

World War II Veterans' Memorial Highway Committee (Section 4 of P.L.2000, c.35);

New Jersey Pain Management Policy Advisory Council (P.L.2000, c.64);

Regulatory Impact Analysis Advisory Task Force (Section 8 of P.L.2001, c.5);

Privacy Study Commission (Section 15 of P.L.2001, c.404);

Coordinating Committee on Youth (P.L.2001, c.445);

Smart Freight Railroad Study Commission (P.L.2005, J.R.8);

Meadowlands Transportation Planning Board (P.L.2005, c.102);

Task Force on Health Care Professional Responsibility and Reporting (P.L.2005, c.279);

New Jersey Health Care Access Study Commission (P.L.2005, c.305);

Inmate Education and Vocational Training Study Commission (P.L.2005, c.312);

New Jersey Death Penalty Study Commission (Sections 1 through 3 of P.L.2005, c.321);

Special Education Review Commission (P.L.2005, c.339);

New Jersey Adults with Autism Task Force (P.L.2007, c.173); and Civil Service Reform Task Force (Section 118 of P.L.2008, c.29); Korean Veteran's Memorial Committee (expired pursuant to P.L.1996, c.72); and

Vietnam Veterans' Memorial Committee (expired pursuant to P.L.1989, c.72)

These authorities, boards, commissions, committees, councils, and task forces have served their purpose, been inactive for years, no longer have a role to fulfill, have completed their work, have not been convened for a long period of time, or were never organized. This bill implements recommendations provided by the commissioners of State departments to Governor Christie as required by Executive Order No. 15 of 2010.

The bill terminates the following boards, commissions, committees, and councils, which have no statutory reference: the Advisory Council on Juvenile Justice and the Board of Family Development.

The bill transfers on-going functions of eliminated authorities, boards, commissions, committees, councils, and task forces to another State entity and makes proper reference to the State entity assuming responsibility for those powers, functions, and duties. The bill also updates statutory references to previously eliminated authorities, boards, commissions, committees, councils, and task forces.

Specifically, under the bill:

The powers, functions, and duties of the New Jersey Board of Recreation Examiners are transferred to the Commissioner of Community Affairs.

Reference to the Student Assistance Board is eliminated and reference to the Higher Education Student Assistance Authority is made as the Student Assistance Board has been eliminated and its duties and responsibilities have been assumed by the Higher Education Student Assistance Authority.

The bill eliminates the Advisory Committee to the Alcoholism and Drug Abuse Program for the Deaf, Hard of Hearing, and Disabled. The bill deletes the statutory reference to the Statewide Health Coordinating Council, which is no longer operative, and repeals the law establishing the Arthur Brisbane Child Treatment Center to reflect the fact that the center has closed. In addition, the bill deletes the statutory reference to the bio-analytical laboratories advisory committee to the State Board of Medical Examiners.

The bill updates references to the State's toll road authorities, the New Jersey Turnpike Authority and the South Jersey Transportation Authority.

The powers, functions, and duties for the administration of the Consolidated Police and Firemen's Pension Fund Commission and the Prison Officers' Pension Fund are transferred to the Division of Pensions and Benefits in the Department of the Treasury.

This bill transfers the powers, functions, and duties of the Statewide Public Safety Communications Commission from the Office of Information Technology and reconstitutes it as a commission in, but not of, the Department of Law and Public Safety. The bill grants the Director of the Office of Homeland Security and Preparedness the supervisory authority over the commission's functions. Further, the bill allows personnel employed by the commission to be transferred to the Office of Homeland Security and Preparedness upon a mutual agreement between the directors. Personnel transferred to the Office of Homeland Security and Preparedness are to retain all tenure rights and any rights or protections provided by Title 11A of the New Jersey Statutes or other applicable statute, and any pension law or retirement system.

This bill also transfers to the Governor the duty of the Office of Information Technology Governing Board to define the extent of large-scale information technology projects and to establish a monetary threshold for information technology projects requiring the review and approval of the Project Review Board, and to define and establish the overall direction, standards, and priorities for the information technology community in the Executive Branch of State Government. The bill transfers to the Governor the duty to select the three to five members of the Project Review Board; these members are currently selected by the chair of the governing board.

STATEMENT TO
ASSEMBLY, No. 3067

with Assembly Floor Amendments
(Proposed by Assemblyman SINGLETON)

ADOPTED: MARCH 21, 2013

This amendment saves from repeal the Banking Advisory Board,
which is currently active pursuant to its statutory authority.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 3067

with Assembly Floor Amendments
(Proposed by Assemblyman SINGLETON)

ADOPTED: JUNE 20, 2013

This amendment removes references to the Senator Garrett W. Hagedorn Psychiatric Hospital to reflect the fact that the hospital has closed. This amendment abolishes the State Board of Human Services and transfers its remaining functions, powers, and duties to the Department of Human Services. This amendment removes from the bill's provisions the transfer of the Statewide Public Safety Communications Commission (the commission) in the Office of Information Technology in, but not of, the Department of the Treasury to the Department of Law and Public Safety. This amendment provides that the commission, together with its functions, powers, and duties remains in, but not of, the Department of the Treasury. Finally, this amendment removes reference to the Advisory Council on Arthritis as the council is inactive.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 3067

with Senate Floor Amendments
(Proposed by Senator WHELAN)

ADOPTED: JANUARY 9, 2014

These Senate amendments save from repeal the New Jersey State
Commission on Aging.

SENATE, No. 2603

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 26, 2013

Sponsored by:

Senator JIM WHELAN

District 2 (Atlantic)

Senator DAWN MARIE ADDIEGO

District 8 (Atlantic, Burlington and Camden)

Co-Sponsored by:

Senator Beck

SYNOPSIS

Concerns various authorities, boards, commissions, councils, divisions, and task forces.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/10/2014)

S2603 WHELAN, ADDIEGO

2

1 AN ACT concerning certain authorities, boards, commissions,
2 councils, divisions, and task forces, amending and repealing
3 various parts of the statutory law and supplementing Title 52 of
4 the Revised Statutes.

5

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

8

9 1. Section 2 of P.L.1966, c.291 (C.13:1C-2) is amended to read
10 as follows:

11 2. a. There is hereby established in the Department of
12 Community Affairs the Board of Recreation Examiners of the State
13 of New Jersey, which shall consist of five members to be appointed
14 by the Governor with the advice and consent of the Senate.

15 b. Upon the enactment of P.L. , c. , (C.) (pending
16 before the Legislature as this bill) the Board of Recreation
17 Examiners of the State of New Jersey is abolished, and the powers,
18 functions, and duties of the board are transferred to and vested in
19 the Commissioner of Community Affairs.

20 (cf: P.L.1971, c.411, s.6)

21

22 2. Section 20 of P.L.2001, c.131 (C.17:48E-68) is amended to
23 read as follows:

24 20. a. **[**There is established in, but not of, the Department of the
25 Treasury a Health Service Corporation Conversion Temporary
26 Advisory Commission. The advisory commission shall consist of 15
27 members. Seven members shall be appointed by the Governor,
28 including two public members, one physician licensed to practice
29 medicine in New Jersey, one licensed health care provider other
30 than a physician, one representative of the dental community, one
31 representative of a community based organization that provides or
32 assists in providing health care or health care services to New
33 Jersey residents and one representative of the AFL-CIO. Three
34 members shall be appointed by the President of the Senate,
35 including one public member, one representative of the hospital
36 community and one physician licensed to practice medicine in New
37 Jersey. One public member shall be appointed by the Minority
38 Leader of the Senate. Three members shall be appointed by the
39 Speaker of the General Assembly, including one public member,
40 one representative of the hospital community and one representative
41 of a community based organization that provides or assists in
42 providing health care or health care services to New Jersey
43 residents. One public member shall be appointed by the Minority
44 Leader of the General Assembly. A vacancy in the membership of
45 the advisory commission shall be filled in the same manner

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 provided for the original appointment. Members shall serve without
2 fee or compensation. The advisory commission shall commence its
3 activities upon appointment of at least a majority of its initial
4 members.

5 The advisory commission shall, in anticipation of a conversion of
6 a health service corporation as authorized under this act, examine
7 issues related to access to affordable, quality health care for
8 underserved individuals and promoting fundamental improvements
9 in the health status of New Jerseyans, and may review experiences
10 in other states related to the establishment of foundations in
11 connection with the conversion of non-profit health insurers similar
12 to health care service corporations licensed to do business in New
13 Jersey. The advisory commission shall advise the Attorney General
14 and Commissioner of Banking and Insurance as to its findings on
15 these issues. The Department of the Treasury shall provide the
16 advisory commission with such assistance as the advisory
17 commission may require in order to perform its duties under this
18 act. The advisory commission may engage the services of advisors
19 and consultants in order to assist in the performance of its duties
20 under this act. **】** (Deleted by amendment, P.L. , c.) (pending
21 before the Legislature as this bill)

22 b. **】** Upon the creation of a foundation pursuant to section 19 of
23 P.L.2001, c.131 (C.17:48E-67) and the approval of the foundation
24 by a court of competent jurisdiction, the advisory commission
25 created pursuant to subsection a. of this section shall be dissolved. **】**
26 The foundation created pursuant to section 19 of P.L.2001, c.131
27 (C.17:48E-67) shall have a board of directors consisting of 15
28 members. Seven members shall be appointed by the Governor,
29 including two public members, one physician licensed to practice
30 medicine in New Jersey, one licensed health care provider other
31 than a physician, one representative of the dental community, one
32 representative of a community based organization that provides or
33 assists in providing health care or health care services to New
34 Jersey residents and one representative of the AFL-CIO. Three
35 members shall be appointed by the President of the Senate,
36 including one public member, one representative of the hospital
37 community and one physician licensed to practice medicine in New
38 Jersey. One public member shall be appointed by the Minority
39 Leader of the Senate. Three members shall be appointed by the
40 Speaker of the General Assembly, including one public member,
41 one representative of the hospital community and one representative
42 of a community based organization that provides or assists in
43 providing health care or health care services to New Jersey
44 residents. One public member shall be appointed by the Minority
45 Leader of the General Assembly. **】** Initially, the members of the
46 advisory commission shall constitute the board of the foundation,
47 and shall serve for a term of three years. Thereafter, **】** The
48 members of the board of the foundation shall be appointed for a

1 term of three years. Each member shall hold office until
2 reappointed or a successor is appointed and qualified. A vacancy in
3 the membership of the board shall be filled for an unexpired term in
4 the same manner provided for the original appointment. Members
5 shall serve without fee or compensation. The foundation shall
6 commence its activities upon the appointment of at least a majority
7 of its initial board of directors. In the event more than one
8 foundation is established pursuant to **【this act】** P.L.2001, c.131
9 (C.17:48E-49 et seq.), the board of directors of any such additional
10 foundations shall be appointed in compliance with the requirements
11 of this subsection.

12 (cf: P.L.2001, c.387, s.1)

13

14 3. Section 77 of P.L.1991, c.187 (C.18A:62-15) is amended to
15 read as follows:

16 77. a. Every student enrolled as a full-time student at a public or
17 private institution of higher education in this State shall maintain
18 health insurance coverage which provides basic hospital benefits.
19 The coverage shall be maintained throughout the period of the
20 student's enrollment.

21 b. Every student enrolled as a full-time student shall present
22 evidence of the health insurance coverage required by subsection a.
23 of this section to the institution at least annually, in a manner
24 prescribed by the institution.

25 c. The State Department of Health shall require all public and
26 private institutions of higher education in this State to offer health
27 insurance coverage on a group or individual basis for purchase by
28 students who are required to maintain the coverage pursuant to this
29 section.

30 d. The Commissioner of Health shall adopt rules and
31 regulations pursuant to the "Administrative Procedure Act,"
32 P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the purposes of
33 subsections a., b. and c. of this section.

34 e. The **【Student Assistance Board】** Higher Education Student
35 Assistance Authority in but not of the Department of **【the Treasury】**
36 State shall adopt rules and regulations to require that a public or
37 private institution of higher education in this State consider the
38 coverage required pursuant to this section as an educational cost for
39 purposes of determining a student's eligibility for financial aid.

40 f. Nothing in this section shall be construed to permit a
41 hospital in this State to deny access to hospital care to a full-time
42 student whose health insurance coverage required by this section
43 lapses for any reason.

44 g. The provisions of this section shall not apply to a person
45 who is a participant in the REACH program established pursuant to
46 P.L.1987, c.282 (C.44:10-9 et seq.).

47 (cf: P.L.1994, c.48, s.87)

1 4. Section 2 of P.L.1995, c.318 (C.26:2B-37) is amended to
2 read as follows:

3 2. a. The Commissioner of Health **【and Senior Services】** shall
4 establish an "Alcohol and Drug Abuse Program for the Deaf, Hard
5 of Hearing and Disabled" **【in consultation with the program**
6 **advisory committee established pursuant to this section and】**.

7 b. Pursuant to Reorganization Plan No. 002-2004, the
8 Commissioner of Human Services shall continue to operate the
9 program established pursuant to subsection a. of this section
10 through the Division of Mental Health and Addiction Services in
11 the Department of Human Services, in consultation with **【and after**
12 **review by】** the Governor's Council on Alcoholism and Drug Abuse.

13 **【There is established a program advisory committee to advise**
14 **the commissioner on the establishment and operation of the**
15 **"Alcohol and Drug Abuse Program for the Deaf, Hard of Hearing,**
16 **and Disabled." The members of the advisory committee shall be**
17 **appointed by the commissioner and shall consist of five members**
18 **who are either deaf, hard of hearing, or disabled, two members of**
19 **the public with an interest in issues relating to alcohol and drug**
20 **abuse and one representative each from the Governor's Council on**
21 **Alcoholism and Drug Abuse, the Developmental Disabilities**
22 **Council, the Division of Vocational Rehabilitation Services in the**
23 **Department of Labor, and the Division of the Deaf and Hard of**
24 **Hearing and the Office of Disability Services in the Department of**
25 **Human Services. The commissioner shall serve as an ex officio**
26 **member of the committee.】**

27 (cf: P.L.1999, c.91, s.11)

28

29 5. Section 1 of P.L.1968, c.457 (C.27:7-21.8) is amended to
30 read as follows:

31 1. The Commissioner of Transportation is directed to devise
32 and put into effect such programs as shall be necessary to provide
33 for the eradication of rats and other harmful rodents from the
34 public highways, giving special attention to highways, or sections
35 thereof, adjacent to residential areas; and to enter into an
36 agreement with, or otherwise secure the co-operation of, the New
37 Jersey Turnpike Authority **【,** the New Jersey Expressway
38 **Authority,】** and the **【New】** South Jersey 【Highway】 Transportation
39 Authority, in the formulation and implementation of programs
40 designed to accomplish such purposes.

41 (cf: P.L.1968, c.457, s.1)

42

43 6. Section 2 of P.L.2002, c.77 (C.27:23-6.2) is amended to read
44 as follows:

45 2. a. An operator awarded a contract for towing and storage
46 services by the New Jersey Turnpike Authority shall register with
47 the authority. Upon issuance of the registration, the authority shall

1 provide the operator with two decals and accompanying notices for
2 each tow truck owned or leased by that operator and to be used
3 under the terms of the contract. The decals and the accompanying
4 notices, which shall be of a distinctive design and color, shall be
5 conspicuously displayed on the exterior of each such tow truck in a
6 manner and location prescribed by the authority.

7 The decals shall set forth a specific registration number for each
8 registered tow truck. The notices shall include a statement
9 indicating substantially the following: "This tow truck is registered
10 with the New Jersey **Highway** Turnpike Authority. The driver is
11 required to provide you with a written schedule of the fees charged
12 for towing and storage services before providing that service to you,
13 including those services for which there is no fee. If the fee charged
14 is in excess of the fee listed on the schedule, please notify the
15 authority or the New Jersey Division of Consumer Affairs." An
16 operator shall file a copy of the schedule of fees with the authority.
17 Upon request of the Division of Consumer Affairs in the
18 Department of Law and Public Safety, the authority shall provide a
19 list of the registered tow trucks to the division, in addition to a copy
20 of the schedule of fees.

21 b. Prior to providing any towing services, a driver of a tow
22 truck shall provide the person whose vehicle is to be towed a
23 written schedule of fees and shall recite the information contained
24 in the notice.

25 c. An operator who fails to display the decals and notices
26 required by subsection a. of this section or the driver of a tow truck
27 who fails to provide a person to be towed the written schedule of
28 fees or recite the information contained in the notice prior to
29 providing a towing service as required by subsection b. of this
30 section shall be subject to a fine of \$300 for the first offense. For
31 the second and any subsequent offense the operator or the driver, as
32 the case may be, shall be subject to a fine of \$600.

33 d. It shall be an unlawful practice and a violation of P.L.1960,
34 c.39 (C.56:8-1 et seq.) for any person to charge a fee in excess of
35 the fee listed in the written schedule of fees provided pursuant to
36 subsection a. of this section.

37 e. If an operator or the driver of an operator's tow truck is
38 convicted a third time for violation of any provisions of this section,
39 the authority may, in its discretion, terminate the operator's contract
40 for towing and storage services with the authority.

41 (cf: P.L.2009, c.39, s.11)

42

43 7. Section 2 of P.L.1991, c.252 (C.27:25A-2) is amended to
44 read as follows:

45 2. The Legislature finds and declares that:

46 a. It is the public policy of this State to provide for the
47 coordinated development and planning of the State's transportation
48 system both on the State and regional level. Through the medium

1 of the Transportation Executive Council, established by Executive
2 Order No. 10 of 1990, the activities of the various transportation
3 related authorities are coordinated on the State level. In the northern
4 region of the State the Port Authority of New York and New Jersey,
5 the New Jersey Turnpike Authority, [the New Jersey Highway
6 Authority,] the Hackensack Meadowlands Development
7 Commission, the North Jersey Transportation Coordinating
8 Committee and other organizations exist to provide for the support
9 and planning of the transportation system in that region.

10 b. In the southern region of the State an increase in residential
11 development, the completion of Interstate Route 476 (also known
12 as the "Blue Route") in Pennsylvania, the establishment of casino
13 gaming in Atlantic City, and other factors, have caused an increase
14 in vehicular traffic in southern New Jersey and have highlighted the
15 need for a more coordinated effort on a regional basis to deal with
16 the operation and possible extension of the region's highway
17 system, the improvement and expansion of its aviation facilities,
18 and the coordination of Atlantic County's transportation system
19 within the larger regional system.

20 c. Concomitant with the development of the transportation
21 system in southern New Jersey the need exists for the ancillary
22 establishment of economic development facilities directly related to
23 transportation projects in that region to be funded by a
24 transportation authority.

25 d. It is in the public interest to create a South Jersey
26 Transportation Authority, encompassing the counties of Atlantic,
27 Camden, Cape May, Cumberland, Gloucester, and Salem, as a
28 successor to the New Jersey Expressway Authority and the Atlantic
29 County Transportation Authority, to provide more coordination of
30 the region's transportation system and to deal particularly with the
31 highway system, aviation facilities and the transportation problems
32 of Atlantic County through the acquisition, construction,
33 maintenance, operation and support of expressway and
34 transportation projects and economic development facilities directly
35 related to transportation projects authorized by this act. However,
36 the activities of a transportation authority are not to supplant or
37 replace the funding of projects by the Transportation Trust Fund
38 Authority or the operation of public transportation services by the
39 New Jersey Transit Corporation.

40 (cf: P.L.1991, c.252, s.2)

41

42 8. Section 3 of P.L.2002, c.77 (C.27:25A-8.1) is amended to
43 read as follows:

44 3. a. An operator awarded a contract for towing and storage
45 services by the South Jersey Transportation Authority shall register
46 with the authority. Upon issuance of the registration, the authority
47 shall provide the operator with two decals and accompanying
48 notices for each tow truck owned or leased by that operator and to

1 be used under the terms of the contract. The decals and the
2 accompanying notices, which shall be of a distinctive design and
3 color, shall be conspicuously displayed on the exterior of each such
4 tow truck in a manner and location prescribed by the authority.

5 The decals shall set forth a specific registration number for each
6 registered tow truck. The notices shall include a statement
7 indicating substantially the following: "This tow truck is registered
8 with the **【New】** South Jersey **【Highway】** Transportation Authority.
9 The driver is required to provide you with a written schedule of the
10 fees charged for towing and storage services before providing that
11 service to you, including those services for which there is no fee. If
12 the fee charged is in excess of the fee listed on the schedule, please
13 notify the authority or the New Jersey Division of Consumer
14 Affairs." An operator shall file a copy of the schedule of fees with
15 the authority. Upon request of the Division of Consumer Affairs in
16 the Department of Law and Public Safety, the authority shall
17 provide a list of the registered tow trucks to the division, in addition
18 to a copy of the schedule of fees.

19 b. Prior to providing any towing services, a driver of a tow
20 truck shall provide the person whose vehicle is to be towed a
21 written schedule of fees and shall recite the information contained
22 in the notice.

23 c. An operator who fails to display the decals and notices
24 required by subsection a. of this section or the driver of a tow truck
25 who fails to provide a person to be towed the written schedule of
26 fees or recite the information contained in the notice prior to
27 providing a towing service as required by subsection b. of this
28 section shall be subject to a fine of \$300 for the first offense. For
29 the second and any subsequent offense the operator or the driver, as
30 the case may be, shall be subject to a fine of \$600.

31 d. It shall be an unlawful practice and a violation of P.L.1960,
32 c.39 (C.56:8-1 et seq.) for any person to charge a fee in excess of
33 the fee listed in the written schedule of fees provided pursuant to
34 subsection a. of this section.

35 e. If an operator or the driver of an operator's tow truck is
36 found to have been convicted a third time for violation of any
37 provisions of this section, the authority may, in its discretion,
38 terminate the operator's contract for towing and storage services
39 with the authority.

40 (cf: P.L.2009, c.39, s.12)

41

42 9. R.S.30:1-7 is amended to read as follows:

43 30:1-7. The long-term care facilities, institutions, and psychiatric
44 facilities of this State, within the meaning of this Title, shall include
45 the following, and, as well, any facilities established hereafter for
46 any similar purpose:

47 Trenton Psychiatric Hospital,

48 Greystone Park Psychiatric Hospital,

1 Ancora Psychiatric Hospital,
2 Senator Garrett W. Hagedorn Psychiatric Hospital,
3 Ann Klein Forensic Center,
4 North Jersey Developmental Center,
5 New Lisbon Developmental Center,
6 Woodbine Developmental Center,
7 Vineland Developmental Center,
8 Woodbridge Developmental Center,
9 Hunterdon Developmental Center **],**
10 Arthur Brisbane Child Center at Allaire **].**

11 (cf: P.L.2001, c.268, s.1)

12

13 10. Section 2 of P.L.1980, c.35 (C.30:4E-2) is amended to read
14 as follows:

15 2. a. The Commissioner of Human Services shall organize an
16 Interagency Task Force on Home Care Services, hereinafter known
17 as the "task force," which shall consist of the commissioner, the
18 Commissioner of Health, the Commissioner of Insurance, and the
19 Commissioner of Community Affairs, or their designated
20 representatives. The task force shall review and coordinate efforts
21 among departments to develop home health care and homemaker
22 services and shall consult on the propriety and effects of State and
23 Federal home health care and homemaker legislation, rules, and
24 regulations. The task force shall work toward regulatory and
25 legislative change which it feels will promote the utilization of
26 home health care and homemaker services as an alternative to
27 institutional care.

28 b. The task force shall meet as frequently as its business may
29 require and at least once in each calendar quarter of each year.

30 c. The task force shall consult on a regular basis with **[the**
31 **Statewide Health Coordinating Council and with]** public and
32 private nonprofit, proprietary, and hospital based providers of home
33 health care and homemaker services. The task force shall also
34 consult with service consumers.

35 (cf: P.L.1980, c.35, s.2)

36

37 11. Section 8 of P.L.1948, c.249 (C.34:6-47.8) is amended to
38 read as follows:

39 8. This act shall not be construed as applying to, shall not apply
40 to, and is not intended to apply to, the construction, reconstruction,
41 operations, and maintenance of overhead electrical conductors and
42 their supporting structures and associated equipment by authorized
43 and qualified electrical workers; nor to the authorized and qualified
44 employees of any person engaged in the construction,
45 reconstruction, operation, and maintenance of overhead electrical
46 circuits or conductors and their supporting structures and associated
47 equipment of rail transportation systems, or electrical generating,
48 transmission, distribution, and communication systems. This

1 exception when applied to railway systems, shall be construed as
2 permitting operation of standard rail equipment, which is normally
3 used in the transportation of freight or passengers or both and the
4 operation of relief trains, or other equipment in emergencies, or in
5 maintenance of way service, at a distance of less than 6 feet from
6 any high-voltage conductor of such railway system; but this act
7 shall be construed as prohibiting normal repair or construction
8 operations at a distance of less than 6 feet from any high-voltage
9 conductor by other than properly qualified and authorized persons
10 or employees under the direct supervision of an authorized person
11 who is familiar with the hazards involved, unless there has been
12 compliance with the safety provisions of sections 2, 4, and 5
13 hereof.

14 This act shall not be construed as applying to, shall not apply to
15 and is not intended to apply to, motor vehicle transportation across
16 or along a public road or highway where such transportation is
17 subject to the requirements of Title 39, Motor Vehicles and Traffic
18 Regulation of the Revised Statutes, nor to motor vehicle
19 transportation subject to the requirements of [P.L.1952, chapter 16,
20 page 65, section 1 et seq., New Jersey Highway Authority or
21 P.L.1948, chapter 454, page 1856, section 1 et seq.,] the New
22 Jersey Turnpike Authority, P.L.1948 c, 454 (C.27:23-1 et seq.).
23 (cf: P.L.1966, c.261, s.7)
24

25 12. Section 1 of P.L.2009, c.247 (C.34:6-158) is amended to
26 read as follows:

27 1. The Legislature finds and declares that:

28 a. A significant portion of the apparel industry has a history of
29 poor conditions for its workers;

30 b. The largest part of the apparel purchases of the State of New
31 Jersey are for State employee uniforms, which should project a
32 positive image for the State and help to instill pride on the part of
33 State employees;

34 c. The State of New Jersey has, as a market participant, a
35 compelling interest in guaranteeing that these uniforms and all of
36 the other apparel it acquires are produced in the United States of
37 America in conditions which are conducive to the reliable provision
38 of high quality apparel and of which the State, its citizens, and its
39 employees may be proud; and

40 d. It is, therefore, an appropriate policy [to establish an
41 Apparel Procurement Board] to ensure that the State's interests as a
42 market participant are protected with respect to apparel contracts
43 entered into by the State and its instrumentalities.

44 (cf: P.L.2009, c.247, s.1)
45

46 13. Section 2 of P.L.2009, c.247 (C.34:6-159) is amended to
47 read as follows:

1 2. For the purpose of **【this act】** P.L.2009, c.247 (C.34:6-
2 158 et seq.):

3 "Apparel" means any clothing, headwear, linens or fabric.

4 "Apparel contracts" shall include all purchases, rentals or other
5 acquisitions of apparel products by the State of New Jersey,
6 including authorizations by the State of New Jersey for vendors to
7 sell apparel products through cash allowances or vouchers issued by
8 the State of New Jersey, and license agreements with a public body.

9 "Apparel production" shall include the cutting and manufacturing
10 of apparel products performed by the vendor or by any sub-
11 contractors, not including the production of supplies or sundries
12 such as buttons, zippers, and thread.

13 "Bidder" means any person making a bid with a public body to
14 serve as a vendor to a public body.

15 **【"Board" means the Apparel Procurement Board established by**
16 **this act.】**

17 "Commissioner" means the Commissioner of Labor and
18 Workforce Development.

19 "Poverty line" means the official poverty line based on family
20 size, established and adjusted under section 673 (2) of Subtitle B of
21 the "Community Services Block Grant Act," Pub.L.97-35 (42
22 U.S.C. s.9902 (2)).

23 "Public body" means the State of New Jersey, any agency of the
24 State or any authority created by the Legislature.

25 "Vendor" means any person or business selling or otherwise
26 providing apparel to or for a public body or entering into a license
27 agreement with a public body to produce or provide items of
28 apparel bearing names, trademarks or images of, or related to, the
29 public body.

30 (cf: P.L.2009, c.247, s.2)

31

32 14. Section 3 of P.L.2009, c.247 (C.34:6-160) is amended to
33 read as follows:

34 3. When purchasing or otherwise obtaining apparel from a
35 vendor, including approving a vendor for participation in allowance
36 or voucher programs, a public body shall require that all apparel
37 production is in compliance with each of the following
38 requirements, except in the case of a requirement that is adjudicated
39 to be unenforceable because of preemption by federal law:

40 a. All apparel production under the contract shall be performed
41 in the United States, except in cases in which the commissioner
42 determines that it is not possible for the public body to obtain
43 apparel produced in the United States which meets the necessary
44 requirements of the public body;

45 b. Apparel production workers employed to produce the
46 apparel shall be provided a work environment that is safe, healthy,
47 and free of discrimination on the basis of race, national origin,
48 religion, sex and sexual preference;

1 c. Apparel production workers employed to produce the
2 apparel shall be provided non-poverty compensation at an hourly
3 rate determined by the commissioner to be not less than the poverty
4 line for a family of three, based on 40 hours of work a week for 50
5 weeks a year;

6 d. Apparel production workers employed to produce the
7 apparel shall not be terminated except for just-cause and vendors
8 and their contractors and sub-contractors shall provide a mechanism
9 to resolve all disputes with apparel production workers;

10 e. Vendors and their contractors and sub-contractors shall
11 adapt a neutrality position with respect to attempts to organize by
12 their employees, and agree to voluntarily recognize a union when a
13 majority of workers have signed cards authorizing union
14 representation;

15 f. The facilities where the apparel production occurs shall be
16 open to inspection by the commissioner, **【the board, or】** any
17 political subdivision of this State, any other state or other
18 governmental or intergovernmental unit with which the
19 commissioner **【or the board】** cooperates, or by any appropriate
20 consortia in which **【the board or】** the commissioner participates
21 **【pursuant to section 5 of this act】**; and

22 g. No contractor or sub-contractor involved in the providing or
23 production of apparel has a pattern or practice of violation of legal
24 employment protections, including laws and regulations governing
25 wages and hours, discrimination, occupational safety and health,
26 child labor, industrial homework, workers' compensation, and
27 occupational safety and health.

28 Every apparel contract and bid application shall contain a
29 provision or provisions detailing the requirements of **【this act】**
30 P.L.2009, c.247 (C.34:6-158 et seq.), and compliance with **【this**
31 **act】** P.L.2009, c.247 (C.34:6-158 et seq.) shall be made a binding
32 part of all apparel contracts.

33 (cf: P.L.2009, c.247, s.3)

34

35 15. Section 4 of P.L.2009, c.247 (C.34:6-161) is amended to
36 read as follows:

37 4. Every bidder for an apparel contract with a public body shall
38 inform the public body in writing of the following information,
39 which shall be made available by the public body to the public as
40 soon as possible, but in no case less than 30 days before a decision
41 is made to award an apparel contract to a bidder:

42 a. Every location where apparel production is to take place,
43 including any sub-contractor locations;

44 b. The name, business address, and names of principal officers
45 of each sub-contractor to be used for apparel production in
46 fulfillment of an apparel contract; and

1 c. An affidavit that each apparel production location meets the
2 requirements of **【this act】** P.L.2009, c.247 (C.34:6-158 et seq.).

3 Any changes to the reported information during the term of an
4 apparel contract must be reported by the vendor to the public body.
5 The public body shall report all information required under this
6 section to the **【Apparel Procurement Board】** commissioner,
7 **【which】** who shall make the information available upon request to
8 the public.

9 (cf: P.L.2009, c.247, s.4)

10

11 16. Section 3 of P.L.1997, c.415 (C.39:4-98.4) is amended to
12 read as follows:

13 3. As used in this act:

14 "Authorities" means the **【New Jersey Highway Authority, the】**
15 New Jersey Turnpike Authority and the South Jersey Transportation
16 Authority.

17 "Commissioner" means the Commissioner of Transportation.

18 "Eligible public highways" means public highways as defined in
19 section 3 of P.L. 1984, c. 73 (C.27:1B-3) of which portions have
20 been determined by the commissioner to be appropriate for a 65
21 miles per hour speed limit based on such criteria as determined by
22 the commissioner. Public highways under the jurisdiction of
23 counties and municipalities shall not be eligible public highways.

24 (cf: P.L.1997, c.415, s.3)

25

26 17. Section 1 of P.L.1993, c.332 (C.39:4-203.5) is amended to
27 read as follows:

28 1. a. For the purposes of this act:

29 "Area of highway construction or repair" means that segment of
30 any highway which is identified by properly posted traffic control
31 devices or signs as undergoing construction, reconstruction, repair,
32 or maintenance operation. An area of highway construction or
33 repair shall consist of that area between the first traffic control
34 device or sign informing motor vehicle operators of their
35 approaching highway construction or repair and the last traffic
36 control device or sign indicating all restrictions are removed and
37 normal motor vehicle operations may resume.

38 "Highway" means any highway under the jurisdiction of the
39 **【State】** Department of Transportation, a county, a municipality, or
40 a toll road authority.

41 "Safe corridor" or "safe corridor area" means a segment of
42 highway under the jurisdiction of the Department of Transportation
43 which, based upon accident rates, fatalities, traffic volume and other
44 highway traffic safety criteria, is identified by the Commissioner of
45 Transportation as a segment warranting designation as a "safe
46 corridor."

1 "Toll road authority" means the New Jersey Turnpike
2 Authority, the New Jersey Highway Authority, or the South
3 Jersey Transportation Authority.

4 b. The fine for a motor vehicle offense embodied in the
5 following sections of statutory law, when committed in an area of
6 highway construction or repair, or when committed in a designated
7 safe corridor, shall be double the amount specified by law:

- 8 Subsection b. of R.S.39:3-20;
9 R.S.39:4-52;
10 R.S.39:4-57;
11 R.S.39:4-71;
12 R.S.39:4-80;
13 R.S.39:4-81;
14 R.S.39:4-82;
15 R.S.39:4-83;
16 R.S.39:4-84;
17 R.S.39:4-85;
18 R.S.39:4-86;
19 R.S.39:4-88;
20 R.S.39:4-89;
21 R.S.39:4-90;
22 R.S.39:4-96;
23 R.S.39:4-97;
24 R.S.39:4-98;
25 R.S.39:4-99;
26 R.S.39:4-105;
27 R.S.39:4-115;
28 R.S.39:4-119;
29 R.S.39:4-122;
30 R.S.39:4-123;
31 R.S.39:4-124;
32 R.S.39:4-125;
33 R.S.39:4-127;
34 R.S.39:4-129;
35 R.S.39:4-144;
36 P.L.1955, c.217 (C.39:5C-1);
37 Section 48 of P.L.1951, c.23 (C.39:4-66.1);
38 Section 41 of P.L.1951, c.23 (C.39:4-82.1);
39 Section 51 of P.L.1951, c.23 (C.39:4-90.1);
40 Section 1 of P.L.2000, c.75 (C.39:4-97.2);
41 Section 6 of P.L.1997, c.415 (C.39:4-98.7);
42 Section 5 of P.L.1951, c.264 (C.27:23-29);
43 Section 18 of P.L.1952, c.16 (C.27:12B-18); and
44 Section 21 of P.L.1991, c.252 (C.27:25A-21).

45 When an area of highway construction or repair is within a safe
46 corridor, the fine for a motor vehicle offense embodied in the
47 preceding sections of statutory law shall be doubled only once.
48 When a safe corridor is within an area of highway construction or

1 repair, the fine for a motor vehicle offense embodied in the
2 preceding sections of statutory law shall be doubled only once.
3 Fines for violation of section 6 of P.L.1997, c.415 (C.39:4-98.7) in
4 a safe corridor or an area of highway construction or repair shall be
5 doubled only once. Notwithstanding any other provision of law, the
6 increase from the doubled fines imposed and collected in designated
7 safe corridor areas shall be forwarded by the person to whom they
8 are paid to the State Treasurer, who shall annually deposit those
9 moneys in the "Highway Safety Fund" established pursuant to
10 section 5 of P.L.2003, c.131 (C.39:3-20.4).

11 c. (1) Signs designed in compliance with the specifications of
12 the Department of Transportation or, if appropriate, the toll road
13 authority having jurisdiction over the appropriate highway, shall be
14 appropriately placed, by order of the Commissioner of
15 Transportation, the appropriate local official, or the affected toll
16 road authority, as the case may be, to notify drivers approaching
17 areas of highway construction or repair, or designated safe corridor
18 areas, that the fines are doubled for motor vehicle offenses in those
19 areas.

20 (2) In addition, all traffic control signs and devices erected or
21 displayed by the State Department of Transportation, a county, a
22 municipality or a toll road authority within an area of highway
23 construction or repair or safe corridor area shall conform to the
24 uniform system specified in the most current "Manual on Uniform
25 Traffic Control Devices for Streets and Highways," prepared by the
26 Federal Highway Administration in the United States Department of
27 Transportation.

28 d. It shall not be a defense to the imposition of the fines
29 authorized under the provisions of **【this act】** P.L.1993, c.332 that a
30 sign notifying drivers who are approaching highway construction or
31 repair areas, or designated safe corridor areas, that fines are doubled
32 for motor vehicle offenses in those areas was not posted, improperly
33 posted, wrongfully removed or stolen, or that signs or devices were
34 not placed in compliance with the most current "Manual on
35 Uniform Traffic Control Devices for Streets and Highways" as
36 required pursuant to paragraph (2) of subsection c. of this section.

37 e. The director shall include information concerning the
38 penalties imposed pursuant to this act in any subsequent revision of
39 the New Jersey Driver Manual and the New Jersey Motorist Guide.

40 f. Safe corridor areas shall be designated by traffic order
41 issued pursuant to P.L.1998, c.28 (C.39:4-8.2 et seq.).

42 (cf: P.L.2003, c.131, s.1)

43
44 18. Section 2 of P.L.1983, c.2 (C.40:48-2.12a1) is amended to
45 read as follows:

46 2. No exemption from inspection pursuant to the provisions of
47 **【section 3 of P.L.1967, c. 76 (C. 55:13A-3)】** statutory law shall
48 prevent any municipality from adopting an ordinance to provide for

1 the inspection of buildings to assure the health, safety, and public
2 welfare of the municipality and its residents.

3 (cf: P.L.1983, c.2, s.2)

4

5 19. Section 4 of P.L.1973, c.155 (C.43:7-18.1) is amended to
6 read a follows:

7 4. The **【pension commission】** Division of Pensions and
8 Benefits in the Department of the Treasury shall have the general
9 responsibility for the proper operation of the pension fund and shall
10 have such powers and shall exercise such functions and duties, as
11 may be necessary and appropriate for the proper operation of the
12 fund, subject to the provisions of P.L.1955, c. 70 (C.52:18A-95 et
13 seq.). Any reference in a law, rule, regulation, judicial or
14 administrative proceeding, or otherwise to the Prison Officers’
15 Pension Commission shall mean and refer to the Division of
16 Pensions and Benefits.

17 The **【commission】** division may make all necessary rules and
18 regulations. Such rules and regulations shall be consistent with
19 those adopted by the other pension funds within the Division of
20 Pensions and Benefits in order to permit the most economical and
21 uniform administration of all such retirement systems.

22 (cf: P.L.1973, c.155, s.4)

23

24 20. Section 13 of P.L.1941, c.220 (C.43:7-19) is amended to
25 read as follows:

26 13. The **【said pension commission】** Division of Pensions and
27 Benefits in the Department of the Treasury shall have control and
28 management of said fund subject to the provisions of P.L.1950,
29 c.270 (C.52:18A-79 et seq.), and of the retirement of said prison
30 officers, and 【they are】 the division is hereby empowered to make
31 all necessary rules and regulations regarding the same not
32 inconsistent with this act. All moneys belonging to said pension
33 fund shall be received and paid over to the Treasurer of the State of
34 New Jersey, whose official bond shall cover the same. All moneys
35 paid out of such pension fund shall be paid by the said treasurer
36 upon warrants signed by the 【president and secretary of said
37 pension commission, or such other officers at the pension
38 commission shall designate】 director of the division.

39 (cf: P.L.1941, c.220, s.13)

40

41 21. Section 15 of P.L.1941, c.220 (C.43:7-21) is amended to
42 read as follows:

43 15. The **【president and secretary】** Division of Pensions and
44 Benefits in the Department of the Treasury shall, on behalf of the
45 said pension **【commission】** fund, execute any and all releases,
46 acquittances, receipts, or discharges of any and all written

1 evidences of indebtedness to said pension **【commission】** fund.
2 (cf: P.L.1941, c.220, s.15)

3

4 22. Section 16 of P.L.1941, c.220 (C.43:7-22) is amended to
5 read as follows:

6 16. The **【pension commission】** Division of Pensions and
7 Benefits in the Department of the Treasury shall make an annual
8 report of the conditions of such fund and the manner in which same
9 is invested.

10 (cf: P.L.1941, c.220, s.16)

11

12 23. Section 7 of P.L.1952, c.358 (C.43:16-6.2) is amended to
13 read as follows:

14 7. **【On July 1, 1952, and in each succeeding year, or, when**
15 **July 1 is a legal holiday, upon the first business day thereafter, the**
16 **members of the commission shall meet in annual meeting at which a**
17 **chairman shall be elected from the membership thereof.】** The
18 **【commission】** Division of Pensions and Benefits in the Department
19 of the Treasury shall keep, in convenient form, such data as may be
20 necessary for the actuarial evaluation of the fund committed to its
21 charge and to serve as a record of its experience in the
22 administration of the pension system dependent upon such fund.
23 **【A record shall be kept of all proceedings of the commission, which**
24 **shall be open to public inspection.】** The Attorney General shall act
25 as the legal adviser **【of the commission】** for the fund, except that if
26 the Attorney General determines that a conflict of interest would
27 affect the ability of the Attorney General to represent the
28 **【commission】** division on a matter affecting the retirement system,
29 the **【commission】** division may select and employ legal counsel to
30 advise and represent the **【commission】** division on that matter. The
31 actuary of the fund shall be selected by the Retirement Systems
32 Actuary Selection Committee established by P.L.1992, c.125. **【He】**
33 The actuary of the fund shall be the technical adviser of the
34 **【commission】** division on all matters regarding the operation of the
35 pension fund not otherwise prescribed by law.

36 (cf: P.L.1992, c.125, s.11)

37

38 24. R.S.43:16-7 is amended to read as follows:

39 43:16-7. The **【commission】** Division of Pensions and Benefits
40 in the Department of the Treasury shall be **【and are hereby**
41 **constituted trustees】** the trustee of all the funds established by this
42 act. The division shall have the general responsibility for the
43 proper operation of the pension fund and shall have such powers
44 and shall exercise such functions and duties as may be necessary
45 and appropriate for the proper operation of the fund. Any reference
46 in a law, rule, regulation, judicial or administrative proceeding, or

1 otherwise to the Consolidated Police and Firemen's Pension Fund
2 Commission shall mean and refer to the Division of Pensions and
3 Benefits.

4 The **【commission】** division may make all necessary rules and
5 regulations with regard thereto. Such rules and regulations shall be
6 consistent with those adopted by the other pension funds within the
7 Division of Pensions and Benefits in order to permit the most
8 economical and uniform administration of all such retirement
9 systems. All moneys and assets of and belonging to the funds
10 consolidated and required by this chapter to be consolidated and
11 transferred to the pension fund, together with all increments and
12 contributions thereto shall be received and paid over to the State
13 Treasurer, whose official bond shall cover the same. No moneys
14 shall be paid out of the consolidated fund except upon the warrant
15 of the fund, signed by the **【chairman and secretary】** director of the
16 division. All pensions granted under this chapter shall be exempt
17 from execution, garnishment, attachment, sequestration, or other
18 legal process. All moneys not needed for the immediate payment of
19 pensions under this chapter shall be invested **【for the commission】**
20 by the Director of the Division of Investment established pursuant
21 to the provisions of chapter 270 of the laws of 1950, subject to the
22 limitations contained in section 11 of said chapter. **【A member of**
23 **the commission, to be designated by a majority vote thereof, shall**
24 **serve on the State Investment Council as a representative of said**
25 **commission.】**

26 (cf: P.L.1971, c.179, s.3)

27

28 25. Section 12 of P.L.1944, c.253 (C.43:16-17) is amended to
29 read as follows:

30 12. The following words and phrases as used in this act, unless a
31 different meaning is plainly required by the context, shall have the
32 following meanings:

33 (1) "Member" shall mean a person who on July 1, 1944, was a
34 member of a municipal police department or paid or part-paid fire
35 department or county police department or a paid or part-paid fire
36 department of a fire district located in a township and who has
37 contributed to the pension fund established under chapter 16 of
38 Title 43 of the Revised Statutes and shall hereafter contribute to
39 said fund.

40 (2) "Active member" shall mean any "member" who is a police
41 officer, firefighter, detective, line person, driver of police van, fire
42 alarm operator or inspector of combustibles and who is subject to
43 call for active service or duty as such.

44 (3) "Employee member" shall mean any "member" who is not
45 subject to call for active service or duty as a police officer,
46 firefighter, detective, line person, driver of police van, fire alarm
47 operator or inspector of combustibles.

- 1 (4) "Commission" shall mean the board having the general
2 responsibility for the proper operation of the pension fund created
3 by this act, subject to the provisions of chapter 70 of the laws of
4 1955.
- 5 (5) "Physician or surgeon" shall mean the medical board
6 composed of physicians who shall be called upon to determine the
7 disability of members as provided by this act.
- 8 (6) "Employer" shall mean the county, municipality or agency
9 thereof by which a member is employed.
- 10 (7) "Service" shall mean service rendered while a member is
11 employed by a municipal police department, paid or part-paid fire
12 department, county police department or paid or part-paid fire
13 department of a fire district located in a township prior to the
14 effective date of this act for such service to such departments
15 thereafter.
- 16 (8) "Pension" shall mean the amount payable to a member or the
17 member's beneficiary under the provisions of this act.
- 18 (9) "Average salary" shall mean the average salary paid during
19 the last three years of a member's service.
- 20 (10) "Beneficiary" shall mean any person or persons, other than a
21 member, receiving or entitled to receive a pension or benefits, as
22 provided by this act.
- 23 (11) "Parent" shall mean the parent of a member who was
24 receiving at least one-half of that parent's support from the member
25 in the 12-month period immediately preceding the member's death
26 or the accident which was the direct cause of the member's death.
27 The dependency of such a parent will be considered terminated by
28 marriage of the parent subsequent to the death of the member.
- 29 (12) "County police" shall mean all police officers having
30 supervision of regulation of traffic upon county roads.
- 31 (13) (Deleted by amendment, P.L.1989, c.78.)
- 32 (14) "Surviving spouse" shall mean the person to whom a
33 member was married before the date of retirement or at least two
34 years before the date of the member's death and whose marriage to
35 the member continued until the member's death.
- 36 (15) "Child" shall mean a deceased member's unmarried child
37 either (a) under the age of 18 or (b) of any age who, at the time of
38 the member's death, is disabled because of an intellectual disability
39 or physical incapacity, is unable to do any substantial, gainful work
40 because of the impairment and whose impairment has lasted or can
41 be expected to last for a continuous period of not less than 12
42 months, as affirmed by the examining physicians of the fund.
- 43 (16) "Regular interest" shall mean interest as determined by the
44 State Treasurer, after consultation with the Directors of the
45 Divisions of Investment and Pensions and Benefits, **【**the
46 commission**】** and the actuary. It shall bear a reasonable relationship
47 to the percentage rate of earnings on investments based on the
48 market value of the assets but shall not exceed the assumed

1 percentage rate of increase applied to salaries plus 3%, provided
2 however that the [commission shall not set the] average percentage
3 rate of increase applied to salaries shall not be set below 6%.

4 (17) "Final compensation" shall mean the compensation received
5 by the member in the last 12 months of service preceding
6 retirement.

7 (18) "Compensation" shall mean the base salary, for services as a
8 member as defined in this act, which is in accordance with
9 established salary policies of the member's employer for all
10 employees in the same position but shall not include individual
11 salary adjustments which are granted primarily in anticipation of
12 the member's retirement or additional remuneration for performing
13 temporary duties beyond the regular workday.

14 (cf: P.L.2010, c.50, s.73)

15

16 26. Section 1 of P.L.1955, c.137 (C.43:16-19) is amended to
17 read as follows:

18 1. Any member or any beneficiary who has been or, in the
19 future, may be retired, or receive a pension, benefit, or retirement
20 allowance, including an annuity, pursuant to the provisions of the
21 act to which this act is a supplement, may, by filing written request
22 with the [commission] Division of Pensions and Benefits in the
23 Department of the Treasury, waive payment of a portion of the
24 pension, benefit, or retirement allowance, including annuity, to
25 which [he] the member or beneficiary may be entitled.

26 (cf: P.L.1955, c.137, s.1)

27

28 27. Section 2 of P.L.1955, c.137 (C.43:16-20) is amended to
29 read as follows:

30 2. Upon the receipt of such a waiver, and until the same is
31 withdrawn, altered, or revoked by a subsequent written request,
32 similarly filed, the [commission] Division of Pensions and Benefits
33 shall pay a reduced pension, benefit, retirement allowance, or
34 annuity, as shall be requested in such waiver.

35 (cf: P.L.1955, c.137, s.2)

36

37 28. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read
38 as follows:

39 2. The provisions of this act shall apply to the following boards
40 and all professions or occupations regulated by, through or with the
41 advice of those boards: the New Jersey State Board of
42 Accountancy, the New Jersey State Board of Architects, the New
43 Jersey State Board of Cosmetology and Hairstyling, the Board of
44 Examiners of Electrical Contractors, the New Jersey State Board of
45 Dentistry, the State Board of Mortuary Science of New Jersey, the
46 State Board of Professional Engineers and Land Surveyors, the
47 State Board of Marriage and Family Therapy Examiners, the State
48 Board of Medical Examiners, the New Jersey Board of Nursing, the

1 New Jersey State Board of Optometrists, the State Board of
2 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
3 the Board of Pharmacy, the State Board of Professional Planners,
4 the State Board of Psychological Examiners, the State Board of
5 Examiners of Master Plumbers, the State Board of Court Reporting,
6 the State Board of Veterinary Medical Examiners, the State Board
7 of Chiropractic Examiners, the State Board of Respiratory Care, the
8 State Real Estate Appraiser Board, the State Board of Social Work
9 Examiners, the State Board of Examiners of Heating, Ventilating,
10 Air Conditioning and Refrigeration Contractors, the Elevator,
11 Escalator, and Moving Walkway Mechanics Licensing Board, the
12 State Board of Physical Therapy Examiners, the State Board of
13 Polysomnography, the Professional Counselor Examiners
14 Committee, the New Jersey Cemetery Board, the Orthotics and
15 Prosthetics Board of Examiners, the Occupational Therapy
16 Advisory Council, the Electrologists Advisory Committee, the
17 Acupuncture Advisory Committee, the Alcohol and Drug Counselor
18 Committee, the Athletic Training Advisory Committee, the
19 Certified Psychoanalysts Advisory Committee, the Fire Alarm,
20 Burglar Alarm, and Locksmith Advisory Committee, the Home
21 Inspection Advisory Committee, the Interior Design Examination
22 and Evaluation Committee, the Hearing Aid Dispensers Examining
23 Committee, [the Landscape Architect Examination and Evaluation
24 Committee,] the Perfusionists Advisory Committee, the Physician
25 Assistant Advisory Committee, the Audiology and Speech-
26 Language Pathology Advisory Committee, the New Jersey Board of
27 Massage and Bodywork Therapy, the Genetic Counseling Advisory
28 Committee and any other entity hereafter created under Title 45 to
29 license or otherwise regulate a profession or occupation.
30 (cf: P.L.2012, c.71, s.17)

31

32 29. R.S.45:9-1 is amended to read as follows:

33 45:9-1. The State Board of Medical Examiners, hereinafter in
34 this chapter designated as the "board" shall consist of 21 members,
35 one of whom shall be the Commissioner of Health [and Senior
36 Services], or [his] the commissioner's designee, three of whom
37 shall be public members and one an executive department designee
38 as required pursuant to section 2 of P.L.1971, c.60 (C.45:1-2.2), and
39 16 of whom shall be persons of recognized professional ability and
40 honor, and shall possess a license to practice their respective
41 professions in New Jersey, and all of whom shall be appointed by
42 the Governor in accordance with the provisions of section 2 of
43 P.L.1971, c.60 (C.45:1-2.2); provided, however, that said board
44 shall consist of 12 graduates of schools of medicine or osteopathic
45 medicine who shall possess the degree of M.D. or D.O. The
46 number of osteopathic physicians on the board shall be a minimum
47 of, but not limited to, two members. In addition the membership of
48 said board shall comprise: one podiatric physician who does not

1 possess a license to practice in any other health care profession
2 regulated under Title 45 of the Revised Statutes; one physician
3 assistant; one certified nurse midwife; and one licensed bio-
4 analytical laboratory director, who may or may not be the holder of
5 a degree of M.D. The term of office of members of the board
6 hereafter appointed shall be three years or until their successors are
7 appointed. A member is eligible for reappointment for one
8 additional term of office, but no member shall serve more than two
9 consecutive terms of office. Said appointees shall, within 30 days
10 after receipt of their respective commissions, take and subscribe the
11 oath or affirmation prescribed by law and file the same in the office
12 of the Secretary of State.

13 **【The Governor shall also appoint an advisory committee to**
14 **consist of four licensed bio-analytical laboratory directors, only two**
15 **of whom shall possess the degree of M.D. or D.O., and who shall be**
16 **appointed from a list to be submitted by the society or organization**
17 **of which the persons nominated are members. The members of this**
18 **advisory committee shall serve for a term of three years and until**
19 **their successors are appointed and qualified, and shall be available**
20 **to assist the board in the administration of the "Bio-analytical**
21 **Laboratory and Laboratory Directors Act (1953)," P.L.1953, c.420**
22 **(C.45:9-42.1 et al.). The advisory committee shall meet at the call**
23 **of the board. The board may authorize reimbursement of the**
24 **members of the advisory committee for their actual expenses**
25 **incurred in connection with the performance of their duties as**
26 **members of the committee.】**

27 (cf: P.L.2011, c.22, s.1)

28

29 30. Section 1 of P.L.2009, c.82 (C.45:22A-46.3) is amended to
30 read as follows:

31 1. The Legislature finds and declares that:

32 a. While the cost of housing in New Jersey has declined under
33 currently eroding economic conditions, the cost of both renting and
34 homeownership remains unaffordable to a large percentage of New
35 Jersey residents, including those who make vital contributions to
36 their communities such as teachers, nurses, police officers,
37 firefighters, and the general workforce population;

38 b. In recognition of this crisis, Governor Jon S. Corzine has
39 committed to producing and preserving 100,000 units of affordable
40 housing for low-, moderate- and middle-income families and
41 individuals over the next 10 years;

42 c. According to the 2000 U.S. Census, 55 percent of these
43 families are one and two person households, many of which are
44 unable to find homes and apartments designed to meet their needs;

45 d. While no policy is singularly responsible for current housing
46 conditions, zoning practices have resulted in a lack of land
47 approved for housing which meets the needs of households
48 requiring smaller housing units;

1 e. The shortage of affordably priced workforce housing has
2 been exacerbated in recent years by a municipal preference for age-
3 restricted housing which has resulted in an oversupply of age-
4 restricted housing approvals and an inability among the majority of
5 New Jersey's workforce to live near their jobs;

6 f. **【**While the Legislature has created a State Housing
7 Commission, which has been charged with reviewing New Jersey's
8 housing limitations and its future needs to create a balanced housing
9 policy and plan appropriate for all New Jerseyans, it has not yet
10 commenced operation;**】** (Deleted by amendment, P.L. , c. .)
11 (pending before the Legislature as this bill)

12 g. Although the maximum municipal percentage of affordable
13 fair share housing which may be met by age-restricted units in a
14 municipality has been reduced from 50 percent to 25 percent under
15 the recently adopted rules of the Council on Affordable Housing, a
16 mechanism is needed to permit an age-restricted development to
17 change to a converted development to meet this rule, and to meet
18 demographic needs; and

19 h. Under currently deteriorating national economic conditions,
20 it is appropriate to take immediate action at this time to create the
21 opportunity to increase the production and supply of workforce
22 housing through the conversion of the over-supplied age-restricted
23 market to meet the needs of New Jersey's residents who require
24 smaller, more reasonably priced homes.

25 (cf: P.L.2009, c.82, s.1)

26
27 31. Section 10 of P.L.2001, c.416 (C.48:16-22.3b) is amended to
28 read as follows:

29 10. Any person who owns a limousine service shall require an
30 applicant for employment as a limousine operator or driver to be
31 tested, at the applicant's expense, for dangerous controlled
32 substances as defined in N.J.S.2C:35-2. **【**Upon the advice of the
33 State Limousine Advisory Committee, **the】** The Chief
34 Administrator of the New Jersey Motor Vehicle Commission shall
35 adopt regulations, pursuant to the "Administrative Procedure Act,"
36 P.L.1968, c.410 (C.52:14B-1 et seq.), for the licensing and testing
37 of applicants for employment as limousine operators or drivers.
38 The regulations shall be substantially similar to the regulations of
39 New York City concerning the testing of an applicant for a for-hire
40 vehicle driver's license pursuant to section 6-15 of Title 35 of the
41 New York City Rules and Regulations.

42 (cf: P.L.2007, c.35, s.2)

43
44 32. Section 3 of P.L.2002, c.129 (C.52:17B-194.3) is amended
45 to read as follows:

46 3. a. The Attorney General shall establish "Amber's Plan," a
47 program authorizing the broadcast media, upon notice from the
48 State Police, to transmit an emergency alert to inform the public of

1 a child abduction. The program shall be a voluntary, cooperative
2 effort between State and local law enforcement agencies and the
3 broadcast media.

4 b. The Attorney General shall notify the broadcast media
5 serving the State of New Jersey of the establishment of "Amber's
6 Plan" and invite their voluntary participation.

7 c. The following criteria shall be met before the State Police
8 activate the Amber Alert:

9 (1) The child is believed to be abducted;

10 (2) The child is 17 years of age or younger;

11 (3) The child may be in danger of death or serious bodily injury;
12 and

13 (4) There is sufficient information available to indicate that an
14 "Amber Alert" would assist in locating the child.

15 d. The participating media shall voluntarily agree, upon notice
16 from the State Police, to transmit emergency alerts to inform the
17 public of a child abduction that has occurred within their broadcast
18 service regions. The notice shall be provided through the State
19 Police operational dispatch unit.

20 The alerts shall be read after a distinctive sound tone and the
21 statement: "This is an Amber Abducted Child Alert." The alerts
22 shall be broadcast as often as possible, pursuant to the guidelines
23 established by the New Jersey Broadcasters' Association, for the
24 first three hours. After the initial three hours, the alert shall be
25 rebroadcast at such intervals as the investigating authority, the State
26 Police and the participating media deem appropriate.

27 The alerts shall include a description of the child, such details of
28 the abduction and abductor as may be known, and such other
29 information as the State Police may deem pertinent and appropriate.
30 The State Police shall in a timely manner update the broadcast
31 media with new information when appropriate concerning the
32 abduction.

33 The alerts also shall provide information concerning how those
34 members of the public who have information relating to the
35 abduction may contact the State Police or other appropriate law
36 enforcement agency.

37 Concurrent with the notice provided to the broadcast media, the
38 State Police operational dispatch unit shall also notify the
39 Department of Transportation, [the New Jersey Highway
40 Authority,] the New Jersey Turnpike Authority and the South
41 Jersey Transportation Authority of the "Amber Alert." Through the
42 use of their variable message signs, the department and the affected
43 authorities shall inform the motoring public that an "Amber Alert"
44 is in progress and provide information relating to the abduction and
45 how motorists may report any information they have to the State
46 Police or other appropriate law enforcement agency.

47 e. The alerts shall terminate upon notice from the State Police.

1 f. The Attorney General, with the assistance of the
2 participating broadcast media, shall develop and undertake a public
3 education campaign to inform the public about "Amber's Plan" and
4 the emergency alert program established under this act.

5 g. The Attorney General may adopt guidelines to effectuate the
6 purposes of this act.

7 (cf: P.L.2002, c.129, s.3)

8

9 33. Section 1 of P.L.1989, c.3 (C.52:17C-1) is amended to read
10 as follows:

11 1. As used in this act:

12 a. "Automatic number identification (ANI)" means an
13 enhanced 9-1-1 service capability that enables the automatic display
14 of the callback number used to place a 9-1-1 call;

15 b. "Automatic location identification (ALI)" means an
16 enhanced 9-1-1 service capability that enables the automatic display
17 of information defining the geographical location of the telephone
18 used to place a 9-1-1 call;

19 c. "Commission" means the Statewide Public Safety
20 Communications Commission **【**created pursuant to section 5 of
21 P.L.2011, c.4 (C.52:17C-3.2)**】** in, but not of, the Department of
22 Law and Public Safety pursuant to section 53 of P.L. c. (C.)
23 (pending before the Legislature as this bill);

24 d. "County 9-1-1 Coordinator" means the County 9-1-1
25 Coordinator appointed pursuant to section 5 of this act;

26 e. "Enhanced 9-1-1 network" means the switching equipment,
27 trunk system, database operation and connections to the public
28 safety answering point;

29 f. "Enhanced 9-1-1 network features" means those features of
30 selective routing which have the capability of automatic number
31 and location identification;

32 g. "Enhanced 9-1-1 service" means a service consisting of
33 telephone network features and public safety answering points
34 provided for users of the public telephone system enabling the users
35 to reach a public service answering point by dialing the digits "9-1-
36 1." The service directs 9-1-1 calls to appropriate public safety
37 answering points by selective routing based on the location from
38 which the call originated and provides for automatic number
39 identification and automatic location identification features;

40 h. "Enhanced 9-1-1 termination equipment" means the
41 equipment located at the public safety answering point which is
42 needed to receive or record voice and data communications from
43 the enhanced 9-1-1 network;

44 i. "Office" means the Office of **【**Emergency
45 Telecommunications Services established by section 3 of this act**】**
46 Homeland Security and Preparedness in but not of the Department
47 of Law and Public Safety;

- 1 j. "Public safety agency" means a functional division of a
2 municipality, a county, or the State which dispatches or provides
3 law enforcement, fire fighting, emergency medical services, or
4 other emergency services;
- 5 k. "Private safety agency" means any entity, except a
6 municipality or a public safety agency, providing emergency
7 medical services, fire fighting, or other emergency services;
- 8 l. "Public safety answering point (PSAP)" means a facility,
9 operated on a 24-hour basis, assigned the responsibility of receiving
10 9-1-1 calls and, as appropriate, directly dispatching emergency
11 response services or transferring or relaying emergency 9-1-1 calls
12 to other public safety agencies. A public safety answering point is
13 the first point of reception by a public safety agency of 9-1-1 calls
14 and serves the jurisdictions in which it is located or other
15 participating jurisdictions;
- 16 m. "Selective routing" means the method employed to direct 9-
17 1-1 calls to the appropriate public safety answering point based on
18 the location from which the call originated;
- 19 n. "Emergency enhanced 9-1-1 system" or "system" means the
20 emergency enhanced 9-1-1 telephone system to be established
21 pursuant to this act, including wireless enhanced 9-1-1 service;
- 22 o. "Telephone company" means the organization that provides
23 switched local telephone exchange access service;
- 24 p. "Wireless telephone company" means any person providing
25 commercial mobile radio service as defined in 47 U.S.C.s.332 (d);
- 26 q. "FCC wireless E9-1-1 requirements" means the order
27 adopted in the Federal Communications Commission proceeding
28 entitled "Revision of the Commission's Rules to Ensure
29 Comparability with Enhanced 9-1-1 Emergency Calling Systems,"
30 (CC Docket No. 94-102: RM-8143), or any successor proceeding,
31 and the rules adopted by the Federal Communications Commission
32 in any such proceeding, as these rules may be amended from time to
33 time;
- 34 r. "Wireless 9-1-1 service" means the service which enables
35 wireless telephone company customers to dial the digits 9-1-1 and
36 be connected to a public safety agency;
- 37 s. "Wireless enhanced 9-1-1 service" means the service
38 required to be provided by a wireless telephone company pursuant
39 to FCC wireless E9-1-1 requirements;
- 40 t. "Chief Technology Officer" means the person appointed by
41 and serving at the pleasure of the Governor who is responsible for
42 the day-to-day operations of the Office of Information Technology;
- 43 u. (Deleted by amendment, P.L.2011, c.4).
- 44 v. "Office of Information Technology" means the Office of
45 Information Technology in but not of the Department of the
46 Treasury;

1 w. "Council" means the Statewide Public Safety
2 Communications Advisory Council created pursuant to section 6 of
3 P.L.2011, c.4 (C.52:17C-3.3);

4 x. "Delaware River Homeland Security Region
5 Communications Working Group" means the group of individuals
6 from agencies assigned to that region by the Office of Homeland
7 Security and Preparedness that collaborate on common
8 communications issues;

9 y. "Interoperability" means the ability of diverse information
10 and communication technology systems and the processes they
11 support to effectively work together through compatible
12 communication paths to directly and satisfactorily exchange,
13 correlate, and integrate data, information, and knowledge across
14 jurisdictional boundaries and to use the data, information, and
15 knowledge that has been exchanged;

16 z. "Northeast/UASI Homeland Security Region
17 Communications Working Group" means the group of individuals
18 from agencies assigned to that region by the Office of Homeland
19 Security and Preparedness that collaborate on common
20 communications issues;

21 aa. "Northwest Homeland Security Region Communications
22 Working Group" means the group of individuals from agencies
23 assigned to that region by the Office of Homeland Security and
24 Preparedness that collaborate on common communications issues;

25 bb. "Shore Homeland Security Region Communications
26 Working Group" means the group of individuals from agencies
27 assigned to that region by the Office of Homeland Security and
28 Preparedness that collaborate on common communications issues;
29 and

30 cc. "State Agency Communications Working Group" means the
31 group of individuals made up of State and quasi-state agencies as
32 defined in the State Preparedness Report that collaborate on
33 common communications issues.

34 (cf: P.L 2011, c.4, s.1)

35

36 34. Section 5 of P.L.2011, c.4 (C.52:17C-3.2) is amended to
37 read as follows:

38 5. a. There is established **in the Office of Information**
39 **Technology** a Statewide Public Safety Communications
40 Commission in the Department of Law and Public Safety pursuant
41 to section 53 of P.L. c. (C.) (pending before the legislature as
42 this bill) which shall oversee the office in the planning, design, and
43 implementation of the Statewide emergency enhanced 9-1-1
44 telephone system and the New Jersey Interoperable
45 Communications System.

46 b. The commission shall consist of 16 members as follows: two
47 members of the Senate appointed by the President of the Senate,
48 who shall not be both of the same political party; two members of

1 the General Assembly appointed by the Speaker of the General
2 Assembly, who shall not be both of the same political party; the
3 following members ex officio: Chief Technology Officer of the
4 Office of Information Technology or his designee; Director of the
5 Office of Homeland Security and Preparedness or his designee;
6 Superintendent of State Police or his designee; Commissioner of the
7 Department of Health [and Senior Services] or his designee; the
8 State Treasurer or his designee; the New Jersey State Fire Marshal
9 or his designee; the following public members appointed by the
10 Governor with the advice and consent of the Senate: a
11 representative of the Northeast/UASI Homeland Security Region; a
12 representative of the Delaware River Homeland Security Region; a
13 representative of the Shore Homeland Security Region; a
14 representative of the Northwest Homeland Security Region; a
15 representative from the State Agency Communications Working
16 Group; and a representative from the Statewide Public Safety
17 Communications Advisory Council.

18 c. The members of the Senate and General Assembly appointed
19 to the commission shall serve for the term for which they were
20 elected. The members of the Senate and General Assembly
21 appointed to the commission shall be non-voting, advisory
22 members, appointed solely for the purpose of developing and
23 facilitating legislation to assist the commission in fulfilling its
24 statutory mission, and may not exercise any of the executive powers
25 delegated to the commission by law.

26 d. Of the public members first appointed to the commission by
27 the Governor with the advice and consent of the Senate, two shall
28 be appointed for terms of three years, two shall be appointed for
29 terms of two years, and one shall be appointed for a term of one
30 year. Thereafter, the public members of the commission shall be
31 appointed for terms of three years. Vacancies on the commission
32 shall be filled in the same manner as the original appointment but
33 for the unexpired term. Members may be removed by the appointing
34 authority for cause. The initial members shall be appointed within
35 30 days of the effective date of this act. The commission shall have
36 the authority to establish subcommittees as it deems appropriate to
37 carry out the purposes of this act.

38 e. The commission shall be co-chaired by the Chief
39 Technology Officer within the Office of Information Technology
40 and the Director of the Office of Homeland Security and
41 Preparedness, or their designees.

42 f. The commission shall be constituted upon the appointment
43 of the majority of its authorized membership and shall have no
44 expiration date.

45 g. The commission shall meet bi-annually or at more frequent
46 intervals at the discretion of the co-chairs. The meetings of the
47 commission shall be held at the times and in the places necessary
48 and appropriate to fulfill its duties and responsibilities.

1 h. The **【Office of Information Technology】** Office of
2 Homeland Security and Preparedness shall provide such
3 administrative and professional assistance as the commission
4 requires to carry out its work.

5 i. The commission shall be authorized to call to its assistance
6 and avail itself of the services of the employees of any State,
7 county, or local law enforcement entity, any fire department, paid
8 or volunteer, rescue squad or any other department or agency as it
9 may require. State, county, and municipal agencies shall cooperate
10 with the commission by providing information and data as needed.

11 j. For security concerns, meetings of the commission shall be
12 exempt from the provisions set forth in the "Senator Byron M. Baer
13 Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).
14 Records made or maintained by the commission shall not be
15 considered public or government records under P.L.1963, c.73
16 (C.47:1A-1 et seq.). The commission may call upon staff members
17 and the expertise of non-council members to participate in
18 commission activities to provide information and advice.

19 k. The commission shall adopt a charter to effectuate this act
20 within 180 days after the first meeting date.

21 (cf: P.L.2011, c.4, s.5)

22
23 35. Section 1 of P.L.1959, c.17 (C.52:18A-88.1) is amended to
24 read as follows:

25 1. The Director of the Division of Investment, in addition to
26 other investments, presently or from time to time hereafter
27 authorized by law, shall have authority to invest and reinvest the
28 moneys in, and to acquire for or on behalf of the funds of the
29 following enumerated agencies:

30 The Consolidated Police and Firemen's Pension Fund
31 **【Commission】**;

32 The Police and Firemen's Retirement System of New Jersey;

33 The Prison Officers' Pension **【Commission】** Fund;

34 The Public Employees' Retirement System of New Jersey;

35 The State Police Retirement System;

36 The Teachers' Pension and Annuity Fund;

37 The Judicial Retirement System of New Jersey;

38 The Trustees for the Support of Public Schools;

39 and all other funds in the custody of the State Treasurer, unless
40 otherwise provided by law;

41 such investments which shall be authorized or approved for
42 investment by regulation of the State Investment Council.

43 (cf: P.L.1997, c.26, s.25)

44
45 36. Section 4 of P.L.1985, c.494 (C.52:18A-208) is amended to
46 read as follows:

47 4. There is created in the Department of the Treasury, a fund to
48 be known as the Vietnam Veterans' Memorial Fund. The fund shall

1 be credited with **any moneys received by the Vietnam Veterans'**
2 **Memorial Committee as donations under section 3 of this act, and**
3 **any moneys as may [thereafter] be donated by members of the**
4 **public or appropriated to the fund by law. All interest on moneys in**
5 **the fund shall be credited to the fund. The moneys in the fund shall**
6 **be administered by the State Treasurer, to be held thereby in the**
7 **fund until appropriated by law. Not later than [six months after the**
8 **effective date of this act] July 21, 1986, and periodically thereafter,**
9 **the State Treasurer shall certify to the Legislature the total amount**
10 **of moneys in the fund.**

11 (cf: P.L.1985, c.494, s.4)

12

13 37. Section 4 of P.L.1996, c.72 (C.52:18A-218) is amended to
14 read as follows:

15 4. There is created in the Department of the Treasury, a fund to
16 be known as the Korean Veterans' Memorial Fund. The fund shall
17 be credited with **any moneys received by the Korean Veterans'**
18 **Memorial Committee as donations under section 3 of this act,** any
19 moneys that may **[thereafter]** be donated by members of the public,
20 the money appropriated to the fund under section 6 of **[this act]**
21 P.L.1996, c.72 and any other moneys appropriated to the fund by
22 law. All interest on moneys in the fund shall be credited to the
23 fund. The moneys in the fund shall be administered by the State
24 Treasurer, to be held thereby in the fund until appropriated by law.
25 Not later than **[six months after the effective date of this act]**
26 January 22, 1997, and periodically thereafter, the State Treasurer
27 shall certify to the Legislature the total amount of moneys in the
28 fund.

29 (cf: P.L.1996, c.72, s.4)

30

31 38. Section 8 of P.L.2007, c.56 (C.52:18A-226) is amended to
32 read as follows:

33 8. As used in this act:

34 a. **["Chair" means the chairperson of the New Jersey**
35 **Information Technology Governing Board.] (Deleted by**
36 **amendment, P.L. , c.) (pending before the Legislature as this**
37 **bill)**

38 b. **["Governing Board" means the New Jersey Information**
39 **Technology Governing Board established by section 10 of**
40 **P.L.2007, c.56 (C.52:18A-228).] (Deleted by amendment,**
41 **P.L. , c.) (pending before the Legislature as this bill)**

42 c. "Office" means the Office of Information Technology
43 established by section 9 of P.L.2007, c.56 (C.52:18A-227).

44 d. "Project Review Board" means the New Jersey Information
45 Technology Project Review Board established by section 14 of
46 P.L.2007, c.56 (C.52:18A-232).

47 (cf: P.L.2007, c.56, s.8)

1 39. Section 9 of P.L.2007, c.56 (C.52:18A-227) is amended to
2 read as follows:

3 9. a. There is established an Office of Information
4 Technology.

5 b. The office shall be established in the Executive Branch of
6 State Government and to comply with the provisions of Article V,
7 Section IV, paragraph 1 of the New Jersey Constitution, the office
8 shall be allocated in but not of the Department of the Treasury.
9 Notwithstanding this allocation, the office shall be independent of
10 any supervision or control by the State Treasurer, or the department,
11 or by any division, board, office, or other officer thereof.

12 c. The office shall be directed by the Chief Technology
13 Officer, who shall report directly to the Governor.

14 d. The Chief Technology Officer shall submit requests for the
15 budget of the office **【directly to the Governing Board which shall**
16 **review the requests and upon approval forward them】** to the
17 Division of Budget and Accounting in the Department of the
18 Treasury.

19 e. Under the direction of the Chief Technology Officer, the
20 office shall be responsible for **【**:

21 **(1)】** providing and maintaining the information technology
22 infrastructure of the Executive Branch of State Government,
23 including all ancillary departments and agencies of the Executive
24 Branch of State Government **【**; and

25 **(2) providing staff support to the Governing Board at the request**
26 **of the Chair】.**

27 f. The functions, powers, and duties granted to the office by
28 Executive Order No. 84 of 1984, Executive Order No. 87 of 1998,
29 and Executive Order No. 42 of 2006 shall be continued, and any
30 function, power, or duty granted to the office by the Executive
31 Orders that is inconsistent with the provisions of this act shall be
32 rescinded.

33 (cf: P.L.2007, c.56, s.9)

34

35 40. Section 12 of P.L.2007, c.56 (C.52:18A-230) is amended to
36 read as follows:

37 12. The Chief Technology Officer shall be authorized to:

38 a. Establish the internal organizational structure of the Office
39 of Information Technology in a manner appropriate to carrying out
40 the duties and functions, and fulfilling the responsibilities, of the
41 office;

42 b. Coordinate and conduct all information technology
43 operations in the Executive Branch of State Government, including
44 agency technology operations;

45 c. Draft and establish Service Level Agreements with each
46 department and agency in the Executive Branch of State
47 Government;

1 d. **【In consultation with the Governing Board, review】** Review
2 and analyze the results of the Statewide Information Technology
3 Assessment Study; and

4 e. Enter into agreements, in accordance and consistent with
5 applicable law, regulations, and existing contracts, with private and
6 public entities or individuals to effectuate the purposes of sections 6
7 through 16 of P.L.2007, c.56 (C.52:18A-224 through C.52:18A-
8 234).

9 (cf: P.L.2007, c.56, s.12)

10

11 41. Section 13 of P.L.2007, c.56 (C.52:18A-231) is amended to
12 read as follows:

13 13. a. The Chief Technology Officer is authorized to appoint up
14 to six Deputy Chief Technology Officers.

15 b. Each Deputy Chief Technology Officer shall be appointed
16 by and serve at the pleasure of the Chief Technology Officer, and
17 shall be responsible for information technology planning,
18 coordination, budgeting, technical architecture, and management of
19 large-scale information technology initiatives, in a single area of
20 interest as determined by the **【Chair of the Governing Board and**
21 **the】** Chief Technology Officer.

22 (cf: P.L.2007, c.56, s.13)

23

24 42. Section 14 of P.L.2007, c.56 (C.52:18A-232) is amended to
25 read as follows:

26 14. a. There is established the New Jersey Information
27 Technology Project Review Board.

28 b. The Project Review Board shall report directly to the
29 **【Governing Board】** Chief Technology Officer and shall be
30 comprised of between three and five Executive Branch officials,
31 selected by the **【Chair of the Governing Board with the approval of**
32 **the】** Governor.

33 c. The Project Review Board shall be responsible for the
34 review, approval, and monitoring of large-scale information
35 technology projects in the Executive Branch of State Government.

36 d. The Project Review Board shall meet at the discretion of the
37 **【Chair of the Governing Board】** Chief Technology Officer or the
38 Governor, and shall convene meetings and hearings at the times and
39 in the places as a majority of the members of the board shall decide.

40 e. The Office of Information Technology shall provide such
41 stenographic, clerical, and other administrative assistants, and such
42 professional staff, as the Project Review Board requires to carry out
43 its work. The board shall be entitled to call to its assistance, and
44 avail itself of the services of, the employees of any State, county, or
45 municipal department, board, bureau, commission, or agency as it
46 may require and as may be available for its purposes.

1 f. The Governor shall define the extent of large-scale
2 information technology projects and establish a monetary threshold
3 for information technology projects requiring the review and
4 approval of the Project Review Board.

5 (cf: P.L.2007, c.56, s.14)

6
7 43. Section 16 of P.L.2007, c.56 (C.52:18A-234) is amended to
8 read as follows:

9 16. All Executive Branch departments and State agencies are
10 directed to cooperate fully with the Office of Information
11 Technology **】, the Governing Board,】** and the Chief Technology
12 Officer to implement the provisions of sections 6 through 16 of
13 P.L.2007, c.56 (C.52:18A-224 through C.52:18A-234) and to
14 ensure effective use of information technology within the Executive
15 Branch of State Government.

16 The Governor shall define and establish the overall direction,
17 standards, and priorities for the information technology community
18 in the Executive Branch of State Government.

19 (cf: P.L.2007, c.56, s.16)

20
21 44. Section 6 of P.L.1966, c.293 (C.52:27D-6) is amended to
22 read as follows:

23 6. (a) There is hereby established in the Department of
24 Community Affairs **【an Advisory Council on Community Affairs,】**
25 an Office of Community Services, a Division of Local Finance, a
26 Division of Housing and Urban Renewal, a Division of State and
27 Regional Planning, a Division on Aging, a Division of Youth, and
28 an Office of Economic Opportunity.

29 The commissioner also shall have authority to organize and
30 maintain in **【his】** the commissioner's offices an administrative
31 division and to assign to employment therein such secretarial,
32 clerical and other assistants in the department as his office and the
33 internal operations of the department shall require.

34 (b) In addition, the commissioner shall have the authority to
35 reorganize the department and the several divisions, offices,
36 bureaus and agencies established therein, in any manner which he
37 deems to be necessary and desirable.

38 (cf: P.L.1967, c.286, s.18)

39
40 45. Section 20 of P.L.1985, c.222 (C.52:27D-320) is amended to
41 read as follows:

42 20. There is established in the Department of Community
43 Affairs a separate trust fund, to be used for the exclusive purposes
44 as provided in this section, and which shall be known as the "New
45 Jersey Affordable Housing Trust Fund." The fund shall be a non-
46 lapsing, revolving trust fund, and all monies deposited or received
47 for purposes of the fund shall be accounted for separately, by source
48 and amount, and remain in the fund until appropriated for such

1 purposes. The fund shall be the repository of all State funds
2 appropriated for affordable housing purposes, including, but not
3 limited to, the proceeds from the receipts of the additional fee
4 collected pursuant to paragraph (2) of subsection a. of section 3 of
5 P.L.1968, c.49 (C.46:15-7), proceeds from available receipts of the
6 Statewide non-residential development fees collected pursuant to
7 section 35 of P.L.2008, c.46 (C.40:55D-8.4), monies lapsing or
8 reverting from municipal development trust funds, or other monies
9 as may be dedicated, earmarked, or appropriated by the Legislature
10 for the purposes of the fund. All references in any law, order, rule,
11 regulation, contract, loan, document, or otherwise, to the
12 "Neighborhood Preservation Nonlapsing Revolving Fund" shall
13 mean the "New Jersey Affordable Housing Trust Fund." The
14 department shall be permitted to utilize annually up to 7.5 percent
15 of the monies available in the fund for the payment of any
16 necessary administrative costs related to the administration of the
17 "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), [the
18 State Housing Commission,] or any costs related to administration
19 of P.L.2008, c.46 (C.52:27D-329.1 et al.).

20 a. Except as permitted pursuant to subsection g. of this section,
21 and by section 41 of P.L.2009, c.90 (C.52:27D-320.1), the
22 commissioner shall award grants or loans from this fund for
23 housing projects and programs in municipalities whose housing
24 elements have received substantive certification from the council, in
25 municipalities receiving State aid pursuant to P.L.1978, c.14
26 (C.52:27D-178 et seq.), in municipalities subject to a builder's
27 remedy as defined in section 28 of P.L.1985, c.222 (C.52:27D-328)
28 or in receiving municipalities in cases where the council has
29 approved a regional contribution agreement and a project plan
30 developed by the receiving municipality.

31 Of those monies deposited into the "New Jersey Affordable
32 Housing Trust Fund" that are derived from municipal development
33 fee trust funds, or from available collections of Statewide non-
34 residential development fees, a priority for funding shall be
35 established for projects in municipalities that have petitioned the
36 council for substantive certification.

37 Programs and projects in any municipality shall be funded only
38 after receipt by the commissioner of a written statement in support
39 of the program or project from the municipal governing body.

40 b. The commissioner shall establish rules and regulations
41 governing the qualifications of applicants, the application
42 procedures, and the criteria for awarding grants and loans and the
43 standards for establishing the amount, terms and conditions of each
44 grant or loan.

45 c. For any period which the council may approve, the
46 commissioner may assist affordable housing programs which are
47 not located in municipalities whose housing elements have been
48 granted substantive certification or which are not in furtherance of a

1 regional contribution agreement; provided that the affordable
2 housing program will meet all or part of a municipal low and
3 moderate income housing obligation.

4 d. Amounts deposited in the "New Jersey Affordable Housing
5 Trust Fund" shall be targeted to regions based on the region's
6 percentage of the State's low and moderate income housing need as
7 determined by the council. Amounts in the fund shall be applied for
8 the following purposes in designated neighborhoods:

9 (1) Rehabilitation of substandard housing units occupied or to
10 be occupied by low and moderate income households;

11 (2) Creation of accessory apartments to be occupied by low and
12 moderate income households;

13 (3) Conversion of non-residential space to residential purposes;
14 provided a substantial percentage of the resulting housing units are
15 to be occupied by low and moderate income households;

16 (4) Acquisition of real property, demolition and removal of
17 buildings, or construction of new housing that will be occupied by
18 low and moderate income households, or any combination thereof;

19 (5) Grants of assistance to eligible municipalities for costs of
20 necessary studies, surveys, plans and permits; engineering,
21 architectural and other technical services; costs of land acquisition
22 and any buildings thereon; and costs of site preparation, demolition
23 and infrastructure development for projects undertaken pursuant to
24 an approved regional contribution agreement;

25 (6) Assistance to a local housing authority, nonprofit or limited
26 dividend housing corporation or association or a qualified entity
27 acting as a receiver under P.L.2003, c.295 (C.2A:42-114 et al.) for
28 rehabilitation or restoration of housing units which it administers
29 which: (a) are unusable or in a serious state of disrepair; (b) can be
30 restored in an economically feasible and sound manner; and (c) can
31 be retained in a safe, decent and sanitary manner, upon completion
32 of rehabilitation or restoration; and

33 (7) Other housing programs for low and moderate income
34 housing, including, without limitation, (a) infrastructure projects
35 directly facilitating the construction of low and moderate income
36 housing not to exceed a reasonable percentage of the construction
37 costs of the low and moderate income housing to be provided and
38 (b) alteration of dwelling units occupied or to be occupied by
39 households of low or moderate income and the common areas of the
40 premises in which they are located in order to make them accessible
41 to handicapped persons.

42 e. Any grant or loan agreement entered into pursuant to this
43 section shall incorporate contractual guarantees and procedures by
44 which the division will ensure that any unit of housing provided for
45 low and moderate income households shall continue to be occupied
46 by low and moderate income households for at least 20 years
47 following the award of the loan or grant, except that the division

1 may approve a guarantee for a period of less than 20 years where
2 necessary to ensure project feasibility.

3 f. Notwithstanding the provisions of any other law, rule or
4 regulation to the contrary, in making grants or loans under this
5 section, the department shall not require that tenants be certified as
6 low or moderate income or that contractual guarantees or deed
7 restrictions be in place to ensure continued low and moderate
8 income occupancy as a condition of providing housing assistance
9 from any program administered by the department, when that
10 assistance is provided for a project of moderate rehabilitation if the
11 project (1) contains 30 or fewer rental units and (2) is located in a
12 census tract in which the median household income is 60 percent or
13 less of the median income for the housing region in which the
14 census tract is located, as determined for a three person household
15 by the council in accordance with the latest federal decennial
16 census. A list of eligible census tracts shall be maintained by the
17 department and shall be adjusted upon publication of median
18 income figures by census tract after each federal decennial census.

19 g. In addition to other grants or loans awarded pursuant to this
20 section, and without regard to any limitations on such grants or
21 loans for any other purposes herein imposed, the commissioner
22 shall annually allocate such amounts as may be necessary in the
23 commissioner's discretion, and in accordance with section 3 of
24 P.L.2004, c.140 (C.52:27D-287.3), to fund rental assistance grants
25 under the program created pursuant to P.L.2004, c.140 (C.52:27D-
26 287.1 et al.). Such rental assistance grants shall be deemed
27 necessary and authorized pursuant to P.L.1985, c.222 (C.52:27D-
28 301 et al.), in order to meet the housing needs of certain low income
29 households who may not be eligible to occupy other housing
30 produced pursuant to P.L.1985, c.222 (C.52:27D-301 et al.).

31 h. The department and the State Treasurer shall submit the
32 "New Jersey Affordable Housing Trust Fund" for an audit annually
33 by the State Auditor or State Comptroller, at the discretion of the
34 Treasurer. In addition, the department shall prepare an annual
35 report for each fiscal year, and submit it by November 30th of each
36 year to the Governor and the Legislature, and the Joint Committee
37 on Housing Affordability, or its successor, and post the information
38 to its web site, of all activity of the fund, including details of the
39 grants and loans by number of units, number and income ranges of
40 recipients of grants or loans, location of the housing renovated or
41 constructed using monies from the fund, the number of units upon
42 which affordability controls were placed, and the length of those
43 controls. The report also shall include details pertaining to those
44 monies allocated from the fund for use by the State rental assistance
45 program pursuant to section 3 of P.L.2004, c.140 (C.52:27D-287.3)
46 and subsection g. of this section.

47 i. The commissioner may award or grant the amount of any
48 appropriation deposited in the "New Jersey Affordable Housing

1 Trust Fund" pursuant to section 41 of P.L.2009, c.90 (C.52:27D-
2 320.1) to municipalities pursuant to the provisions of section 39 of
3 P.L.2009, c.90 (C.40:55D-8.8).
4 (cf: P.L.2009, c.90, s.38)

5
6 46. Section 2 of P.L.1986, c.103 (C.52:27D-331) is amended to
7 read as follows:

8 2. The Legislature finds and declares that: continuing care
9 retirement communities are becoming an important and increasingly
10 preferred alternative for the long-term residential, social and health
11 care needs of New Jersey's senior citizens; because senior citizens
12 often expend a significant portion of their savings in order to
13 purchase care in the retirement community and thereby expect to
14 receive care at the retirement community for the rest of their lives,
15 tragic consequences can result to senior citizens when a continuing
16 care provider becomes insolvent or unable to provide responsible
17 care; and there is a need for full disclosure concerning the terms of
18 agreements made between prospective residents and the continuing
19 care providers and the operations of the providers; therefore, it is
20 the policy of this State that providers of continuing care shall
21 register with and be monitored by the State Department of
22 Community Affairs **【**and that a Continuing Care Advisory Council
23 be established to advise and assist the Commissioner of Community
24 Affairs in the monitoring of these providers and the regulation of
25 continuing care retirement facilities**】**.

26 (cf: P.L.1986, c.103, s.2)

27

28 47. Section 19 of P.L.2004, c.120 (C.54:1-85) is amended to
29 read as follows:

30 19. a. (1) **【**There is established in the Department of the
31 Treasury the "Highlands Municipal Property Tax Stabilization
32 Board," which shall consist of three members to be appointed by the
33 Governor, who shall be recognized experts in the field of taxation.
34 Members of the board may also be members of the Highlands Water
35 Protection and Planning Council established pursuant to section 4 of
36 P.L.2004, c.120 (C.13:20-4).**】** (Deleted by amendment, P.L. , c.)
37 (pending before the Legislature as this bill)

38 (2) **【**Within 120 days after the date of enactment of P.L.2004,
39 c.120 (C.13:20-1 et al.), the board, in consultation with the
40 Highlands Water Protection and Planning Council, shall establish
41 procedures for determining the valuation base of a qualified
42 municipality, whether fiscal stress has been caused by the
43 implementation of the "Highlands Water Protection and Planning
44 Act," P.L.2004, c.120 (C.13:20-1 et al.) in a qualified municipality,
45 and the amount due a qualified municipality to compensate for a
46 decline in the aggregate true value of vacant land directly
47 attributable to the implementation of the "Highlands Water

1 Protection and Planning Act.”**】** (Deleted by amendment, P.L. , c.)
2 (pending before the Legislature as this bill)

3 b. The “Highlands Municipal Property Tax Stabilization Fund”
4 is established in the General Fund as a special nonlapsing fund for
5 the purpose of providing State aid to qualified municipalities
6 pursuant to this section. There shall be credited each State fiscal
7 year from the “Highlands Protection Fund” created pursuant to
8 section 21 of P.L.2004, c.120 (C.13:20-19) to the Highlands
9 Municipal Property Tax Stabilization Fund such sums as shall be
10 necessary to provide State aid to qualified municipalities pursuant
11 to this section. Every qualified municipality shall be eligible for a
12 distribution from the fund pursuant to the provisions of this section.

13 c. The assessor of every qualified municipality shall certify to
14 the county tax board on a form to be prescribed by the Director of
15 the Division of Taxation in the Department of the Treasury, and on
16 or before December 1 annually, a report of the assessed value of
17 each parcel of vacant land in the base year and the change in the
18 assessed value of each such parcel in the current tax year
19 attributable to successful appeals of assessed values of vacant land
20 to the county tax board pursuant to R.S.54:3-21 et seq. or
21 attributable to a revaluation approved by the director and
22 implemented or a reassessment approved by the county board of
23 taxation. If a judgment or an appeal is overturned or modified,
24 upon a final judgment an appropriate adjustment shall be made by
25 the director in the payment of the entitlement due next following
26 the judgment.

27 d. (1) Upon receipt of reports filed pursuant to subsection c. of
28 this section **【**and using procedures developed by the board pursuant
29 to subsection a. of this section**】**, the county tax board shall compute
30 and certify to the director on or before December 20 of each year, in
31 such manner as to identify for each qualified municipality the
32 aggregate decline, if any, in the true value of vacant land,
33 comparing the current tax year to the base year. The aggregate
34 changes so identified for each qualified municipality shall constitute
35 its valuation base for purposes of this section.

36 (2) **【**The Director of the Division of Taxation shall, on or before
37 January 10 of each year, provide the board with all relevant
38 information collected pursuant to the provisions of this section and
39 any other information deemed necessary by the board to determine
40 the valuation base.**】** (Deleted by amendment, P.L. , c.) (pending
41 before the Legislature as this bill)

42 (3) **【**Upon receipt of the information, the board shall make a
43 final determination on the valuation base of each qualified
44 municipality; calculate the amount due a qualified municipality, in
45 accordance with the procedures developed pursuant to subsection a.
46 of this section, to compensate for a decline, if any, by multiplying
47 its valuation base by its tax rate; and certify to the director and the

1 State Treasurer, on or before February 1 of each year, that amount
2 to which each qualified municipality is entitled.】 (Deleted by
3 amendment, P.L. _____, c. _____) (pending before the Legislature as this
4 bill)

5 e. **【**Upon receipt of the certification by the board, **the】** The
6 State Treasurer shall certify to each qualified municipality, on or
7 before February 15, its property tax stabilization amount. A copy of
8 the certified amounts shall be forwarded to the Director of the
9 Division of Local Government Services in the Department of
10 Community Affairs.

11 f. (1) The State Treasurer, upon warrant of the Director of the
12 Division of Budget and Accounting in the Department of the
13 Treasury, shall pay to each qualified municipality its entitlement as
14 State aid from the sums available in the “Highlands Municipal
15 Property Tax Stabilization Fund” in two equal installments pursuant
16 to a schedule prescribed by the Division of Local Government
17 Services.

18 (2) If the amount available in the “Highlands Municipal
19 Property Tax Stabilization Fund” in any year is insufficient to pay
20 the full amount to which each qualified municipality is entitled
21 pursuant to this section, the payments shall be made on a pro rata
22 basis.

23 (3) Notwithstanding any provisions of this section to the
24 contrary, in the sixth, seventh, eighth, ninth, and tenth years of the
25 State aid program created by this section, a qualified municipality
26 shall be entitled to receive, respectively, 90%, 70%, 50%, 30%, and
27 10% of the sum it otherwise would have been paid pursuant to this
28 subsection, and thereafter the program shall expire.

29 g. Any municipality receiving a certification from the State
30 Treasurer pursuant to subsection e. of this section shall anticipate
31 such sums in its annual budget or any amendments or supplements
32 thereto as a direct offset to the amount to be raised by taxation.

33 h. The Director of the Division of Taxation in reviewing the
34 reports filed pursuant to subsection c. of this section may make such
35 changes therein as the director deems necessary to ensure that the
36 reports accurately reflect the change in the assessed value of vacant
37 land.

38 i. The Director of the Division of Local Government Services
39 shall make such changes in the budget of any qualified municipality
40 to ensure that all sums received pursuant to this section are utilized
41 as a direct offset to the amount to be raised by taxation and shall
42 make such changes therein as the director deems necessary to
43 ensure that the offset occurs.

44 j. Any sum received by a qualified municipality pursuant to
45 this section shall not be considered as an exception or exemption
46 under P.L.1976, c.68 (C.40A:4-45.1 et seq.).

47 k. Notwithstanding the provisions of the “Local Budget Law”
48 (N.J.S.40A:4-1 et seq.), a qualified municipality which is due a

1 property tax stabilization payment pursuant to this section may
2 anticipate the amount of the entitlement in its annual budget for the
3 year in which the payment is made.

4 l. The State Treasurer may deduct from the State aid a
5 municipality would otherwise receive pursuant to this section an
6 amount equivalent to that portion of any sums received by a
7 municipality pursuant to section 1 of P.L.1999, c.225 (C.58:29-8)
8 that the State Treasurer, in consultation with the Director of the
9 Division of Local Government Services, determines to be
10 duplicative of any State aid received pursuant to this section.

11 m. The Director of the Division of Taxation and the Director of
12 the Division of Local Government Services shall each adopt,
13 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
14 (C.52:14B-1 et seq.), such rules and regulations as may be
15 necessary to implement the provisions of this section.

16 n. As used in this section:

17 "Base year" means the calendar year 2003;

18 **["Board" means the Highlands Municipal Property Tax**
19 **Stabilization Board established pursuant to subsection a. of this**
20 **section;]**

21 "Current tax year" means the most recent year for which a report
22 is filed pursuant to subsection c. of this section;

23 "Highlands preservation area" means the preservation area of the
24 Highlands Region designated by subsection b. of section 7 of
25 P.L.2004, c.120 (C.13:20-7);

26 "Qualified municipality" means any municipality located wholly
27 or partially in the Highlands preservation area, provided however,
28 that after the adoption of the Highlands regional master plan by the
29 Highlands Water Protection and Planning Council pursuant to
30 section 8 of P.L.2004, c.120 (C.13:20-8), qualified municipality
31 shall mean only a municipality that has conformed its municipal
32 master plan and development regulations to the Highlands regional
33 master plan pursuant to section 14 of P.L.2004, c.120 (C.13:20-14);

34 "Tax rate" means that portion of the effective property tax rate
35 for the current tax year which reflects local taxes to be raised for
36 district school purposes and local municipal purposes, calculated by
37 dividing the total of column 12, section C by net valuation on which
38 county taxes are apportioned in column 11, both as reflected in the
39 Abstract of Ratables for the current tax year, and expressed as a rate
40 per \$100 of true value;

41 "True value of vacant land" or "true value" means the aggregate
42 assessed value of vacant land divided by the average ratio of
43 assessed-to-true value of real property (commonly known as the
44 equalization rate) promulgated by the Director of the Division of
45 Taxation in the Department of the Treasury and published in the
46 table of equalized valuation; and

47 "Valuation base" means the change in the aggregate true value of
48 vacant land directly attributable to the implementation of the

1 “Highlands Water Protection and Planning Act,” P.L.2004, c.120
2 (C.13:20-1 et al.) in a qualified municipality when comparing the
3 current tax year to the base year.

4 o. This section shall expire July 1 next following one year after
5 the date the last State aid payment is made to a qualified
6 municipality in the tenth year as provided pursuant to paragraph (3)
7 of subsection f. of this section.

8 (cf: P.L.2004, c.120, s.19)

9

10 48. Section 2 of P.L.1999, c.92 (C.54A:9-25.16) is amended to
11 read as follows:

12 2. The Legislature shall annually appropriate all funds
13 deposited in the "Korean Veterans' Memorial Fund" to **the** Korean
14 Veterans' Memorial Committee in **the** Department of Military and
15 Veterans' Affairs.

16 (cf: P.L.1999, c.92, s.2)

17

18 49. Section 3 of P.L.1967, c.76 (C.55:13A-3) is amended to read
19 as follows:

20 3. The following terms whenever used or referred to in **this**
21 **act** P.L.1967, c.76 (C.55:13A-1 et seq.) shall have the following
22 respective meanings for the purposes **of this act** thereof, except in
23 those instances where the context clearly indicates otherwise:

24 (a) The term "act" shall mean **this act** P.L.1967, c.76
25 (C.55:13A-1 et seq.), any amendments or supplements thereto, and
26 any rules and regulations promulgated thereunder.

27 (b) The term "accessory building" shall mean any building
28 which is used in conjunction with the main building of a hotel,
29 whether separate therefrom or adjoining thereto.

30 (c) **The** term "board" shall mean the Hotel and Multiple
31 Dwelling Health and Safety Board created by subsection (a) of
32 section 5 of this act in the Division of Housing and Development of
33 the Department of Community Affairs. (Deleted by amendment,
34 P.L. , c. .) (pending before the Legislature as this bill)

35 (d) The term "bureau" shall mean the Bureau of Housing
36 Inspection in the Department of Community Affairs.

37 (e) (Deleted by amendment.)

38 (f) The term "commissioner" shall mean the Commissioner of
39 **the** Department of Community Affairs.

40 (g) The term "department" shall mean the Department of
41 Community Affairs.

42 (h) The term "unit of dwelling space" or the term "dwelling
43 unit" shall mean any room or rooms, or suite or apartment thereof,
44 whether furnished or unfurnished, which is occupied, or intended,
45 arranged or designed to be occupied, for sleeping or dwelling
46 purposes by one or more persons, including but not limited to the
47 owner thereof, or any of **his** the person's or persons' servants,

1 agents or employees, and shall include all privileges, services,
2 furnishings, furniture, equipment, facilities and improvements
3 connected with the use or occupancy thereof.

4 (i) The term "protective equipment" shall mean any equipment,
5 device, system or apparatus, whether manual, mechanical, electrical
6 or otherwise, permitted or required by the commissioner to be
7 constructed or installed in any hotel or multiple dwelling for the
8 protection of the occupants or intended occupants thereof, or of the
9 public generally.

10 (j) The term "hotel" shall mean any building, including but not
11 limited to any related structure, accessory building, and land
12 appurtenant thereto, and any part thereof, which contains 10 or
13 more units of dwelling space or has sleeping facilities for 25 or
14 more persons and is kept, used, maintained, advertised as, or held
15 out to be, a place where sleeping or dwelling accommodations are
16 available to transient or permanent guests.

17 This definition shall also mean and include any hotel, motor
18 hotel, motel, or established guesthouse, which is commonly
19 regarded as a hotel, motor hotel, motel, or established guesthouse,
20 as the case may be, in the community in which it is located;
21 provided, that this definition shall not be construed to include any
22 building or structure defined as a multiple dwelling in **[this act]**
23 P.L.1967, c.76 (C.55:13A-1 et seq.), registered as a multiple
24 dwelling with the Commissioner of Community Affairs as
25 hereinafter provided, and occupied or intended to be occupied as
26 such nor shall this definition be construed to include a rooming
27 house or a boarding house as defined in the "Rooming and Boarding
28 House Act of 1979," P.L.1979, c.496 (C.55:13B-1 et al.) or, except
29 as otherwise set forth in P.L.1987, c.270 (C.55:13A-7.5, 55:13A-
30 7.6, 55:13A-12.1, 55:13A-13.2), any retreat lodging facility, as
31 defined in this section.

32 (k) The term "multiple dwelling" shall mean any building or
33 structure of one or more stories and any land appurtenant thereto,
34 and any portion thereof, in which three or more units of dwelling
35 space are occupied, or are intended to be occupied by three or more
36 persons who live independently of each other. This definition shall
37 also mean any group of ten or more buildings on a single parcel of
38 land or on contiguous parcels under common ownership, in each of
39 which two units of dwelling space are occupied or intended to be
40 occupied by two persons or households living independently of
41 each other, and any land appurtenant thereto, and any portion
42 thereof. This definition shall not include:

43 (1) any building or structure defined as a hotel in **[this act]**
44 P.L.1967, c.76 (C.55:13A-1 et seq.), or registered as a hotel with
45 the Commissioner of Community Affairs as hereinafter provided, or
46 occupied or intended to be occupied exclusively as such;

47 (2) a building section containing not more than four dwelling
48 units, provided the building has at least two exterior walls

1 unattached to any adjoining building section and the dwelling units
2 are separated exclusively by walls of such fire-resistant rating as
3 comports with the "State Uniform Construction Code Act,"
4 P.L.1975, c.217 (C.52:27D-119 et seq.) at the time of their
5 construction or with a rating as shall be established by the bureau in
6 conformity with recognized standards and the building is held under
7 a condominium or cooperative form of ownership, or by a mutual
8 housing corporation, provided that if any units within such a
9 building section are not occupied by an owner of the unit, then that
10 unit and the common areas within that building section shall not be
11 exempted from the definition of a multiple dwelling for the
12 purposes of P.L.1967, c.76 (C.55:13A-1 et seq.). A condominium
13 association, or a cooperative or mutual housing corporation shall
14 provide the bureau with any information necessary to justify an
15 exemption for a dwelling unit pursuant to this paragraph; or

16 (3) any building of three stories or less, owned or controlled by
17 a nonprofit corporation organized under any law of this State for the
18 primary purpose to provide for its shareholders or members housing
19 in a retirement community as same is defined under the provisions
20 of the "Retirement Community Full Disclosure Act," P.L.1969,
21 c.215 (C.45:22A-1 et seq.), provided that the corporation meets the
22 requirements of section 2 of P.L.1983, c.154 (C.55:13A-13.1).

23 (l) The term "owner" shall mean the person who owns, purports
24 to own, or exercises control of any hotel or multiple dwelling. The
25 term "owner" shall also mean and include any person who owns,
26 purports to own, or exercises control over three or more dwelling
27 units within a multiple dwelling.

28 (m) The term "person" shall mean any individual, corporation,
29 association, or other entity, as defined in R.S.1:1-2.

30 (n) The term "continuing violation" shall mean any violation of
31 **【this act】** P.L.1967, c.76 (C.55:13A-1 et seq.) or any regulation
32 promulgated thereunder, where notice is served within two years of
33 the date of service of a previous notice and where violation, premise
34 and person cited in both notices are substantially identical.

35 (o) The term "project" shall mean a group of buildings subject to
36 the provisions of **【this act】** P.L.1967, c.76 (C.55:13A-1 et seq.),
37 which are or are represented to be under common or substantially
38 common ownership and which stand on a single parcel of land or
39 parcels of land which are contiguous and which group of buildings
40 is named, designated or advertised as a common entity. The
41 contiguity of such parcels shall not be adversely affected by public
42 rights-of-way incidental to such buildings.

43 (p) The term "mutual housing corporation" means a corporation
44 not-for-profit incorporated under the laws of New Jersey on a
45 mutual or cooperative basis within the scope of Title VI, s.607 of
46 the "Lanham Public War Housing Act," 54 Stat. 1125, 42 U.S.C.
47 s.1501 et seq., as amended, which acquired a National Defense
48 Housing Project pursuant to said act.

1 (q) "Condominium" means the form of ownership so defined in
2 the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.).

3 (r) "Cooperative" means a housing corporation or association
4 which entitles the holder of a share or membership interest thereof
5 to possess and occupy for dwelling purposes a house, apartment or
6 other structure owned or leased by said corporation or association,
7 or to lease or purchase a dwelling constructed or to be constructed
8 by said corporation or association.

9 (s) "Retreat lodging facility" means a building or structure,
10 including but not limited to any related structure, accessory
11 building, and land appurtenant thereto, and any part thereof, owned
12 by a nonprofit corporation or association which has tax-exempt
13 charitable status under the federal Internal Revenue Code and which
14 has sleeping facilities used exclusively on a transient basis by
15 persons participating in programs of a religious, cultural or
16 educational nature, conducted under the sole auspices of one or
17 more corporations or associations having tax-exempt charitable
18 status under the federal Internal Revenue Code, which are made
19 available without any mandatory charge to such participants.

20 (cf: P.L.1999, c.384, s.1)

21

22 50. Section 5 of P.L.1967, c.76 (C.55:13A-5) is amended to read
23 as follows:

24 5. (a) The Board of Housing Inspection heretofore constituted
25 in the Division of Housing and Urban Renewal in the Department of
26 Community Affairs by section 23 of chapter 293 of the laws of
27 1966 is hereby abolished, except that the powers, functions and
28 duties of said Board of Housing Inspection are hereby transferred to
29 and vested in the commissioner. [In its stead, there is hereby
30 created in the Division of Housing and Urban Renewal of the
31 Department of Community Affairs a Hotel and Multiple Dwelling
32 Health and Safety Board. Said board shall consist of 10 members,
33 each of whom shall be a resident of this State, to be appointed by
34 the Governor with the advice and consent of the Senate for terms of
35 5 years. Of the members appointed by the Governor, 6 shall be
36 residents of this State representing the general public, 2 shall be
37 representatives of the hotel and motel industry by reason of
38 experience in the construction or operation of hotels or motels, and
39 2 shall be representatives of the real estate industry by reason of
40 experience in the construction, operation or sales of multiple
41 dwellings. Each member shall serve for the term of his appointment
42 and until his successor shall have been appointed and qualified.
43 Any vacancy in the membership of the board shall be filled by
44 appointment for the unexpired term only. Any member of the board
45 may be removed by the Governor at any time, for cause, upon
46 notice and opportunity to be heard. The members of the board shall
47 serve without compensation, but shall be entitled to reimbursement
48 for all necessary expenses incurred in the discharge of their duties.

1 The board shall consult with and advise the commissioner with
2 respect to rules and regulations proposed to be promulgated
3 pursuant to this act and advise the commissioner on matters
4 concerning hotel and multiple dwelling health and safety generally.
5 The board shall meet at the call of the commissioner, the time and
6 place of such meeting to be fixed by the commissioner. The board
7 shall annually elect one of its members as the chairman thereof, and
8 such other officers as it may deem appropriate.

9 The persons in office on the effective date of this act as members
10 of the Board of Housing Inspection hereby abolished shall continue
11 in office as members of the Hotel and Multiple Dwelling Health and
12 Safety Board created herein, for the periods of their respective
13 terms as members of said Board of Housing Inspection which
14 remain unexpired on the effective date of this act, and until their
15 respective successors are appointed by the Governor and have
16 qualified.】

17 (b) The office of supervisor of hotel fire safety heretofore
18 constituted in the Bureau of Housing Inspection of the Division of
19 Housing and Urban Renewal in the Department of Community
20 Affairs by section 24 of chapter 293 of the laws of 1966 is hereby
21 abolished, except that the powers, functions and duties of said
22 office of supervisor of hotel fire safety are hereby transferred to and
23 vested in the commissioner.

24 (cf: P.L.1967, c.76, s.5)
25

26 51. Section 6 of P.L.1967, c.76 (C.55:13A-6) is amended to read
27 as follows:

28 6. The commissioner is hereby granted and shall have and
29 exercise, in addition to other powers herein granted, all the powers
30 necessary and appropriate to carry out and execute the purposes of
31 **【this act】** P.L.1967, c.76 (C.55:13A-1 et seq.), including but not
32 limited to, the power:

33 (a) To provide owners or groups of owners with such advisory
34 consultation and educational services as will assist said owners or
35 groups of owners to discharge their responsibilities under **【this act】**
36 P.L.1967, c.76 (C.55:13A-1 et seq.), and to suggest to said owners
37 or groups of owners methods and procedures by which they may
38 develop and implement health and safety programs;

39 (b) To enter and inspect, without prior notice, any hotel or
40 multiple dwelling as provided by **【this amendatory and
41 supplementary act】** P.L.1967, c.76 (C.55:13A-1 et seq.), and to
42 make such investigation as is reasonably necessary to carry out the
43 provisions of **【this act】** P.L.1967, c.76 (C.55:13A-1 et seq.);

44 (c) To administer and enforce the provisions of existing law,
45 and any amendments and supplements thereto, and any rules or
46 regulations promulgated thereunder, concerning the regulation of
47 multiple dwellings, also commonly known as tenements, and hotels;

1 (d) To issue subpoenas to any person subject to **[this act]**
2 P.L.1967, c.76 (C.55:13A-1 et seq.) which shall compel attendance
3 at any hearing as a witness and shall compel production of such
4 reports, documents, books or papers, in any part of the State before
5 the commissioner or a member of the department designated by
6 **[him]** the commissioner, as the commissioner may deem necessary
7 to implement the purposes of **[this act]** P.L.1967, c.76 (C.55:13A-1
8 et seq.). In any case where a person neglects or refuses to obey the
9 command of such subpoena, the commissioner may apply ex parte to
10 the Superior Court for an order compelling a person to testify or to
11 produce files, books, papers, documents or other objects in
12 accordance with the subpoena issued by the commissioner and, in
13 addition, said person shall be subject to a penalty of \$100,000.00
14 for each instance in which **[he]** the person does not comply with
15 the subpoena issued by the commissioner, said penalty to be
16 recovered pursuant to section 18 of **[this act]** P.L.1967, c.76
17 (C.55:13A-18);

18 (e) To issue and promulgate such rules and regulations as the
19 commissioner may deem necessary to implement the purposes of
20 **[this act]** P.L.1967, c.76 (C.55:13A-1 et seq.), which rules and
21 regulations shall have the force and effect of law until revised,
22 repealed or amended from time to time by the commissioner in the
23 exercise of **[his]** the commissioner's discretion; provided, that any
24 such rules and regulations shall be filed with the Office of
25 Administrative Law;

26 (f) To enforce and administer the provisions of **[this act]**
27 P.L.1967, c.76 (C.55:13A-1 et seq.), enter complaints against any
28 person violating the provisions **[of this act]** thereof, and to
29 prosecute or cause to be prosecuted violations of the provisions **[of**
30 **this act]** thereof in administrative hearings and civil actions in State
31 or local courts;

32 (g) To assess penalties and to compromise and settle any claim
33 for a penalty for any violation of the provisions of **[this act]**
34 P.L.1967, c.76 (C.55:13A-1 et seq.) in such amount in the
35 discretion of the commissioner as may appear appropriate and
36 equitable under all of the circumstances of said violation in any of
37 the actions or proceedings mentioned in subsection (f) of this
38 section;

39 (h) To institute an in rem action against the property upon which
40 a violation exists in cases where the owner, after diligent effort,
41 cannot be served;

42 (i) To institute a quasi in rem action against the owner by
43 attachment of the property upon which a violation exists, followed
44 by service by publication, in cases where the owner, after diligent
45 effort, cannot be served;

46 (j) To hold and exercise all the rights and remedies available to
47 a judgment creditor where a judgment lien arises as a result of a

1 penalty action or an administrative proceeding taken pursuant to
2 enforcement of **【this act】** P.L.1967, c.76 (C.55:13A-1 et seq.); and

3 (k) To adopt, amend and repeal **【**, after consultation with the
4 Hotel and Multiple Dwelling Health and Safety Board,**】** rules
5 concerning the qualifications and licensing of persons employed by
6 local agencies and municipalities to enforce this amendatory and
7 supplementary act and fees to cover the cost of any licensing
8 program.

9 (cf: P.L.1987, c.30, s.1)

10

11 52. Section 13 of P.L.1967, c.76 (C.55:13A-13) is amended to
12 read as follows:

13 13. (a) Each multiple dwelling and each hotel shall be inspected
14 at least once in every five years for the purpose of determining the
15 extent to which each hotel or multiple dwelling complies with the
16 provisions of **【this act】** P.L.1967, c.76 (C.55:13A-1 et seq.) and
17 regulations promulgated hereunder.

18 (b) Within 90 days of the most recent inspection, the owner of
19 each hotel shall file with the commissioner, upon forms provided by
20 the commissioner, an application for a certificate of inspection.
21 Said application shall include such information as the commissioner
22 shall prescribe to enforce the provisions of this law. Said
23 application shall be accompanied by a fee as follows: \$15 per unit
24 of dwelling space for the first 20 units of dwelling space in any
25 building or project, \$12 per unit of dwelling space for the 21st
26 through 100th unit in any building or project, \$8 per unit of
27 dwelling space for the 101st through 250th unit in any building or
28 project, and \$5 per unit of dwelling space for all units over 250 in
29 any building or project, except that in the case of hotels open and
30 operating less than six months in each year the fee shall be one-half
31 that which would otherwise be required. A certificate of inspection
32 and the fees therefor shall not be required more often than once
33 every five years.

34 Additionally, there shall be reinspection fees for hotels in the
35 amount of \$10 for each dwelling unit reinspected.

36 Within 90 days of the most recent inspection of any multiple
37 dwelling occupied or intended to be occupied by three or more
38 persons living independently of each other, the owner of each such
39 multiple dwelling shall file with the commissioner, upon forms
40 provided by the commissioner, an application for a certificate of
41 inspection. Said application shall include such information as the
42 commissioner shall prescribe to enforce the provisions of this law.
43 Said application shall be accompanied by a fee of \$33 per unit of
44 dwelling space for the first 7 units in any building or project, \$21
45 per unit of dwelling space for the 8th through the 24th unit in any
46 building or project, \$18 per unit for the 25th through the 48th unit
47 in any building or project, and \$12 per unit of dwelling space for all
48 units of dwelling space over 48 in any building or project, provided

1 that the maximum total fee for owner-occupied three-unit multiple
2 dwellings shall be limited to \$65 for owners having a household
3 income that is less than 80 percent of the median income for
4 households of similar size in the county in which the multiple
5 dwelling is located, and the maximum total fee for owner-occupied
6 four-unit multiple dwellings shall be limited to \$80 for owners
7 having a household income that is less than 80 percent of the
8 median income for households of similar size in the county in
9 which the multiple dwelling is located. A certificate of inspection
10 and the fees therefor shall not be required more often than once
11 every five years.

12 Additionally, there shall be reinspection fees for multiple
13 dwellings in the amount of \$40 for each dwelling unit reinspected,
14 but only after the first reinspection.

15 The commissioner may waive the inspection fee for any unit
16 upon a finding that the unit has been thoroughly inspected within
17 the previous 12-month period under a municipal ordinance
18 requiring inspection upon change of occupancy in accordance with
19 the maintenance standards established by the commissioner under
20 **[this act]** P.L.1967, c.76 (C.55:13A-1 et seq.), and has received a
21 municipal certificate of occupancy as a result of that inspection.

22 If the commissioner finds that (1) a building has been thoroughly
23 inspected prior to resale since the most recent inspection in
24 accordance with this section, (2) the inspection prior to resale was
25 conducted by the municipality in accordance with the maintenance
26 standards established by the commissioner under **[this act]**
27 P.L.1967, c.76 (C.55:13A-1 et seq.), and (3) a municipal certificate
28 of occupancy was issued as a result of that inspection, the
29 commissioner may accept the inspection done prior to resale in lieu
30 of a current inspection under this section. If the commissioner
31 accepts an inspection prior to resale in lieu of a current inspection,
32 no fee shall be charged for any inspection done by the
33 commissioner within five years after the date of the inspection so
34 accepted.

35 (c) If the commissioner determines, as a result of the most
36 recent inspection of any hotel or multiple dwelling as required by
37 subsection (a) of this section, that any hotel or multiple dwelling
38 complies with the provisions of **[this act]** P.L.1967, c.76
39 (C.55:13A-1 et seq.) and regulations promulgated hereunder, then
40 the commissioner shall issue to the owner thereof, upon receipt of
41 the application and fee as required by subsection (b) of this section,
42 a certificate of inspection. Any owner to whom a certificate of
43 inspection is issued shall keep said certificate posted in a
44 conspicuous location in the hotel or multiple dwelling to which the
45 certificate applies. The certificate of inspection shall be in such
46 form as may be prescribed by the commissioner.

47 The commissioner may, upon finding a consistent pattern of
48 compliance with the maintenance standards established under **[this**

1 act] P.L.1967, c.76 (C.55:13A-1 et seq.) in at least 20 percent of the
2 units in a building or project, issue a certificate of inspection for the
3 building or project, in which case the inspection fee shall be
4 charged on the basis of the number of units inspected.

5 The commissioner may by rule establish standards for self-
6 inspection by condominium associations exercising control over
7 buildings of not more than three stories, constructed after 1976, and
8 certified by the local enforcing agency having jurisdiction as being
9 in compliance with the Uniform Fire Code promulgated pursuant to
10 P.L.1983, c.383 (C.52:27D-192 et seq.), in which at least 80 percent
11 of the dwelling units are occupied by the unit owners. The
12 commissioner shall issue a certificate of acceptance, which shall be
13 in lieu of a certificate of inspection, upon acceptance of any such
14 self-inspection and upon payment of a fee of \$25.

15 (d) If the commissioner determines, as a result of the most
16 recent inspection of any hotel or multiple dwelling as required by
17 subsection (a) of this section, that any hotel or multiple dwelling
18 does not comply with the provisions of **[this act]** P.L.1967, c.76
19 (C.55:13A-1 et seq.) and regulations promulgated thereunder, then
20 the commissioner shall issue to the owner thereof a written notice
21 stating the manner in which any such hotel or multiple dwelling
22 does not comply with **[this act]** P.L.1967, c.76 (C.55:13A-1 et seq.)
23 or regulations promulgated thereunder. Said notice shall fix such
24 date, not less than 60 days nor more than 180 days, on or before
25 which any such hotel or multiple dwelling must comply with the
26 provisions of **[this act]** P.L.1967, c.76 (C.55:13A-1 et seq.) and
27 regulations promulgated thereunder. If any such hotel or multiple
28 dwelling is made to comply with the provisions of **[this act]**
29 P.L.1967, c.76 (C.55:13A-1 et seq.) and regulations promulgated
30 thereunder on or before the date fixed in said notice, then the
31 commissioner shall issue to the owner thereof a certificate of
32 inspection as described in subsection (c) of this section. If any such
33 hotel or multiple dwelling is not made to comply with the
34 provisions of **[this act]** P.L.1967, c.76 (C.55:13A-1 et seq.) and
35 regulations promulgated thereunder on or before the date fixed in
36 said notice, then the commissioner shall not issue to the owner
37 thereof a certificate of inspection as described in subsection (c) of
38 this section, and shall enforce the provisions of **[this act]** P.L.1967,
39 c.76 (C.55:13A-1 et seq.) against the owner thereof.

40 (e) The commissioner shall annually review the cost of
41 implementing and enforcing **[this act]** P.L.1967, c.76 (C.55:13A-1
42 et seq.), including the cost to municipalities of carrying out
43 inspections pursuant to section 21 of **[this act]** P.L.1967, c.76
44 (C.55:13A-21), and shall establish by rule, not more frequently than
45 once every three years, such fees as may be necessary to cover the
46 costs of such implementation and enforcement; provided, however,
47 that any increase or decrease shall be applied as a uniform

1 percentage to each category of fee established herein, and provided,
2 further, that the percentage amount of any increase shall not exceed
3 the percentage increase in salaries paid to State employees since the
4 then current fee schedule was established. The commissioner shall
5 provide by rule to owners the option of paying inspection fees in
6 installments in the form of an annual fee. The commissioner shall
7 annually prepare and file with the presiding officers of the Senate
8 and General Assembly and the legislative committees having
9 jurisdiction in housing matters a report setting forth the amounts of
10 fees and penalties received by the Bureau of Housing Inspection,
11 the cost to the bureau of enforcing this act, and information
12 concerning the productivity of the bureau. Copies of the report
13 shall also be submitted to the Office of Administrative Law for
14 publication in the New Jersey Register [and to the members of the
15 Hotel and Multiple Dwelling Health and Safety Board]. If in any
16 State fiscal year the fee revenue received by the bureau exceeds the
17 cost of enforcement of [this act] P.L.1967, c.76 (C.55:13A-1 et
18 seq.), the excess revenue shall be distributed pro rata to persons
19 who paid inspection fees during that fiscal year. Such distribution
20 shall be made within three months after the end of the fiscal year.

21 (f) Except as otherwise provided in section 2 of P.L.1991, c.179
22 (C.55:13A-26.1), the fees established by or pursuant to the
23 provisions of this section are dedicated to meeting the costs of
24 implementing and enforcing [this act] P.L.1967, c.76 (C.55:13A-1
25 et seq.) and shall not be used for any other purpose. All receipts in
26 excess of \$2,200,000 are hereby appropriated for the purposes of
27 [this act] P.L.1967, c.76 (C.55:13A-1 et seq.).

28 (cf: P.L.1991, c.179, s.1)

29

30 53. (New section) a. The Statewide Public Safety
31 Communications Commission in the Office of Information
32 Technology, together with its functions, powers, and duties is
33 transferred to and constituted as the Statewide Public Safety
34 Communications Commission in, but not of, the Department of Law
35 and Public Safety. All references in any law, order, rule, regulation,
36 contract, document, judicial or administrative proceeding, or
37 otherwise to the Statewide Public Safety Communications
38 Commission in the Office of Information Technology, or the
39 supervisor thereof, shall mean the Statewide Public Safety
40 Communications Commission, in but not of, the Department of Law
41 and Public Safety. All transfers shall be made pursuant to the "State
42 Agency Transfer Act," P.L.1971, c.375 (C.52:14d-1 et seq.).

43 b. For the purposes of complying with Article V, Section IV,
44 paragraph 1 of the New Jersey Constitution, the commission is
45 allocated to the Department of Law and Public Safety but,
46 notwithstanding that allocation, except as provided in subsection c.
47 of this section, the division shall be independent of any supervision

1 or control by the department or the Attorney General or any other
2 officer of the department.

3 c. Notwithstanding the provisions of subsection b. of this
4 section, the Director of the Office of Homeland Security and
5 Preparedness shall provide oversight of the commission, and shall
6 work in conjunction with the commission in order to properly
7 coordinate the functions of the commission.

8 In order to achieve administrative efficiencies, any employee of
9 the Statewide Public Safety Communications Commission engaged
10 in commission functions, as well as any additional administrative or
11 clerical support personnel, may be transferred to the Office of
12 Homeland Security, as mutually agreed upon by the Chief
13 Technology Officer of the Office of Information Technology and
14 the Director of the Office of Homeland Security and Preparedness.
15 Personnel transferred from the Office of Information Technology to
16 the Office of Homeland Security and Preparedness pursuant to this
17 section shall be transferred with all tenure rights and any rights or
18 protections provided by Title 11A of the New Jersey Statutes or
19 other applicable statute, and any pension law or retirement system.

20

21 54. The following are repealed:

22 Section 6 of P.L.1994, c.128 (C.2C:7-11);

23 Sections 1 through 5 and 10 of P.L.1997, c.97 (C.12:6B-1
24 through C.12:6B-6);

25 Sections 1 and 3 through 19 of P.L.1966, c.291 (C.13:1C-1 and
26 C.13:1C-3 through C.13:1C-19);

27 P.L.2008, c.82 (C.13:19-38 et seq.);

28 Section 16 of P.L.1996, c.45 (C.17:1-24);

29 Sections 305 through 314 of P.L.1948, c.67 (C.17:9A-305
30 through C.17:9A-314);

31 P.L.1991, c.277 (C.26:2P-1 et seq.);

32 Sections 9 and 10 of P.L.1993, c.327 (C.26:1A-36.13 and
33 C.26:1A-36.14);

34 Sections 2 through 4 of P.L.1957, c.72 (C.26:1A-108 through
35 C.26:1A-110);

36 Sections 5 through 7 of P.L.2003, c.266 (C.26:2C-8.19 through
37 C.26:2C-8.21);

38 Sections 21 and 24 of P.L.1976, c.98 (C.30:1B-21 and C.30:1B-
39 23);

40 P.L.1947, c.252 (C.30:4-177.1 et seq.);

41 P.L.1997, c.402 (C.32:35-1 et seq.);

42 P.L.1997, c.87 (C.34:1A-81 et seq.);

43 P.L.1995, c.293 (C.34:1B-107 et seq.);

44 Section 6 of P.L.1997, c.97 (C.34:1B-140);

45 Section 21 of P.L.2008, c.27 (C.34:1B-230);

46 Section 22 of P.L.2008, c.27 (C.34:1B-231);

47 Section 26 of P.L.2008, c.27 (C.34:1B-235);

48 Section 30 of P.L.2003, c.13 (C.39:2A-30);

1 Section 12 of P.L.1941, c.220 (C.43:7-18);
2 Section 5 of P.L.1952, c.358 (C.43:16-6.1);
3 Section 17 of P.L.1999, c.356 (C.48:16-22.7);
4 P.L.1993, c.199 (C.52:9XX-1 et seq.);
5 P.L.1999, J.R.1 (C.52:14-15.111 et seq.);
6 Section 10 of P.L.2007, c.56 (C.52:18A-228);
7 Section 30 of P.L.1998, c.44 (C.52:27C-90);
8 Section 31 of P.L.1998, c.44 (C.52:27C-91);
9 Section 32 of P.L.1998, c.44 (C.52:27C-92);
10 Section 1 of P.L.1996, c.269 (C.52:27D-11);
11 Section 11 of P.L.1971, c.411 (C.52:27D-107);
12 Sections 21 through 30 of P.L.2008, c.46 (C.52:27D-329.10
13 through C.52:27D-329.19);
14 P.L.1993, J.R.7;
15 P.L.1993, c.82;
16 Section 47 of P.L.1993, c.139;
17 P.L.1993, c.196;
18 P.L.1993, c.336;
19 P.L.1997, c.275;
20 P.L.1999, c.7;
21 Section 4 of P.L.2000, c.35;
22 P.L.2000, c.64;
23 Section 8 of P.L.2001, c.5;
24 Section 15 of P.L.2001, c.404;
25 P.L.2001, c.445;
26 P.L.2005, c.102;
27 P.L.2005, c.279;
28 P.L.2005, c.305;
29 P.L.2005, c.312;
30 Sections 1 through 3 of P.L.2005, c.321;
31 P.L.2005, c.339;
32 P.L.2005, J.R.8;
33 P.L.2007, c.173; and
34 Section 118 of P.L.2008, c.29.
35

36 55. The following boards, commissions, committees, and
37 councils, however created, are hereby terminated:
38 The Advisory Council on Juvenile Justice; and
39 The Board of Family Development.
40

41 56. This act shall take effect immediately.
42
43

44 STATEMENT
45

46 This bill eliminates the following authorities, boards,
47 commissions, committees, councils, and task forces and removes

1 references to the following inactive, expired, obsolete, or previously
2 abolished entities:

3 Community Notification Advisory Council (Section 6 of
4 P.L.1994, c.128);

5 Board of Recreation Examiners of the State of New Jersey
6 (Sections 1 and 3 through 19 of P.L.1966, c.291);

7 Public Access and Marina Safety Task Force (P.L.2008, c.82);

8 Department of Banking and Insurance Study Commission
9 (Section 16 of P.L.1996, c.45);

10 Banking Advisory Board (Sections 305 through 314 of P.L.1948,
11 c.67);

12 Governor's Lyme Disease Advisory Council (P.L.1991, c.277);

13 Health Wellness Promotion Advisory Board (Sections 9 and 10
14 of P.L.1993, c.327);

15 New Jersey State Commission on Aging (Sections 2 through 4 of
16 P.L.1957, c.72);

17 Low Emission Vehicle Review Commission (Sections 5 through
18 7 of P.L.2003, c.266);

19 Advisory Council on Corrections (Sections 21 and 24 of
20 P.L.1976, c.98);

21 Arthur Brisbane Child Treatment Center (P.L.1947, c.252);

22 Northeast Interstate Dairy Compact Commission (P.L.1997,
23 c.402);

24 Council on Undocumented Aliens (P.L.1997, c.87);

25 New Capital Sources Board (P.L.1995, c.293; Section 32 of
26 P.L.1998, c.44; and Section 26 of P.L.2008, c.27);

27 Economic Development Site Task Force (Section 6 of P.L.1997,
28 c.97; Section 31 of P.L.1998, c.31; and Section 21 of P.L.2008,
29 c.27);

30 Dredging Project Facilitation Task Force (Sections 1 through 5
31 and Section 10 of P.L.1997, c.97; Section 30 of P.L.1998, c.40; and
32 Section 22 of P.L.2008, c.27);

33 Motor Vehicle Affordability and Fairness Task Force (Section 30
34 of P.L.2003, c.13);

35 Prison Officers' Pension Commission (Section 12 of P.L.1941,
36 c.220);

37 Consolidated Police and Firemen's Pension Fund Commission
38 (Section 5 of P.L.1952, c.358);

39 State Limousine Advisory Committee (Section 17 of P.L.1999,
40 c.356);

41 New Jersey Information Resources Management Commission
42 (P.L.1993, c.199);

43 Public Officers Salary Review Commission (P.L.1999, J.R.1);

44 Office of Information Technology Governing Board (Section 10
45 of P.L.2007, c.56);

46 Advisory Council on Community Affairs (Section 1 of P.L.1996,
47 c.269);

1 Board of Recreation Examiners of the State of New Jersey
2 (Section 11 of P.L.1971, c.411);
3 State Housing Commission (Sections 21 through 30 of P.L.2008,
4 c.46);
5 New Jersey Uniform Securities Law Study Commission
6 (P.L.1993, J.R.7);
7 Light Pollution Study Commission (P.L.1993, c.82);
8 Environmental Risk Assessment and Risk Management Study
9 Commission (Section 47 of P.L.1993, c.139);
10 Medicaid Salary Region Advisory Panel (P.L.1993, c.196);
11 General Aviation Study Commission (P.L.1993, c.336);
12 Ticket Brokering Study Commission (P.L.1997, c.275);
13 Task Force on Diabetes and the Schools (P.L.1999, c.7);
14 World War II Veterans' Memorial Highway Committee (Section
15 4 of P.L.2000, c.35);
16 New Jersey Pain Management Policy Advisory Council
17 (P.L.2000, c.64);
18 Regulatory Impact Analysis Advisory Task Force (Section 8 of
19 P.L.2001, c.5);
20 Privacy Study Commission (Section 15 of P.L.2001, c.404);
21 Coordinating Committee on Youth (P.L.2001, c.445);
22 Smart Freight Railroad Study Commission (P.L.2005, J.R.8);
23 Meadowlands Transportation Planning Board (P.L.2005, c.102);
24 Task Force on Health Care Professional Responsibility and
25 Reporting (P.L.2005, c.279);
26 New Jersey Health Care Access Study Commission (P.L.2005,
27 c.305);
28 Inmate Education and Vocational Training Study Commission
29 (P.L.2005, c.312);
30 New Jersey Death Penalty Study Commission (Sections 1
31 through 3 of P.L.2005, c.321);
32 Special Education Review Commission (P.L.2005, c.339);
33 New Jersey Adults with Autism Task Force (P.L.2007, c.173);
34 and
35 Civil Service Reform Task Force (Section 118 of P.L.2008,
36 c.29);
37 Korean Veteran's Memorial Committee (expired pursuant to
38 P.L.1996, c.72); and
39 Vietnam Veterans' Memorial Committee (expired pursuant to
40 P.L.1989, c.72)
41 These authorities, boards, commissions, committees, councils,
42 and task forces have served their purpose, been inactive for years,
43 no longer have a role to fulfill, have completed their work, have not
44 been convened for a long period of time, or were never organized.
45 This bill implements recommendations provided by the
46 commissioners of State departments to Governor Christie as
47 required by Executive Order No. 15 of 2010.

1 The bill terminates the following boards, commissions,
2 committees, and councils, which have no statutory reference: the
3 Advisory Council on Juvenile Justice and the Board of Family
4 Development.

5 The bill transfers on-going functions of eliminated authorities,
6 boards, commissions, committees, councils, and task forces to
7 another State entity and makes proper reference to the State entity
8 assuming responsibility for those powers, functions, and duties.
9 The bill also updates statutory references to previously eliminated
10 authorities, boards, commissions, committees, councils, and task
11 forces.

12 Specifically, under the bill:

13 The powers, functions, and duties of the New Jersey Board of
14 Recreation Examiners are transferred to the Commissioner of
15 Community Affairs.

16 Reference to the Student Assistance Board is eliminated and
17 reference to the Higher Education Student Assistance Authority is
18 made as the Student Assistance Board has been eliminated and its
19 duties and responsibilities have been assumed by the Higher
20 Education Student Assistance Authority.

21 The bill eliminates the Advisory Committee to the Alcoholism
22 and Drug Abuse Program for the Deaf, Hard of Hearing, and
23 Disabled. The bill deletes the statutory reference to the Statewide
24 Health Coordinating Council, which is no longer operative, and
25 repeals the law establishing the Arthur Brisbane Child Treatment
26 Center to reflect the fact that the center has closed. In addition, the
27 bill deletes the statutory reference to the bio-analytical laboratories
28 advisory committee to the State Board of Medical Examiners.

29 The bill updates references to the State's toll road authorities, the
30 New Jersey Turnpike Authority and the South Jersey Transportation
31 Authority.

32 The powers, functions, and duties for the administration of the
33 Consolidated Police and Firemen's Pension Fund Commission and
34 the Prison Officers' Pension Fund are transferred to the Division of
35 Pensions and Benefits in the Department of the Treasury.

36 This bill transfers the powers, functions, and duties of the
37 Statewide Public Safety Communications Commission from the
38 Office of Information Technology and reconstitutes it as a
39 commission in, but not of, the Department of Law and Public
40 Safety. The bill grants the Director of the Office of Homeland
41 Security and Preparedness the supervisory authority over the
42 commission's functions. Further, the bill allows personnel
43 employed by the commission to be transferred to the Office of
44 Homeland Security and Preparedness upon a mutual agreement
45 between the directors. Personnel transferred to the Office of
46 Homeland Security and Preparedness are to retain all tenure rights
47 and any rights or protections provided by Title 11A of the New

1 Jersey Statutes or other applicable statute, and any pension law or
2 retirement system.

3 This bill also transfers to the Governor the duty of the Office of
4 Information Technology Governing Board to define the extent of
5 large-scale information technology projects and to establish a
6 monetary threshold for information technology projects requiring
7 the review and approval of the Project Review Board, and to define
8 and establish the overall direction, standards, and priorities for the
9 information technology community in the Executive Branch of
10 State Government. The bill transfers to the Governor the duty to
11 select the three to five members of the Project Review Board; these
12 members are currently selected by the chair of the governing board.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE, No. 2603

STATE OF NEW JERSEY

DATED: MARCH 11, 2013

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably Senate Bill No. 2603.

This bill eliminates the following authorities, boards, commissions, committees, councils, and task forces and removes references to the following inactive, expired, obsolete, or previously abolished entities:

Community Notification Advisory Council (Section 6 of P.L.1994, c.128);

Board of Recreation Examiners of the State of New Jersey (Sections 1 and 3 through 19 of P.L.1966, c.291);

Public Access and Marina Safety Task Force (P.L.2008, c.82);

Department of Banking and Insurance Study Commission (Section 16 of P.L.1996, c.45);

Banking Advisory Board (Sections 305 through 314 of P.L.1948, c.67);

Governor's Lyme Disease Advisory Council (P.L.1991, c.277);

Health Wellness Promotion Advisory Board (Sections 9 and 10 of P.L.1993, c.327);

New Jersey State Commission on Aging (Sections 2 through 4 of P.L.1957, c.72);

Low Emission Vehicle Review Commission (Sections 5 through 7 of P.L.2003, c.266);

Advisory Council on Corrections (Sections 21 and 24 of P.L.1976, c.98);

Arthur Brisbane Child Treatment Center (P.L.1947, c.252);

Northeast Interstate Dairy Compact Commission (P.L.1997, c.402);

Council on Undocumented Aliens (P.L.1997, c.87);

New Capital Sources Board (P.L.1995, c.293; Section 32 of P.L.1998, c.44; and Section 26 of P.L.2008, c.27);

Economic Development Site Task Force (Section 6 of P.L.1997, c.97; Section 31 of P.L.1998, c.31; and Section 21 of P.L.2008, c.27);

Dredging Project Facilitation Task Force (Sections 1 through 5 and Section 10 of P.L.1997, c.97; Section 30 of P.L.1998, c.40; and Section 22 of P.L.2008, c.27);

Motor Vehicle Affordability and Fairness Task Force (Section 30 of P.L.2003, c.13);

Prison Officers' Pension Commission (Section 12 of P.L.1941, c.220);

Consolidated Police and Firemen's Pension Fund Commission (Section 5 of P.L.1952, c.358);

State Limousine Advisory Committee (Section 17 of P.L.1999, c.356);

New Jersey Information Resources Management Commission (P.L.1993, c.199);

Public Officers Salary Review Commission (P.L.1999, J.R.1);

Office of Information Technology Governing Board (Section 10 of P.L.2007, c.56);

Advisory Council on Community Affairs (Section 1 of P.L.1996, c.269);

Board of Recreation Examiners of the State of New Jersey (Section 11 of P.L.1971, c.411);

State Housing Commission (Sections 21 through 30 of P.L.2008, c.46);

New Jersey Uniform Securities Law Study Commission (P.L.1993, J.R.7);

Light Pollution Study Commission (P.L.1993, c.82);

Environmental Risk Assessment and Risk Management Study Commission (Section 47 of P.L.1993, c.139);

Medicaid Salary Region Advisory Panel (P.L.1993, c.196);

General Aviation Study Commission (P.L.1993, c.336);

Ticket Brokering Study Commission (P.L.1997, c.275);

Task Force on Diabetes and the Schools (P.L.1999, c.7);

World War II Veterans' Memorial Highway Committee (Section 4 of P.L.2000, c.35);

New Jersey Pain Management Policy Advisory Council (P.L.2000, c.64);

Regulatory Impact Analysis Advisory Task Force (Section 8 of P.L.2001, c.5);

Privacy Study Commission (Section 15 of P.L.2001, c.404);

Coordinating Committee on Youth (P.L.2001, c.445);

Smart Freight Railroad Study Commission (P.L.2005, J.R.8);

Meadowlands Transportation Planning Board (P.L.2005, c.102);

Task Force on Health Care Professional Responsibility and Reporting (P.L.2005, c.279);

New Jersey Health Care Access Study Commission (P.L.2005, c.305);

Inmate Education and Vocational Training Study Commission (P.L.2005, c.312);

New Jersey Death Penalty Study Commission (Sections 1 through 3 of P.L.2005, c.321);

Special Education Review Commission (P.L.2005, c.339);

New Jersey Adults with Autism Task Force (P.L.2007, c.173); and
 Civil Service Reform Task Force (Section 118 of P.L.2008, c.29);
 Korean Veteran's Memorial Committee (expired pursuant to
 P.L.1996, c.72); and
 Vietnam Veterans' Memorial Committee (expired pursuant to
 P.L.1989, c.72)

These authorities, boards, commissions, committees, councils, and task forces have served their purpose, been inactive for years, no longer have a role to fulfill, have completed their work, have not been convened for a long period of time, or were never organized. This bill implements recommendations provided by the commissioners of State departments to Governor Christie as required by Executive Order No. 15 of 2010.

The bill terminates the following boards, commissions, committees, and councils, which have no statutory reference: the Advisory Council on Juvenile Justice and the Board of Family Development.

The bill transfers on-going functions of eliminated authorities, boards, commissions, committees, councils, and task forces to another State entity and makes proper reference to the State entity assuming responsibility for those powers, functions, and duties. The bill also updates statutory references to previously eliminated authorities, boards, commissions, committees, councils, and task forces.

Specifically, under the bill:

The powers, functions, and duties of the New Jersey Board of Recreation Examiners are transferred to the Commissioner of Community Affairs.

Reference to the Student Assistance Board is eliminated and reference to the Higher Education Student Assistance Authority is made as the Student Assistance Board has been eliminated and its duties and responsibilities have been assumed by the Higher Education Student Assistance Authority.

The bill eliminates the Advisory Committee to the Alcoholism and Drug Abuse Program for the Deaf, Hard of Hearing, and Disabled. The bill deletes the statutory reference to the Statewide Health Coordinating Council, which is no longer operative, and repeals the law establishing the Arthur Brisbane Child Treatment Center to reflect the fact that the center has closed. In addition, the bill deletes the statutory reference to the bio-analytical laboratories advisory committee to the State Board of Medical Examiners.

The bill updates references to the State's toll road authorities, the New Jersey Turnpike Authority and the South Jersey Transportation Authority.

The powers, functions, and duties for the administration of the Consolidated Police and Firemen's Pension Fund Commission and the Prison Officers' Pension Fund are transferred to the Division of Pensions and Benefits in the Department of the Treasury. This bill

transfers the powers, functions, and duties of the Statewide Public Safety Communications Commission from the Office of Information Technology and reconstitutes it as a commission in, but not of, the Department of Law and Public Safety. The bill grants the Director of the Office of Homeland Security and Preparedness the supervisory authority over the commission's functions. Further, the bill allows personnel employed by the commission to be transferred to the Office of Homeland Security and Preparedness upon a mutual agreement between the directors. Personnel transferred to the Office of Homeland Security and Preparedness are to retain all tenure rights and any rights or protections provided by Title 11A of the New Jersey Statutes or other applicable statute, and any pension law or retirement system.

This bill also transfers to the Governor the duty of the Office of Information Technology Governing Board to define the extent of large-scale information technology projects and to establish a monetary threshold for information technology projects requiring the review and approval of the Project Review Board, and to define and establish the overall direction, standards, and priorities for the information technology community in the Executive Branch of State Government. The bill transfers to the Governor the duty to select the three to five members of the Project Review Board; these members are currently selected by the chair of the governing board.

STATEMENT TO
ASSEMBLY, No. 2603

with Assembly Floor Amendments
(Proposed by Senator WHELAN)

ADOPTED: JANUARY 9, 2014

These Senate amendments remove references in the statutes to the Senator Garrett W. Hagedorn Psychiatric Hospital to reflect the fact that the hospital has closed. The amendments abolish the State Board of Human Services and transfers its remaining functions, powers, and duties to the Department of Human Services. The amendments remove from the bill's provisions the transfer of the Statewide Public Safety Communications Commission (the commission) in the Office of Information Technology in, but not of, the Department of the Treasury to the Department of Law and Public Safety. The commission, together with its functions, powers, and duties remain in, but not of, the Department of the Treasury. The amendments also remove reference to the Advisory Council on Arthritis as the council is inactive. Finally, the amendments save from repeal the Banking Advisory Board, which is currently active pursuant to its statutory authority, and the New Jersey State Commission on Aging.

EXECUTIVE ORDER NO. 15

WHEREAS, ensuring fiscal responsibility is among my highest priorities as Governor of the State of New Jersey and is directly related to my obligation to supervise the principal departments and agencies of State Government; and

WHEREAS, in order to address the current economic and fiscal emergency in New Jersey at a time of unprecedented economic crisis, all spending by independent State Boards, Commissions, Authorities and Agencies (hereinafter referred to as "State Authorities") must be scrutinized more closely than ever before; and

WHEREAS, those State Authorities have capital and operating budgets that collectively amount to billions of dollars of public funds annually, but operate without many of the safeguards applicable to other agencies of the Executive Branch of State government; and

WHEREAS, the State Authorities are part of the Executive Branch and thus are subject to the Governor's executive powers pursuant to Article V of the State Constitution; accordingly, it is especially vital in these times of unprecedented economic distress that these State Authorities employ the same safeguards that are standard practices in other parts of the Executive Branch; and

WHEREAS, the spending at certain State Authorities remains excessive and wasteful, necessitating my veto of agency actions that would have ratified or approved wasteful and extravagant spending; and

WHEREAS, a prime example of such wasteful and unnecessary spending is the practice of State Authorities hiring lobbyists and legislative agents at taxpayer and ratepayer expense to

lobby the Executive Branch, the State Legislature, and the federal government; and

WHEREAS, the concept of one part of State Government hiring a lobbyist or legislative agent to enhance communications with another part of State Government is precisely the type of wasteful and extravagant use of taxpayer funds that has instilled and reinforced the public's mistrust as to the manner in which limited and precious State dollars are spent; and

WHEREAS, recent news reports have documented instances of excessive and wasteful spending by State Authorities for out-of-state travel by Authority board members and employees; and

WHEREAS, several employees of State Authorities have secured employment contracts with lucrative termination clauses (sometimes referred to as "golden parachutes") that are especially abusive of the public trust during this time of economic difficulty and recession;

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. No State Authority shall hire, enter into or renew any contract with any lobbyist or legislative agent, unless expressly authorized in writing in advance by the Governor's Office.

2. All existing contracts between State Authorities and lobbyists or legislative agents shall be terminated as soon as is legally permissible. If it is not possible to terminate said contract(s), all State Authorities are hereby prohibited from renewing such contracts upon expiration of the current contractual term(s).

3. All State Authority heads are directed immediately to identify all contracts between their State Authority and

lobbyists or legislative agents and provide a list and a copy of such contracts to the Governor's Office for review not later than March 1, 2010.

4. No State Authority shall approve any travel by any employee or Authority Board member in excess of two-hundred and fifty dollars (\$250.00) paid out of Authority funds unless approval is obtained from the Governor's Office prior to such travel. Any approved travel must be directly related to the employee's or the Board member's official State duties. Any travel costs in excess of the two-hundred and fifty dollar limit not approved as provided herein shall be borne by the employee or Board member personally and shall not be eligible for reimbursement.

5. No State Authority shall include any financial incentive relating to termination or separation from employment in employment contracts with its employees, unless expressly authorized in writing by the Governor's Office.

6. All existing contracts between State Authorities and employees that provide for financial compensation to the employee upon termination of the employment contract before the stated end date of said contract shall be terminated as soon as is legally permissible. If it is not possible to terminate said contract(s), all State Authorities are hereby prohibited from renewing same upon expiration of the contractual term.

7. All State Authority heads are directed immediately to identify all contracts between their Authority and its employees that contain provisions for financial compensation upon early termination or separation from employment and provide a list of same and a copy of such contracts to the Governor's Office for review not later than March 1, 2010.

8. The commissioner or head of each principal department in the Executive Branch (hereinafter referred to as "Cabinet

Member") is hereby directed to identify the State Authorities established in or allocated to such department and to provide a recommendation to the Governor's Office not later than May 15, 2010, regarding whether each such State Authority should continue to exist or be eliminated. With regard to each such State Authority that is recommended to continue in existence, each Cabinet Member shall indicate his or her recommendation regarding whether the positions on each such State Authority should be compensated or not and whether reimbursement for expenses should be permitted. Any recommendation to provide compensation or reimbursement of expenses shall include a detailed explanation in support of such recommendation.

9. This Order shall take effect immediately.

GIVEN, under my hand and seal this
23rd day of February,
Two Thousand and Ten, and
of the Independence of the
United States, the Two
Hundred and Thirty-Fourth.

/s/ Chris Christie

Governor

Attest:

/s/ Jeffrey S. Chiesa

Chief Counsel to the Governor

[Home](#) [Newsroom](#) [Media](#) [Administration](#) [NJ's Priorities](#) [Contact Us](#)





[Press Releases](#) [Public Addresses](#) [Executive Orders](#) [Press Kit](#) [Reports](#)

[Home](#) > [Newsroom](#) > [Press Releases](#) > 2010 > [Governor Christie Halts Abusive Practices of State Authorities, Orders Comprehensive Review of All State Authorities](#)

Stay Connected
with Social Media

Stay Connected
with Email Alerts

LIKE THIS PAGE? SHARE IT
WITH YOUR FRIENDS.

SHARE    

Governor Christie Halts Abusive Practices of State Authorities, Orders Comprehensive Review of All State Authorities

Tuesday, February 23, 2010

Tags: [Executive Orders](#)

Trenton, NJ - Governor Chris Christie today signed a sweeping executive order directing a comprehensive review of all state authorities, boards and commissions and taking immediate action to reform abusive fiscal practices at those authorities, boards and commissions by strictly limiting the hiring of lobbyists, eliminating "golden parachutes" to departing executives and employees and capping travel expenses at \$250.

Executive Order 15 also institutes a wide review of all state authorities and requires recommendations by May 15 to the Governor's Office on whether each such authority, board or commission should continue or cease to exist. In the case of those that continue, the review would further determine whether positions at such entities should be compensated in any way or operate on a strictly volunteer basis.

Such semi-autonomous authorities, board and commissions - of which there are hundreds large and small - control billions of dollars in capital and operating budgets yet operate without many of the safeguards applicable to all other agencies of state government. Their abuses and the unfettered largess bestowed on employees, board members and political patronage appointees were long eyed for serious reform by the Governor long before he took office in January.

"Business as usual at these authorities ends today," said Governor Christie. "Unbridled rip-offs from ratepayers and taxpayers who fund these entities have been condoned and perpetuated by the political class for decades. Golden parachutes and unjustifiable entertainment and travel expenses have all been the norm. This executive order restores sanity and requires mandatory review and approval of all of these types of contracts and expenses."

In addition, Governor Christie called for legislation extending gubernatorial review of agency actions and minutes, which is currently required for 38 authorities, to additional authorities including sewage authorities throughout the state. "I look forward to working with the legislature to swiftly bring the needed oversight and accountability that is lacking in these hidden layers of government," added Governor Christie.

Executive Order Number 15 directs the following:

- * Unless expressly approved in writing in advance by the Governor's Office, it prohibits hiring of lobbyists to lobby the Executive Branch, Legislature or federal government (as seen most recently in the case of the Passaic Valley Sewerage Commission attempting to lobby the Governor's Office when it came under the Governor's scrutiny).
- * All such existing lobbying contracts with authorities shall be terminated as soon as legally permissible; if that is not possible, then all such contracts must not be renewed upon expiration.
- * All authority heads are directed to immediately identify all contracts with lobbyists and provide a list and copies of them to the Governor's Office by March 1.
- * Travel expenses by any authority board member or employee in excess of \$250 are prohibited without advance approval from the Governor's Office; any unapproved amount above \$250 will be borne by the employee or board member.
- * Any approved travel must be directly related to the employee or board member's official state duties.
- * No state authority shall include in any contract any financial incentive to be received upon termination or separation from employment, unless authorized by the Governor's Office.
- * All such contract incentives shall be terminated as soon as legally permissible; if that is not possible, the contract shall not be renewed upon expiration.
- * The Executive Order further requires that all state authority heads immediately identify all such contracts for compensation upon termination or separation and provide them to the Governor's Office no later than March 1.
- * A Cabinet-level review will be conducted of all authorities, boards and commissions to provide recommendations to the Governor's Office by May 15, regarding whether each entity should continue to exist or be eliminated. Those reviews will also include recommendations of whether positions on authorities should be compensated or unpaid and whether reimbursement for expenses will be permitted.