

26:10-19 TO 26:10-21
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2015 **CHAPTER:** 183

NJSA: 26:10-19 TO 26:10-21 (Requires certain sanitary and protective procedures for used mattresses.)

BILL NO: S2586 (Substituted for A3218 (1R))

SPONSOR(S) Stack, Brian P., and others

DATE INTRODUCED: December 8, 2014

COMMITTEE: **ASSEMBLY:** ---

SENATE: Commerce

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 12/17/2015

SENATE: 5/18/2015

DATE OF APPROVAL: January 11, 2016

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL

(Senate Committee Substitute (First Reprint) enacted) Yes

S2586

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

A3218 (1R)

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

end

P.L.2015, CHAPTER 183, *approved January 11, 2016*
Senate Committee Substitute (*First Reprint*) for
Senate, Nos. 2586, 2587, Assembly, Nos. 3217, 3218

1 AN ACT concerning used mattresses and amending and
2 supplementing chapter 10 of Title 26 of the Revised Statutes.

3

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

6

7 1. (New section) The Legislature finds and declares that:

8 a. Bedbugs are small insects with flat bodies, antennae and
9 small eyes; adult bedbugs are oval, wingless and rusty-red in color
10 and are visible to the naked eye, and often hide in cracks and
11 crevices; in homes, bedbugs are commonly found in areas where
12 people sleep, concentrating in mattresses, box springs, and bed
13 frames; bedbugs feed primarily on the blood of humans, usually at
14 night when people are sleeping;

15 b. According to a joint statement issued by the United States
16 Centers for Disease Control and Prevention and the United States
17 Environmental Protection Agency, bedbugs have been common
18 throughout United States history; although bedbug populations
19 dropped dramatically during the mid-20th century, the United States
20 is one of many countries now experiencing an alarming resurgence
21 in the population of bedbugs, and public health agencies across the
22 country have been overwhelmed by complaints about bedbugs;

23 c. According to the New Jersey Department of Health, in most
24 cases, bedbugs are transported from infested areas to non-infested
25 areas when they cling onto a person's clothing, or crawl into
26 luggage, furniture, or bedding that is then brought into the home; if
27 a mattress is contaminated with bedbugs, it is easy for bedbugs to
28 spread to non-contaminated items that are within close proximity;

29 d. Although bedbugs are not known to transmit disease, they
30 are considered to be an extreme nuisance to the general public and
31 can cause a variety of negative physical and mental health concerns
32 and economic consequences; and

33 e. To help curtail widespread infestation of bedbugs, it is
34 necessary to take measures to prevent cross-contamination of
35 bedbugs from used mattresses and box springs to other furniture or
36 bedding.

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:

¹ Senate floor amendments adopted March 16, 2015.

1 2. (New section) a. No person shall ¹**["distribute,]"** sell,
2 ¹**["donate, transport, store, or dispose of]"** lease, offer to sell, lease or
3 deliver, or consign in sale or lease, or possess with intent to sell,
4 lease, deliver, or consign in sale or lease,¹ a used mattress or box
5 spring unless that mattress or box spring is encased in plastic,
6 polyethylene film, or similar material designed to prevent the
7 transfer of insects or other contaminants.

8 b. No person shall sell a used mattress or box spring unless that
9 mattress or box spring has been ¹**["sterilized]"** cleaned¹ and
10 disinfected using a ¹**["method]"** reasonable process¹ approved by the
11 Commissioner of Health ¹**["**, in consultation with the Commissioner
12 of Environmental Protection, that is intended to kill bedbugs, dust
13 mites, and other insects, molds, fungi, germs or other organisms,
14 and to remove bedbug, dust mite and insect feces, soil, allergens
15 and other contaminants.

16 c. (1) Any person who violates any of the provisions of
17 subsection a. of this section shall, in addition to any other penalty
18 provided by chapter 10 of Title 26 of the Revised Statutes, be liable
19 to a penalty of not less than \$50 nor more than \$1,000 for each
20 offense.

21 (2) Any person who violates any of the provisions of subsection
22 b. of this section shall, in addition to any other penalty provided by
23 chapter 10 of Title 26 of the Revised Statutes, be liable to a penalty
24 of not more than \$1,000 for the first offense and not more than
25 \$2,000 for the second and each subsequent offense¹.

26
27 3. R.S.26:10-3 is amended to read as follows:
28 26:10-3. The label required by **["section]"** R.S.26:10-2 **["of this**
29 **title]"** shall:

30 a. If the materials used in the manufacture of the article to
31 which it is to be attached are entirely new, contain the following
32 statement:

33 "The materials used in the manufacture of this bed spring" (or
34 other article as the case may be) "are entirely new".

35 b. If the materials used are in whole or in part secondhand, the
36 label shall be yellow in color, and shall contain the following
37 statement:

38 "The materials used in the manufacture of this bed spring" (or
39 other article as the case may be) "are in whole or in part
40 secondhand"; which statement must be followed by a specific
41 enumeration and description of the secondhand materials used.

42 The term "secondhand" as here used shall include any material
43 which has been used before in any of the articles above enumerated
44 or in any article of household or wearing apparel, however
45 afterwards treated.

46 (cf: R.S.26:10-3)

1 ¹4. R.S.26:10-6 is amended to read as follows:

2 26:10-6. The term "mattress" as used in this article shall be
3 construed to mean any quilted pad, mattress, mattress pad, bunk
4 quilt, or cushion stuffed or filled with wool, hair, or other soft
5 material, except feathers, to be used on a couch or other bed for
6 sleeping or reclining purposes.

7 The term "box spring" as used in this article shall be construed to
8 mean any bed base, typically consisting of a wooden frame, covered
9 in cloth and containing springs.¹

10 (cf: R.S.26:10-6)

11

12 ¹**[4.] 5.**¹ R.S.26:10-9 is amended to read as follows:

13 26:10-9. No person shall, directly or indirectly, at wholesale or
14 retail, or otherwise, sell, lease, offer to sell or lease, or consign in
15 sale or lease, or have in possession with intent to sell or lease, or
16 consign in sale or lease, any mattress that shall not have plainly and
17 indelibly written or printed thereon, or upon a plain muslin or linen
18 label securely sewed to the covering thereof, a statement in the
19 English language containing the items required by **[sections]**
20 **R.S.26:10-10 to R.S.26:10-12 [of this title]**. This label shall not be
21 less than three by four and a half inches in size and shall be yellow
22 in color if the label is for a mattress which was used in whole or in
23 part or contains any material which was used prior to any sale,
24 lease, or consignment.

25 (cf: R.S.26:10-9)

26

27 ¹**[5.] 6.**¹ R.S.26:10-12 is amended to read as follows:

28 26:10-12. In addition to the requirements of **[section]**
29 **R.S.26:10-10 [of this title]**, every secondhand mattress and box
30 spring shall have printed on the yellow label in the manner
31 prescribed in **[said section]** **R.S.26:10-10** the following:

32 a. Date of sterilization and disinfection ¹for bedbugs and other
33 contaminants¹.

34 b. Name of person performing same.

35 c. Address of person performing same.

36 ¹**[d. A certification stating that the mattress or box spring does**
37 **not contain bedbugs.]**¹

38 (cf: R.S.26:10-12)

39

40 ¹7. R.S.26:10-17 is amended to read as follows:

41 26:10-17. The unit for a separate and distinct offense in
42 violation of this article shall be each and every mattress and box
43 spring made, remade, renovated, sold, offered for sale, delivered,
44 consigned, or possessed with intent to sell, deliver or consign,
45 contrary to the provisions of this article.¹

46 (cf: R.S.26:10-17)

1 ¹**[6.] 8.**¹ (New section) The Commissioner of Health ¹**[**, in
2 consultation with the Commissioner of Environmental Protection,
3 shall **]** may¹ promulgate regulations, pursuant to the "Administrative
4 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to
5 effectuate the provisions of this act.

6 ¹**[7.] 9.**¹ This act shall take effect on the 60th day after the
7 date of enactment.

8
9

10

11

12 Requires certain sanitary and protective procedures for used
13 mattresses.

SENATE, No. 2586

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED DECEMBER 8, 2014

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

SYNOPSIS

Requires persons who transport, store, or sell secondhand mattresses to encase mattresses with protective materials.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning secondhand mattresses and supplementing Title
2 26 of the Revised Statutes.

3

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

6

7 1. The Legislature finds and declares that:

8 a. Bed bugs are small insects with flat bodies, antennae and
9 small eyes; adult bed bugs are oval, wingless and rusty-red in color
10 and are visible to the naked eye, and often hide in cracks and
11 crevices; in homes, bed bugs are commonly found in areas where
12 people sleep, concentrating in mattresses, box springs, and bed
13 frames; bed bugs feed primarily on the blood of humans, usually at
14 night when people are sleeping;

15 b. According to a joint statement issued by the United States
16 Centers for Disease Control and Prevention and the United States
17 Environmental Protection Agency, bed bugs have been common
18 throughout United States history; although bed bug populations
19 dropped dramatically during the mid-20th century, the United States
20 is one of many countries now experiencing an alarming resurgence
21 in the population of bed bugs, and public health agencies across the
22 country have been overwhelmed by complaints about bed bugs;

23 c. According to the Department of Health, in most cases, bed
24 bugs are transported from infested areas to non-infested areas when
25 they cling onto a person's clothing, or crawl into luggage, furniture,
26 or bedding that is then brought into the home; if a mattress is
27 contaminated with bed bugs, it is easy for bed bugs to spread to
28 non-contaminated items that are within close proximity;

29 d. Although bed bugs are not known to transmit disease, they
30 are considered to be an extreme nuisance to the general public and
31 can cause a variety of negative physical and mental health concerns
32 and economic consequences; and

33 e. To help curtail widespread infestation of bed bugs it is
34 necessary to take measures to prevent cross-contamination of bed
35 bugs from secondhand mattresses and box springs to other furniture
36 or bedding.

37

38 2. a. As used in this act, "mattress" means any quilted pad,
39 mattress, mattress pad, bunk quilt, or cushion stuffed or filled with
40 wool, hair or other soft material, except feathers, to be used on a
41 couch or other bed for sleeping or reclining purposes. "Box
42 springs" means a bed base, typically consisting of a sturdy wooden
43 frame covered in cloth and containing springs.

44 b. No secondhand mattress or box springs shall be transported,
45 stored, or sold in this State unless the secondhand mattress or box
46 springs has been encased in plastic, polyethylene film, or similar
47 material designed to prevent the transfer of insects or other

1 contaminants, by the person responsible for transporting the
2 secondhand mattress or box springs.

3 c. A person who violates the provisions of this act shall be
4 subject to a fine of not less than \$50 or more than \$1,000 for each
5 violation. A penalty for a violation of this act shall be sued for and
6 recovered in a summary proceeding before the municipal court that
7 has jurisdiction, by and in the name of the Department of Health or
8 by the local health agency for the municipality in which the
9 violation occurred, pursuant to the "Penalty Enforcement Law of
10 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

11 When the plaintiff is the Department of Health, the penalty
12 recovered shall be paid by the department to the State Treasurer.
13 When the plaintiff is a local health agency, the penalty recovered
14 shall be paid by the local health agency into the treasury of the
15 municipality in which the violation occurred.

16

17 3. This act shall take effect on the first day of the fourth month
18 following enactment.

19

20

21

STATEMENT

22

23 This bill requires persons who transport, store, or sell
24 secondhand mattresses to encase those mattresses with protective
25 materials in order to prevent cross-contamination of bed bugs from
26 secondhand mattresses to other furniture or bedding.

27 Bed bugs are commonly found in areas where people sleep,
28 concentrating in mattresses, box springs, and bed frames, and feed
29 primarily on the blood of humans, usually at night when people are
30 sleeping. Once virtually eliminated in this country, the United
31 States is now one of many countries experiencing an alarming
32 resurgence in the population of bed bugs.

33 According to the Department of Health, in most cases, bed bugs
34 are transported from infested areas to non-infested areas when they
35 cling onto a person's clothing, or crawl into luggage, furniture, or
36 bedding that is then brought into the home; if a mattress is
37 contaminated with bed bugs, it is easy for bed bugs to spread to
38 non-contaminated items that are within close proximity.

39 Under the bill, a person who violates the provisions of this bill
40 shall be subject to a fine of not less than \$50 or more than \$1,000
41 for each violation. A penalty for a violation of this bill shall be
42 sued for and recovered in a summary proceeding by Department of
43 Health or by the local health agency of the municipality in which
44 the violation occurred.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 2586, 2587, ASSEMBLY, Nos. 3217 and 3218**

STATE OF NEW JERSEY

DATED: FEBRUARY 9, 2015

The Senate Commerce Committee reports favorably a Senate Committee Substitute for Senate Bill Nos. 2586, 2587, Assembly Bill Nos. 3217 and 3218.

This substitute bill requires certain sanitary and protective procedures to be followed to prevent cross-contamination of bedbugs from used mattresses and box springs to other furniture or bedding.

Bedbugs are commonly found in areas where people sleep, concentrating in mattresses, box springs, and bed frames, and feed primarily on the blood of humans, usually at night when people are sleeping. Once virtually eliminated in this country, the United States is now one of many countries experiencing an alarming resurgence in the population of bedbugs.

According to the New Jersey Department of Health, in most cases, bedbugs are transported from infested areas to non-infested areas when they cling onto a person's clothing, or crawl into luggage, furniture, or bedding that is then brought into the home; if a mattress is contaminated with bedbugs, it is easy for bedbugs to spread to non-contaminated items that are within close proximity.

Under the bill, no person shall distribute, sell, donate, transport, store, or dispose of a used mattress or box spring unless that mattress or box spring is encased in plastic, polyethylene film, or similar material designed to prevent the transfer of insects or other contaminants.

The bill provides that no person shall sell a used mattress or box spring unless that mattress or box spring has been sterilized and disinfected using a method approved by the Commissioner of Health, in consultation with the Commissioner of Environmental Protection, that is intended to kill bedbugs, dust mites, and other insects, molds, fungi, germs or other organisms and to remove bedbug, dust mite and insect feces, soil, allergens and other contaminants.

The bill requires that labels for secondhand mattresses, which are required by current law, also include a certification that the secondhand mattress does not contain bedbugs. The bill requires labels for secondhand mattresses to be yellow, in order to alert consumers that the mattress is used.

The bill also provides for certain fines for violations of its provisions, which are in addition to the penalties already provided in chapter 10 of Title 26 of the Revised Statutes.

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 2586, 2587,
ASSEMBLY Nos. 2317 and 3218

with Senate Floor Amendments
(Proposed by Senators STACK and CUNNINGHAM)

ADOPTED: MARCH 16, 2015

These Assembly amendments provide that no person may sell, lease, offer to sell, lease or deliver, or consign in sale or lease, or possess with intent to sell, lease, deliver, or consign in sale or lease, a used mattress or box spring unless that mattress or box spring is encased in plastic, polyethylene film, or similar material designed to prevent the transfer of insects or other contaminants. The amendments delete “distribute, donate, transport, store and dispose of” from the list of actions which are not allowed unless a mattress is encased in the prescribed manner.

The amendments remove the penalty provisions of the current bill, which provide for a penalty of not less than \$50 nor more than \$1,000 for certain violations, and for a penalty of not more than \$1,000 for the first offense and not more than \$2,000 for the second and each subsequent offense for certain other violations. Instead, under current law, violations shall be subject to a penalty of not more than \$100 for each offense.

The amendments also remove the obligation of the Commissioner of Health to consult with the Commissioner of Environmental Protection when promulgating regulations, and make the Commissioner of Health’s promulgation of regulations under the bill optional.

SENATE, No. 2587

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED DECEMBER 8, 2014

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

SYNOPSIS

Requires certain sanitation procedures for mattresses and product labeling regarding such procedures.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning secondhand mattresses, amending R.S.26:10-12
2 and supplementing Title 26 of the Revised Statutes.

3

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

6

7 1. R.S.26:10-12 is amended to read as follows:

8 26:10-12. In addition to the requirements of **[section]**
9 **R.S.26:10-10 [of this title]**, every secondhand mattress and box
10 spring distributed in this State, either for sale or otherwise, shall
11 have printed on the label in the manner prescribed in **[said section]**
12 **R.S.26:10-10** the following:

- 13 a. Date of sterilization and disinfection.
14 b. Name of person performing same.
15 c. Address of person performing same.
16 d. A certification stating that the mattress and box spring does
17 not contain bedbugs.

18 (cf: R.S.26:10-12)

19

20 2. (New section) No person shall distribute in this State, either
21 for sale or otherwise, a secondhand mattress or box spring unless
22 that mattress or box spring has been sanitized using a method
23 approved by the Commissioner of the Department of Health that is
24 intended to kill bedbugs, dust mites, other insects, molds, fungi,
25 germs or other organisms and remove soil, dust mite and insect
26 feces, allergens and other contaminants.

27

28 3. (New section) Any person who violates any of the
29 provisions of this act shall, in addition to any other penalty
30 provided by chapter 10 of Title 26 of the Revised Statutes, be liable
31 to a penalty of not more than \$1,000 for the first offense and not
32 more than \$2,000 for the second and each subsequent offense.

33

34 4. (New section) The Commissioner of the Department of
35 Health shall promulgate regulations, pursuant to the
36 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
37 seq.), necessary to effectuate the provisions of this act.

38

39 5. This act shall take effect immediately.

40

41

42

STATEMENT

43

44 This bill provides that every secondhand mattress and box spring
45 distributed in this State, either for sale or otherwise, shall have a

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 certification printed on its label stating that the mattress or box
2 spring, as applicable, does not contain bedbugs.

3 The bill further provides that a person shall not distribute in this
4 State, either for sale or otherwise, a mattress or box spring unless
5 that bedding has been sanitized using a method approved by the
6 Commissioner of the Department of Health that is intended to kill
7 bedbugs, dust mites, other insects, molds, fungi, germs or other
8 organisms and remove soil, dust mite and insect feces, allergens and
9 other contaminants.

10 The bill further provides that a violation of the bill is punishable
11 by a penalty of not more than \$1,000 for the first offense and not
12 more than \$2,000 for the second and each subsequent offense, in
13 addition to other applicable penalties under current law.

14 This bill addresses the recent increase in bedbug infestation in
15 this State. Bedbugs were nearly eradicated from this country during
16 the period immediately following World War II. However, bedbug
17 cases have been on the rise recently in this country. The National
18 Pest Management Association reported a 71% increase in bedbug
19 calls between 2000 and 2005.

ASSEMBLY, No. 3218

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MAY 15, 2014

Sponsored by:
Assemblyman RAJ MUKHERJI
District 33 (Hudson)

SYNOPSIS

Requires persons who transport, store, or sell secondhand mattresses to encase mattresses with protective materials.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning secondhand mattresses and supplementing Title
2 26 of the Revised Statutes.

3

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

6

7 1. The Legislature finds and declares that:

8 a. Bed bugs are small insects with flat bodies, antennae and
9 small eyes; adult bed bugs are oval, wingless and rusty-red in color
10 and are visible to the naked eye, and often hide in cracks and
11 crevices; in homes, bed bugs are commonly found in areas where
12 people sleep, concentrating in mattresses, box springs, and bed
13 frames; bed bugs feed primarily on the blood of humans, usually at
14 night when people are sleeping;

15 b. According to a joint statement issued by the United States
16 Centers for Disease Control and Prevention and the United States
17 Environmental Protection Agency, bed bugs have been common
18 throughout United States history; although bed bug populations
19 dropped dramatically during the mid-20th century, the United States
20 is one of many countries now experiencing an alarming resurgence
21 in the population of bed bugs, and public health agencies across the
22 country have been overwhelmed by complaints about bed bugs;

23 c. According to the Department of Health, in most cases, bed
24 bugs are transported from infested areas to non-infested areas when
25 they cling onto a person's clothing, or crawl into luggage, furniture,
26 or bedding that is then brought into the home; if a mattress is
27 contaminated with bed bugs, it is easy for bed bugs to spread to
28 non-contaminated items that are within close proximity;

29 d. Although bed bugs are not known to transmit disease, they
30 are considered to be an extreme nuisance to the general public and
31 can cause a variety of negative physical and mental health concerns
32 and economic consequences; and

33 e. To help curtail widespread infestation of bed bugs it is
34 necessary to take measures to prevent cross-contamination of bed
35 bugs from secondhand mattresses to other furniture or bedding.

36

37 2. a. As used in this act, "mattress" means any quilted pad,
38 mattress, mattress pad, bunk quilt, or cushion stuffed or filled with
39 wool, hair or other soft material, except feathers, to be used on a
40 couch or other bed for sleeping or reclining purposes.

41 b. No secondhand mattress shall be transported, stored, or sold
42 in this State unless the secondhand mattress has been encased in
43 plastic, polyethylene film, or similar material designed to prevent
44 the transfer of insects or other contaminants, by the person
45 responsible for transporting the secondhand mattress.

46 c. A person who violates the provisions of this act shall be
47 subject to a fine of not less than \$50 or more than \$1,000 for each
48 violation. A penalty for a violation of this act shall be sued for and

1 recovered in a summary proceeding before the municipal court that
2 has jurisdiction, by and in the name of the Department of Health or
3 by the local health agency for the municipality in which the
4 violation occurred, pursuant to the "Penalty Enforcement Law of
5 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

6 When the plaintiff is the Department of Health, the penalty
7 recovered shall be paid by the department to the State Treasurer.
8 When the plaintiff is a local health agency, the penalty recovered
9 shall be paid by the local health agency into the treasury of the
10 municipality in which the violation occurred.

11

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

14

15

16

STATEMENT

17

18 This bill requires persons who transport, store, or sell
19 secondhand mattresses to encase those mattresses with protective
20 materials in order to prevent cross-contamination of bed bugs from
21 secondhand mattresses to other furniture or bedding.

22 Bed bugs are commonly found in areas where people sleep,
23 concentrating in mattresses, box springs, and bed frames, and feed
24 primarily on the blood of humans, usually at night when people are
25 sleeping. Once virtually eliminated in this country, the United
26 States is now one of many countries experiencing an alarming
27 resurgence in the population of bed bugs.

28 According to the Department of Health, in most cases, bed bugs
29 are transported from infested areas to non-infested areas when they
30 cling onto a person's clothing, or crawl into luggage, furniture, or
31 bedding that is then brought into the home; if a mattress is
32 contaminated with bed bugs, it is easy for bed bugs to spread to
33 non-contaminated items that are within close proximity.

34 Under the bill, a person who violates the provisions of this bill
35 shall be subject to a fine of not less than \$50 or more than \$1,000
36 for each violation. A penalty for a violation of this bill shall be
37 sued for and recovered in a summary proceeding by Department of
38 Health or by the local health agency of the municipality in which
39 the violation occurred.

ASSEMBLY HOUSING AND COMMUNITY DEVELOPMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3218

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 2, 2014

The Assembly Housing and Community Development Committee reports favorably Assembly Bill No. 3218 with committee amendments.

As amended by the committee, this bill requires persons who transport, store, or sell secondhand mattresses to encase those mattresses with protective materials in order to prevent cross-contamination of bed bugs from secondhand mattresses to other furniture or bedding.

Bed bugs are commonly found in areas where people sleep, concentrating in mattresses, box springs, and bed frames, and feed primarily on the blood of humans, usually at night when people are sleeping. Once virtually eliminated in this country, the United States is now one of many countries experiencing an alarming resurgence in the population of bed bugs.

According to the Department of Health, in most cases, bed bugs are transported from infested areas to non-infested areas when they cling onto a person's clothing, or crawl into luggage, furniture, or bedding that is then brought into the home; if a mattress is contaminated with bed bugs, it is easy for bed bugs to spread to non-contaminated items that are within close proximity.

As amended by the committee, under the bill, a person who violates the provisions of this bill shall be subject to a fine of not less than \$50 or more than \$1,000 for each violation. A penalty for a violation of this bill shall be sued for and recovered in a summary proceeding by Department of Health or by the local health agency of the municipality in which the violation occurred.

COMMITTEE AMENDMENTS

The committee amendments to the bill would make the requirements under the bill applicable to secondhand box springs in addition to mattresses.

ASSEMBLY, No. 3217

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED MAY 15, 2014

Sponsored by:
Assemblyman RAJ MUKHERJI
District 33 (Hudson)

SYNOPSIS

Requires certain sanitation procedures for mattresses and product labeling regarding such procedures.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning secondhand mattresses, amending R.S.26:10-12
2 and supplementing Title 26 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. R.S.26:10-12 is amended to read as follows:

8 26:10-12. In addition to the requirements of **[section]**
9 **R.S.26:10-10 [of this title]**, every secondhand mattress distributed
10 in this State, either for sale or otherwise, shall have printed on the
11 label in the manner prescribed in **[said section]** **R.S.26:10-10** the
12 following:

- 13 a. Date of sterilization and disinfection.
14 b. Name of person performing same.
15 c. Address of person performing same.
16 d. A certification stating that the mattress does not contain
17 bedbugs.

18 (cf: R.S.26:10-12)

19
20 2. (New section) No person shall distribute in this State, either
21 for sale or otherwise, a secondhand mattress unless that mattress
22 has been sanitized using a method approved by the Commissioner
23 of the Department of Health that is intended to kill bedbugs, dust
24 mites, other insects, molds, fungi, germs or other organisms and
25 remove soil, dust mite and insect feces, allergens and other
26 contaminants.

27
28 3. (New section) Any person who violates any of the
29 provisions of this act shall, in addition to any other penalty
30 provided by chapter 10 of Title 26 of the Revised Statutes, be liable
31 to a penalty of not more than \$1,000 for the first offense and not
32 more than \$2,000 for the second and each subsequent offense.

33
34 4. (New section) The Commissioner of the Department of
35 Health shall promulgate regulations, pursuant to the
36 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
37 seq.), necessary to effectuate the provisions of this act.

38
39 5. This act shall take effect immediately.

40
41

42 STATEMENT

43
44 This bill provides that every secondhand mattress distributed in
45 this State, either for sale or otherwise, shall have a certification

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.

A3217 MUKHERJI

1 printed on its label stating that the mattress does not contain
2 bedbugs.

3 The bill further provides that a person shall not distribute in this
4 State, either for sale or otherwise, a mattress unless that mattress
5 has been sanitized using a method approved by the Commissioner
6 of the Department of Health that is intended to kill bedbugs, dust
7 mites, other insects, molds, fungi, germs or other organisms and
8 remove soil, dust mite and insect feces, allergens and other
9 contaminants.

10 The bill further provides that a violation of the bill is punishable
11 by a penalty of not more than \$1,000 for the first offense and not
12 more than \$2,000 for the second and each subsequent offense, in
13 addition to other applicable penalties under current law.

14 This bill addresses the recent increase in bedbug infestation in
15 this State. Bedbugs were nearly eradicated from this country during
16 the period immediately following World War II. However, bedbug
17 cases have been on the rise recently in this country. The National
18 Pest Management Association reported a 71% increase in bedbug
19 calls between 2000 and 2005.

ASSEMBLY HOUSING AND COMMUNITY DEVELOPMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3217

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 2, 2014

The Assembly Housing and Community Development Committee reports favorably Assembly Bill No. 3217 with committee amendments.

As amended by the committee, this bill provides that every secondhand mattress and box springs distributed in this State, either for sale or otherwise, shall have a certification printed on its label stating that the mattress or box springs, as applicable, does not contain bedbugs.

As amended by the committee, the bill further provides that a person shall not distribute in this State, either for sale or otherwise, a mattress or box springs unless that bedding has been sanitized using a method approved by the Commissioner of the Department of Health that is intended to kill bedbugs, dust mites, other insects, molds, fungi, germs or other organisms and remove soil, dust mite and insect feces, allergens and other contaminants.

As amended by the committee, the bill further provides that a violation of the bill is punishable by a penalty of not more than \$1,000 for the first offense and not more than \$2,000 for the second and each subsequent offense, in addition to other applicable penalties under current law.

As amended by the committee, this bill addresses the recent increase in bedbug infestation in this State. Bedbugs were nearly eradicated from this country during the period immediately following World War II. However, bedbug cases have been on the rise recently in this country. The National Pest Management Association reported a 71% increase in bedbug calls between 2000 and 2005.

COMMITTEE AMENDMENTS

The committee amendments to the bill would make the requirements under the bill applicable to secondhand box springs in addition to mattresses.

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Governor Christie Takes Action On Pending Legislation

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Trenton, NJ – Governor Chris Christie today took action on legislation, including a bill aimed at helping inmates who were victims of domestic violence and a second bill designed to help non-violent drug offenders reclaim their lives by streamlining the process for expungement of their criminal records.

The Governor suggested minor changes to strengthen Senate Bill No. 995, which seeks to help domestic violence victims who have been convicted of crimes against their abusers by establishing a community reentry program to assist victim-offenders assimilate into society upon release from custody and prevent further victimization.

Governor Christie conditionally vetoed the bill, proposing that the program be established solely in the Department of Corrections.

"The goal of this bill is commendable and I sincerely support its objective," Governor Christie said. "Domestic violence is tragic, and victims deserve support and counseling. However, the bill conflates the statutory and regulatory responsibilities of the Department of Corrections and the State Parole Board, combining the agencies' separate residential program functions. Accordingly, I suggest minor amendments, in accordance with the intent of the legislation to establish this program within the Department of Corrections, consistent with its existing reintegration programming and tailored to the specific needs of this limited inmate population."

The bill as written also called for an automatic early release program for this specific subset of inmates upon successful completion of the reentry program, an element of the bill that Governor Christie does not support.

"I cannot support the creation of early release programs because they would begin to chisel away at the long-standing function of the State Parole Board," Governor Christie said. "For decades, the State Parole Board has faithfully fulfilled its charge to carefully review and consider the underlying facts and circumstances of each applicant for parole. While I continue to encourage the Legislature to explore reforms that will create efficiencies in State government, I remain grounded in my belief that the review of parole applications is best accomplished through the reasoned, compassionate, experienced and individualized judgment of the State Parole Board and not through an automatic process based upon one factor."

Governor Christie similarly took action to strengthen the Assembly Committee Substitute for Assembly Bills Nos. 206, 471, 1663, 2879, 3060 and 3108, and urged quick approval from the Legislature.

The bill proposes to allow those who have successfully completed the Drug Court program to expunge the related criminal charges, and it further aims to make the expungement process more efficient.

Seeking to balance the needs of non-violent ex-offenders with public safety, Governor Christie conditionally vetoed the bill, retaining the current waiting period for expungements for indictable offenses, currently 10 years, or five years if a court determines that expungement is in the public's interest.

"While I support breaking down barriers to employment and education for non-violent ex-offenders, I cannot endorse a bill that compromises public safety," Governor Christie said. "As written, this bill would cut in half the presumptive waiting period to expunge indictable offenses, often felonies, from ten years to five years, and eliminate an important safeguard which allows a judge to consider whether granting an expungement is in the public's interest. The current public interest exception to the presumptive waiting period is an effective and efficient way to help ex-offenders combat the collateral consequences of their offense, while also ensuring that public safety is not compromised."

Governor Christie further suggested retaining the five-year waiting period for disorderly persons offenses, while adopting the bill's provision to lower this waiting period to three years, if a court determines that expungement is in the public interest.

The Governor also took the following action on other pending legislation:

BILL SIGNINGS:

S-475/A-3223 (Madden, Sweeney/Mosquera, Webber, Moriarty, Mukherji, Garcia, Munoz, Lampitt) - Requires certain information regarding Down syndrome be provided to certain parents and families

S-650 (Doherty, Beach/DiMaio, Andrzejczak, Peterson, DeAngelo) - Designates State Route 173 between Clinton and Phillipsburg as "173rd Airborne Brigade Highway"

S-835/A-1972 (Bateman/Garcia, Danielson) - Enhances penalties for false incrimination and making fictitious reports

S-939/A-2913 (Bateman, A.R. Bucco/Caride, Dancer, A.M. Bucco) - Designates Black Swallowtail butterfly as State Butterfly

S-1940/A-2893 (Oroho, Van Drew/Burzichelli, Space) - Exempts board of education and local government payments to entities under BPU jurisdiction from certain certification requirements

S-2145/A-631 (Van Drew, Madden/Moriarty, Burzichelli, Tucker, DeAngelo, Danielson, Mukherji) - Authorizes hiring preference for veterans in non-civil service jurisdictions

S-2301/A-3522 (Greenstein, Stack/Stender, Mukherji, Lagana, Diegnan) - Regulates pharmacy benefits managers and requires certain disclosures concerning multiple source generic drug pricing

S-2432/A-4720 (Madden/Moriarty, Mosquera) - Requires notification of member or retiree of State-administered retirement system under certain circumstances when member or retiree requests change in beneficiary for group life insurance

S-2453/A-3805 (Weinberg, Allen/Burzichelli, Singleton) - Requires earlier mandatory polling hours for school elections; requires discretionary additional polling hours be consistent with current primary and general elections

S-2523/A-3917 (Gill, Greenstein, Benson/DeAngelo, Johnson) - Permits municipalities and municipal parking authorities to create Senior Citizen Priority Parking Program

SCS for S-2586, 2587, A-3217, and 3218 (Stack, Cunningham, Mukherji, Pintor Marin, Garcia) - Requires certain sanitary and protective procedures for used mattresses

SCS for S-2668/A-4270 (Beach, Madden/Lampitt, Vainieri Huttle, Benson, Spencer, Wimberly, Mosquera) - Establishes "MVP Emergency Alert System" for missing persons with mental, intellectual, or developmental disabilities

SS for S-2770/AS for A-3956 (Sweeney, Addiego/Lampitt, Greenwald, Vainieri Huttle, Benson, Mazzeo) - Authorizes establishment of Achieving a Better Life Experience accounts for persons with certain disabilities

S-2940/A-4531 (Singer, Sweeney/Spencer, Benson, Casagrande, Muoio) - Creates new criminal offenses concerning endangering another person; repeals N.J.S.2C:12-2 and N.J.S.2C:24-7

S-2961/A-4188 (Codey, Vitale/Garcia, Lagana, Taliaferro, Vainieri Huttle, Danielsens, Holley, Benson, Jimenez) - Clarifies that Alzheimer's disease and related disorders may be listed as secondary cause of death on death certificate when appropriate

S-2978/A-4194 (Van Drew, Oroho/Burzichelli, Spencer, Rumana, Webber, Benson) - Authorizes mobile electronic waste destruction units to operate without DEP permit

S-3004/A-4685 (Cunningham, Van Drew/Andrzejczak, Johnson, Muoio, Wimberly) - Permits municipality with UEZ to participate in Downtown Business Improvements Zone Loan Fund

S-3076/A-4621 (Weinberg, Bateman/Johnson, Caride) - Increases maximum legal fee to represent victims from \$1,000 to \$3,000

S-3110/A-4617 (Scutari/Johnson, Webber) - Permits certain health clubs to offer swimming lessons and otherwise remain exempt from first aid personnel and lifeguarding requirements

S-3117/A-4781 (Gordon, Bateman, Sweeney, T. Kean/Vainieri Huttle, Eustace, Gusciora, Lampitt, Angelini, Moriarty) - Prohibits Division of Developmental Disabilities from compelling transfers of individuals with developmental disabilities from out-of-State to in-State facilities unless certain exceptions apply

S-3220/A-4790 (Sweeney, O'Toole, Vitale/Greenwald, Conaway, Vainieri Huttle, Handlin, Garcia) - Establishes a process to integrate certain health data and other data from publicly supported programs for population health research

S-3232/A-4834 (Sarlo, Oroho/Lagana, Burzichelli, Schaer, DeAngelo, Phoebus) - Allows businesses due to receive grant under Business Employment Incentive Program to receive tax credit instead of grant

S-3270/A-4705 (Gill, Bateman/Schaer, Coughlin, Lagana, S. Kean, Ciattarelli) - "Certificates of Insurance Act;" governs use of certificates of insurance; provides DOBI with enforcement authority

SJR-81/AJR-122 (Barnes/Vainieri Huttle, Schaer, Lampitt) - Condemns Boycott, Divestment, and Sanctions movement against Israel

A-308/S-2203 (Russo, Rumana/O'Toole, Smith) - Prohibits escrow agent evaluation services from charging escrow agents fees

A-1098/S-671 (Vainieri Huttle, Eustace, Diegnan, Giblin/Pou, Sarlo, Weinberg) - Requires DHS and DMVA to conduct or contract for follow-up studies of former residents transitioning to community from their facilities

A-1355/S-2963 (Stender, Lampitt, Holley, Moriarty/T. Kean, Vitale) - Requires DOH to provide information about crib safety on its Internet website

A-1783/S-2020 (McKeon, Rible, Sumter, Moriarty/Vitale, Cunningham) - "Art Therapist Licensing Act"

A-2023/S-2675 (Greenwald, Benson/Cruz-Perez) - Revises definition of "responsible charge" as it pertains to licensed professional engineers and licensed architects

A-2229 (Wisniewski, Diegnan) - Concerns contracts for asphalt work under the "Local Public Contracts Law"

A-2301/S-1481 (Andrzejczak/Van Drew) - Designates certain interchanges of Garden State Parkway in honor of Melvin M. Loftus and Christopher Meyer

A-3052/S-1090 (Mazzeo, Pinkin, Mukherji, Wimberly/A.R. Bucco, Whelan) - Concerns property taxes due and owing on real property damaged or destroyed during, or as the result of, a natural disaster when a state of emergency is declared by the Governor

A-3246/S-3069 (Dancer, Burzichelli, Vainieri Huttle/Oroho, Sarlo) - Requires timeframe of standardbred mare residing in New Jersey breeding farm be inclusive of foaling instead of between foal's conception and birth

A-3293/S-2146 (Mazzeo, Andrzejczak, Pinkin, Webber, Simon, Mukherji/Van Drew, Doherty) - Allows military personnel and veterans to present certain identifying documents in lieu of municipal beach tags to gain admission to certain beaches

A-3331/S-3111 (Benson, Rodriguez-Gregg, Coughlin/Gill, Beach) - Requires health benefits coverage for synchronization of prescribed medications under certain circumstances

A-3390/S-2309 (Coughlin, Pinkin, Webber, Diegnan/Vitale) - Permits transmittal of certain land use documents via email

A-3395/S-2294 (Wisniewski/Sacco) - Allows insurer to obtain certificates of ownership or salvage certificates of title for motor vehicles under certain circumstances

A-3499/S-2256 (Andrzejczak, Mazzeo, Johnson, Pinkin, DeAngelo/Van Drew) - Requires DMVA to encourage and facilitate returning service members' registration with VA

A-3507/S-2677 (Eustace, Webber, Munoz, Schepisi, Rumana/Gordon, Sarlo) - Amends law concerning county and municipal stream cleaning activities

A-3749/S-2568 (Lampitt, Mazzeo, Andrzejczak, Mukherji, Pinkin/Beach, Allen) - Establishes program to provide assistance to qualified veterans in in-patient and out-patient treatment programs to travel to medical counseling in State

A-3849/SCS for S-2466 (DeAngelo, Eustace, Mazzeo, Pintor Marin, Benson/Turner, Singer) - Requires BPU to provide links to pricing information to customers from electric and gas public utilities, and third-party electric power and gas suppliers

A-3950/S-2832 (Prieto, Jimenez, Quijano/Greenstein, Turner) - Permits correctional facilities to utilize body imaging scanning equipment

A-4079/S-2819 (Eustace, Andrzejczak, Taliaferro, Benson, Dancer/Van Drew, Beach) - Directs Department of Agriculture to publish on its website "New Jersey Gleaning Week" and "Farmers Against Hunger Day" page

A-4094/S-2884 (Conaway, Singleton, Wimberly, Lampitt, Benson/Whelan, Madden) - Permits administration of epinephrine auto-injector device by persons who complete approved educational program

A-4438/S-3202 (Mukherji, Burzichelli/Scutari, Madden) - Raises maximum workers' compensation fees for evaluating physicians

A-4518/S-3010 (Schaer, Eustace, Benson, Pintor Marin/Sarlo) - Modifies and clarifies provisions of certain economic incentive programs

AJR-57/SJR-42 (Space/Oroho) - Designates April of each year as "Sarcoidosis Awareness Month"

AJR-93/SJR-73 (Eustace, Andrzejczak, Taliaferro, Benson/Van Drew, Beach) - Designates third week of September as "New Jersey Gleaning Week"

AJR-94/SJR-74 (Eustace, Andrzejczak, Taliaferro, Benson/Van Drew, Beach) - Designates Wednesday of third week of September as "Farmers Against Hunger Day"

AJR-100/SJR-70 (Andrzejczak, Tucker, DeAngelo, Mazzeo/Van Drew, Whelan) - Designates first week in August of each year as "Coast Guard Week" and honors Cape May as U.S. Coast Guard's enlisted accession point and recruit training center

BILLS VETOED:

S-264/A-1347 (Greenstein, Cunningham/Stender, Egan, O'Donnell, Wimberly) – **ABSOLUTE** - "Thomas P. Canzanella Twenty First Century First Responders Protection Act"; concerns workers compensation for public safety workers

S-374/A-3403 (Scutari, Beck/Rible, DeAngelo, Mukherji) - **ABSOLUTE** - Concerns attorney fees for workers' compensation awards

SCS for S-779, 1952/ACS for A-2474 (Weinberg, Sarlo, Lesniak/Johnson, Garcia, Vainieri Huttie, Lagana, Mukherji, Moriarty) - **ABSOLUTE** - "Garden State Film and Digital Media Jobs Act" expands existing film and digital media production tax credit programs

S-995/A-1677 (Weinberg, Allen/Johnson, Vainieri Huttie, Lampitt, Mosquera) – **CONDITIONAL** - Establishes in DOC, supervised community reintegration program for certain victims of domestic abuse

S-1346/A-3837 (Rice/Coughlin, Garcia, Rodriguez-Gregg, Pintor Marin, Jasey) - **CONDITIONAL** - Concerns the recording of mortgages

S-2260/A-688 (Scutari, Cardinale/Schaer) - **CONDITIONAL** - Modifies certain fees charged by, and requirements imposed on, check casher licensees

S-2524/A-4067 (Gill, Allen/Lagana, Singleton, Moriarty) - **CONDITIONAL** - The "Municipal Volunteer Property Tax Reduction Act"; permits certain municipal property owners to perform volunteer services in return for property tax vouchers

S-2577/ACS for A-4139 (Stack, Schaer/Mazzeo, Andrzejczak, Mukherji, Quijano) - **CONDITIONAL** - Establishes temporary mortgage relief programs for certain owners of real property impacted by "Superstorm Sandy"

S-2867/A-4248 (Ruiz, Pou/Jasey, Sumter, Vainieri Huttie, Green, Holley, Wimberly) - **ABSOLUTE** - Permits municipal land banking in conjunction with online property database development

S-3024/A-4463 (Scutari/Giblin, Diegnan, Jimenez, Caputo, Vainieri Huttie) – **CONDITIONAL** - Revises laws concerning real estate licensees

S-3282/A-4850 (Rice, Cunningham/Wimberly, Mainor, Johnson) - **CONDITIONAL** - Expands Police Training Commission membership to include representative from Northern New Jersey and South Jersey Chapters of National Organization of Black Law Enforcement Executives

ACS for A-206, 471, 1663, 2879, 3060, and 3108/S-2663 (Green, Spencer, Gusciora, Johnson, McKeon, Giblin, Wimberly, Mainor, Quijano/Turner, Lesniak, Pou) - **CONDITIONAL** - Shortens waiting periods for expungement of criminal and other records and information; makes various changes to other expungement procedures and requirements

A-3257/S-2125 (Andrzejczak, Mazzeo, Burzichelli/Van Drew) - **CONDITIONAL** - Provides that determination by county agriculture development board or State Agriculture Development Committee as to what qualifies as farm-based recreational activity in pinelands protection area is binding on Pinelands Commission

A-4103/S-2840 (Mazzeo, Andrzejczak, Giblin/Allen, Whelan) - **ABSOLUTE** - Creates workforce training program for former casino workers

A-4233/S-2435 (Jasey, McKeon, Vainieri Huttie, Mukherji, Lampitt/Codey, Vitale) - **ABSOLUTE** - Provides Medicaid coverage for advance care planning

A-4275/S2831 (Prieto, Eustace, Lagana, Greewald, Quijano, Daniels, Mukherji/Sweeney, Turner, Sarlo) – **CONDITIONAL** - "New Jersey Secure Choice Savings Program Act"; establishes retirement savings program for certain workers

A-4326/S-2942 (Schaer, Lagana, Eustace, Prieto/Gordon, Barnes) - **ABSOLUTE** - Reforms annual State revenue estimating and reporting, and executive State budget presentation and revenue certification processes

A-4386/S-3042 (Coughlin, Pinkin/Vitale, Singer) - **CONDITIONAL** - Permits candidates for school board to circulate petitions jointly and be bracketed together on ballot; permits short nonpolitical designation of principles on petitions and ballots; provides for study of impact of changes

A-4638/S-3118 (Vainieri Huttie, Singleton, Holley, Mosquera, Tucker, Benson/Sweeney, Madden) - **ABSOLUTE** - Requires DCPD to implement policies and procedures to ensure caseworker safety; "Leah's Law"

A-4703/S-3172 (Spencer, Tucker, Pintor Marin, Egan, Muoio, Gusciora/Rice, Smith) - **ABSOLUTE** - Increases tax credit cap by \$165 million for certain qualified residential projects under Economic Redevelopment and Growth Grant program and restricts increase to certain projects

###

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