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P.L.2015, CHAPTER 192, *approved January 11, 2016*
Senate, No. 3117

1 AN ACT concerning individuals with developmental disabilities and
2 supplementing Title 30 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 Division of Developmental Disabilities, except as
8 provided in section 2 of this act, shall not transfer, or otherwise
9 compel the transfer of, an individual with a developmental
10 disability who is currently residing in an out-of-State placement to a
11 residential placement in this State, if the individual or the guardian
12 of the individual objects to such transfer in writing.

13

14 2. The provisions of section 1 of this act shall not apply if:

15 a. The United States Department of Justice, the Centers for
16 Medicare & Medicaid Services, or a federally-designated state
17 protection and advocacy organization has deemed the out-of-State
18 placement facility unsafe for individuals with developmental
19 disabilities residing in the facility.

20 b. The individual does not continue to be served by the same
21 out-of-State provider after the effective date of this act as the out-
22 of-State provider who served the individual prior to the effective
23 date of this act; provided, however, that this subsection shall not
24 apply if:

25 (1) the change of provider is due solely to corporate or other
26 organizational restructuring; or

27 (2) the division is unable to provide the individual with
28 equivalent necessary services and supports in-State as the individual
29 received out-of-State and such services and supports are available at
30 another out-of-State provider;

31 c. The individual or the guardian of the individual, as
32 applicable, is not in compliance with the provisions of State
33 regulations at N.J.A.C.10:46D-1.1 et seq., concerning contribution
34 to care and maintenance requirements, within 90 days of the
35 effective date of this act, or the individual or guardian fails to
36 continue to comply with these regulations for the duration of the
37 out-of-State care of the individual; provided, however, that:

38 (1) the division shall provide a payment schedule with
39 reasonable minimum payments to each non-compliant individual or
40 guardian within 60 days of the effective date of this act; and

1 (2) if the individual or guardian agrees in writing to the payment
2 schedule, compliance within 90 days of the effective date of this act
3 shall be presumed;

4 d. The individual is not enrolled in, or has not applied for
5 enrollment in, the State Medicaid program, established pursuant to
6 P.L.1968, c.413 (C.30:4D-1 et seq.), within 90 days of the effective
7 date of this act; or

8 e. The out-of-State provider fails to transmit to the division
9 written reports of life safety oversight and copies of all relevant
10 incident reports required by the law. The division shall provide
11 notice to providers if the reporting requirements change. In the
12 event a provider fails to transmit any relevant required report, the
13 division shall give notice to the provider of the deficiency and the
14 provider shall have 30 days from the date of the notice to cure the
15 deficiency.

16
17 3. Nothing in this act shall alleviate the obligations of the
18 department under section 9 of P.L.1977, c.82 (C.30:6D-9) or section
19 9 of P.L.1983, c.524 (C.30:6D-21).

20
21 4. This act shall take effect immediately.

22 23 24 STATEMENT

25
26 This bill provides that, except as provided below, the Division of
27 Developmental Disabilities (DDD) in the Department of Human
28 Services (DHS) is not to transfer, or otherwise compel the transfer
29 of, an individual with a developmental disability who is currently
30 residing in an out-of-State placement to a residential placement in
31 this State, if the individual or the individual's guardian objects to
32 such transfer in writing.

33 The above provision would not apply under the following
34 conditions:

35 1) the United States Department of Justice, the Centers for
36 Medicare & Medicaid Services, or a federally-designated state
37 protection and advocacy organization has deemed the out-of-State
38 placement facility unsafe for individuals with developmental
39 disabilities residing in the facility;

40 2) the individual does not continue to be served by the same
41 out-of-State provider after the bill's effective date as the out-of-
42 State provider who served the individual prior to the effective date;
43 provided, however, that this provision would not apply if the
44 change is due solely to corporate or other organizational
45 restructuring; or DDD is unable to provide the individual with
46 equivalent necessary services and supports in-State as out-of-State
47 and the services and supports are available at another out-of-State
48 provider;

1 3) The individual or the individual's guardian is not in
2 compliance with the provisions of State regulations concerning
3 contribution to care and maintenance requirements within 90 days
4 of the effective date, or the individual or guardian fails to continue
5 to comply with these regulations for the duration of the out-of-State
6 care of the individual. However, the division is required to provide
7 a payment schedule with reasonable minimum payments to each
8 non-compliant individual or guardian within 60 days of the
9 effective date and, if the individual or guardian agrees in writing to
10 the payment schedule, compliance within 90 days is to be
11 presumed;

12 4) The individual is not enrolled in, or has not applied for
13 enrollment in, the State Medicaid program within 90 days of the
14 effective date; or

15 5) The out-of-State provider fails to transmit to DDD written
16 reports of life safety oversight and copies of all relevant incident
17 reports required by the law. DDD is to provide notice to providers
18 if the reporting requirements change. In the event a provider fails
19 to transmit any relevant required report, DDD is to give notice to
20 the provider of the deficiency and the provider has 30 days to cure
21 the deficiency.

22 Lastly, the bill provides that nothing in the bill is to alleviate the
23 obligations of DHS under the following two sections of law: 1)
24 section 9 of P.L.1977, c.82 (C.30:6D-9), which concerns a
25 requirement for services for individuals with developmental
26 disabilities to be designed to maximize developmental potential and
27 be provided humanely and in full recognition and respect for the
28 dignity and rights of each person receiving such services, and in a
29 least restrictive setting; and 2) section 9 of P.L.1983, c.524
30 (C.30:6D-21), which provides both that a transfer is to be made
31 only when consistent with the best interests of the individual with a
32 developmental disability, and that DHS is to ensure that if an
33 individual fails to adjust to life in a community residential facility,
34 the individual may return to the facility from which he was
35 transferred or to a more suitable community residential facility.

36

37

38

39

40 Prohibits Division of Developmental Disabilities from
41 compelling transfers of individuals with developmental disabilities
42 from out-of-State to in-State facilities unless certain exceptions
43 apply.

SENATE, No. 3117

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JULY 23, 2015

Sponsored by:

Senator ROBERT M. GORDON

District 38 (Bergen and Passaic)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman TIM EUSTACE

District 38 (Bergen and Passaic)

Assemblyman REED GUSCIORA

District 15 (Hunterdon and Mercer)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblywoman MARY PAT ANGELINI

District 11 (Monmouth)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Co-Sponsored by:

Senators Addiego, Allen, Beck, A.R.Bucco, Cardinale, Connors, Cruz-Perez, Doherty, Holzapfel, Kyrillos, Oroho, O'Toole, Pennacchio, Singer, Thompson, Weinberg, Assemblywoman Muoio, Assemblyman Taliaferro, Assemblywoman Mosquera, Assemblyman Benson, Assemblywoman Jasey, Assemblyman Space, Assemblywomen Phoebus, Spencer, Pintor Marin, Assemblymen Rumana and Diegnan

SYNOPSIS

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.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 12/4/2015)

1 AN ACT concerning individuals with developmental disabilities and
2 supplementing Title 30 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 Division of Developmental Disabilities, except as
8 provided in section 2 of this act, shall not transfer, or otherwise
9 compel the transfer of, an individual with a developmental
10 disability who is currently residing in an out-of-State placement to a
11 residential placement in this State, if the individual or the guardian
12 of the individual objects to such transfer in writing.

13

14 2. The provisions of section 1 of this act shall not apply if:

15 a. The United States Department of Justice, the Centers for
16 Medicare & Medicaid Services, or a federally-designated state
17 protection and advocacy organization has deemed the out-of-State
18 placement facility unsafe for individuals with developmental
19 disabilities residing in the facility.

20 b. The individual does not continue to be served by the same
21 out-of-State provider after the effective date of this act as the out-
22 of-State provider who served the individual prior to the effective
23 date of this act; provided, however, that this subsection shall not
24 apply if:

25 (1) the change of provider is due solely to corporate or other
26 organizational restructuring; or

27 (2) the division is unable to provide the individual with
28 equivalent necessary services and supports in-State as the individual
29 received out-of-State and such services and supports are available at
30 another out-of-State provider;

31 c. The individual or the guardian of the individual, as
32 applicable, is not in compliance with the provisions of State
33 regulations at N.J.A.C.10:46D-1.1 et seq., concerning contribution
34 to care and maintenance requirements, within 90 days of the
35 effective date of this act, or the individual or guardian fails to
36 continue to comply with these regulations for the duration of the
37 out-of-State care of the individual; provided, however, that:

38 (1) the division shall provide a payment schedule with
39 reasonable minimum payments to each non-compliant individual or
40 guardian within 60 days of the effective date of this act; and

41 (2) if the individual or guardian agrees in writing to the payment
42 schedule, compliance within 90 days of the effective date of this act
43 shall be presumed;

44 d. The individual is not enrolled in, or has not applied for
45 enrollment in, the State Medicaid program, established pursuant to
46 P.L.1968, c.413 (C.30:4D-1 et seq.), within 90 days of the effective
47 date of this act; or

1 e. The out-of-State provider fails to transmit to the division
2 written reports of life safety oversight and copies of all relevant
3 incident reports required by the law. The division shall provide
4 notice to providers if the reporting requirements change. In the
5 event a provider fails to transmit any relevant required report, the
6 division shall give notice to the provider of the deficiency and the
7 provider shall have 30 days from the date of the notice to cure the
8 deficiency.

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10 3. Nothing in this act shall alleviate the obligations of the
11 department under section 9 of P.L.1977, c.82 (C.30:6D-9) or section
12 9 of P.L.1983, c.524 (C.30:6D-21).

13
14 4. This act shall take effect immediately.
15
16

17 STATEMENT
18

19 This bill provides that, except as provided below, the Division of
20 Developmental Disabilities (DDD) in the Department of Human
21 Services (DHS) is not to transfer, or otherwise compel the transfer
22 of, an individual with a developmental disability who is currently
23 residing in an out-of-State placement to a residential placement in
24 this State, if the individual or the individual's guardian objects to
25 such transfer in writing.

26 The above provision would not apply under the following
27 conditions:

28 1) the United States Department of Justice, the Centers for
29 Medicare & Medicaid Services, or a federally-designated state
30 protection and advocacy organization has deemed the out-of-State
31 placement facility unsafe for individuals with developmental
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35 provider who served the individual prior to the effective date;
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38 restructuring; or DDD is unable to provide the individual with
39 equivalent necessary services and supports in-State as out-of-State
40 and the services and supports are available at another out-of-State
41 provider;

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45 of the effective date, or the individual or guardian fails to continue
46 to comply with these regulations for the duration of the out-of-State
47 care of the individual. However, the division is required to provide
48 a payment schedule with reasonable minimum payments to each

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6 enrollment in, the State Medicaid program within 90 days of the
7 effective date; or

8 5) The out-of-State provider fails to transmit to DDD written
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11 if the reporting requirements change. In the event a provider fails
12 to transmit any relevant required report, DDD is to give notice to
13 the provider of the deficiency and the provider has 30 days to cure
14 the deficiency.

15 Lastly, the bill provides that nothing in the bill is to alleviate the
16 obligations of DHS under the following two sections of law: 1)
17 section 9 of P.L.1977, c.82 (C.30:6D-9), which concerns a
18 requirement for services for individuals with developmental
19 disabilities to be designed to maximize developmental potential and
20 be provided humanely and in full recognition and respect for the
21 dignity and rights of each person receiving such services, and in a
22 least restrictive setting; and 2) section 9 of P.L.1983, c.524
23 (C.30:6D-21), which provides both that a transfer is to be made
24 only when consistent with the best interests of the individual with a
25 developmental disability, and that DHS is to ensure that if an
26 individual fails to adjust to life in a community residential facility,
27 the individual may return to the facility from which he was
28 transferred or to a more suitable community residential facility.

ASSEMBLY HUMAN SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 3117

STATE OF NEW JERSEY

DATED: NOVEMBER 16, 2015

The Assembly Human Services Committee reports favorably Senate Bill No. 3117.

This bill provides that, except as provided below, the Division of Developmental Disabilities (DDD) in the Department of Human Services (DHS) is not to transfer, or otherwise compel the transfer of, an individual with a developmental disability who is currently residing in an out-of-State placement to a residential placement in this State, if the individual or the individual's guardian objects to such transfer in writing.

The above provision would not apply under the following conditions:

1) the United States Department of Justice, the Centers for Medicare & Medicaid Services, or a federally-designated state protection and advocacy organization has deemed the out-of-State placement facility unsafe for individuals with developmental disabilities residing in the facility;

2) the individual does not continue to be served by the same out-of-State provider after the bill's effective date as the out-of-State provider who served the individual prior to the effective date; provided, however, that this provision would not apply if the change is due solely to corporate or other organizational restructuring; or DDD is unable to provide the individual with equivalent necessary services and supports in-State as out-of-State and the services and supports are available at another out-of-State provider;

3) The individual or the individual's guardian is not in compliance with the provisions of State regulations concerning contribution to care and maintenance requirements within 90 days of the effective date, or the individual or guardian fails to continue to comply with these regulations for the duration of the out-of-State care of the individual. However, the division is required to provide a payment schedule with reasonable minimum payments to each non-compliant individual or guardian within 60 days of the effective date and, if the individual or guardian agrees in writing to the payment schedule, compliance within 90 days is to be presumed;

4) The individual is not enrolled in, or has not applied for enrollment in, the State Medicaid program within 90 days of the effective date; or

5) The out-of-State provider fails to transmit to DDD written reports of life safety oversight and copies of all relevant incident reports required by the law. DDD is to provide notice to providers if the reporting requirements change. In the event a provider fails to transmit any relevant required report, DDD is to give notice to the provider of the deficiency and the provider has 30 days to cure the deficiency.

Lastly, the bill provides that nothing in the bill is to alleviate the obligations of DHS under the following two sections of law: 1) section 9 of P.L.1977, c.82 (C.30:6D-9), which concerns a requirement for services for individuals with developmental disabilities to be designed to maximize developmental potential and be provided humanely and in full recognition and respect for the dignity and rights of each person receiving such services, and in a least restrictive setting; and 2) section 9 of P.L.1983, c.524 (C.30:6D-21), which provides both that a transfer is to be made only when consistent with the best interests of the individual with a developmental disability, and that DHS is to ensure that if an individual fails to adjust to life in a community residential facility, the individual may return to the facility from which he was transferred or to a more suitable community residential facility.

As reported, this bill is identical to Assembly Bill No. 4781 (Vainieri Huttler/Eustace/Gusciora/Lampitt) which the committee also reported favorable on this date.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 3117
STATE OF NEW JERSEY
216th LEGISLATURE

DATED: DECEMBER 14, 2015

SUMMARY

Synopsis: 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.

Type of Impact: Indeterminate impact, General Fund

Agencies Affected: Department of Human Services

| Fiscal Impact | <u>Year 1 to Year 3</u> |
|----------------------|------------------------------------|
| State Cost | Indeterminate – See comments below |
| State Revenue | Indeterminate – See comments below |

- The Office of Legislative Services (OLS) estimates that Senate Bill No. 3117 will have an indeterminate impact on expenditures from the General Fund and revenue anticipated to be received from the federal government. Therefore, the net impact on the General Fund is unknown.
- The impact of the legislation on a per individual cost is indeterminate. Available information indicates that the average in-State cost for individuals in residential facilities is slightly higher than the average costs for individuals in out-of-State facilities. However, the percentage of costs which are eligible to be matched by federal Medicaid funds for in-State or out-of-State placements is not available to the OLS and thus cannot be quantified.
- The bill may result in foregone federal revenue by preventing the State from moving individuals who currently reside in certain out-of-State facilities that are ineligible for certain federal Medicaid funding to in-State facilities that are eligible for federal Medicaid funding. However, the OLS is unable to quantify the foregone revenue as it is dependent on several variables for which data are not available to the OLS.
- The bill's requirement that the individuals currently residing out-of-State apply for Medicaid may result in additional federal revenue. However, the OLS does not have adequate information on each individual's costs or eligibility status to ascertain the impact of this requirement.

- The bill may result in a decrease in costs to the State due to the elimination of the Return Home New Jersey (RHNJ) program and all administrative costs related to seeking new placements for individuals who live in out-of-State facilities.
- Additionally, long term costs or savings cannot be adequately quantified because each individual's case is unique, the level of service each person requires is individualized, and the costs and needs for these services may fluctuate throughout each person's life.

BILL DESCRIPTION

Senate Bill No. 3117 of 2015 provides that, with certain exceptions, the Division of Developmental Disabilities (DDD) in the Department of Human Services (DHS) is not to transfer, or compel the transfer of, an individual with a developmental disability who is currently residing in an out-of-State placement to a residential placement in this State, if the individual or the individual's guardian objects to such transfer in writing.

The above provision would not apply under the following conditions:

1) the United States Department of Justice, the Centers for Medicare & Medicaid Services, or a federally-designated state protection and advocacy organization has deemed the out-of-State placement facility unsafe for individuals with developmental disabilities residing in the facility;

2) the individual does not continue to be served by the same out-of-State provider after the bill's effective date as the out-of-State provider who served the individual prior to the effective date; provided, however, that this provision would not apply if the change is due solely to corporate or other organizational restructuring; or DDD is unable to provide the individual with equivalent necessary services and supports in-State as out-of-State and the services and supports are available at another out-of-State provider;

3) The individual or the individual's guardian is not in compliance with the provisions of State regulations concerning contribution to care and maintenance requirements within 90 days of the effective date, or the individual or guardian fails to continue to comply with these regulations for the duration of the out-of-State care of the individual. However, the division is required to provide a payment schedule with reasonable minimum payments to each non-compliant individual or guardian within 60 days of the effective date and, if the individual or guardian agrees in writing to the payment schedule, compliance within 90 days is to be presumed;

4) The individual is not enrolled in, or has not applied for enrollment in, the State Medicaid program within 90 days of the effective date; or

5) The out-of-State provider fails to transmit to DDD written reports of life safety oversight and copies of all relevant incident reports required by the law. The DDD is to provide notice to providers if the reporting requirements change. In the event a provider fails to transmit any relevant required report, DDD is to give notice to the provider of the deficiency and the provider has 30 days to cure the deficiency.

Lastly, the bill provides that nothing in the bill is to alleviate the obligations of DHS under two sections of law, which provides both that a transfer is to be made only when consistent with the best interests of the individual with a developmental disability, and that DHS is to ensure that if an individual fails to adjust to life in a community residential facility, the individual may return to the facility from which he was transferred or to a more suitable community residential facility.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill will have an indeterminate impact on the State General Fund. It is not possible to quantify the amount of this impact with the information currently available, but the different cost aspects of this bill are presented in more detail in the following paragraphs.

In 2009, DHS began the RHNJ program. The RHNJ was an initiative by the DHS to move the approximately 700 adult New Jersey residents with developmental disabilities who were at that time receiving residential services in out-of-State facilities to in-State community residential placements. The DHS testified that the reasons for this initiative were many, including: the State's inability to receive a federal match on the services provided to individuals residing in some out-of-State facilities; uncertainties on the State's ability to adequately monitor the care and well-being of individuals in out-of-State facilities; the desire to move these New Jersey residents back to a network of care that is closer to their families; and the expanded number of resources and supports for individuals to live in New Jersey.¹

According to news reports, Governor Christie conveyed to certain legislators and to DHS that RHNJ was to halt its operations as of July, 2015.² However, there has been no formal announcement on this change and the DHS website maintains RHNJ as one of its initiatives.³ For the purposes of this fiscal estimate, it is assumed that the RHNJ program remains in effect.

As of March 30, 2015, 170 individuals had moved from out-of-State facilities to in-State residential facilities through RHNJ and approximately 382 individuals remained in out-of-State placements.⁴ According to the DHS, on average, the annual cost for in-State residential services for individuals who have returned to New Jersey is \$125,000, with an additional \$30,000 allocated for employment, day, and other support services, for a total cost of \$155,000.⁵ Most individuals who reside in an in-State placement are enrolled in Medicaid. Medicaid provides a 50 percent match for Medicaid-eligible services and thus a portion of the annual cost is matched by federal funds. The OLS has not been provided information on what portion of these individual's annual cost is Medicaid-eligible. Therefore, the net State cost for each of these individuals cannot be determined with any certainty. However, it is very likely that half of the \$30,000 allocated for employment, day, and other support services are Medicaid-eligible costs. It is not clear what percentage of the annual \$125,000 cost are Medicaid-eligible and for this fiscal estimate, those costs are assumed to be State costs. With these assumptions, the total in-State cost most likely equals \$140,000. In comparison, in its response to the OLS discussion points, DHS reported that the annual cost for the 382 individuals receiving DHS funded services in out-of-State facilities, of whom 286 are receiving New Jersey Medicaid, equals \$48.3 million, of

¹<http://www.state.nj.us/humanservices/ddd/documents/Documents%20for%20Web/Return%20Home%20NJ%20testimony%2006-12-14.pdf> Testimony presented by Dawn Apgar, Deputy Commissioner of New Jersey Department of Human Services, to the Assembly Human Services Committee June 12, 2014.

²<http://www.northjersey.com/news/n-j-scraps-return-home-program-for-disabled-adults-1.1377610?page=all>, accessed November 30, 2015.

³<http://www.state.nj.us/humanservices/ddd/programs/rtnhomenj.html> accessed November 30, 2015.

⁴Page 50, DHS responses to the OLS Discussion Points during the FY 2016 Budget process http://www.njleg.state.nj.us/legislativepub/budget_2016/DHS_response.pdf

⁵Page 4, DHS response to ABU questions, following DHS budget committee testimony http://www.njleg.state.nj.us/legislativepub/budget_2016/JUD_follow_up_response_ABU.pdf

which \$1.4 million is federal funds and \$3.3 million is offset by contribution to care. Therefore, the total State contribution equals approximately \$43.6 million and would indicate an average cost of \$115,000 per individual residing out-of-State (\$43.6 million divided by 382 individuals).

The OLS notes that it is not clear if the annual costs reported above include the amounts paid by the State for traditional medical services and, if they do not, the extent to which these medical costs affect the annual cost per individual. Traditional medical services for in-State individuals are generally eligible for a 50 percent federal Medicaid match, while traditional medical services provided to Medicaid eligible individuals who reside out-of-State are generally not eligible for federal Medicaid matching funds. In most instances, the treating provider must be an eligible New Jersey provider for the individual's medical costs to be matched with federal Medicaid funds. If individuals continue to live out-of-State, there will be Medicaid revenue which will be foregone due to the use of non-Medicaid providers, but this amount cannot be quantified.

A simple comparison between the annual State cost for those who have moved in-State through RHNJ (\$140,000) and those who remain out-of-State (\$115,000) would indicate that the State would be reducing its net costs by ending RHNJ. While this may be true, it is important to note that the per individual cost may vary depending on the facility and the individual's eligibility for federal Medicaid funding. The OLS does not have access to each individual's cost and Medicaid eligibility status and thus cannot determine with certainty the per individual annual costs.

The level of federal Medicaid funding received by the State will be affected differently whether the bill is enacted or RHNJ is continued. Following are the different possibilities that could occur in these two different scenarios.

If the bill is not enacted and RHNJ is continued, the State may receive enhanced federal Medicaid funding for some individuals. In addition to traditional medical services, Medicaid will reimburse a State for certain expenses for individuals who are enrolled in facilities which provide services which meet Medicaid's standards for home-and-community-based services. According to DHS, 120 of the 382 individuals who live out-of-State live in facilities which meet the federal standards for Medicaid reimbursement for home-and-community-based services. This means that a portion of their costs are reimbursed by federal Medicaid funds. The total amount of federal reimbursement reported to the OLS for out-of-State individuals equals \$1.4 million. It is not clear if the \$1.4 million received by the State was a match for traditional medical costs or matching funds for the facilities. If it was for the facilities, it equals approximately \$11,000 for each of the 120 individuals.

If the bill is not enacted and RHNJ is continued, it is possible the remaining 262 (382 minus 120) individuals who live out-of-State in facilities that do not meet the federal standards for Medicaid reimbursement home-and-community-based services could move to in-State facilities which do meet the federal standards. If the individuals live in facilities that do meet the standards, a portion of their costs would be eligible for federal matching funds. Moving these individuals would allow DHS to maximize and increase federal revenue. However, the savings attributed to this type of move would be specific to each individual, the services they are provided, and the costs of those services; thus no estimate for this type of savings can be accurately estimated.

If the bill is enacted, it could also result in increased federal Medicaid funding because the bill requires individuals who reside in out-of-State facilities to apply for, or be enrolled in, Medicaid within 90 days of the act. Currently, 96 of the 382 individuals receiving services in an out-of-State facility are not enrolled in Medicaid. It appears that this provision would increase federal Medicaid funding as the federal government would now pay 50 percent of all Medicaid-eligible services for these 96 individuals. However, it is not clear how many of the 96 individuals, who are currently out-of-State and not enrolled in Medicaid, are eligible for

Medicaid. The anticipated federal revenue from the Medicaid match cannot be determined as the revenue will vary depending on individual's eligibility status, the services each individual needs, the cost for these services; and the ability of the State to claim Medicaid reimbursement for these services.

The bill will also result in cost savings to the State as it will no longer be administering RHNJ. The administrative costs to implement RHNJ include ten staff dedicated to administering RHNJ and assisting families in making the transition to new facilities. The OLS does not have information on the ten staff salaries, but DHS did report that the State plans to receive 45 percent in federal matching funds for these staff. When RHNJ ends, it is presumed that the staff will be redeployed and will continue to draw salaries. Whether the State receives federal matching funds for these salaries is indeterminate; therefore, the net cost to the State is indeterminate for administrative costs. Additionally, the costs to move individuals from one placement to another is also unknown, but may be significant. These costs will no longer be incurred by the State.

Overall, this bill will have an indeterminate effect on the State General Fund. It appears that the current cost to the State for individuals in out-of-State placements is less than the current cost of individuals residing in-State facilities; however there is uncertainty on the interaction between federal Medicaid funding and the per-individual annual cost. Additionally, long term costs or savings cannot be adequately quantified because each individual's case is unique, the level of service each person requires is individualized, and the costs and needs for these services may fluctuate throughout each person's life.

Section: Human Services

*Analyst: Robin C. Ford
Lead Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 4781

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED NOVEMBER 16, 2015

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman TIM EUSTACE

District 38 (Bergen and Passaic)

Assemblyman REED GUSCIORA

District 15 (Hunterdon and Mercer)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblywoman MARY PAT ANGELINI

District 11 (Monmouth)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Co-Sponsored by:

Assemblywoman Muoio, Assemblyman Taliaferro, Assemblywoman Mosquera, Assemblyman Benson, Assemblywoman Jasey, Assemblyman Space, Assemblywomen Phoebus, Spencer, Pintor Marin, Assemblymen Rumana and Diegnan

SYNOPSIS

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.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 12/4/2015)

1 AN ACT concerning individuals with developmental disabilities and
2 supplementing Title 30 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 Division of Developmental Disabilities, except as
8 provided in section 2 of this act, shall not transfer, or otherwise
9 compel the transfer of, an individual with a developmental
10 disability who is currently residing in an out-of-State placement to a
11 residential placement in this State, if the individual or the guardian
12 of the individual objects to such transfer in writing.

13

14 2. The provisions of section 1 of this act shall not apply if:

15 a. The United States Department of Justice, the Centers for
16 Medicare & Medicaid Services, or a federally-designated state
17 protection and advocacy organization has deemed the out-of-State
18 placement facility unsafe for individuals with developmental
19 disabilities residing in the facility.

20 b. The individual does not continue to be served by the same
21 out-of-State provider after the effective date of this act as the out-
22 of-State provider who served the individual prior to the effective
23 date of this act; provided, however, that this subsection shall not
24 apply if:

25 (1) the change of provider is due solely to corporate or other
26 organizational restructuring; or

27 (2) the division is unable to provide the individual with
28 equivalent necessary services and supports in-State as the individual
29 received out-of-State and such services and supports are available at
30 another out-of-State provider;

31 c. The individual or the guardian of the individual, as
32 applicable, is not in compliance with the provisions of State
33 regulations at N.J.A.C.10:46D-1.1 et seq., concerning contribution
34 to care and maintenance requirements, within 90 days of the
35 effective date of this act, or the individual or guardian fails to
36 continue to comply with these regulations for the duration of the
37 out-of-State care of the individual; provided, however, that:

38 (1) the division shall provide a payment schedule with
39 reasonable minimum payments to each non-compliant individual or
40 guardian within 60 days of the effective date of this act; and

41 (2) if the individual or guardian agrees in writing to the payment
42 schedule, compliance within 90 days of the effective date of this act
43 shall be presumed;

44 d. The individual is not enrolled in, or has not applied for
45 enrollment in, the State Medicaid program, established pursuant to
46 P.L.1968, c.413 (C.30:4D-1 et seq.), within 90 days of the effective
47 date of this act; or

1 e. The out-of-State provider fails to transmit to the division
2 written reports of life safety oversight and copies of all relevant
3 incident reports required by the law. The division shall provide
4 notice to providers if the reporting requirements change. In the
5 event a provider fails to transmit any relevant required report, the
6 division shall give notice to the provider of the deficiency and the
7 provider shall have 30 days from the date of the notice to cure the
8 deficiency.

9
10 3. Nothing in this act shall alleviate the obligations of the
11 department under section 9 of P.L.1977, c.82 (C.30:6D-9) or section
12 9 of P.L.1983, c.524 (C.30:6D-21).

13
14 4. This act shall take effect immediately.
15
16

17 STATEMENT
18

19 This bill provides that, except as provided below, the Division of
20 Developmental Disabilities (DDD) in the Department of Human
21 Services (DHS) is not to transfer, or otherwise compel the transfer
22 of, an individual with a developmental disability who is currently
23 residing in an out-of-State placement to a residential placement in
24 this State, if the individual or the individual's guardian objects to
25 such transfer in writing.

26 The above provision would not apply under the following
27 conditions:

28 1) the United States Department of Justice, the Centers for
29 Medicare & Medicaid Services, or a federally-designated state
30 protection and advocacy organization has deemed the out-of-State
31 placement facility unsafe for individuals with developmental
32 disabilities residing in the facility;

33 2) the individual does not continue to be served by the same
34 out-of-State provider after the bill's effective date as the out-of-
35 State provider who served the individual prior to the effective date;
36 provided, however, that this provision would not apply if the
37 change is due solely to corporate or other organizational
38 restructuring; or DDD is unable to provide the individual with
39 equivalent necessary services and supports in-State as out-of-State
40 and the services and supports are available at another out-of-State
41 provider;

42 3) The individual or the individual's guardian is not in
43 compliance with the provisions of State regulations concerning
44 contribution to care and maintenance requirements within 90 days
45 of the effective date, or the individual or guardian fails to continue
46 to comply with these regulations for the duration of the out-of-State
47 care of the individual. However, the division is required to provide
48 a payment schedule with reasonable minimum payments to each

A4781 VAINIERI HUTTLE, EUSTACE

1 non-compliant individual or guardian within 60 days of the
2 effective date and, if the individual or guardian agrees in writing to
3 the payment schedule, compliance within 90 days is to be
4 presumed;

5 4) The individual is not enrolled in, or has not applied for
6 enrollment in, the State Medicaid program within 90 days of the
7 effective date; or

8 5) The out-of-State provider fails to transmit to DDD written
9 reports of life safety oversight and copies of all relevant incident
10 reports required by the law. DDD is to provide notice to providers
11 if the reporting requirements change. In the event a provider fails
12 to transmit any relevant required report, DDD is to give notice to
13 the provider of the deficiency and the provider has 30 days to cure
14 the deficiency.

15 Lastly, the bill provides that nothing in the bill is to alleviate the
16 obligations of DHS under the following two sections of law:
17 1) section 9 of P.L.1977, c.82 (C.30:6D-9), which concerns a
18 requirement for services for individuals with developmental
19 disabilities to be designed to maximize developmental potential and
20 be provided humanely and in full recognition and respect for the
21 dignity and rights of each person receiving such services, and in a
22 least restrictive setting; and 2) section 9 of P.L.1983, c.524
23 (C.30:6D-21), which provides both that a transfer is to be made
24 only when consistent with the best interests of the individual with a
25 developmental disability, and that DHS is to ensure that if an
26 individual fails to adjust to life in a community residential facility,
27 the individual may return to the facility from which he was
28 transferred or to a more suitable community residential facility.

ASSEMBLY HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4781

STATE OF NEW JERSEY

DATED: NOVEMBER 16, 2015

The Assembly Human Services Committee reports favorably Assembly Bill No. 4781.

This bill provides that, except as provided below, the Division of Developmental Disabilities (DDD) in the Department of Human Services (DHS) is not to transfer, or otherwise compel the transfer of, an individual with a developmental disability who is currently residing in an out-of-State placement to a residential placement in this State, if the individual or the individual's guardian objects to such transfer in writing.

The above provision would not apply under the following conditions:

1) the United States Department of Justice, the Centers for Medicare & Medicaid Services, or a federally-designated state protection and advocacy organization has deemed the out-of-State placement facility unsafe for individuals with developmental disabilities residing in the facility;

2) the individual does not continue to be served by the same out-of-State provider after the bill's effective date as the out-of-State provider who served the individual prior to the effective date; provided, however, that this provision would not apply if the change is due solely to corporate or other organizational restructuring; or DDD is unable to provide the individual with equivalent necessary services and supports in-State as out-of-State and the services and supports are available at another out-of-State provider;

3) The individual or the individual's guardian is not in compliance with the provisions of State regulations concerning contribution to care and maintenance requirements within 90 days of the effective date, or the individual or guardian fails to continue to comply with these regulations for the duration of the out-of-State care of the individual. However, the division is required to provide a payment schedule with reasonable minimum payments to each non-compliant individual or guardian within 60 days of the effective date and, if the individual or guardian agrees in writing to the payment schedule, compliance within 90 days is to be presumed;

4) The individual is not enrolled in, or has not applied for enrollment in, the State Medicaid program within 90 days of the effective date; or

5) The out-of-State provider fails to transmit to DDD written reports of life safety oversight and copies of all relevant incident reports required by the law. DDD is to provide notice to providers if the reporting requirements change. In the event a provider fails to transmit any relevant required report, DDD is to give notice to the provider of the deficiency and the provider has 30 days to cure the deficiency.

Lastly, the bill provides that nothing in the bill is to alleviate the obligations of DHS under the following two sections of law: 1) section 9 of P.L.1977, c.82 (C.30:6D-9), which concerns a requirement for services for individuals with developmental disabilities to be designed to maximize developmental potential and be provided humanely and in full recognition and respect for the dignity and rights of each person receiving such services, and in a least restrictive setting; and 2) section 9 of P.L.1983, c.524 (C.30:6D-21), which provides both that a transfer is to be made only when consistent with the best interests of the individual with a developmental disability, and that DHS is to ensure that if an individual fails to adjust to life in a community residential facility, the individual may return to the facility from which he was transferred or to a more suitable community residential facility.

As reported, this bill is identical to Senate Bill No. 3117 (Gordon/Bateman/Sweeney/Kean, Jr.) which the committee also reported favorably on this date.

Governor Christie Takes Action On Pending Legislation

Monday, January 11, 2016 Tags: [Bill Action](#)



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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 DCPP 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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