

52:9EE-1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 200
NJSA: 52:9EE -1 ("Brain Injury Research Act")
BILL NO: A1771 (Substituted for S914)

SPONSOR(S): Edwards and Eagler

DATE INTRODUCED: February 4, 2002

COMMITTEE: **ASSEMBLY:** Appropriations; Health and Human Services
 SENATE: Budget and Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 20, 2003
 SENATE: December 15, 2003

DATE OF APPROVAL: January 2, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)
(Amendments during passage denoted by superscript numbers)

A1771

[SPONSOR'S STATEMENT:](#) (Begins on page 8 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes [2-21-2002 \(Health\)](#)
[6-6-2002 \(Approp\)](#)

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL NOTE:](#) Yes

S914

[SPONSOR'S STATEMENT:](#) (Begins on page 8 of original bill) Yes

Bill and Sponsors Statement identical to A1771

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes [5-30-2002 \(Health\)](#)
[12-04-2003 \(Budget\)](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

[GOVERNOR'S PRESS RELEASE ON SIGNING:](#) Yes

FOLLOWING WERE PRINTED:

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

REPORTS:

Yes

974.90 Deshpande, Sandy

H434 Traumatic brain injury in New Jersey, 1994. Center for Health Statistics, Trenton, 1997
1997

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Surcharge to finance brain research," 1-5-2004 Philadelphia Inquirer, p.B2

"Brain injury research boosted by driver fines," 1-3-2004 The Press, p.A10

"Traffic fines to fund research," 1-3-2004 Courier News, p.A3

"Law to help fund medical research," 1-3-2004 Star Ledger, p.19

"Fund will aid brain-injury studies,:" 1-3-2004 Home News & Tribune, p.A3

Title 52.
Chapter 9EE. (New)
Brain Injury
Research
§§1-9, 11 -
C.52:9EE-1
to 52:9EE-10
§12 - Note to
§§1-11

P.L. 2003, CHAPTER 200, *approved January 2, 2004*
Assembly, No. 1771 (*First Reprint*)

1 AN ACT establishing a New Jersey Commission on Brain Injury
2 Research, supplementing Title 52 of the Revised Statutes and
3 amending R.S.39:5-41.

4

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

7

8 1. (New section) This act shall be known and may be cited as the
9 "Brain Injury Research Act."

10

11 2. (New section) As used in this act:

12 "Approved research project" means a scientific research project,
13 which is approved by the commission and which focuses on the
14 treatment and cure of brain injuries.

15 "Commission" means the New Jersey State Commission on Brain
16 Injury Research established pursuant to this act.

17 "Institutional support services" means all services, facilities,
18 equipment, personnel and expenditures associated with the creation
19 and maintenance of approved research projects.

20 "Qualifying research institution" means the University of Medicine
21 and Dentistry of New Jersey and Rutgers, The State University of New
22 Jersey and any other institution approved by the commission, which is
23 conducting an approved research project.

24

25 3. (New section) a. There is established in the Executive Branch
26 of the State government, the New Jersey State Commission on Brain
27 Injury Research. For the purposes of complying with the provisions
28 of Article V, Section IV, paragraph 1 of the New Jersey Constitution,
29 the commission is allocated within the Department of Health and
30 Senior Services, but notwithstanding that allocation, the commission
31 shall be independent of any supervision or control by the department
32 or by any board or officer thereof.

33 b. The commission shall consist of 11 members, including the

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAP committee amendments adopted June 6, 2002.

1 Commissioner of Health and Senior Services, or his designee, who
2 shall serve ex officio; one representative of the University of Medicine
3 and Dentistry of New Jersey; one representative of Rutgers, The State
4 University ¹of New Jersey¹; six public members, appointed by the
5 Governor with the advice and consent of the Senate, one of whom
6 shall be a licensed physician in this State and one of whom shall be a
7 person with a brain injury; and two public members, one of whom shall
8 be appointed by the President of the Senate and one of whom shall be
9 appointed by the Speaker of the General Assembly. All public
10 members shall be residents of the State or otherwise associated with
11 the State, and shall be known for their knowledge, competence,
12 experience or interest in brain injury medical research.

13 c. The term of office of each public member shall be three years,
14 but of the members first appointed, three shall be appointed for terms
15 of one year, three for terms of two years, and two for terms of three
16 years. All vacancies shall be filled for the balances of the unexpired
17 terms in the same manner as the original appointments. Appointed
18 members are eligible for reappointment upon the expiration of their
19 terms. A member shall continue to serve upon the expiration of his
20 term until a successor is appointed.

21 The members of the commission shall not receive compensation for
22 their services, but shall be reimbursed for the actual and necessary
23 expenses incurred in the performance of their duties as members of the
24 commission.

25

26 4. (New section) The commission shall:

27 a. Review and authorize approved research projects, emphasizing
28 projects that study nerve regeneration as a means to a cure for brain
29 injury, and may establish an independent scientific advisory panel
30 composed of scientists and clinicians who are not members of the
31 commission to review proposals submitted to the commission and
32 make funding recommendations to the commission;

33 b. Apportion all available funds to qualifying research institutions
34 to finance approved research projects and necessary institutional
35 support services;

36 c. Ensure that funds so apportioned to approved research projects
37 are not diverted to any other use;

38 d. Take steps necessary to encourage the development within the
39 State of brain injury research projects;

40 e. Compile a directory of all brain injury research projects being
41 conducted in the State; and

42 f. Provide the Governor and the Legislature with a report by
43 January 30 of each year describing the status of the commission's
44 activities and the results of its funded research efforts.

45

46 5. (New section) The commission is authorized to:

47 a. Adopt rules and regulations concerning the operation of the

- 1 commission, the functions and responsibilities of its officers and
2 employees¹, the use of moneys from the "New Jersey Brain Injury
3 Research Fund" established pursuant to section 9 of P.L. , c. (C.)
4 (pending before the Legislature as this bill) to meet the operating
5 expenses of the commission,¹ and other matters as may be necessary
6 to carry out the purposes of this act;
- 7 b. Maintain offices at such places within the State as it may
8 designate;
- 9 c. Employ an executive director and other personnel as may be
10 necessary, whose employment shall be in the unclassified service of the
11 State, except that employees performing stenographic or clerical duties
12 shall be appointed pursuant to Title 11A (Civil Service) of the New
13 Jersey Statutes;
- 14 d. Design a fair and equitable system for the solicitation, evaluation
15 and approval of proposals for brain injury research projects;
- 16 e. Apply for and accept any grant of money from the federal
17 government, which may be available for programs relating to research
18 on brain injury¹ [.]¹
- 19 f. Enter into contracts with individuals, organizations and
20 institutions necessary or incidental to the performance of its duties and
21 the execution of its powers under this act; and
- 22 g. Accept gifts, grants and bequests of funds from individuals,
23 foundations, corporations, governmental agencies and other
24 organizations and institutions.
- 25
- 26 6. (New section) The commission shall annually elect a chairman
27 and a vice-chairman from among its members. The chairman shall be
28 the chief executive officer of the commission, shall preside at all
29 meetings of the commission and shall perform other duties that the
30 commission may prescribe.
- 31 The executive director shall serve as secretary to the commission
32 and shall carry out its policies under the direction of the chairman.
- 33
- 34 7. (New section) Nothing in this act shall preclude a qualifying
35 research institution or any other research facility in the State from
36 directly applying for or receiving funds from any public or private
37 agency to conduct brain injury research.
- 38
- 39 8. (New section) a. The commission shall establish and maintain,
40 in conjunction with the Department of Health and Senior Services, a
41 central registry of persons who sustain brain injuries other than
42 through disease, whether or not the injury results in a permanent
43 disability, in order to provide a database that indicates the incidence
44 and prevalence of brain injuries and that will serve as a resource for
45 research, evaluation and information on brain injuries and available
46 services.
- 47 b. The commission shall require the reporting of all cases of brain

1 injuries, except those caused through disease, and the submission of
2 specified additional information on reported cases as it deems
3 necessary and appropriate.

4 The commission shall, by regulation, specify the health care
5 facilities and providers required to make the report of a brain injury to
6 the registry, information that shall be included in the report to the
7 registry, the method for making the report and the time period in
8 which the report shall be made.

9 c. The reports made pursuant to this section are to be used only by
10 the commission and the Department of Health and Senior Services and
11 such other agencies as may be designated by the commission or the
12 department and shall not otherwise be divulged or made public so as
13 to disclose the identity of any person to whom they relate; and to that
14 end, the reports shall not be included under materials available to
15 public inspection pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.)
16 ¹and P.L.2001, c.404 (C.47:1A-5 et seq.)¹.

17 d. No individual or organization providing information to the
18 commission in accordance with this section shall be deemed to be, or
19 held liable for, divulging confidential information. Nothing in this
20 section shall be construed to compel any individual to submit to
21 medical, commission or department examination or supervision.

22 e. A health care facility or health care provider who is required to
23 report a brain injury to the commission and who fails to comply with
24 the provisions of this section shall be liable to a penalty of up to \$100
25 per unreported brain injury case. A penalty sued for under the
26 provisions of this section shall be recovered by and in the name of the
27 commission and shall be deposited in the "New Jersey Brain Injury
28 Research Fund" established pursuant to this act.

29

30 9. (New section) a. There is established in the Department of the
31 Treasury a nonlapsing revolving fund to be known as the "New Jersey
32 Brain Injury Research Fund." This fund shall be the repository for
33 moneys provided pursuant to subsection f. of R.S.39:5-41. Moneys
34 deposited in the fund, and any interest earned thereon, shall be used
35 ¹[exclusively]¹ for the purpose of making grants for brain injury
36 research projects at qualified research institutions approved by the
37 New Jersey State Commission on Brain Injury Research¹, and for the
38 purpose of meeting the operating expenses of the commission¹.

39 b. Any costs incurred by the department in the collection or
40 administration of the fund may be deducted from the funds deposited
41 therein, as determined by the Director of the Division of Budget and
42 Accounting.

43

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

45 39:5-41. a. All fines, penalties and forfeitures imposed and
46 collected under authority of law for any violations of R.S.39:4-63 and
47 R.S.39:4-64 shall be forwarded by the judge to whom the same have

1 been paid to the proper financial officer of a county, if the violation
2 occurred within the jurisdiction of that county's central municipal
3 court, established pursuant to N.J.S.2B:12-1 et seq. or the
4 municipality wherein the violation occurred, to be used by the county
5 or municipality to help finance litter control activities in addition to or
6 supplementing existing litter pickup and removal activities in the
7 municipality.

8 b. Except as otherwise provided by subsection a. of this section, all
9 fines, penalties and forfeitures imposed and collected under authority
10 of law for any violations of the provisions of this Title, other than
11 those violations in which the complaining witness is the director, a
12 member of his staff, a member of the State Police, a member of a
13 county police department and force or a county park police system in
14 a county that has established a central municipal court, an inspector of
15 the Board of Public Utilities, or a law enforcement officer of any other
16 State agency, shall be forwarded by the judge to whom the same have
17 been paid as follows: one-half of the total amount collected to the
18 financial officer, as designated by the local governing body, of the
19 respective municipalities wherein the violations occurred, to be used
20 by the municipality for general municipal use and to defray the cost of
21 operating the municipal court; and one-half of the total amount
22 collected to the proper financial officer of the county wherein they
23 were collected, to be used by the county as a fund for the
24 construction, reconstruction, maintenance and repair of roads and
25 bridges, snow removal, the acquisition and purchase of rights-of-way,
26 and the purchase, replacement and repair of equipment for use on said
27 roads and bridges therein. Up to 25% of the money received by a
28 municipality pursuant to this subsection, but not more than the actual
29 amount budgeted for the municipal court, whichever is less, may be
30 used to upgrade case processing.

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

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

1 other general county revenues.

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

3 d. Notwithstanding the provisions of subsections a. and b. of this
4 section, \$1.00 shall be added to the amount of each fine and penalty
5 imposed and collected under authority of any law for any violation of
6 the provisions of Title 39 of the Revised Statutes or any other motor
7 vehicle or traffic violation in this State and shall be forwarded by the
8 person to whom the same are paid to the State Treasurer. In addition,
9 upon the forfeiture of bail, \$1.00 of that forfeiture shall be forwarded
10 to the State Treasurer. The State Treasurer shall annually deposit
11 those moneys so forwarded in the "Body Armor Replacement" fund
12 established pursuant to section 1 of P.L.1997, c.177 (C.52:17B-4.4).
13 Beginning in the fiscal year next following the effective date of this
14 act, the State Treasurer annually shall allocate from those moneys so
15 forwarded an amount not to exceed \$400,000 to the Department of
16 Personnel to be expended exclusively for the purposes of funding the
17 operation of the "Law Enforcement Officer Crisis Intervention
18 Services" telephone hotline established and maintained under the
19 provisions of P.L.1998, c.149 (C.11A:2-25 et al.).

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

35 f. Notwithstanding the provisions of subsections a. and b. of this
36 section, \$1 shall be added to the amount of each fine and penalty
37 imposed and collected under authority of any law for any violation of
38 the provisions of Title 39 of the Revised Statutes or any other motor
39 vehicle or traffic violation in this State and shall be forwarded by the
40 person to whom the same are paid to the State Treasurer. The State
41 Treasurer shall annually deposit those moneys so forwarded in the
42 "New Jersey Brain Injury Research Fund" established pursuant to
43 section 9 of P.L. , c. (C.)(pending before the Legislature as this
44 bill). ¹ [In order to comply with the provisions of Article VIII, Section
45 II, paragraph 5 of the State Constitution, a municipal or county agency
46 which forwards moneys to the State Treasurer pursuant to this
47 subsection] The Administrative Office of the Courts¹ may retain an

1 amount equal to ¹[2% of] \$475,000 from¹ the moneys which it
2 initially collects pursuant to this subsection ¹[as compensation for its
3 administrative costs associated with implementing], prior to depositing
4 any moneys in the "New Jersey Brain Injury Research Fund," in order
5 to meet the expenses associated with utilizing the Automated Traffic
6 System Fund created pursuant to N.J.S.2B:12-30 to implement¹ the
7 provisions of this subsection ¹and serve other statutory purposes¹ .
8 (cf: P.L.1999, c.201, s.10)

9
10 11. The commission shall adopt regulations pursuant to the
11 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
12 seq.) as are necessary to carry out the provisions of this act.

13
14 12. This act shall take effect on the ¹[90th] 180th¹ day following
15 enactment.

16
17
18 _____
19
20 "Brain Injury Research Act."

ASSEMBLY, No. 1771

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED FEBRUARY 4, 2002

Sponsored by:

Assemblyman WILLIS EDWARDS, III

District 34 (Essex and Passaic)

Assemblyman PETER C. EAGLER

District 34 (Essex and Passaic)

Co-Sponsored by:

Assemblymen Munoz, Sarlo and Russo

SYNOPSIS

"Brain Injury Research Act."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/7/2002)

1 AN ACT establishing a New Jersey Commission on Brain Injury
2 Research, supplementing Title 52 of the Revised Statutes and
3 amending R.S.39:5-41.

4

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

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8 1. (New section) This act shall be known and may be cited as the
9 "Brain Injury Research Act."

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11 2. (New section) As used in this act:

12 "Approved research project" means a scientific research project,
13 which is approved by the commission and which focuses on the
14 treatment and cure of brain injuries.

15 "Commission" means the New Jersey State Commission on Brain
16 Injury Research established pursuant to this act.

17 "Institutional support services" means all services, facilities,
18 equipment, personnel and expenditures associated with the creation
19 and maintenance of approved research projects.

20 "Qualifying research institution" means the University of Medicine
21 and Dentistry of New Jersey and Rutgers, The State University of New
22 Jersey and any other institution approved by the commission, which is
23 conducting an approved research project.

24

25 3. (New section) a. There is established in the Executive Branch
26 of the State government, the New Jersey State Commission on Brain
27 Injury Research. For the purposes of complying with the provisions
28 of Article V, Section IV, paragraph 1 of the New Jersey Constitution,
29 the commission is allocated within the Department of Health and
30 Senior Services, but notwithstanding that allocation, the commission
31 shall be independent of any supervision or control by the department
32 or by any board or officer thereof.

33 b. The commission shall consist of 11 members, including the
34 Commissioner of Health and Senior Services, or his designee, who
35 shall serve ex officio; one representative of the University of Medicine
36 and Dentistry of New Jersey; one representative of Rutgers, The State
37 University; six public members, appointed by the Governor with the
38 advice and consent of the Senate, one of whom shall be a licensed
39 physician in this State and one of whom shall be a person with a brain
40 injury; and two public members, one of whom shall be appointed by
41 the President of the Senate and one of whom shall be appointed by the
42 Speaker of the General Assembly. All public members shall be
43 residents of the State or otherwise associated with the State, and shall

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

Matter underlined thus is new matter.

1 be known for their knowledge, competence, experience or interest in
2 brain injury medical research.

3 c. The term of office of each public member shall be three years,
4 but of the members first appointed, three shall be appointed for terms
5 of one year, three for terms of two years, and two for terms of three
6 years. All vacancies shall be filled for the balances of the unexpired
7 terms in the same manner as the original appointments. Appointed
8 members are eligible for reappointment upon the expiration of their
9 terms. A member shall continue to serve upon the expiration of his
10 term until a successor is appointed.

11 The members of the commission shall not receive compensation for
12 their services, but shall be reimbursed for the actual and necessary
13 expenses incurred in the performance of their duties as members of the
14 commission.

15

16 4. (New section) The commission shall:

17 a. Review and authorize approved research projects, emphasizing
18 projects that study nerve regeneration as a means to a cure for brain
19 injury, and may establish an independent scientific advisory panel
20 composed of scientists and clinicians who are not members of the
21 commission to review proposals submitted to the commission and
22 make funding recommendations to the commission;

23 b. Apportion all available funds to qualifying research institutions
24 to finance approved research projects and necessary institutional
25 support services;

26 c. Ensure that funds so apportioned to approved research projects
27 are not diverted to any other use;

28 d. Take steps necessary to encourage the development within the
29 State of brain injury research projects;

30 e. Compile a directory of all brain injury research projects being
31 conducted in the State; and

32 f. Provide the Governor and the Legislature with a report by
33 January 30 of each year describing the status of the commission's
34 activities and the results of its funded research efforts.

35

36 5. (New section) The commission is authorized to:

37 a. Adopt rules and regulations concerning the operation of the
38 commission, the functions and responsibilities of its officers and
39 employees and other matters as may be necessary to carry out the
40 purposes of this act;

41 b. Maintain offices at such places within the State as it may
42 designate;

43 c. Employ an executive director and other personnel as may be
44 necessary, whose employment shall be in the unclassified service of the
45 State, except that employees performing stenographic or clerical duties
46 shall be appointed pursuant to Title 11A (Civil Service) of the New

1 Jersey Statutes;

2 d. Design a fair and equitable system for the solicitation, evaluation
3 and approval of proposals for brain injury research projects;

4 e. Apply for and accept any grant of money from the federal
5 government, which may be available for programs relating to research
6 on brain injury.

7 f. Enter into contracts with individuals, organizations and
8 institutions necessary or incidental to the performance of its duties and
9 the execution of its powers under this act; and

10 g. Accept gifts, grants and bequests of funds from individuals,
11 foundations, corporations, governmental agencies and other
12 organizations and institutions.

13

14 6. (New section) The commission shall annually elect a chairman
15 and a vice-chairman from among its members. The chairman shall be
16 the chief executive officer of the commission, shall preside at all
17 meetings of the commission and shall perform other duties that the
18 commission may prescribe.

19 The executive director shall serve as secretary to the commission
20 and shall carry out its policies under the direction of the chairman.

21

22 7. (New section) Nothing in this act shall preclude a qualifying
23 research institution or any other research facility in the State from
24 directly applying for or receiving funds from any public or private
25 agency to conduct brain injury research.

26

27 8. (New section) a. The commission shall establish and maintain,
28 in conjunction with the Department of Health and Senior Services, a
29 central registry of persons who sustain brain injuries other than
30 through disease, whether or not the injury results in a permanent
31 disability, in order to provide a database that indicates the incidence
32 and prevalence of brain injuries and that will serve as a resource for
33 research, evaluation and information on brain injuries and available
34 services.

35 b. The commission shall require the reporting of all cases of brain
36 injuries, except those caused through disease, and the submission of
37 specified additional information on reported cases as it deems
38 necessary and appropriate.

39 The commission shall, by regulation, specify the health care
40 facilities and providers required to make the report of a brain injury to
41 the registry, information that shall be included in the report to the
42 registry, the method for making the report and the time period in
43 which the report shall be made.

44 c. The reports made pursuant to this section are to be used only by
45 the commission and the Department of Health and Senior Services and
46 such other agencies as may be designated by the commission or the

1 department and shall not otherwise be divulged or made public so as
2 to disclose the identity of any person to whom they relate; and to that
3 end, the reports shall not be included under materials available to
4 public inspection pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.).

5 d. No individual or organization providing information to the
6 commission in accordance with this section shall be deemed to be, or
7 held liable for, divulging confidential information. Nothing in this
8 section shall be construed to compel any individual to submit to
9 medical, commission or department examination or supervision.

10 e. A health care facility or health care provider who is required to
11 report a brain injury to the commission and who fails to comply with
12 the provisions of this section shall be liable to a penalty of up to \$100
13 per unreported brain injury case. A penalty sued for under the
14 provisions of this section shall be recovered by and in the name of the
15 commission and shall be deposited in the "New Jersey Brain Injury
16 Research Fund" established pursuant to this act.

17
18 9. (New section) a. There is established in the Department of the
19 Treasury a nonlapsing revolving fund to be known as the "New Jersey
20 Brain Injury Research Fund." This fund shall be the repository for
21 moneys provided pursuant to subsection f. of R.S.39:5-41. Moneys
22 deposited in the fund, and any interest earned thereon, shall be used
23 exclusively for the purpose of making grants for brain injury research
24 projects at qualified research institutions approved by the New Jersey
25 State Commission on Brain Injury Research.

26 b. Any costs incurred by the department in the collection or
27 administration of the fund may be deducted from the funds deposited
28 therein, as determined by the Director of the Division of Budget and
29 Accounting.

30
31 10. R.S. 39:5-41 is amended to read as follows:

32 39:5-41. a. All fines, penalties and forfeitures imposed and
33 collected under authority of law for any violations of R.S.39:4-63 and
34 R.S.39:4-64 shall be forwarded by the judge to whom the same have
35 been paid to the proper financial officer of a county, if the violation
36 occurred within the jurisdiction of that county's central municipal
37 court, established pursuant to N.J.S.2B:12-1 et seq. or the
38 municipality wherein the violation occurred, to be used by the county
39 or municipality to help finance litter control activities in addition to or
40 supplementing existing litter pickup and removal activities in the
41 municipality.

42 b. Except as otherwise provided by subsection a. of this section, all
43 fines, penalties and forfeitures imposed and collected under authority
44 of law for any violations of the provisions of this Title, other than
45 those violations in which the complaining witness is the director, a
46 member of his staff, a member of the State Police, a member of a

1 county police department and force or a county park police system in
2 a county that has established a central municipal court, an inspector of
3 the Board of Public Utilities, or a law enforcement officer of any other
4 State agency, shall be forwarded by the judge to whom the same have
5 been paid as follows: one-half of the total amount collected to the
6 financial officer, as designated by the local governing body, of the
7 respective municipalities wherein the violations occurred, to be used
8 by the municipality for general municipal use and to defray the cost of
9 operating the municipal court; and one-half of the total amount
10 collected to the proper financial officer of the county wherein they
11 were collected, to be used by the county as a fund for the
12 construction, reconstruction, maintenance and repair of roads and
13 bridges, snow removal, the acquisition and purchase of rights-of-way,
14 and the purchase, replacement and repair of equipment for use on said
15 roads and bridges therein. Up to 25% of the money received by a
16 municipality pursuant to this subsection, but not more than the actual
17 amount budgeted for the municipal court, whichever is less, may be
18 used to upgrade case processing.

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

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

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

38 d. Notwithstanding the provisions of subsections a. and b. of this
39 section, \$1.00 shall be added to the amount of each fine and penalty
40 imposed and collected under authority of any law for any violation of
41 the provisions of Title 39 of the Revised Statutes or any other motor
42 vehicle or traffic violation in this State and shall be forwarded by the
43 person to whom the same are paid to the State Treasurer. In addition,
44 upon the forfeiture of bail, \$1.00 of that forfeiture shall be forwarded
45 to the State Treasurer. The State Treasurer shall annually deposit
46 those moneys so forwarded in the "Body Armor Replacement" fund

1 established pursuant to section 1 of P.L.1997, c.177 (C.52:17B-4.4).
2 Beginning in the fiscal year next following the effective date of this
3 act, the State Treasurer annually shall allocate from those moneys so
4 forwarded an amount not to exceed \$400,000 to the Department of
5 Personnel to be expended exclusively for the purposes of funding the
6 operation of the "Law Enforcement Officer Crisis Intervention
7 Services" telephone hotline established and maintained under the
8 provisions of P.L.1998, c.149 (C.11A:2-25 et al.).

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

24 f. Notwithstanding the provisions of subsections a. and b. of this
25 section, \$1 shall be added to the amount of each fine and penalty
26 imposed and collected under authority of any law for any violation of
27 the provisions of Title 39 of the Revised Statutes or any other motor
28 vehicle or traffic violation in this State and shall be forwarded by the
29 person to whom the same are paid to the State Treasurer. The State
30 Treasurer shall annually deposit those moneys so forwarded in the
31 "New Jersey Brain Injury Research Fund" established pursuant to
32 section 9 of P.L. , c. (C.)(pending before the Legislature as this
33 bill). In order to comply with the provisions of Article VIII, Section
34 II, paragraph 5 of the State Constitution, a municipal or county agency
35 which forwards moneys to the State Treasurer pursuant to this
36 subsection may retain an amount equal to 2% of the moneys which it
37 collects pursuant to this subsection as compensation for its
38 administrative costs associated with implementing the provisions of
39 this subsection.

40 (cf: P.L.1999, c.201, s.10)

41

42 11. The commission shall adopt regulations pursuant to the
43 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
44 seq.) as are necessary to carry out the provisions of this act.

45

46 12. This act shall take effect on the 90th day following enactment.

STATEMENT

1
2
3 This bill, designated the "Brain Injury Research Act," establishes
4 an 11-member New Jersey State Commission on Brain Injury Research
5 in, but not of, the Department of Health and Senior Services. The
6 commission's responsibility is to design and administer a grant program
7 to fund approved medical and scientific research projects that focus on
8 the treatment of brain injury, emphasizing projects that study nerve
9 regeneration as a means to a cure for brain injury.

10 The moneys for these grants would be generated by a \$1 surcharge
11 on all motor vehicle fines. These moneys would be deposited in a
12 special nonlapsing fund, known as the "New Jersey Brain Injury
13 Research Fund."

14 The bill also permits a municipal or county agency that forwards
15 monies to the State Treasurer collected from the additional penalties
16 assessed for the "New Jersey Brain Injury Research Fund" to retain an
17 amount equal to 2% of the monies collected for its administrative costs
18 associated with this process. This is to ensure that the State does not
19 impose an unfunded mandate on municipalities and counties in
20 violation of the provisions of Article VIII, Section II, paragraph 5 of
21 the State Constitution.

22 The commission is directed to:

- 23 C Review and authorize approved research projects, emphasizing
24 projects that study nerve regeneration as a means to a cure for brain
25 injury, and may establish an independent scientific advisory panel
26 composed of scientists and clinicians who are not members of the
27 commission to review proposals submitted to the commission and
28 make funding recommendations to the commission;
- 29 C Apportion all available funds to qualifying research institutions to
30 finance approved research projects and necessary institutional
31 support services;
- 32 C Ensure that funds so apportioned to approved research projects are
33 not diverted to any other use;
- 34 C Take steps necessary to encourage the development within the
35 State of brain injury research projects;
- 36 C Compile a directory of all brain injury research projects being
37 conducted in the State; and
- 38 C Provide the Governor and the Legislature with a report by January
39 30 of each year describing the status of the commission's activities
40 and the results of its funded research efforts.

41 In addition, the commission is directed to establish and maintain, in
42 conjunction with the Department of Health and Senior Services, a
43 central registry of persons who sustain brain injuries other than
44 through disease, whether or not the injury results in a permanent
45 disability, in order to provide a database that indicates the incidence
46 and prevalence of brain injuries and that will serve as a resource for

1 research, evaluation and information on brain injuries and available
2 services.

3 The bill requires that health care facilities and providers report all
4 cases of brain injuries, except those caused through disease, and
5 submit specified additional information on reported cases, to the
6 commission. The commission shall, by regulation, specify the health
7 care facilities and providers required to make the report, information
8 that shall be included in the report, the method for making the report
9 and the time period in which the report shall be made.

10 The reports made to the registry are to be used only by the
11 commission and the Department of Health and Senior Services and
12 such other agencies as may be designated by the commission or the
13 department and shall not otherwise be divulged or made public so as
14 to disclose the identity of any person to whom they relate. To ensure
15 that the required reports are made to the commission, the bill
16 establishes a penalty of up to \$100 per unreported brain injury case.

17 Finally, the bill specifies that its provisions shall not preclude a
18 qualifying research institution or any other research facility in the State
19 from directly applying for or receiving funds from any public or private
20 agency to conduct brain injury research.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1771

STATE OF NEW JERSEY

DATED: FEBRUARY 21, 2002

The Assembly Health and Human Services Committee reports favorably Assembly Bill No. 1771.

This bill, which is designated the "Brain Injury Research Act," establishes an 11-member New Jersey State Commission on Brain Injury Research in, but not of, the Department of Health and Senior Services (DHSS).

The commission is to include: the Commissioner of Health and Senior Services, or his designee, to shall serve ex officio; one representative of the University of Medicine and Dentistry of New Jersey; one representative of Rutgers, The State University; six public members to be appointed by the Governor with the advice and consent of the Senate, one of whom is to be a licensed physician in this State and one a person with a brain injury; and two public members, of whom one each is to be appointed by the President of the Senate and the Speaker of the General Assembly, respectively. All public members are to be residents of the State or otherwise associated with the State, and to have knowledge, competence, experience or interest in brain injury medical research.

The commission would be responsible for designing and administering a grant program to fund approved medical and scientific research projects that focus on the treatment of brain injury, emphasizing projects that study nerve regeneration as a means to a cure for brain injury. The monies for these grants would be generated by a \$1 surcharge on all motor vehicle fines, which would be deposited in a special nonlapsing fund, known as the "New Jersey Brain Injury Research Fund."

The bill also permits a municipal or county agency that forwards monies to the State Treasurer collected from the additional penalties assessed for the "New Jersey Brain Injury Research Fund" to retain an amount equal to 2% of the monies collected for its administrative costs associated with this process. This is to ensure that the State does not impose an unfunded mandate on municipalities and counties in violation of the provisions of Article VIII, Section II, paragraph 5 of the State Constitution.

The bill directs the commission to:

- C review and authorize approved research projects, emphasizing projects that study nerve regeneration as a means to a cure for

brain injury, and permits the commission to establish an independent scientific advisory panel composed of scientists and clinicians who are not members of the commission to review proposals submitted to the commission and make funding recommendations to the commission;

- C apportion all available funds to qualifying research institutions to finance approved research projects and necessary institutional support services;
- C ensure that the funds apportioned to approved research projects are not diverted to any other use;
- C encourage the development within the State of brain injury research projects;
- C compile a directory of all brain injury research projects being conducted in the State; and
- C provide the Governor and the Legislature with a report by January 30 of each year describing the status of the commission's activities and the results of its funded research efforts.

In addition, the bill requires the commission to establish and maintain, in conjunction with DHSS, a central registry of persons who sustain brain injuries other than through disease, whether or not the injury results in a permanent disability, in order to provide a database that indicates the incidence and prevalence of brain injuries and that will serve as a resource for research, evaluation and information on brain injuries and available services.

The bill requires health care facilities and providers to report all cases of brain injuries, except those caused through disease, and submit specified additional information on reported cases, to the commission. The commission is to specify, by regulation: the health care facilities and providers required to make the report, information that shall be included in the report, the method for making the report, and the time period in which the report is to be made.

The reports made to the registry are to be used only by the commission and DHSS and such other agencies as may be designated by the commission or DHSS, and are not otherwise to be divulged or made public so as to disclose the identity of any person to whom they relate. To ensure that the required reports are made to the commission, the bill establishes a penalty of up to \$100 for each unreported brain injury case.

Finally, the bill specifies that its provisions would not preclude a qualifying research institution or any other research facility in the State from directly applying for or receiving funds from any public or private agency to conduct brain injury research.

The bill takes effect on the 90th day following enactment.

As reported by the committee, this bill is identical to Senate Bill No. 914 (Gill), which is currently pending in the Senate Health, Human Services and Senior Citizens Committee.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1771

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 6, 2002

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1771, with committee amendments.

Assembly Bill No. 1771, as amended, the "Brain Injury Research Act," establishes an 11-member New Jersey State Commission on Brain Injury Research in, but not of, the Department of Health and Senior Services.

The commission is to include: the Commissioner of Health and Senior Services, or the commissioner's designee; one representative of the University of Medicine and Dentistry of New Jersey; one representative of Rutgers, The State University of New Jersey; six public members to be appointed by the Governor with the advice and consent of the Senate, one of whom is to be a licensed physician in this State and one a person with a brain injury; and two public members, of whom one each is to be appointed by the President of the Senate and the Speaker of the General Assembly, respectively. All public members are to be residents of the State or otherwise associated with the State, and to have knowledge, competence, experience or interest in brain injury medical research.

The commission will be responsible for designing and administering a grant program to fund approved medical and scientific research projects that focus on the treatment of brain injury, emphasizing projects that study nerve regeneration as a means to a cure for brain injury. The moneys for these grants will be generated by a \$1 surcharge on all motor vehicle fines, which will be deposited in the "New Jersey Brain Injury Research Fund." The bill provides that moneys deposited in the fund may also be used to meet the operating expenses of the commission, in accordance with rules and regulations adopted by the commission.

The bill permits the Administrative Office of the Courts to retain an amount equal to \$475,000 from the moneys that it initially collects under the bill, prior to depositing any moneys in the "New Jersey Brain Injury Research Fund," in order to meet the expenses associated with using the Automated Traffic System created pursuant to N.J.S.A.2B:12-30 to implement the provisions of the bill and serve other statutory purposes.

The bill directs the commission to:

- C review and authorize approved research projects, emphasizing projects that study nerve regeneration as a means to a cure for brain injury. The commission may establish an independent scientific advisory panel composed of scientists and clinicians who are not its members to review proposals submitted to the commission and make funding recommendations to the commission;
- C apportion all available funds to qualifying research institutions to finance approved research projects and necessary institutional support services;
- C ensure that funds so apportioned to approved research projects are not diverted to any other use;
- C take steps necessary to encourage the development within the State of brain injury research projects;
- C compile a directory of all brain injury research projects being conducted in the State; and
- C provide the Governor and the Legislature with a report by January 30 of each year describing the status of the commission's activities and the results of its funded research efforts.

In addition, the commission is directed to establish and maintain, in conjunction with the Department of Health and Senior Services, a central registry of persons who sustain brain injuries other than through disease, whether or not the injury results in a permanent disability, to provide a database that indicates the incidence and prevalence of brain injuries and that will serve as a resource for research, evaluation and information on brain injuries and available services.

The bill requires health care facilities and providers to report all cases of brain injuries, except those caused through disease, and submit specified additional information on reported cases to the commission. The commission is directed to specify, by regulation: the health care facilities and providers required to make the report; information that shall be included in the report; the method for making the report; and the time period in which the report shall be made.

The reports made to the registry are to be used only by the commission and the Department of Health and Senior Services and such other agencies as may be designated by the commission or the department, and shall not otherwise be divulged or made public so as to disclose the identity of any person to whom they relate. To ensure that the required reports are made to the commission, the bill establishes a penalty of up to \$100 per unreported brain injury case.

Finally, the bill specifies that its provisions shall not preclude a qualifying research institution or any other research facility in the State from directly applying for or receiving funds from any public or private agency to conduct brain injury research.

FISCAL IMPACT:

The experience of the Administrative Office of the Courts in collecting other surcharges on motor vehicle fines indicates that the surcharge imposed under this bill will generate between \$3 million and \$4 million annually.

The bill permits the Administrative Office of the Courts to retain an amount equal to \$475,000 from the moneys that it initially collects under the bill, prior to depositing any moneys in the "New Jersey Brain Injury Research Fund," in order to meet the expenses associated with using the Automated Traffic System created pursuant to N.J.S.A.2B:12-30 to implement the provisions of the bill and serve other statutory purposes. This expense represents the cost of the drastic upgrade in the software architecture of the Automated Traffic System that is required for a system that has otherwise reached its capacity to handle the sorting of scheduled penalty payments that must be accomplished to effectively make the type of surcharges imposed under this bill.

COMMITTEE AMENDMENTS:

The amendments:

(1) provide that moneys deposited in the "New Jersey Brain Injury Research Fund" may be used to meet the operating expenses of the New Jersey State Commission on Brain Injury Research;

(2) permit the Administrative Office of the Courts to retain an amount equal to \$475,000 from the moneys that it initially collects under the bill;

(3) revise the effective date of the bill, from the 90th to the 180th day following enactment, in order to allow sufficient time for the New Jersey State Commission on Brain Injury Research to be constituted and become operational, and for the Administrative Office of the Courts to upgrade its computer system in order to meet the operational requirements of the bill and other anticipated needs;

(4) correct the reference to Rutgers, The State University of New Jersey, in section 3 of the bill; and

(5) update the reference to the public records law to include the recently enacted statute, P.L.2001, c.404.

[Corrected Copy]

FISCAL NOTE
[First Reprint]
ASSEMBLY, No. 1771
STATE OF NEW JERSEY
210th LEGISLATURE

DATED: JANUARY 6, 2004

SUMMARY

Synopsis: Brain Injury Research Act.
Type of Impact: Program costs would be supported by the New Jersey Brain Injury Research Fund, which has its own dedicated funding source.
Agencies Affected: Department of Health and Senior Services (DHSS); municipal courts.

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Brain Injury Research Fund Expenditures	\$3,230,000	\$3,800,000	\$3,800,000
Brain Injury Research Fund Revenue	\$3,230,000	\$3,800,000	\$3,800,000

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Brain Injury Research Fund Expenditures	\$3,600,000 to \$3,900,000	\$3,600,000 to \$3,900,000	\$3,600,000 to \$3,900,000
Brain Injury Research Fund Revenue	\$3,600,000 to \$3,900,000	\$3,600,000 to \$3,900,000	\$3,600,000 to \$3,900,000

* The Office of Legislative Services (OLS) **does not concur** because one-time computer programming costs of \$335,000 to implement the \$1.00 surcharge are unreasonable since

computer programming already exists to administer other motor vehicle surcharges.

BILL DESCRIPTION

Assembly Bill No. 1771 (1R) of 2002, the Brain Injury Research Act, establishes an 11-member New Jersey State Commission on Brain Injury Research in, but not of, DHSS. The commission would be responsible for designing and administering a grant program to fund approved medical and scientific research projects that focus on the treatment of brain injury, emphasizing projects that study nerve regeneration as a means to a cure for brain injury. The monies for these grants would be generated by a \$1 surcharge on all motor vehicle fines. Such monies would be deposited in a special nonlapsing fund, the New Jersey Brain Injury Research Fund and would also be used to meet the operating expenses of the commission. The bill would allow the Administrative Office of the Courts to retain an amount equal to \$475,000 from moneys that it initially collects prior to depositing any moneys in the Fund.

In addition, the commission would be required to establish and maintain, in conjunction with DHSS, a central registry of persons who sustain brain injuries other than through disease, regardless of whether the injury results in a permanent disability, in order to provide a database that indicates the incidence and prevalence of brain injuries and that will serve as a resource for research, evaluation and information on brain injuries and available services. Furthermore, all health care facilities and providers would be required to report all cases of brain injury, except those caused through disease, and submit specified additional information on reported cases to the commission. Failure to submit such required reports would result in a penalty of up to \$100 for each unreported brain injury case.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Administrative Office of the Courts (AOC) has estimated that the \$1 surcharge would generate about \$3.23 million in revenues to the Brain Injury Research Fund during the first year, and approximately \$3.8 million in subsequent fiscal years.

The AOC indicates that one-time costs to reprogram computers of approximately \$335,000 would be incurred.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) does not concur with the Administrative Office of the Courts (AOC) as it indicates that one-time programming costs of \$335,000 would be incurred. Such computer programming costs are unreasonable as programs already exist to enable other funds to receive motor vehicle surcharges, and it should not cost \$335,000 to add another fund to the list of funds that receive a surcharge on motor vehicle fines.

The estimate that the \$1.00 surcharge will generate approximately \$3.8 million in ongoing revenues to the Brain Injury Research Fund is reasonable, as a \$1.00 surcharge on motor vehicle fines generates between \$3.6 million and \$3.9 million annually for the Body Armor Replacement and the Spinal Cord Research Funds, respectively.

The moneys generated by the \$1.00 surcharge would be utilized for grants as well as for operating expenses for the commission, and before deposits are placed into the Fund, \$475,000 would be retained by the Administrative Office of the Courts to meet expenses associated with

the Automated Traffic System created under N.J.S.A. 2B:12-30 which would implement the bill and serve other statutory purposes.

Section: *Human Services*

Analyst: *Jay Hershberg*
Principal Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1771

STATE OF NEW JERSEY

DATED: DECEMBER 4, 2003

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 1771 (1R).

This bill, designated the "Brain Injury Research Act," provides for the funding of brain injury research projects through the collection of a \$1 surcharge on motor vehicle penalties.

Commission established. The bill establishes an 11-member New Jersey State Commission on Brain Injury Research in, but not of, the Department of Health and Senior Services. The commission is to include: the Commissioner of Health and Senior Services, or his designee; one representative of the University of Medicine and Dentistry of New Jersey; one representative of Rutgers, The State University of New Jersey; six public members to be appointed by the Governor with the advice and consent of the Senate, one of whom is to be a licensed physician in this State and one a person with a brain injury; and two public members, of whom one each is to be appointed by the President of the Senate and the Speaker of the General Assembly, respectively. All public members are to be residents of the State or otherwise associated with the State, and to have knowledge, competence, experience or interest in brain injury medical research.

Duties of commission: grant program; brain disease registry. The commission would be responsible for designing and administering a grant program to fund approved medical and scientific research projects that focus on the treatment of brain injury. The bill directs the commission to:

- * Review and authorize approved research projects, emphasizing projects that study nerve regeneration as a means to a cure for brain injury. The bill authorizes the commission to establish an independent scientific advisory panel composed of scientists and clinicians who are not members of the commission to review proposals submitted to the commission and make funding recommendations to the commission;
- * Apportion all available funds to qualifying research institutions to finance approved research projects and necessary institutional support services;
- * Ensure that funds so apportioned are not diverted to any other use;

- * Encourage the development within the State of brain injury research projects;
- * Compile a directory of all brain injury research projects being conducted in the State; and
- * Provide the Governor and the Legislature with a report by January 30 of each year describing the status of the commission's activities and the results of its funded research efforts.

The bill specifies that its provisions shall not preclude a qualifying research institution or any other research facility in the State from directly applying for or receiving funds from any public or private agency to conduct brain injury research.

In addition, the commission is directed to establish and maintain, in conjunction with the Department of Health and Senior Services, a central registry of persons who sustain brain injuries other than through disease, whether or not the injury results in a permanent disability, in order to provide a database that indicates the incidence and prevalence of brain injuries and that will serve as a resource for research, evaluation and information on brain injuries and available services.

The bill requires health care facilities and providers to report all cases of brain injuries, except those caused through disease, and to submit specified additional information on reported cases to the commission. The commission is directed to specify by regulation: the health care facilities and providers required to make the report; the information that shall be included in the report; the method for making the report; and the time period in which the report shall be made. To ensure that the required reports are made to the commission, the bill establishes a penalty of up to \$100 per unreported brain injury case.

The reports made to the registry are to be used only by the commission and the Department of Health and Senior Services and such other agencies as may be designated by the commission or the department, and could not otherwise be divulged or made public so as to disclose the identity of any person to whom they relate.

Funding of commission. Funding for the grant program would be generated by a \$1 surcharge on all fines for any motor vehicle or traffic violation, which surcharge would be deposited in a special nonlapsing fund, known as the "New Jersey Brain Injury Research Fund." The bill provides that moneys deposited in the fund may also be used to meet the operating expenses of the commission, in accordance with rules and regulations adopted by the commission.

The bill also permits the Administrative Office of the Courts to retain an amount equal to \$475,000 from the moneys that it initially collects under the bill, prior to depositing any moneys in the "New Jersey Brain Injury Research Fund," in order to meet the expenses associated with utilizing the Automated Traffic System Fund created pursuant to N.J.S.A.2B:12-30 to implement the provisions of the bill and serve other statutory purposes.

The provisions of this bill are identical to those of Senate Bill No.

914 (1R), which the committee also reports this day.

FISCAL IMPACT

The Administrative Office of the Courts (AOC) has estimated that the \$1 surcharge would generate about \$3.23 million in revenues to the Brain Injury Research Fund during the first year, and approximately \$3.8 million in subsequent fiscal years. These estimated amounts are comparable to actual collections realized from the similar \$1 motor vehicle penalty surcharge for the Body Armor Replacement and Spinal Cord Research Funds.

The bill permits the Administrative Office of the Courts to retain an amount equal to \$475,000 from the moneys that it initially collects under the bill, prior to depositing any moneys in the "New Jersey Brain Injury Research Fund," in order to meet the expenses associated with using the Automated Traffic System created under N.J.S.A.2B:12-30 to implement the provisions of the bill and serve other statutory purposes. This expense represents the cost of the upgrade in the software architecture of the Automated Traffic System that is required for a system that has otherwise reached its capacity to handle the sorting of scheduled penalty payments that must be accomplished to implement make the surcharges imposed under this bill.

SENATE, No. 914

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED FEBRUARY 11, 2002

Sponsored by:

Senator NIA H. GILL

District 34 (Essex and Passaic)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Co-Sponsored by:

Senators Coniglio, Matheussen and Singer

SYNOPSIS

"Brain Injury Research Act."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/14/2002)

1 AN ACT establishing a New Jersey Commission on Brain Injury
2 Research, supplementing Title 52 of the Revised Statutes and
3 amending R.S.39:5-41.

4

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

7

8 1. (New section) This act shall be known and may be cited as the
9 "Brain Injury Research Act."

10

11 2. (New section) As used in this act:

12 "Approved research project" means a scientific research project,
13 which is approved by the commission and which focuses on the
14 treatment and cure of brain injuries.

15 "Commission" means the New Jersey State Commission on Brain
16 Injury Research established pursuant to this act.

17 "Institutional support services" means all services, facilities,
18 equipment, personnel and expenditures associated with the creation
19 and maintenance of approved research projects.

20 "Qualifying research institution" means the University of Medicine
21 and Dentistry of New Jersey and Rutgers, The State University of New
22 Jersey and any other institution approved by the commission, which is
23 conducting an approved research project.

24

25 3. (New section) a. There is established in the Executive Branch
26 of the State government, the New Jersey State Commission on Brain
27 Injury Research. For the purposes of complying with the provisions
28 of Article V, Section IV, paragraph 1 of the New Jersey Constitution,
29 the commission is allocated within the Department of Health and
30 Senior Services, but notwithstanding that allocation, the commission
31 shall be independent of any supervision or control by the department
32 or by any board or officer thereof.

33 b. The commission shall consist of 11 members, including the
34 Commissioner of Health and Senior Services, or his designee, who
35 shall serve ex officio; one representative of the University of Medicine
36 and Dentistry of New Jersey; one representative of Rutgers, The State
37 University; six public members, appointed by the Governor with the
38 advice and consent of the Senate, one of whom shall be a licensed
39 physician in this State and one of whom shall be a person with a brain
40 injury; and two public members, one of whom shall be appointed by
41 the President of the Senate and one of whom shall be appointed by the
42 Speaker of the General Assembly. All public members shall be
43 residents of the State or otherwise associated with the State, and shall

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

Matter underlined thus is new matter.

1 be known for their knowledge, competence, experience or interest in
2 brain injury medical research.

3 c. The term of office of each public member shall be three years,
4 but of the members first appointed, three shall be appointed for terms
5 of one year, three for terms of two years, and two for terms of three
6 years. All vacancies shall be filled for the balances of the unexpired
7 terms in the same manner as the original appointments. Appointed
8 members are eligible for reappointment upon the expiration of their
9 terms. A member shall continue to serve upon the expiration of his
10 term until a successor is appointed.

11 The members of the commission shall not receive compensation for
12 their services, but shall be reimbursed for the actual and necessary
13 expenses incurred in the performance of their duties as members of the
14 commission.

15

16 4. (New section) The commission shall:

17 a. Review and authorize approved research projects, emphasizing
18 projects that study nerve regeneration as a means to a cure for brain
19 injury, and may establish an independent scientific advisory panel
20 composed of scientists and clinicians who are not members of the
21 commission to review proposals submitted to the commission and
22 make funding recommendations to the commission;

23 b. Apportion all available funds to qualifying research institutions
24 to finance approved research projects and necessary institutional
25 support services;

26 c. Ensure that funds so apportioned to approved research projects
27 are not diverted to any other use;

28 d. Take steps necessary to encourage the development within the
29 State of brain injury research projects;

30 e. Compile a directory of all brain injury research projects being
31 conducted in the State; and

32 f. Provide the Governor and the Legislature with a report by
33 January 30 of each year describing the status of the commission's
34 activities and the results of its funded research efforts.

35

36 5. (New section) The commission is authorized to:

37 a. Adopt rules and regulations concerning the operation of the
38 commission, the functions and responsibilities of its officers and
39 employees and other matters as may be necessary to carry out the
40 purposes of this act;

41 b. Maintain offices at such places within the State as it may
42 designate;

43 c. Employ an executive director and other personnel as may be
44 necessary, whose employment shall be in the unclassified service of the
45 State, except that employees performing stenographic or clerical duties
46 shall be appointed pursuant to Title 11A (Civil Service) of the New

1 Jersey Statutes;

2 d. Design a fair and equitable system for the solicitation, evaluation
3 and approval of proposals for brain injury research projects;

4 e. Apply for and accept any grant of money from the federal
5 government, which may be available for programs relating to research
6 on brain injury.

7 f. Enter into contracts with individuals, organizations and
8 institutions necessary or incidental to the performance of its duties and
9 the execution of its powers under this act; and

10 g. Accept gifts, grants and bequests of funds from individuals,
11 foundations, corporations, governmental agencies and other
12 organizations and institutions.

13

14 6. (New section) The commission shall annually elect a chairman
15 and a vice-chairman from among its members. The chairman shall be
16 the chief executive officer of the commission, shall preside at all
17 meetings of the commission and shall perform other duties that the
18 commission may prescribe.

19 The executive director shall serve as secretary to the commission
20 and shall carry out its policies under the direction of the chairman.

21

22 7. (New section) Nothing in this act shall preclude a qualifying
23 research institution or any other research facility in the State from
24 directly applying for or receiving funds from any public or private
25 agency to conduct brain injury research.

26

27 8. (New section) a. The commission shall establish and maintain,
28 in conjunction with the Department of Health and Senior Services, a
29 central registry of persons who sustain brain injuries other than
30 through disease, whether or not the injury results in a permanent
31 disability, in order to provide a database that indicates the incidence
32 and prevalence of brain injuries and that will serve as a resource for
33 research, evaluation and information on brain injuries and available
34 services.

35 b. The commission shall require the reporting of all cases of brain
36 injuries, except those caused through disease, and the submission of
37 specified additional information on reported cases as it deems
38 necessary and appropriate.

39 The commission shall, by regulation, specify the health care
40 facilities and providers required to make the report of a brain injury to
41 the registry, information that shall be included in the report to the
42 registry, the method for making the report and the time period in
43 which the report shall be made.

44 c. The reports made pursuant to this section are to be used only by
45 the commission and the Department of Health and Senior Services and
46 such other agencies as may be designated by the commission or the

1 department and shall not otherwise be divulged or made public so as
2 to disclose the identity of any person to whom they relate; and to that
3 end, the reports shall not be included under materials available to
4 public inspection pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.).

5 d. No individual or organization providing information to the
6 commission in accordance with this section shall be deemed to be, or
7 held liable for, divulging confidential information. Nothing in this
8 section shall be construed to compel any individual to submit to
9 medical, commission or department examination or supervision.

10 e. A health care facility or health care provider who is required to
11 report a brain injury to the commission and who fails to comply with
12 the provisions of this section shall be liable to a penalty of up to \$100
13 per unreported brain injury case. A penalty sued for under the
14 provisions of this section shall be recovered by and in the name of the
15 commission and shall be deposited in the "New Jersey Brain Injury
16 Research Fund" established pursuant to this act.

17
18 9. (New section) a. There is established in the Department of the
19 Treasury a nonlapsing revolving fund to be known as the "New Jersey
20 Brain Injury Research Fund." This fund shall be the repository for
21 moneys provided pursuant to subsection f. of R.S.39:5-41. Moneys
22 deposited in the fund, and any interest earned thereon, shall be used
23 exclusively for the purpose of making grants for brain injury research
24 projects at qualified research institutions approved by the New Jersey
25 State Commission on Brain Injury Research.

26 b. Any costs incurred by the department in the collection or
27 administration of the fund may be deducted from the funds deposited
28 therein, as determined by the Director of the Division of Budget and
29 Accounting.

30
31 10. R.S. 39:5-41 is amended to read as follows:

32 39:5-41. a. All fines, penalties and forfeitures imposed and collected
33 under authority of law for any violations of R.S.39:4-63 and
34 R.S.39:4-64 shall be forwarded by the judge to whom the same have
35 been paid to the proper financial officer of a county, if the violation
36 occurred within the jurisdiction of that county's central municipal
37 court, established pursuant to N.J.S.2B:12-1 et seq. or the
38 municipality wherein the violation occurred, to be used by the county
39 or municipality to help finance litter control activities in addition to or
40 supplementing existing litter pickup and removal activities in the
41 municipality.

42 b. Except as otherwise provided by subsection a. of this section, all
43 fines, penalties and forfeitures imposed and collected under authority
44 of law for any violations of the provisions of this Title, other than
45 those violations in which the complaining witness is the director, a
46 member of his staff, a member of the State Police, a member of a

1 county police department and force or a county park police system in
2 a county that has established a central municipal court, an inspector of
3 the Board of Public Utilities, or a law enforcement officer of any other
4 State agency, shall be forwarded by the judge to whom the same have
5 been paid as follows: one-half of the total amount collected to the
6 financial officer, as designated by the local governing body, of the
7 respective municipalities wherein the violations occurred, to be used
8 by the municipality for general municipal use and to defray the cost of
9 operating the municipal court; and one-half of the total amount
10 collected to the proper financial officer of the county wherein they
11 were collected, to be used by the county as a fund for the
12 construction, reconstruction, maintenance and repair of roads and
13 bridges, snow removal, the acquisition and purchase of rights-of-way,
14 and the purchase, replacement and repair of equipment for use on said
15 roads and bridges therein. Up to 25% of the money received by a
16 municipality pursuant to this subsection, but not more than the actual
17 amount budgeted for the municipal court, whichever is less, may be
18 used to upgrade case processing.

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

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

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

38 d. Notwithstanding the provisions of subsections a. and b. of this
39 section, \$1.00 shall be added to the amount of each fine and penalty
40 imposed and collected under authority of any law for any violation of
41 the provisions of Title 39 of the Revised Statutes or any other motor
42 vehicle or traffic violation in this State and shall be forwarded by the
43 person to whom the same are paid to the State Treasurer. In addition,
44 upon the forfeiture of bail, \$1.00 of that forfeiture shall be forwarded
45 to the State Treasurer. The State Treasurer shall annually deposit
46 those moneys so forwarded in the "Body Armor Replacement" fund

1 established pursuant to section 1 of P.L.1997, c.177 (C.52:17B-4.4).
2 Beginning in the fiscal year next following the effective date of this
3 act, the State Treasurer annually shall allocate from those moneys so
4 forwarded an amount not to exceed \$400,000 to the Department of
5 Personnel to be expended exclusively for the purposes of funding the
6 operation of the "Law Enforcement Officer Crisis Intervention
7 Services" telephone hotline established and maintained under the
8 provisions of P.L.1998, c.149 (C.11A:2-25 et al.).

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

24 f. Notwithstanding the provisions of subsections a. and b. of this
25 section, \$1 shall be added to the amount of each fine and penalty
26 imposed and collected under authority of any law for any violation of
27 the provisions of Title 39 of the Revised Statutes or any other motor
28 vehicle or traffic violation in this State and shall be forwarded by the
29 person to whom the same are paid to the State Treasurer. The State
30 Treasurer shall annually deposit those moneys so forwarded in the
31 "New Jersey Brain Injury Research Fund" established pursuant to
32 section 9 of P.L. , c. (C.)(pending before the Legislature as this
33 bill). In order to comply with the provisions of Article VIII, Section
34 II, paragraph 5 of the State Constitution, a municipal or county agency
35 which forwards moneys to the State Treasurer pursuant to this
36 subsection may retain an amount equal to 2% of the moneys which it
37 collects pursuant to this subsection as compensation for its
38 administrative costs associated with implementing the provisions of
39 this subsection.

40 (cf: P.L.1999, c.201, s.10)

41

42 11. The commission shall adopt regulations pursuant to the
43 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
44 seq.) as are necessary to carry out the provisions of this act.

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46 12. This act shall take effect on the 90th day following enactment.

STATEMENT

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This bill, designated the "Brain Injury Research Act," establishes an 11-member New Jersey State Commission on Brain Injury Research in, but not of, the Department of Health and Senior Services. The commission's responsibility is to design and administer a grant program to fund approved medical and scientific research projects that focus on the treatment of brain injury, emphasizing projects that study nerve regeneration as a means to a cure for brain injury.

The moneys for these grants would be generated by a \$1 surcharge on all motor vehicle fines. These moneys would be deposited in a special nonlapsing fund, known as the "New Jersey Brain Injury Research Fund."

The bill also permits a municipal or county agency that forwards monies to the State Treasurer collected from the additional penalties assessed for the "New Jersey Brain Injury Research Fund" to retain an amount equal to 2% of the monies collected for its administrative costs associated with this process. This is to ensure that the State does not impose an unfunded mandate on municipalities and counties in violation of the provisions of Article VIII, Section II, paragraph 5 of the State Constitution.

The commission is directed to:

- C Review and authorize approved research projects, emphasizing projects that study nerve regeneration as a means to a cure for brain injury, and may establish an independent scientific advisory panel composed of scientists and clinicians who are not members of the commission to review proposals submitted to the commission and make funding recommendations to the commission;
- C Apportion all available funds to qualifying research institutions to finance approved research projects and necessary institutional support services;
- C Ensure that funds so apportioned to approved research projects are not diverted to any other use;
- C Take steps necessary to encourage the development within the State of brain injury research projects;
- C Compile a directory of all brain injury research projects being conducted in the State; and
- C Provide the Governor and the Legislature with a report by January 30 of each year describing the status of the commission's activities and the results of its funded research efforts.

In addition, the commission is directed to establish and maintain, in conjunction with the Department of Health and Senior Services, a central registry of persons who sustain brain injuries other than through disease, whether or not the injury results in a permanent disability, in order to provide a database that indicates the incidence and prevalence of brain injuries and that will serve as a resource for

1 research, evaluation and information on brain injuries and available
2 services.

3 The bill requires that health care facilities and providers report all
4 cases of brain injuries, except those caused through disease, and
5 submit specified additional information on reported cases, to the
6 commission. The commission shall, by regulation, specify the health
7 care facilities and providers required to make the report, information
8 that shall be included in the report, the method for making the report
9 and the time period in which the report shall be made.

10 The reports made to the registry are to be used only by the
11 commission and the Department of Health and Senior Services and
12 such other agencies as may be designated by the commission or the
13 department and shall not otherwise be divulged or made public so as
14 to disclose the identity of any person to whom they relate. To ensure
15 that the required reports are made to the commission, the bill
16 establishes a penalty of up to \$100 per unreported brain injury case.

17 Finally, the bill specifies that its provisions shall not preclude a
18 qualifying research institution or any other research facility in the State
19 from directly applying for or receiving funds from any public or private
20 agency to conduct brain injury research.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 914

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 30, 2002

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 914.

As amended by committee, this bill, designated the "Brain Injury Research Act," establishes an 11-member New Jersey State Commission on Brain Injury Research in, but not of, the Department of Health and Senior Services.

The commission is to include: the Commissioner of Health and Senior Services, or his designee; one representative of the University of Medicine and Dentistry of New Jersey; one representative of Rutgers, The State University of New Jersey; six public members to be appointed by the Governor with the advice and consent of the Senate, one of whom is to be a licensed physician in this State and one a person with a brain injury; and two public members, of whom one each is to be appointed by the President of the Senate and the Speaker of the General Assembly, respectively. All public members are to be residents of the State or otherwise associated with the State, and to have knowledge, competence, experience or interest in brain injury medical research.

The commission would be responsible for designing and administering a grant program to fund approved medical and scientific research projects that focus on the treatment of brain injury, emphasizing projects that study nerve regeneration as a means to a cure for brain injury. The moneys for these grants would be generated by a \$1 surcharge on all motor vehicle fines, which would be deposited in a special nonlapsing fund, known as the "New Jersey Brain Injury Research Fund." The bill provides that moneys deposited in the fund may also be used to meet the operating expenses of the commission, in accordance with rules and regulations adopted by the commission.

The bill also permits the Administrative Office of the Courts to retain an amount equal to \$475,000 from the moneys that it initially collects under the bill, prior to depositing any moneys in the "New Jersey Brain Injury Research Fund," in order to meet the expenses

associated with utilizing the Automated Traffic System Fund created pursuant to N.J.S.A.2B:12-30 to implement the provisions of the bill and serve other statutory purposes.

The bill directs the commission to:

- C review and authorize approved research projects, emphasizing projects that study nerve regeneration as a means to a cure for brain injury, and may establish an independent scientific advisory panel composed of scientists and clinicians who are not members of the commission to review proposals submitted to the commission and make funding recommendations to the commission;
- C apportion all available funds to qualifying research institutions to finance approved research projects and necessary institutional support services;
- C ensure that funds so apportioned to approved research projects are not diverted to any other use;
- C take steps necessary to encourage the development within the State of brain injury research projects;
- C compile a directory of all brain injury research projects being conducted in the State; and
- C provide the Governor and the Legislature with a report by January 30 of each year describing the status of the commission's activities and the results of its funded research efforts.

In addition, the commission is directed to establish and maintain, in conjunction with the Department of Health and Senior Services, a central registry of persons who sustain brain injuries other than through disease, whether or not the injury results in a permanent disability, in order to provide a database that indicates the incidence and prevalence of brain injuries and that will serve as a resource for research, evaluation and information on brain injuries and available services.

The bill requires health care facilities and providers to report all cases of brain injuries, except those caused through disease, and submit specified additional information on reported cases to the commission. The commission is directed to specify, by regulation: the health care facilities and providers required to make the report; information that shall be included in the report; the method for making the report; and the time period in which the report shall be made.

The reports made to the registry are to be used only by the commission and the Department of Health and Senior Services and such other agencies as may be designated by the commission or the department, and shall not otherwise be divulged or made public so as to disclose the identity of any person to whom they relate. To ensure that the required reports are made to the commission, the bill establishes a penalty of up to \$100 per unreported brain injury case.

Finally, the bill specifies that its provisions shall not preclude a qualifying research institution or any other research facility in the State from directly applying for or receiving funds from any public or private

agency to conduct brain injury research.

The committee amended the bill to:

(1) provide that moneys deposited in the "New Jersey Brain Injury Research Fund" may be used to meet the operating expenses of the New Jersey State Commission on Brain Injury Research (in addition to being used for grants for brain injury research projects as already provided in the bill), in accordance with rules and regulations adopted by the commission;

(2) permit the Administrative Office of the Courts to retain an amount equal to \$475,000 from the moneys that it initially collects under the bill, prior to depositing any moneys in the "New Jersey Brain Injury Research Fund," in order to meet the expenses associated with utilizing the Automated Traffic System Fund to implement the provisions of the bill and serve other statutory purposes;

(3) revise the effective date of the bill, from the 90th to the 180th day following enactment, in order to allow sufficient time for the New Jersey State Commission on Brain Injury Research to be constituted and become operational, and for the Administrative Office of the Courts to upgrade its computer system in order to meet the operational requirements of the bill and other anticipated needs;

(4) correct the reference to Rutgers, The State University of New Jersey in section 3 of the bill; and

(5) update the reference to the public records law to include the recently enacted statute, P.L.2001, c.404.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 914

STATE OF NEW JERSEY

DATED: DECEMBER 4, 2003

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 914 (1R).

This bill, designated the "Brain Injury Research Act," provides for the funding of brain injury research projects through the collection of a \$1 surcharge on motor vehicle penalties.

Commission established. The bill establishes an 11-member New Jersey State Commission on Brain Injury Research in, but not of, the Department of Health and Senior Services. The commission is to include: the Commissioner of Health and Senior Services, or his designee; one representative of the University of Medicine and Dentistry of New Jersey; one representative of Rutgers, The State University of New Jersey; six public members to be appointed by the Governor with the advice and consent of the Senate, one of whom is to be a licensed physician in this State and one a person with a brain injury; and two public members, of whom one each is to be appointed by the President of the Senate and the Speaker of the General Assembly, respectively. All public members are to be residents of the State or otherwise associated with the State, and to have knowledge, competence, experience or interest in brain injury medical research.

Duties of commission: grant program; brain disease registry. The commission would be responsible for designing and administering a grant program to fund approved medical and scientific research projects that focus on the treatment of brain injury. The bill directs the commission to:

- * Review and authorize approved research projects, emphasizing projects that study nerve regeneration as a means to a cure for brain injury. The bill authorizes the commission to establish an independent scientific advisory panel composed of scientists and clinicians who are not members of the commission to review proposals submitted to the commission and make funding recommendations to the commission;
- * Apportion all available funds to qualifying research institutions to finance approved research projects and necessary institutional support services;
- * Ensure that funds so apportioned are not diverted to any other use;

- * Encourage the development within the State of brain injury research projects;
- * Compile a directory of all brain injury research projects being conducted in the State; and
- * Provide the Governor and the Legislature with a report by January 30 of each year describing the status of the commission's activities and the results of its funded research efforts.

The bill specifies that its provisions shall not preclude a qualifying research institution or any other research facility in the State from directly applying for or receiving funds from any public or private agency to conduct brain injury research.

In addition, the commission is directed to establish and maintain, in conjunction with the Department of Health and Senior Services, a central registry of persons who sustain brain injuries other than through disease, whether or not the injury results in a permanent disability, in order to provide a database that indicates the incidence and prevalence of brain injuries and that will serve as a resource for research, evaluation and information on brain injuries and available services.

The bill requires health care facilities and providers to report all cases of brain injuries, except those caused through disease, and to submit specified additional information on reported cases to the commission. The commission is directed to specify by regulation: the health care facilities and providers required to make the report; the information that shall be included in the report; the method for making the report; and the time period in which the report shall be made. To ensure that the required reports are made to the commission, the bill establishes a penalty of up to \$100 per unreported brain injury case.

The reports made to the registry are to be used only by the commission and the Department of Health and Senior Services and such other agencies as may be designated by the commission or the department, and could not otherwise be divulged or made public so as to disclose the identity of any person to whom they relate.

Funding of commission. Funding for the grant program would be generated by a \$1 surcharge on all fines for any motor vehicle or traffic violation, which surcharge would be deposited in a special nonlapsing fund, known as the "New Jersey Brain Injury Research Fund." The bill provides that moneys deposited in the fund may also be used to meet the operating expenses of the commission, in accordance with rules and regulations adopted by the commission.

The bill also permits the Administrative Office of the Courts to retain an amount equal to \$475,000 from the moneys that it initially collects under the bill, prior to depositing any moneys in the "New Jersey Brain Injury Research Fund," in order to meet the expenses associated with utilizing the Automated Traffic System Fund created pursuant to N.J.S.A.2B:12-30 to implement the provisions of the bill and serve other statutory purposes.

The provisions of this bill are identical to those of Assembly Bill

No. 1771 (1R), which the committee also reports this day.

FISCAL IMPACT

The Administrative Office of the Courts (AOC) has estimated that the \$1 surcharge would generate about \$3.23 million in revenues to the Brain Injury Research Fund during the first year, and approximately \$3.8 million in subsequent fiscal years. These estimated amounts are comparable to actual collections realized from the similar \$1 motor vehicle penalty surcharge for the Body Armor Replacement and Spinal Cord Research Funds.

The bill permits the Administrative Office of the Courts to retain an amount equal to \$475,000 from the moneys that it initially collects under the bill, prior to depositing any moneys in the "New Jersey Brain Injury Research Fund," in order to meet the expenses associated with using the Automated Traffic System created under N.J.S.A.2B:12-30 to implement the provisions of the bill and serve other statutory purposes. This expense represents the cost of the upgrade in the software architecture of the Automated Traffic System that is required for a system that has otherwise reached its capacity to handle the sorting of scheduled penalty payments that must be accomplished to implement make the surcharges imposed under this bill.

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Press Releases

PO BOX 004
TRENTON, NJ 08625

Contact: Micah Rasmussen
609-777-2600

RELEASE: January 02, 2004

[Previous Screen](#)

McGreevey Signs Brain Injury Research Act

Continues Fulfilling Commitment to Make NJ National Medical Research Leader

(CLIFTON) – Governor James E. McGreevey today signed into law A1771, the “Brain Injury Research” Act, making New Jersey the first state with a dedicated source of funding for medical research to treat traumatic brain injuries. In signing this bill into law, the Governor continues to fulfill his commitment to make New Jersey the nation’s leader for medical research.

“It is our obligation to provide our families access to the best and most cutting-edge medical technology possible and today we take a momentous step towards making New Jersey the nation’s leader in medical research,” said McGreevey. “Starting today New Jersey will be the first state in the nation to set up a fund dedicated solely to brain injury research. By creating a continuous source of funding we finally bring hope to thousands of New Jersey families, and indeed offer miraculous possibilities for families across the nation.”

The Governor signed the legislation from the home of Dennis Benigno, a father who has dedicated his life to furthering medical research for traumatic brain injuries. Benigno’s son, Dennis John, was hit by a car nearly twenty years ago and has been disabled ever since. Benigno founded the Coalition for Brain Injury Research to promote research for brain cell repair.

The new law provides for a \$1 surcharge on motor vehicle penalties to fund brain injury research. The fund will be administered by an 11-member New Jersey State Commission of Brain Injury Research, in, but not of, the Department of Health and Senior Services. The Commission will include the Commissioner of Health; one representative each from UMDNJ and Rutgers; six public members appointed by the Governor; and two public members to be appointed by the Senate President and the Speaker of the General Assembly, respectively.

The Commission will review and approve research projects, ensure funds are not being diverted to any other use, provide the Governor and the Legislature with an annual report on the status of the Commission, and will compile a directory of all brain injury research

projects being conducted in the state.

"The Governor's swift action on this bill gives the thousands of New Jerseyans suffering from, or caring for someone with, a debilitating brain injury the first glimmers of hope for a cure," said Senator Nia H. Gill, D-Essex. "With time and the dedicated State funding provided by this law, the doctors, scientists and researchers working to find ways to reverse traumatic brain injury may finally have the means and the financial support to do so."

"With annual cases of cerebral trauma that easily surpass those diagnosed with breast cancer or HIV/AIDS in this country each year, we aren't dealing with some little known health problem," said Senator Joseph F. Vitale, the Democratic Chair of the Senate Health, Human Services and Senior Citizens Committee. "We are dealing with a physically, emotionally and socially debilitating injury that is epidemic in scope. I believe we, as a state and society, have a moral obligation to help fund worthy medical research efforts into possible treatments or cures for traumatic brain injury."

"Brain injuries are traumatic and life-changing, and at this point, almost entirely incurable," said Senator Joseph Coniglio, D-Bergen, a co-sponsor of the bill. "But research is being done as we speak which may one day change that, and bring the possibility of hope of a normal life to even the most critically injured person. The State owes it to families like Dennis Beningo's, who have had to suffer the debilitating effects of a brain injury, to fully support this type of life-restoring research."

"Scientific research in neurological health care is key to finding cures for several life-threatening conditions that currently are considered untreatable," said Assemblyman Willis Edwards III (D-Essex). "Through projects put into place by this commission, scientific advancements can be achieved to help people with severe brain injuries."

"Research on nerve regeneration as a method of brain cell repair should be pursued and encouraged not only for the purpose of helping humankind, but also as a means of strengthening New Jersey's medical technology industries," said Assemblyman Peter Eagler (D-Passaic).

