

P.L.2010, CHAPTER 87, *approved November 3, 2010*
Assembly, No. 2851 (*First Reprint*)

1 **AN ACT** to eliminate inactive boards, commissions, committees,
2 councils, and task forces, and amending and repealing various
3 parts of the statutory law.

4

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

7

8 1. Section 5 of P.L.1977, c.240 (C.24:6E-4) is amended to read
9 as follows:

10 5. As used in this act unless the context clearly indicates
11 otherwise:

12 a. "Drug product" means a dosage form containing one or more
13 active therapeutic ingredients along with other substances included
14 during the manufacturing process.

15 b. "Brand name" means the proprietary name assigned to a
16 drug by the manufacturer thereof.

17 c. "Established name" with respect to a drug or ingredient
18 thereof, means (1) the applicable official name designated pursuant
19 to the Federal Food, Drug and Cosmetic Act (Title 21, USC 301 et
20 seq.), or (2) if there is no such official name and such drug or
21 ingredient is recognized in an official compendium, then the official
22 title thereof in such compendium, except that where a drug or
23 ingredient is recognized in the United States Pharmacopoeia and in
24 the Homeopathic Pharmacopoeia under different official titles, the
25 official title used in the United States Pharmacopoeia shall apply
26 unless it is labeled and offered for sale as a homeopathic drug, in
27 which case the official title used in the Homeopathic
28 Pharmacopoeia shall apply, or (3) if neither (1) nor (2) is
29 applicable, then the common or usual name, if any, of such drug or
30 ingredient.

31 d. "Prescription" means an order for drugs or combinations or
32 mixtures thereof, written or signed by a duly licensed physician,
33 dentist, veterinarian or other medical practitioner licensed to write
34 prescriptions intended for the treatment or prevention of disease in
35 man or animals, and includes orders for drugs or medicines or
36 combinations or mixtures thereof transmitted to pharmacists
37 through word of mouth, telephone, telegraph or other means of
38 communication by a duly licensed physician, dentist, veterinarian or
39 other medical practitioner licensed to write prescriptions intended
40 for the treatment or prevention of disease in man or animals.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SSG committee amendments adopted July 19, 2010.

1 e. **["Council" means the Drug Utilization Review Council.]**
2 "Department" means the Department of Health and Senior Services.

3 f. "Chemical equivalents" means those drug products that
4 contain the same amounts of the same therapeutically active
5 ingredients in the same dosage forms and that meet present
6 compendial standards.

7 g. "Reference drug product" means the product which is
8 adopted by the **[council]** department as the standard for other
9 chemically equivalent drugs in terms of testing for the therapeutic
10 equivalence. In all cases, the reference drug product shall be a
11 currently marketed drug which is the subject of a full (not
12 abbreviated) new drug application approved by the Federal Food
13 and Drug Administration.

14 h. "Therapeutic equivalents" means chemical equivalents
15 which, when administered to the same individuals in the same
16 dosage regimen, will provide essentially the same efficacy or
17 toxicity as their respective reference drug products.

18 i. "Bioavailability" means the extent and rate of absorption
19 from a dosage form as reflected by the time-concentration curve of
20 the administered drug in the systemic circulation.

21 j. "Bioequivalents" means chemical equivalents which, when
22 administered to the same individuals in the same dosage regimen,
23 will result in comparable bioavailability.

24 k. "Pharmaceutical equivalents" means those drug products that
25 contain the same amounts of the same therapeutically active
26 ingredients in the same dosage form and that meet established
27 standards.

28 l. "Interchangeable drug products" means pharmaceutical
29 equivalents or bioequivalents that are determined to be therapeutic
30 equivalents by the **[council]** department.

31 m. "Present compendial standards" means the official standards
32 for drug excipients and drug products listed in the latest revision of
33 the United States Pharmacopoeia (USP) and the National Formulary
34 (NF).

35 n. "Dosage form" means the physical formulation or medium in
36 which the product is intended, manufactured and made available for
37 use, including, but not limited to: tablets, capsules, oral solutions,
38 aerosols, inhalers, gels, lotions, creams, ointments, transdermals
39 and suppositories, and the particular form of the above which
40 utilizes a specific technology or mechanism to control, enhance or
41 direct the release, targeting, systemic absorption or other delivery of
42 a dosage regimen in the body.

43 (cf: P.L.1993, c.256, s.1)

44

45 2. Section 7 of P.L.1977, c.240 (C.24:6E-6) is amended to read
46 as follows:

47 7. a. The **[council]** department shall prepare a list of
48 interchangeable drug products. This list shall be periodically

1 reviewed in accordance with a schedule of and procedure for such
2 review as shall be established by the [council] department. In
3 development of the list, distinctions shall be made when: (1)
4 evidence of bioequivalence is considered critical and when it is not;
5 (2) when levels of toxicity are considered critical and when they are
6 not. The list may include interchangeable drug products used by
7 the United States Government and its agencies, where the
8 government or such agency has established the reliability of the
9 drug products interchanged.

10 b. No drug products shall be included in such list until after a
11 public hearing has been held thereon after at least 20 days notice.
12 Such notice shall be mailed to every drug company that is
13 authorized to do business in the State of New Jersey and to all
14 persons who have made a timely request of the [council]
15 department for advance notice of its public hearings and shall be
16 published in the New Jersey Register.

17 c. Manufacturers shall, upon the request of the [council]
18 department, be required to submit any information in their files that
19 relates manufacturing processes and in vivo and in vitro tests to the
20 bioavailability of any drug product. This requirement shall also
21 apply to technical information obtained during research related to
22 the development of new drug products, even when such information
23 bears only an indirect relationship to the final dosage form. The
24 [council] department shall not make such information public when
25 there is a proprietary interest on the part of the manufacturer.

26 d. Any manufacturer of drug products shall have the right to
27 request the [council] department to evaluate its drug products for
28 the purpose of inclusion on the list of interchangeable drug
29 products, or to request that the [council] department consider
30 removal of any drug product from the list. Any such request shall
31 be accompanied by such information as the [council] department
32 shall require, and any drug product involved shall be evaluated in
33 the same manner and shall be subject to the same procedures and
34 requirements as all other drug products evaluated by the [council]
35 department for inclusion on or removal from the list.

36 e. Prior to any drug product being approved by the [council]
37 department, the manufacturer shall be required to demonstrate that
38 it has complied with the standards set forth in the Current Good
39 Manufacturing Practices of Title 21 USC or in such standards
40 relating to drug manufacturing practices as may be promulgated by
41 the [Department of Health] department from time to time and must
42 show evidence of a satisfactory inspection by the Federal Food and
43 Drug Administration or the [Department of Health] department.

44 f. The [council] department shall distribute copies of the list
45 of interchangeable drug products and revisions thereof and
46 additions thereto among physicians and other authorized prescribers
47 and licensed pharmacists, and shall supply a copy to any person

1 upon request, upon payment of the price established by the
2 **【council】** department.

3 g. The **【council】** department shall be authorized to adopt
4 reasonable rules and regulations, in accordance with the provisions
5 of the **【Administrative Procedure Act, P.L.1966, c. 410 (C. 54:14B-**
6 **1 et seq.)】** “Administrative Procedure Act,” P.L.1968, c.410
7 (C.52:14B-1 et seq.), to carry out its functions and duties under this
8 act and to effectuate its purposes.
9 (cf: P.L.1977, c.240, s.7)

10

11 3. Section 35 of P.L.1993, c.139 (C.58:10B-12) is amended to
12 read as follows:

13 35. a. The Department of Environmental Protection shall adopt
14 minimum remediation standards for soil, groundwater, and surface
15 water quality necessary for the remediation of contamination of real
16 property. The remediation standards shall be developed to ensure
17 that the potential for harm to public health and safety and to the
18 environment is minimized to acceptable levels, taking into
19 consideration the location, the surroundings, the intended use of the
20 property, the potential exposure to the discharge, and the
21 surrounding ambient conditions, whether naturally occurring or
22 man-made.

23 Until the minimum remediation standards for the protection of
24 public health and safety as described herein are adopted, the
25 department shall apply public health and safety remediation
26 standards for contamination at a site on a case-by-case basis based
27 upon the considerations and criteria enumerated in this section.

28 **【The department shall not propose or adopt remediation**
29 **standards protective of the environment pursuant to this section,**
30 **except standards for groundwater or surface water, until**
31 **recommendations are made by the Environment Advisory Task**
32 **Force created pursuant to section 37 of P.L.1993, c.139. Until the**
33 **Environment Advisory Task Force issues its recommendations and**
34 **the department adopts remediation standards protective of the**
35 **environment as required by this section, the department shall**
36 **continue to determine the need for and the application of**
37 **remediation standards protective of the environment on a case-by-**
38 **case basis in accordance with the guidance and regulations of the**
39 **United States Environmental Protection Agency pursuant to the**
40 **"Comprehensive Environmental Response, Compensation and**
41 **Liability Act of 1980," 42 U.S.C. s.9601 et seq. and other statutory**
42 **authorities as applicable.】**

43 The department may not require any person to perform an
44 ecological evaluation of any area of concern that consists of an
45 underground storage tank storing heating oil for on-site
46 consumption in a one to four family residential building.

1 b. In developing minimum remediation standards the
2 department shall:

3 (1) base the standards on generally accepted and peer reviewed
4 scientific evidence or methodologies;

5 (2) base the standards upon reasonable assumptions of exposure
6 scenarios as to amounts of contaminants to which humans or other
7 receptors will be exposed, when and where those exposures will
8 occur, and the amount of that exposure;

9 (3) avoid the use of redundant conservative assumptions. The
10 department shall avoid the use of redundant conservative
11 assumptions by the use of parameters that provide an adequate
12 margin of safety and which avoid the use of unrealistic conservative
13 exposure parameters and which guidelines make use of the guidance
14 and regulations for exposure assessment developed by the United
15 States Environmental Protection Agency pursuant to the
16 "Comprehensive Environmental Response, Compensation, and
17 Liability Act of 1980," 42 U.S.C. s.9601 et seq. and other statutory
18 authorities as applicable;

19 (4) where feasible, establish the remediation standards as
20 numeric or narrative standards setting forth acceptable levels or
21 concentrations for particular contaminants; and

22 (5) consider and utilize, in the absence of other standards used
23 or developed by the Department of Environmental Protection and
24 the United States Environmental Protection Agency, the toxicity
25 factors, slope factors for carcinogens and reference doses for non-
26 carcinogens from the United States Environmental Protection
27 Agency's Integrated Risk Information System (IRIS).

28 c. (1) The department shall develop residential and
29 nonresidential soil remediation standards that are protective of
30 public health and safety. For contaminants that are mobile and
31 transportable to groundwater or surface water, the residential and
32 nonresidential soil remediation standards shall be protective of
33 groundwater and surface water. Residential soil remediation
34 standards shall be set at levels or concentrations of contamination
35 for real property based upon the use of that property for residential
36 or similar uses and which will allow the unrestricted use of that
37 property without the need of engineering devices or any
38 institutional controls and without exceeding a health risk standard
39 greater than that provided in subsection d. of this section.
40 Nonresidential soil remediation standards shall be set at levels or
41 concentrations of contaminants that recognize the lower likelihood
42 of exposure to contamination on property that will not be used for
43 residential or similar uses, which will allow for the unrestricted use
44 of that property for nonresidential purposes, and that can be met
45 without the need of engineering controls. Whenever real property is
46 remediated to a nonresidential soil remediation standard, except as
47 otherwise provided in paragraph (3) of subsection g. of this section,
48 the department shall require, pursuant to section 36 of P.L.1993,

1 c.139 (C.58:10B-13), that the use of the property be restricted to
2 nonresidential or other uses compatible with the extent of the
3 contamination of the soil and that access to that site be restricted in
4 a manner compatible with the allowable use of that property.

5 (2) The department may develop differential remediation
6 standards for surface water or groundwater that take into account
7 the current, planned, or potential use of that water in accordance
8 with the "Clean Water Act" (33 U.S.C. s.1251 et seq.) and the
9 "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.).

10 d. The department shall develop minimum remediation
11 standards for soil, groundwater, and surface water intended to be
12 protective of public health and safety taking into account the
13 provisions of this section. In developing these minimum health risk
14 remediation standards the department shall identify the hazards
15 posed by a contaminant to determine whether exposure to that
16 contaminant can cause an increase in the incidence of an adverse
17 health effect and whether the adverse health effect may occur in
18 humans. The department shall set minimum soil remediation health
19 risk standards for both residential and nonresidential uses that:

20 (1) for human carcinogens, as categorized by the United States
21 Environmental Protection Agency, will result in an additional
22 cancer risk of one in one million;

23 (2) for noncarcinogens, will limit the Hazard Index for any
24 given effect to a value not exceeding one.

25 The health risk standards established in this subsection are for
26 any particular contaminant and not for the cumulative effects of
27 more than one contaminant at a site.

28 e. Remediation standards and other remediation requirements
29 established pursuant to this section and regulations adopted
30 pursuant thereto shall apply to remediation activities required
31 pursuant to the "Spill Compensation and Control Act," P.L.1976,
32 c.141 (C.58:10-23.11 et seq.), the "Water Pollution Control Act,"
33 P.L.1977, c.74 (C.58:10A-1 et seq.), P.L.1986, c.102 (C.58:10A-21
34 et seq.), the "Industrial Site Recovery Act," P.L.1983, c.330
35 (C.13:1K-6 et al.), the "Solid Waste Management Act," P.L.1970,
36 c.39 (C.13:1E-1 et seq.), the "Comprehensive Regulated Medical
37 Waste Management Act," sections 1 through 25 of P.L.1989, c.34
38 (C.13:1E-48.1 et seq.), the "Major Hazardous Waste Facilities
39 Siting Act," P.L.1981, c.279 (C.13:1E-49 et seq.), the "Sanitary
40 Landfill Facility Closure and Contingency Fund Act," P.L.1981,
41 c.306 (C.13:1E-100 et seq.), the "Regional Low-Level Radioactive
42 Waste Disposal Facility Siting Act," P.L.1987, c.333 (C.13:1E-177
43 et seq.), or any other law or regulation by which the State may
44 compel a person to perform remediation activities on contaminated
45 property. However, nothing in this subsection shall be construed to
46 limit the authority of the department to establish discharge limits
47 for pollutants or to prescribe penalties for violations of those limits

1 pursuant to P.L.1977, c.74 (C.58:10A-1 et seq.), or to require the
2 complete removal of nonhazardous solid waste pursuant to law.

3 f. (1) A person performing a remediation of contaminated real
4 property, in lieu of using the established minimum soil remediation
5 standard for either residential use or nonresidential use adopted by
6 the department pursuant to subsection c. of this section, may submit
7 to the department a request to use an alternative residential use or
8 nonresidential use soil remediation standard. The use of an
9 alternative soil remediation standard shall be based upon site
10 specific factors which may include (1) physical site characteristics
11 which may vary from those used by the department in the
12 development of the soil remediation standards adopted pursuant to
13 this section; or (2) a site specific risk assessment. If a person
14 performing a remediation requests to use an alternative soil
15 remediation standard based upon a site specific risk assessment, that
16 person shall demonstrate to the department that the requested
17 deviation from the risk assessment protocol used by the department
18 in the development of soil remediation standards pursuant to this
19 section is consistent with the guidance and regulations for exposure
20 assessment developed by the United States Environmental
21 Protection Agency pursuant to the "Comprehensive Environmental
22 Response, Compensation, and Liability Act of 1980," 42
23 U.S.C.s.9601 et seq. and other statutory authorities as applicable. A
24 site specific risk assessment may consider exposure scenarios and
25 assumptions that take into account the form of the contaminant
26 present, natural biodegradation, fate and transport of the
27 contaminant, available toxicological data that are based upon
28 generally accepted and peer reviewed scientific evidence or
29 methodologies, and physical characteristics of the site, including,
30 but not limited to, climatic conditions and topographic conditions.
31 Nothing in this subsection shall be construed to authorize the use of
32 an alternative soil remediation standard in those instances where an
33 engineering control is the appropriate remedial action, as
34 determined by the department, to prevent exposure to
35 contamination.

36 Upon a determination by the department that the requested
37 alternative remediation standard satisfies the department's
38 regulations, is protective of public health and safety, as established
39 in subsection d. of this section, and is protective of the environment
40 pursuant to subsection a. of this section, the alternative residential
41 use or nonresidential use soil remediation standard shall be
42 approved by the department. The burden to demonstrate that the
43 requested alternative remediation standard is protective rests with
44 the person requesting the alternative standard and the department
45 may require the submission of any documentation as the department
46 determines to be necessary in order for the person to meet that
47 burden.

1 (2) The department may, upon its own initiative, require an
2 alternative remediation standard for a particular contaminant for a
3 specific real property site, in lieu of using the established minimum
4 residential use or nonresidential use soil remediation standard
5 adopted by the department for a particular contaminant pursuant to
6 this section. The department may require an alternative remediation
7 standard pursuant to this paragraph upon a determination by the
8 department, based on the weight of the scientific evidence, that due
9 to specific physical site characteristics of the subject real property,
10 including, but not limited to, its proximity to surface water, the use
11 of the adopted residential use or nonresidential use soil remediation
12 standards would not be protective, or would be unnecessarily
13 overprotective, of public health or safety or of the environment, as
14 appropriate.

15 g. The development, selection, and implementation of any
16 remediation standard or remedial action shall ensure that it is
17 protective of public health, safety, and the environment, as
18 applicable, as provided in this section. In determining the
19 appropriate remediation standard or remedial action that shall occur
20 at a site, the department and any person performing the remediation,
21 shall base the decision on the following factors:

22 (1) Unrestricted use remedial actions, limited restricted use
23 remedial actions and restricted use remedial actions shall be
24 allowed except that unrestricted use remedial actions and limited
25 restricted use remedial actions shall be preferred over restricted use
26 remedial actions. For any remediation initiated one year after the
27 date of enactment of P.L.2009, c.60 (C.58:10C-1 et al.), the
28 department shall require the use of an unrestricted use remedial
29 action, or a presumptive remedy or an alternative remedy as
30 provided in paragraph (10) of this subsection, at a site or area of
31 concern where new construction is proposed for residential
32 purposes, for use as a child care center licensed pursuant to
33 P.L.1983, c.492 (C.30:5B-1 et seq.), or as a public school or private
34 school as defined in N.J.S.18A:1-1, as a charter school established
35 pursuant to P.L.1995, c.426 (C.18A:36A-1 et seq.), or where there
36 will be a change in the use of the site to residential, child care, or
37 public school, private school, or charter school purposes or another
38 purpose that involves use by a sensitive population. For any
39 remediation initiated on or after the date of enactment of P.L.2009,
40 c.60 (C.58:10C-1 et al.), the department may require the use of an
41 unrestricted use remedial action or a presumptive remedy as
42 provided in guidelines adopted pursuant to paragraph (10) of this
43 subsection for a site or area of concern that is to be used for
44 residential, child care, or public school, private school, or charter
45 school purposes or another purpose that involves use by a sensitive
46 population. Except as provided in this subsection, and section 27 of
47 P.L.2009, c.60 (C.58:10C-27), the department, however, may not
48 disapprove the use of a restricted use remedial action or a limited

1 restricted use remedial action so long as the selected remedial
2 action meets the health risk standard established in subsection d. of
3 this section, and where, as applicable, is protective of the
4 environment. Except as provided in this subsection and section 27
5 of P.L.2009, c.60 (C.58:10C-27), the choice of the remedial action
6 to be implemented shall be made by the person responsible for
7 conducting the remediation in accordance with regulations adopted
8 by the department and that choice of the remedial action shall be
9 approved by the department if all the criteria for remedial action
10 selection enumerated in this section, as applicable, are met. Except
11 as provided in section 27 of P.L.2009, c.60 (C.58:10C-27), the
12 department may not require a person to compare or investigate any
13 alternative remedial action as part of its review of the selected
14 remedial action. The department may disapprove the selection of a
15 remedial action for a site on which the proposed remedial action
16 will render the property unusable for future redevelopment or for
17 recreational use;

18 (2) Contamination may, upon the department's approval, be left
19 onsite at levels or concentrations that exceed the minimum soil
20 remediation standards for residential use if the implementation of
21 institutional or engineering controls at that site will result in the
22 protection of public health, safety and the environment at the health
23 risk standard established in subsection d. of this section, if the
24 requirements established in subsections a., b., c. and d. of section 36
25 of P.L.1993, c.139 (C.58:10B-13), and paragraphs (1) and (10) of
26 this subsection, are met. The department may also require the
27 treatment or removal of contaminated material that would pose an
28 acute health or safety hazard in the event of failure of an
29 engineering control;

30 (3) Real property on which there is soil that has not been
31 remediated to the residential soil remediation standards, or real
32 property on which the soil, groundwater, or surface water has been
33 remediated to meet the required health risk standard by the use of
34 engineering or institutional controls, may be developed or used for
35 residential purposes, or for any other similar purpose, if (a) all areas
36 of that real property at which a person may come into contact with
37 soil are remediated to meet the residential soil remediation
38 standards, (b) it is clearly demonstrated that for all areas of the real
39 property, other than those described in subparagraph (a) above,
40 engineering and institutional controls can be implemented and
41 maintained on the real property sufficient to meet the health risk
42 standard as established in subsection d. of this section, and (c) a
43 presumptive remedy established and approved by the department
44 pursuant to paragraph (10) of this subsection, or an alternative
45 remedy approved by the department pursuant to paragraph (10) of
46 this subsection, has been approved, as provided in paragraphs (1)
47 and (10) of this subsection;

1 (4) Remediation shall not be required beyond the regional
2 natural background levels for any particular contaminant. The
3 department shall develop regulations that set forth a process to
4 identify background levels of contaminants for a particular region.
5 For the purpose of this paragraph "regional natural background
6 levels" means the concentration of a contaminant consistently
7 present in the environment of the region of the site and which has
8 not been influenced by localized human activities;

9 (5) Remediation shall not be required of the owner or operator
10 of real property for contamination coming onto the site from
11 another property owned and operated by another person, unless the
12 owner or operator is the person who is liable for cleanup and
13 removal costs pursuant to P.L.1976, c.141 (C.58:10-23.11 et seq.);

14 (6) Groundwater that is contaminated shall not be required to be
15 remediated to a level or concentration for any particular
16 contaminant lower than the level or concentration that is migrating
17 onto the property from another property owned and operated by
18 another person;

19 (7) The technical performance, effectiveness and reliability of
20 the proposed remedial action in attaining and maintaining
21 compliance with applicable remediation standards and required
22 health risk standards shall be considered. In reviewing a proposed
23 remedial action, the department or the licensed site remediation
24 professional shall also consider the ability of the owner or operator
25 to implement the proposed remedial action within a reasonable time
26 frame without jeopardizing public health, safety or the environment;

27 (8) The use of a remedial action for soil contamination that is
28 determined by the department to be effective in its guidance
29 document created pursuant to section 38 of P.L.1993, c.139
30 (C.58:10B-14), is presumed to be an appropriate remedial action if
31 it is to be implemented on a site in the manner described by the
32 department in the guidance document and applicable regulations
33 and if all of the conditions for remedy selection provided for in this
34 section are met. The burden to prove compliance with the criteria
35 in the guidance document is with the person responsible for
36 conducting the remediation;

37 (9) (Deleted by amendment, P.L.1997, c.278);

38 (10) The department shall, by rule or regulation, establish
39 presumptive remedies, use of which shall be required on any site or
40 area of concern to be used for residential purposes, as a child care
41 center licensed pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.), as a
42 public school or private school as defined in N.J.S.18A:1-1, or as a
43 charter school established pursuant to P.L.1995, c.426 (C.18A:36A-
44 1 et seq.). The department may also issue guidelines that provide
45 for presumptive remedies that may be required as provided in
46 paragraph (1) of this subsection, on a site to be used for residential
47 purposes, as a child care center, or as a public school, private school
48 or charter school. The presumptive remedies shall be based on the

1 historic use of the property, the nature and extent of the
2 contamination at the site, the future use of the site and any other
3 factors deemed relevant by the department. The department may
4 include the use of engineering and institutional controls in the
5 presumptive remedies authorized pursuant to this subsection. If the
6 person responsible for conducting the remediation demonstrates to
7 the department that the use of an unrestricted use remedial action or
8 a presumptive remedy is impractical due to conditions at the site, or
9 that an alternative remedy would be equally protective over time as
10 a presumptive remedy, then an alternative remedy for the site that is
11 protective of the public health and safety may be proposed for
12 review and approval by the department;

13 (11) The department may authorize a person conducting a
14 remediation to divide a contaminated site into one or more areas of
15 concern. For each area of concern, a different remedial action may
16 be selected provided the requirements of this subsection are met and
17 the remedial action selected is consistent with the future use of the
18 property; and

19 (12) The construction of single family residences, public
20 schools, private schools, or charter schools, or child care centers
21 shall be prohibited on a landfill that undergoes a remediation if
22 engineering controls are required for the management of landfill gas
23 or leachate.

24 The burden to demonstrate that a remedial action is protective of
25 public health, safety and the environment, as applicable, and has
26 been selected in conformance with the provisions of this subsection
27 is with the person responsible for conducting the remediation.

28 The department may require the person responsible for
29 conducting the remediation to supply the information required
30 pursuant to this subsection as is necessary for the department to
31 make a determination.

32 h. (1) The department shall adopt regulations which establish a
33 procedure for a person to demonstrate that a particular parcel of
34 land contains large quantities of historical fill material. Upon a
35 determination by the department that large quantities of historic fill
36 material exist on that parcel of land, there is a rebuttable
37 presumption that the department shall not require any person to
38 remove or treat the fill material in order to comply with applicable
39 health risk or environmental standards. In these areas the
40 department shall establish by regulation the requirement for
41 engineering or institutional controls that are designed to prevent
42 exposure of these contaminants to humans, that allow for the
43 continued use of the property, that are less costly than removal or
44 treatment, which maintain the health risk standards as established in
45 subsection d. of this section, and, as applicable, are protective of the
46 environment. The department may rebut the presumption only upon
47 a finding by the preponderance of the evidence that the use of
48 engineering or institutional controls would not be effective in

1 protecting public health, safety, and the environment. The
2 department may not adopt any rule or regulation that has the effect
3 of shifting the burden of rebutting the presumption. For the
4 purposes of this paragraph "historic fill material" means generally
5 large volumes of non-indigenous material, no matter what date they
6 were emplaced on the site, used to raise the topographic elevation
7 of a site, which were contaminated prior to emplacement and are in
8 no way connected with the operations at the location of
9 emplacement and which include, but are not limited to, construction
10 debris, dredge spoils, incinerator residue, demolition debris, fly ash,
11 and non-hazardous solid waste. Historic fill material shall not
12 include any material which is substantially chromate chemical
13 production waste or any other chemical production waste or waste
14 from processing of metal or mineral ores, residues, slags or tailings.

15 (2) The department shall develop recommendations for remedial
16 actions in large areas of historic industrial contamination. These
17 recommendations shall be designed to meet the health risk
18 standards established in subsection d. of this section, and to be
19 protective of the environment and shall take into account the
20 industrial history of these sites, the extent of the contamination that
21 may exist, the costs of remedial actions, the economic impacts of
22 these policies, and the anticipated uses of these properties. The
23 department shall issue a report to the Senate Environment
24 Committee and to the Assembly Environment and Solid Waste
25 Committee, or their successors, explaining these recommendations
26 and making any recommendations for legislative or regulatory
27 action.

28 (3) The department may not, as a condition of allowing the use
29 of a nonresidential use soil remediation standard, or the use of
30 institutional or engineering controls, require the owner of that real
31 property, except as provided in section 36 of P.L.1993, c.139
32 (C.58:10B-13), to restrict the use of that property through the filing
33 of a deed easement, covenant, or condition.

34 i. The department may not require a remedial action workplan
35 to be prepared or implemented or engineering or institutional
36 controls to be imposed upon any real property unless sampling
37 performed at that real property demonstrates the existence of
38 contamination above the applicable remediation standards.

39 j. Upon the approval by the department or by a licensed site
40 remediation professional of a remedial action workplan, or similar
41 plan that describes the extent of contamination at a site and the
42 remedial action to be implemented to address that contamination,
43 the department may not subsequently require a change to that
44 workplan or similar plan in order to compel a different remediation
45 standard due to the fact that the established remediation standards
46 have changed; however, the department may compel a different
47 remediation standard if the difference between the new remediation
48 standard and the remediation standard approved in the workplan or

1 other plan differs by an order of magnitude. The limitation to the
2 department's authority to change a workplan or similar plan
3 pursuant to this subsection shall only apply if the workplan or
4 similar plan is being implemented in a reasonable timeframe, as
5 may be indicated in the approved remedial action workplan or
6 similar plan.

7 k. Notwithstanding any other provisions of this section, all
8 remediation standards and remedial actions that involve real
9 property located in the Pinelands area shall be consistent with the
10 provisions of the "Pinelands Protection Act," P.L.1979, c.111
11 (C.13:18A-1 et seq.), any rules and regulations promulgated
12 pursuant thereto, and with section 502 of the "National Parks and
13 Recreation Act of 1978," 16 U.S.C. s.471i; and all remediation
14 standards and remedial actions that involve real property located in
15 the Highlands preservation area shall be consistent with the
16 provisions of the "Highlands Water Protection and Planning Act,"
17 P.L.2004, c.120 (C.13:20-1 et al.), and any rules and regulations
18 and the Highland regional master plan adopted pursuant thereto.

19 l. Upon the adoption of a remediation standard for a particular
20 contaminant in soil, groundwater, or surface water pursuant to this
21 section, the department may amend that remediation standard only
22 upon a finding that a new standard is necessary to maintain the
23 health risk standards established in subsection d. of section 35 of
24 P.L.1993, c.139 (C.58:10B-12) or to protect the environment, as
25 applicable. The department may not amend a public health based
26 soil remediation standard to a level that would result in a health risk
27 standard more protective than that provided for in subsection d. of
28 section 35 of P.L.1993, c.139 (C.58:10B-12).

29 m. Nothing in P.L.1993, c.139 shall be construed to restrict or
30 in any way diminish the public participation which is otherwise
31 provided under the provisions of the "Spill Compensation and
32 Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.).

33 n. Notwithstanding any provision of subsection a. of section 36
34 of P.L.1993, c.139 (C.58:10B-13) to the contrary, the department
35 may not require a person intending to implement a remedial action
36 at an underground storage tank facility storing heating oil for on-
37 site consumption at a one to four family residential dwelling to
38 provide advance notice to a municipality prior to implementing that
39 remedial action.

40 o. A person who has remediated a site pursuant to the
41 provisions of this section, who was liable for the cleanup and
42 removal costs of that discharge pursuant to the provisions of
43 paragraph (1) of subsection c. of section 8 of P.L.1976, c.141
44 (C.58:10-23.11g), and who remains liable for the discharge on that
45 site due to a possibility that a remediation standard may change,
46 undiscovered contamination may be found, or because an
47 engineering control was used to remediate the discharge, shall
48 maintain with the department a current address at which that person

1 may be contacted in the event additional remediation needs to be
2 performed at the site. The requirement to maintain the current
3 address shall be made part of the conditions of the permit issued
4 pursuant to section 19 of P.L.2009, c.60 (C.58:10C-19) and the final
5 remediation document.

6 (cf: P.L.2009, c.60, s.47)

7
8 4. Section 1 of P.L.2003, c.112 (C.17B:30-41) is amended to
9 read as follows:

10 1. The Legislature finds and declares that:

11 a. The rising cost of hospital-based health care in this State
12 impedes the ability of the State and insurers to provide reasonably
13 priced, comprehensive health insurance to the citizens of the State.

14 b. Hospitals located within the State report more than \$1
15 billion annually in debts that they are unable to collect.

16 c. The cost of covering the unpaid care represented by the debt
17 is spread among citizens, private insurers, hospitals and the State in
18 the form of higher bills for hospital-based care.

19 d. A significant portion of the uncollected debt is related to
20 copayments and deductibles that are difficult for hospitals to collect
21 efficiently.

22 e. The State's Set off of Individual Liability (SOIL) program
23 has proven to be an administratively efficient means of collecting
24 debts owed to State agencies.

25 f. It is, therefore, in the public interest to create a [New Jersey
26 Hospital Care Payment Commission, the duties of which would
27 include, but not be limited to, creating a] system for using the
28 State's SOIL program to collect valid hospital debts.

29 (cf: P.L.2003, c.112, s.1)

30
31 5. Section 2 of P.L.2003, c.112 (C.17B:30-42) is amended to
32 read as follows:

33 2. As used in this act:

34 "Coinsurance" means the percentage of a charge covered by a
35 health plan that must be paid by a person covered under the health
36 plan.

37 "Collection agency" means the Department of the Treasury and
38 any company, agency or law firm engaged in collecting debts that
39 the Department of the Treasury may determine to engage to assist it
40 in collecting debts.

41 ["Commission" means the Hospital Care Payment Commission
42 created pursuant to this act.]

43 "Debt" means money owed by a patient to a hospital, or by
44 someone who is legally responsible for payment for a patient, and
45 includes late payment penalties and interest thereon. It does not
46 include monies owed to a hospital by a health plan for services
47 provided by the hospital to a person with coverage under that plan,
48 or amounts subject to dispute between a health plan and a hospital.

1 "Debtor" means an individual owing money to or having a
2 delinquent account with a hospital, which obligation has not been
3 adjudicated, satisfied by court order, set aside by court order or
4 discharged in bankruptcy.

5 "Deductible" means the amount of covered charges under a
6 health plan that an individual must pay for a services before a health
7 plan begins to pay on a covered charge.

8 "Department" means the Department of Health and Senior
9 Services.

10 "General Hospital" and "hospital" have the meanings set forth in
11 N.J.A.C.8:43G-1.2.

12 "Health plan" means an individual or group health benefits plan
13 that provides or pays the cost of hospital and medical expenses,
14 dental or vision care, or prescription drugs, and is provided by or
15 through an insurer, health maintenance organization, the Medicaid
16 program, the Medicare program, a Medicare+Choice provider or
17 Medicare supplemental insurer, an employer-sponsored group
18 health benefits plan, government or church-sponsored health
19 benefits plan or a multi-employer welfare arrangement.

20 "Medicaid" means the program established pursuant to P.L.1968,
21 c.413 (C.30:4D-1 et seq.).

22 "Medicare" means the program established by Pub.L.89-97 (42
23 U.S.C. s.1395 et seq.) as amended, or its successor plan or plans.

24 "Patient" means a person who receives services in a hospital on
25 an inpatient or outpatient basis.

26 (cf: P.L.2003, c.112, s.2)

27
28 6. Section 4 of P.L.2003, c.112 (C.17B:30-44) is amended to
29 read as follows:

30 4. a. There is established the "New Jersey Hospital Care
31 Payment Fund" in the Department of the Treasury.

32 b. The fund shall be comprised of monies collected from
33 debtors of hospitals pursuant to this act, and any other monies
34 appropriated thereto to carry out the purposes of this act.

35 c. The fund shall be a nonlapsing fund, from which costs shall
36 be paid in the following order, for each hospital participating:

37 (1) administrative costs of the **【commission】** department to
38 implement the provisions of P.L.2003, c.112 (C.17B:30-41 et seq.);

39 (2) administrative fees to the collection agency;

40 (3) 50% of the remainder, but only from monies collected from
41 debtors of hospitals pursuant to this act after paragraphs (1) and (2)
42 of this subsection are paid, shall be payable to the hospital from
43 which the debt originated within 90 days of receipt of monies
44 related to discharge of the assigned debt into the fund; and

45 (4) the remainder, after paragraphs (1), (2) and (3) of this
46 subsection are paid, shall be deposited into the General Fund.

47 (cf: P.L.2003, c.112, s.4)

1 7. Section 5 of P.L.2003, c.112 (C.17B:30-45) is amended to
2 read as follows:

3 5. The **【commission】** department is authorized to:

4 a. Accept assignment of debts from hospitals which have
5 followed the procedures outlined in section 7 of this act, or such
6 other procedures as the **【commission】** department shall adopt.

7 b. Pursue collection of debts pursuant to this act. The
8 **【commission】** department shall initiate the program in phases. The
9 first phase may involve acceptance of assignment of debt that:

10 (1) derives from a limited number of hospitals;

11 (2) consists of coinsurance and deductibles that remain payable
12 after adjudication by a health plan;

13 (3) is assigned by a general hospital;

14 (4) is less than two years old at the date of assignment to the
15 **【commission】** department, as determined by the date of discharge
16 for inpatient services and date of service for outpatient services;

17 (5) involves any of the above or any combination of the above,
18 or includes such other limitations as the **【commission】** department
19 determines are desirable to smooth implementation of the program
20 created by this act.

21 After the first phase, the **【commission】** department may expand
22 acceptance of assignments as it shall determine pursuant to this act.

23 c. Test assignment data received from the hospitals to
24 determine whether the records are sufficient to make set-off
25 practicable, and return records that do not pass the test to the
26 hospitals.

27 d. Conduct such fact-finding, as is necessary, in preparation for
28 making a determination as to the validity of debts.

29 e. Make final determinations as to the validity of debts.

30 f. Determine the payment to be collected from the debtor,
31 based upon a "fairness formula" to be determined by the
32 **【commission】** department. For debt processed by the **【commission】**
33 department during the fiscal year starting on July 1, 2003, the
34 fairness formula shall be based upon the **【Department of Health and**
35 **Senior Services'】** department's report entitled "Net Patient Revenue
36 to Charge Ratio," for the most recent year available. For debt
37 processed by the **【commission】** department during the fiscal year
38 starting on July 1, 2004 and thereafter, the fairness formula shall be
39 based upon the most recent available "Net Patient Revenue to
40 Charge Ratio" report, or such other measure as the **【commission】**
41 department determines would most fairly reimburse hospitals for
42 treatment.

43 g. Offset liability for the hospital debts against the New Jersey
44 Gross Income Tax pursuant to N.J.S.54A:1-1 et seq., including an
45 earned income tax credit provided as a refund pursuant to P.L.2000,
46 c.80 (C.54A:4-6 et al.), or whenever any individual is eligible to
47 receive an NJ SAVER rebate or a homestead rebate pursuant to

1 P.L.1990, c.61 (C.54:4-8.57 et al.) or P.L.1999, c.63 (C.54:4-8.58a
2 et al.), and if the rebate is not required to be paid over to the
3 municipal tax collector under the provisions of section 8 of
4 P.L.1990, c.61 (C.54:4-8.64), and including any other financial
5 resource authorized as a source capable of offset for any reason by
6 section 1 of P.L.1981, c.239 (C.54A:9-8.1 et seq.).

7 h. Adjudicate the validity of all set-off challenges pursuant to
8 N.J.A.C. 18:35-10.1 et seq.

9 i. Make such decisions as to compromise and waiver of
10 interest, penalties, post-judgment interest and write-off as it shall
11 deem prudent.

12 j. Refer assigned debts under section 7 of this act to a
13 collection agency in the event that offsetting is not practical or is
14 not successful in fully resolving the debt.

15 k. Create standards for settlement of debts through the
16 collection agency process.

17 l. Determine to cease accepting debt from a hospital until such
18 time as the hospital can demonstrate to the satisfaction of the
19 **[commission]** department that its accuracy has improved to
20 acceptable levels where the **[commission]** department determines
21 that data forwarded by a hospital to the **[commission]** department
22 has an unacceptable level of inaccuracies regarding validity or
23 quality of the debt forwarded to the **[commission]** department.

24 m. Contract with other State agencies for services, including
25 administrative services necessary to carry out the duties of the
26 **[commission]** department.

27 n. Fund the cost of its operations from the fund created by
28 section 4 of this act.

29 o. Adopt rules and regulations pursuant to the "Administrative
30 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate
31 the purposes of this act; except that, notwithstanding any provision
32 of P.L.1968, c.410 to the contrary, the **[commission]** department
33 may adopt, immediately upon filing with the Office of
34 Administrative Law, such regulations as the **[commission]**
35 department deems necessary to implement the provisions of this act,
36 which shall be effective for a period not to exceed six months and
37 may thereafter be amended, adopted or readopted by the
38 **[commission]** department in accordance with the requirements of
39 P.L.1968, c.410.

40 (cf: P.L.2003, c.112, s.5)

41
42 8. Section 6 of P.L.2003, c.112 (C.17B:30-46) is amended to
43 read as follows:

44 6. Decisions of the **[commission]** department, regarding the
45 fairness formula, the validity of debts, the adequacy of data
46 provided to the **[commission]** department by hospitals for use in

1 the program, and other such matters as shall arise concerning the
2 administration of the program, shall constitute final agency action.

3 (cf: P.L.2003, c.112, s.6)

4
5 9. Section 7 of P.L.2003, c.112 (C.17B:30-47) is amended to
6 read as follows:

7 7. a. The following procedures shall apply for those hospitals
8 that wish to participate in the voluntary assignment program created
9 by this act.

10 b. The hospital shall file with the **【commission】** department a
11 notice signifying its intent to participate voluntarily and certifying
12 the following:

13 (1) the hospital has determined that the patient is not eligible for
14 charity care under the New Jersey Hospital Care Payment
15 Assistance Program established by the Department of Health and
16 Senior Services pursuant to section 10 of P.L.1992, c.160 (C.26:2H-
17 18.60);

18 (2) the hospital has submitted a "clean claim" pursuant to
19 P.L.1999, c.154 (C.17B:30-23 et al.) and P.L.1999, c.155
20 (C.17B:30-26 et seq.) to the patient, a responsible party, Medicaid,
21 Medicare or a health plan, as applicable, within a reasonable time
22 following the patient's discharge, or in the case of outpatient
23 service, the date of service;

24 (3) the claims have been fully adjudicated by a health plan,
25 Medicare or Medicaid, where applicable, and a debt remains
26 outstanding;

27 (4) the hospital has not initiated collection procedures against
28 the patient or responsible party while a claim was pending
29 adjudication with Medicare or a health plan, for which a debt
30 remains outstanding;

31 (5) the hospital has notified the patient of the hospital's
32 intention, if the account is not paid in full, or alternatively through a
33 payment plan with the hospital, to proceed with legal action, or to
34 turn the bill over to the **【State Hospital Care Payment Commission】**
35 department for collection.

36 c. Nothing herein shall be deemed to create any new right to
37 collection of hospital debts by hospitals beyond existing law; nor
38 shall it be deemed to preclude any existing right to collection.

39 d. The **【commission】** department may determine the content of
40 the notice required by paragraph (5) of subsection b. of this section
41 to the patient concerning the likelihood that the account will be
42 turned over to the **【commission】** department for collection.

43 e. The minimum amount of an unpaid bill that may be assigned
44 to the **【commission】** department by a hospital is \$100, or such other
45 minimum as the **【commission】** department shall determine by
46 regulation.

1 f. Upon receipt of the voluntary assignment, the Department of
2 the Treasury shall send, on behalf of the **[commission]** department,
3 a notice to the person named as a debtor of the hospital, notifying
4 the person as to receipt of the assignment by the **[commission]**
5 department, providing the person with 30 days to challenge the
6 validity of the debt, and providing notice that in the absence of such
7 challenge, a Certificate of Debt will be filed with the Superior Court
8 of New Jersey. The notice shall also include a statement on the
9 **[commission's]** department's intention to take action to set off the
10 liability against any refund of taxes pursuant to the "New Jersey
11 Gross Income Tax Act" including an earned income tax credit, a NJ
12 SAVER rebate or a homestead rebate, or other such funds as may be
13 authorized by law.

14 g. If the person named as a debtor responds within the 30-day
15 period, the person shall be provided with an opportunity to present,
16 either in writing or in person, evidence as to why the person does
17 not believe he is responsible for the debt. The **[commission]**
18 department shall provide written notice to both the person and the
19 hospital as to its determination regarding the validity of the debt,
20 including the imposition of collection fees and interest, if
21 applicable.

22 h. If the person fails to respond within 30 days to the
23 **[commission]** department, the **[commission]** department may
24 utilize the provisions of the Set off of Individual Liability (SOIL)
25 program established pursuant to P.L.1981, c.239 (C.54A:9-8.1 et
26 seq.), to collect any surcharge levied under this section that is
27 unpaid on or after the effective date of this act.

28 As additional remedies, the **[commission]** department may
29 utilize the services of a collection agency to settle the debt and may
30 also issue a certificate to the Clerk of the Superior Court stating that
31 the person identified in the certificate is indebted under this law in
32 such amount as shall be stated in the certificate. The certificate
33 shall reference this act. Thereupon the clerk to whom such
34 certificate shall have been issued shall immediately enter upon the
35 record of docketed judgments: the name of the person as debtor; the
36 State as creditor; the address of the person, if shown in the
37 certificate; the amount of the debt so certified; a reference to this
38 act under which the debt is assessed; and the date of making the
39 entries. The docketing of the entries shall have the same force and
40 effect as a civil judgment docketed in the Superior Court, and the
41 **[commission]** department shall have all the remedies and may take
42 all of the proceedings for the collection thereof which may be had
43 or taken upon the recovery of a judgment in an action, but without
44 prejudice to any right of appeal. Upon entry by the clerk of the
45 certificate in the record of docketed judgments in accordance with
46 this provision, interest in the amount specified by the court rules for
47 post-judgment interest shall accrue from the date of the docketing

1 of the certificate; however, payment of the interest may be waived
2 by the **【commission】** department.

3 i. Any collection efforts undertaken pursuant to this act shall
4 be undertaken in accordance with the "Health Insurance Portability
5 and Accountability Act of 1996," Pub.L. 104-191 and 45 C.F.R.
6 160.101 to 164.534, or any other similar law. The **【commission】**
7 department and any other entity performing collection activities
8 pursuant to this act is authorized to enter into any agreements
9 required to comply with such laws, including, but not limited to,
10 entering into agreements with the hospitals and collection agencies
11 to provide for appropriate safeguarding of information.

12 (cf: P.L.2003, c.112, s.7)

13
14 10. Section 1 of P.L.2001, c.192 (C.52:9YY-1) is amended to
15 read as follows:

16 1. This act shall be known and may be cited as the "Health
17 Data **【Commission】** Act."

18 (cf: P.L.2001, c.192, s.1)

19
20 11. Section 2 of P.L.2001, c.192 (C.52:9YY-2) is amended to
21 read as follows:

22 2. The Legislature finds and declares that:

23 a. It is the intention of the Legislature to establish a single
24 point of contact for members of the public to obtain health data
25 **【through the creation of the New Jersey Health Data Commission】**;

26 b. The purpose of this **【commission】** initiative is to compile
27 health care access, quality and cost data produced within the State
28 from public and private entities and maximize the usefulness of the
29 data for the public without duplicating existing data collection
30 efforts by State agencies; and

31 c. It is anticipated that the expense to the State of compiling
32 and disseminating the available and useful health data for the
33 benefit of the public will be minimal and will be partially offset by
34 subscriptions to routinely published **【commission】** documents of
35 the Department of Health and Senior Services, the purchase of
36 special **【commission】** reports of the Department of Health and
37 Senior Services, and the receipt of grants to provide health data
38 information to the public.

39 (cf: P.L.2001, c.192, s.2)

40
41 12. Section 3 of P.L.2001, c.192 (C.52:9YY-3) is amended to
42 read as follows:

43 3. As used in this act:

44 **【"Commission" means the New Jersey Health Data Commission**
45 **established pursuant to this act.】**

46 **"Department" means the Department of Health and Senior**
47 **Services.**

1 "Disclosure" means the disclosure of health data to a person or
2 entity outside the **【commission】** department.

3 "Health data" means any information, except vital statistics as
4 defined in R.S.26:8-1, relating to the health status of people, the
5 availability of health care resources and services, or the use and
6 cost of these resources and services. Health data shall not include
7 information that is created or received by members of the clergy or
8 others who use spiritual means alone for healing.

9 "Identifiable health data" means any item, collection or grouping
10 of health data which makes the person supplying it or described in it
11 identifiable.

12 "Research and statistical purposes" means the performance of
13 certain activities relating to health data, including, but not limited
14 to: describing the group characteristics of persons or entities;
15 analyzing the interrelationships among various characteristics of
16 persons or entities; the conduct of statistical procedures or studies
17 to improve the quality of health data; the design of sample surveys
18 and the selection of samples of persons or entities; the preparation
19 and publication of reports describing these activities; and other
20 related functions; but excluding the use of health data for a person
21 or entity to make a determination directly affecting the rights,
22 benefits or entitlements of that person or entity.

23 (cf: P.L.2001, c.192, s.3)

24

25 13. Section 5 of P.L.2001, c.192 (C.52:9YY-5) is amended to
26 read as follows:

27 5. a. The **【commission】** department may:

28 (1) collect and maintain health data from State government
29 agencies or other entities on:

30 (a) the extent, nature and impact of illness and disability on the
31 population of the State;

32 (b) the determinants of health and health hazards;

33 (c) health resources, including the extent of available personnel
34 and resources;

35 (d) utilization of health care;

36 (e) health care costs and financing; and

37 (f) other health-related matters;

38 (2) undertake and support research, demonstrations and
39 evaluations concerning new or improved methods for obtaining
40 current data with respect to any of the health data described in
41 paragraph (1) of this subsection; and

42 (3) promote standards for health data that will facilitate the
43 comparison of information and ease the burden of data preparation
44 and reporting.

45 b. The **【commission】** department may collect health data on
46 behalf of other entities.

47 c. The **【commission】** department shall collect health data only
48 on a voluntary basis from persons and entities, except to the extent

1 that specific statutory authority exists to compel the reporting of
2 such data. When requesting health data from a person or entity, the
3 agency shall notify the person or entity in writing as to the
4 following:

5 (1) whether the person or entity is required to supply the health
6 data and any sanctions which may be imposed for noncompliance;

7 (2) the purposes for which the health data is being collected; and

8 (3) if the **【commission】** department intends to disclose
9 identifiable health data for other than research and statistical
10 purposes, the information to be disclosed, to whom it is to be
11 disclosed, and for what purposes.

12 d. No health data obtained by the **【commission】** department
13 under this section may be used for any purpose other than the
14 purpose for which they were supplied or for which the person or
15 entity described in the data has otherwise consented.

16 e. The **【commission】** department shall:

17 (1) take such actions as may be necessary to assure that the
18 health data which it obtains and maintains are accurate, timely and
19 comprehensive, as well as specific, standardized and adequately
20 analyzed and indexed; and

21 (2) publish, disseminate and otherwise make available these data
22 on as wide a basis as practicable.

23 f. The **【commission】** department shall take such actions as are
24 appropriate to effect the collection and compilation of health data
25 produced within the State and to maximize the usefulness of the
26 data collected.

27 g. The **【commission】** department shall:

28 (1) participate with federal, State and local government agencies
29 in the design and implementation of a cooperative system of
30 producing comparable and uniform health data at the federal, State
31 and local levels;

32 (2) undertake and support research, development,
33 demonstrations and evaluations concerning such a cooperative
34 system; and

35 (3) assume its fair share of the data costs associated with
36 implementing and maintaining such a system.

37 (cf: P.L.2001, c.192, s.5)

38
39 14. Section 6 of P.L.2001, c.192 (C.52:9YY-6) is amended to
40 read as follows:

41 6. a. The **【commission】** department shall make no disclosure
42 of any health data which identifies a person's health status or
43 utilization of health care unless the person described in the data has
44 consented to the disclosure.

45 b. A person or entity to whom the **【commission】** department
46 has disclosed health data shall make no disclosure of any health
47 data which identifies a person's health status or utilization of health

1 care unless the person described in the data has consented to the
2 disclosure.

3 c. No identifiable health data obtained by the **[commission]**
4 department shall be subject to subpoena or similar compulsory
5 process in a civil or criminal, judicial, administrative or legislative
6 proceeding, nor shall a person or entity with lawful access to
7 identifiable health data pursuant to this act be compelled to testify
8 with regard to that data; except that data pertaining to a party in
9 litigation may be subject to subpoena or similar compulsory process
10 in an action brought by or on behalf of that party to enforce a
11 liability arising under this act.

12 (cf: P.L.2001, c.192, s.6
13

14 15. Section 7 of P.L.2001, c.192 (C.52:9YY-7) is amended to
15 read as follows:

16 7. The **[commission]** department shall take appropriate
17 measures to protect the security of health data which it obtains,
18 including:

- 19 a. limiting access to the data to authorized persons;
20 b. designating a person to be responsible for the physical
21 security of the data;
22 c. developing and implementing a system for monitoring the
23 security of the data;
24 d. periodically reviewing all health data to evaluate whether it
25 is appropriate to remove identifying characteristics from the data;
26 and

27 e. developing a program for the routine scheduled destruction
28 of all forms, records or electronic files maintained by the
29 **[commission]** department which contain identifiable health data.

30 (cf: P.L.2001, c.192, s.7)
31

32 16. Section 8 of P.L.2001, c.192 (C.52:9YY-8) is amended to
33 read as follows:

34 8. **[In]** To effectuate the purposes of P.L.2001, c.192
35 (C.52:9YY-1 et seq.), and in addition to any other powers
36 authorized by law, the **[commission]** department shall have the
37 authority, in accordance with State law, to:

- 38 a. make and enter into contracts to purchase services and
39 supplies and to hire consultants;
40 b. develop and submit a proposed budget;
41 c. accept gifts and charitable contributions;
42 d. apply for, receive and expend grants;
43 e. adopt regulations, pursuant to the "Administrative Procedure
44 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the
45 purposes of this act;

1 f. establish charges for and collect payment from persons and
2 entities for the provision of services, including the dissemination of
3 health data;

4 g. receive and expend appropriations;

5 h. enter into a reimbursable work program with other State
6 government agencies or private entities under which funds are
7 transferred from the other agencies or entities to the **[commission]**
8 department for the performance of activities pursuant to this act;
9 and

10 i. provide such other services and perform such other functions
11 as the **[commission]** department deems necessary to fulfill its
12 responsibilities under this act.

13 (cf: P.L.2001, c.192, s.8)

14
15 17. Section 9 of P.L.2001, c.192 (C.52:9YY-9) is amended to
16 read as follows:

17 9. a. A person or entity whom the **[commission]** department
18 determines has violated the provisions of section 6 of **[this act]**
19 P.L.2001, c.192 (C.52:9YY-6), regarding the disclosure of health
20 data shall be subject, in addition to any other penalties that may be
21 prescribed by law, to: a civil penalty of not more than \$10,000 for
22 each such violation, but not to exceed \$50,000 in the aggregate for
23 multiple violations; or a civil penalty of not more than \$250,000, if
24 the **[commission]** department finds that these violations have
25 occurred with such frequency as to constitute a general business
26 practice.

27 The penalty shall be sued for and collected in the name of the
28 **[commission]** department in a summary proceeding in accordance
29 with the "Penalty Enforcement Law of 1999," P.L.1999, c.274
30 (C.2A:58-10 et seq.).

31 b. The **[commission]** department or an entity acting on its
32 behalf shall be liable to a person or entity injured by the intentional
33 or negligent violation of the provisions of section 6 of **[this act]**
34 P.L.2001, c.192 (C.52:9YY-6), in an amount equal to the damages
35 sustained by the person or entity, together with the cost of the
36 action and reasonable attorney's fees, as determined by the court.

37 (cf: P.L.2001, c.192, s.9)

38
39 18. Section 3 of P.L.1991, c.235 (C.13:1D-37) is amended to
40 read as follows:

41 3. As used in this act:

42 **["Board"** means the Pollution Prevention Advisory Board
43 established pursuant to section 5 of this act.]

44 "Commissioner" means the Commissioner of the Department of
45 Environmental Protection.

46 "Consume" means to change or alter the molecular structure of a
47 hazardous substance within a production process.

1 "Department" means the Department of Environmental
2 Protection.

3 "Facility" means all buildings, equipment, structures, and other
4 property that are located on a single site or on contiguous or
5 adjacent sites and that are owned or operated by the same person.

6 "Facility-wide permit" means a single permit issued by the
7 department to the owner or operator of a priority industrial facility
8 incorporating the permits, certificates, registrations, or any other
9 relevant department approvals previously issued to the owner or
10 operator of the priority industrial facility pursuant to P.L.1970, c.39
11 (C.13:1E-1 et seq.), P.L.1977, c.74 (C.58:10A-1 et seq.), or
12 P.L.1954, c.212 (C.26:2C-1 et seq.), and the appropriate provisions
13 of the pollution prevention plan prepared by the owner or operator
14 of the priority industrial facility pursuant to section 7 and section 8
15 of this act.

16 "Hazardous substance" means any substance on the list
17 established by the United States Environmental Protection Agency
18 for reporting pursuant to 42 U.S.C. s.11023, and any other
19 substance which the department, pursuant to the provisions of
20 subsection i. of section 8 of this act, defines as a hazardous
21 substance for the purposes of this act.

22 "Hazardous waste" means any solid waste defined as hazardous
23 waste by the department pursuant to P.L.1970, c.39 (C.13:1E-1 et
24 seq.).

25 "Industrial facility" means any facility having a Standard
26 Industrial Classification, as designated in the Standard Industrial
27 Classification Manual prepared by the federal Office of
28 Management and Budget, within the Major Group Numbers, Group
29 Numbers, or Industry Numbers listed in subsection h. of section 3
30 of P.L.1983, c.315 (C.34:5A-3) and which is subject to the
31 regulatory requirements of P.L.1970, c.39 (C.13:1E-1 et seq.),
32 P.L.1977, c.74 (C.58:10A-1 et seq.), or P.L.1954, c.212 (C.26:2C-1
33 et seq.).

34 "Manufacture" means to produce, prepare, import, or compound
35 a hazardous substance.

36 "Multimedia release" means the release of a hazardous substance
37 to any environmental medium, or any combination of media,
38 including the air, water or land, and shall include any release into
39 workplaces.

40 "Nonproduct output" means all hazardous substances or
41 hazardous wastes that are generated prior to storage, recycling,
42 treatment, control, or disposal and that are not intended for use as a
43 product.

44 "Office" means the Office of Pollution Prevention established in
45 the department pursuant to section 4 of this act.

46 "Operator" means any person in control of, or exercising
47 responsibility for, the daily operation of an industrial facility or a
48 priority industrial facility.

1 "Owner" means any person who owns an industrial facility or a
2 priority industrial facility.

3 "Person" means any individual, partnership, company,
4 corporation, society, firm, consortium, joint venture, or any
5 commercial or other legal entity.

6 "Pilot facility" means a facility or designated area of a facility
7 used for pilot-scale development of products or processes.

8 "Pollution prevention" means: changes in production
9 technologies, raw materials or products, that result in the reduction
10 of the demand for hazardous substances per unit of product
11 manufactured and the creation of hazardous products or nonproduct
12 outputs; or changes in the use of raw materials, products, or
13 production technologies that result in the reduction of the input use
14 of hazardous substances and the creation of hazardous by-products
15 or destructive results; or on-site facility changes in production
16 processes, products, or the use of substitute raw materials that result
17 in the reduction of the amount of hazardous waste generated and
18 disposed of on the land or hazardous substances discharged into the
19 air or water per unit of product manufactured prior to treatment, and
20 that reduce or eliminate, without shifting, the risks that the use of
21 hazardous substances at an industrial facility pose to employees,
22 consumers, and the environment and human health. "Pollution
23 prevention" shall include, but need not be limited to, raw material
24 substitution, product reformulation, production process redesign or
25 modification, in-process recycling, and improved operation and
26 maintenance of production process equipment. "Pollution
27 prevention" shall not include any action or change entailing a
28 substitution of one hazardous substance, product or nonproduct
29 output for another that results in the creation of substantial new
30 risk, and shall not include treatment, increased pollution control,
31 out-of-process recycling, or incineration, except as otherwise
32 provided pursuant to subsection f. of section 7 of this act.

33 "Pollution prevention plan" means a plan required to be prepared
34 by an industrial facility pursuant to the provisions of section 7 of
35 this act.

36 "Pollution prevention plan progress report" means a report
37 required to be submitted annually to the department by the owner or
38 operator of an industrial facility pursuant to the provisions of
39 section 7 of this act.

40 "Pollution prevention plan summary" means a summary of a
41 pollution prevention plan required to be prepared by an industrial
42 facility and submitted to the department pursuant to the provisions
43 of section 7 of this act.

44 "Priority industrial facility" means any industrial facility
45 required to prepare and submit a toxic chemical release form
46 pursuant to 42 U.S.C. s.11023, or any other facility designated a
47 priority industrial facility pursuant to rules and regulations adopted

1 by the department pursuant to the provisions of subsection h. of
2 section 8 of this act.

3 "Process" means the preparation of a hazardous substance, after
4 its manufacture, for sale or use in the same form or physical state,
5 or in a different form or physical state, as that in which it was
6 received at the industrial facility where it is processed, or as part of
7 an article or product containing the hazardous substance.

8 "Product" means a desired result of a production process that is
9 used as a commodity in trade in the channels of commerce by the
10 general public in the same form as it is produced.

11 "Production process" means a process, line, method, activity or
12 technique, or a series or combination of processes, lines, methods or
13 techniques used to produce a product or reach a planned result.

14 "Research and development laboratory" means a facility or a
15 specially designated area of a facility used primarily for research,
16 development, and testing activity, and not primarily involved in the
17 production of goods for commercial sale, in which hazardous
18 substances are used by, or under, the direct supervision of a
19 technically qualified person.

20 "Source" means a point or location in a production process at
21 which a nonproduct output is generated or released, provided,
22 however, that similar, related, or identical kinds of sources may be
23 considered a single source for the purposes of this act.

24 "Targeted production process" means any production process
25 which significantly contributes to the use or release of hazardous
26 substances or the generation of hazardous waste or nonproduct
27 output, as determined by the owner or operator of an industrial
28 facility pursuant to criteria established by the department.

29 "Targeted source" means any source which significantly
30 contributes to the generation of nonproduct output, as determined
31 by the owner or operator of an industrial facility pursuant to criteria
32 established by the department.

33 "Use" means to process or otherwise use a hazardous substance.

34 "Violation of this act" means a violation of any provision of this
35 act, or any rule or regulation, administrative order, or facility-wide
36 permit adopted or issued pursuant thereto.

37 (cf: P.L.1991, c.235, s.3)

38

39 19. Section 21 of P.L.1983, c.315 (C.34:5A-21) is amended to
40 read as follows:

41 21. The Department of Health and Senior Services, the
42 Department of Environmental Protection, and the Department of
43 Labor **【, in conjunction with the council,】** and Workforce
44 Development shall jointly establish a procedure for annually
45 receiving information **【, advice, testimony, and recommendations】**
46 from the **【council, the】** public **【,】** and any other interested party,
47 concerning **【the implementation of this act】** any revision of the
48 workplace hazardous substance list and any revision of the

1 environmental hazardous substance list. This procedure shall
2 include a mechanism for revising the workplace hazardous
3 substance list and the environmental hazardous substance list. Any
4 revision of the workplace hazardous substance list or environmental
5 hazardous substance list shall be based on documented scientific
6 evidence. The Department of Health and Senior Services and the
7 Department of Environmental Protection shall publicly announce
8 any revisions of the workplace hazardous substance list or the
9 environmental hazardous substance list, and any such additions or
10 revisions shall be made pursuant to the provisions of the
11 "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et
12 seq.).
13 (cf: P.L.1983, c. 315, s. 21)

14
15 20. Section 8 of P.L.1998, c.108 (C.27:5F-41) is amended to
16 read as follows:

17 8. a. The Director of the Office of Highway Traffic Safety in
18 the Department of Law and Public Safety, after consultation with
19 the **【Director of the Division of Motor Vehicles】** Chief
20 Administrator of the New Jersey Motor Vehicle Commission in, but
21 not of, the Department of Transportation **【and the Review Board on**
22 **Driver Education established in section 10 of P.L.1998, c.108**
23 **(C.27:5F-43)】**, shall develop curriculum guidelines for use by
24 teachers of approved classroom driver education courses. The
25 course of instruction for approved courses shall be no less than 30
26 hours in length and be designed to develop and instill the
27 knowledge and attitudes necessary for the safe operation and
28 driving of motor vehicles. Defensive driving, highway courtesy,
29 accident avoidance, understanding and respect for the State's motor
30 vehicle laws, insurance fraud and State requirements for and
31 benefits of maintaining automobile insurance shall be emphasized.
32 The incorporation of these curriculum guidelines in these classroom
33 courses and the use of related instructional materials shall be a
34 requirement for approval of the course by the **【Director of the**
35 **Division of Motor Vehicles】** chief administrator.

36 b. The Director of the Office of Highway Traffic Safety, in
37 consultation with the **【Director of the Division of Motor Vehicles】**
38 Chief Administrator of the New Jersey Motor Vehicle Commission,
39 shall produce an informational brochure for parents and guardians
40 of beginning drivers under the age of 18 years. The **【division】**
41 commission shall ensure that the parents or guardians of a permit
42 holder receive these brochures at the time a permit is issued to a
43 beginning driver. The brochures shall include, but not be limited to,
44 the following information:

- 45 (1) Setting an example for the beginning driver;
46 (2) Accident and fatality statistics about beginning drivers;
47 (3) Causes of accidents among beginning drivers;

1 (4) The need to supervise vehicle operation by a beginning
2 driver;

3 (5) Methods to coach a beginning driver on how to reduce
4 accidents;

5 (6) A description of the graduated driver's license program; and

6 (7) Benefits of classroom and behind-the-wheel driver education
7 under the direction of State certified or licensed driving instructors,
8 as the case may be.

9 (cf: P.L.2001, c.420, s.1)

10

11 21. Section 9 of P.L.1998, c.108 (C.27:5F-42) is amended to
12 read as follows:

13 9. a. There is created in the Department of Transportation a
14 special non-lapsing fund to be known as the "Graduated Driver
15 License Fund." There shall be deposited in the fund up to \$5 from
16 each special learner's permit fee and examination permit fee for a
17 passenger automobile that is established pursuant to R.S.39:3-13
18 and any other monies that may be made available for graduated
19 license program start-up costs. The **【Division of Motor Vehicles】**
20 New Jersey Motor Vehicle Commission shall administer
21 expenditures from this fund.

22 b. Amounts necessary to reimburse the **【Division of Motor**
23 **Vehicles】** New Jersey Motor Vehicle Commission in, but not of,
24 the Department of Transportation and the Office of Highway
25 Traffic Safety in the Department of Law and Public Safety for all
26 costs reasonably and actually incurred in the initial implementation
27 and continuing administration of this act shall be appropriated from
28 the fund. The **【Division of Motor Vehicles】** New Jersey Motor
29 Vehicle Commission and the Office of Highway Traffic Safety shall
30 certify to the State Treasurer their start-up costs to carry out their
31 responsibilities under **【this act】** P.L.1998, c.108, and the program's
32 costs annually thereafter. This amount shall be reimbursed to the
33 **【Division of Motor Vehicles】** New Jersey Motor Vehicle
34 Commission and the Office of Highway Traffic Safety from the
35 Graduated Driver License Fund. In the event the fund's balance is
36 insufficient to fully reimburse these costs, the State Treasurer shall
37 provide to the Graduated Driver License Fund a loan from the
38 General Fund in the amount needed to fully defray these costs. This
39 loan shall be repaid to the General Fund when the balance in the
40 Graduated Driver License Fund exceeds the amount necessary to
41 reimburse these costs.

42 (cf: P.L.1998, c.108, s.9)

43

44 22. Section 10 of P.L.1998, c.108 (C.27:5F-43) is amended to
45 read as follows:

46 10. a. **【There is established a State Review Board on Driver**
47 **Education.】** The Director of the Office of Highway Traffic Safety

1 【or his designee shall be ex officio the chairman of the board. The
2 Governor shall appoint to the board a certified secondary school
3 driver education teacher and representatives from the Department of
4 Education, the Department of Transportation, the AAA Clubs of
5 New Jersey, the Driving School Association of New Jersey, the
6 Insurance Council of New Jersey, the New Jersey Association of
7 Chiefs of Police, the New Jersey State Safety Council and the New
8 Jersey Traffic Safety Officers Association. The board】 shall make
9 recommendations to the 【Director of the Division of Motor
10 Vehicles】 Chief Administrator of the New Jersey Motor Vehicle
11 Commission with respect to rules and regulations promulgated
12 under 【this act】 P.L.1998, c.108 including, but not limited to, the
13 development of uniform curriculum guidelines for approved
14 classroom and behind-the-wheel driver education. 【Any vacancies
15 occurring in the membership shall be filled in the same manner as
16 the original appointments.】

17 b. The course of instruction for behind-the-wheel driver
18 education shall be designed to develop the skills necessary for the
19 safe and lawful operation of a motor vehicle. Defensive driving,
20 highway courtesy, appropriate driving behavior and attitudes,
21 accident avoidance, safe passing and lane changing, and a general
22 understanding of and respect for the State's motor vehicle laws shall
23 be emphasized.
24 (cf: P.L.2001, c.420, s.2)

25
26 23. Section 4 of P.L.1969, c.95 (C.18A:61A-4) is amended to
27 read as follows:

28 4. 【The board of trustees shall organize at a meeting to be
29 called by the Commissioner of Education and annually thereafter by
30 election from their number of a chairman and a vice chairman and
31 appointment of a secretary, who may but need not be a member of
32 the board of trustees, and such other officers as the board shall
33 determine. The meeting for the election and appointment of
34 officers shall be held not earlier than July 1 and not later than
35 October 1 of each year. Officers shall serve for terms of one year,
36 and until their successors are selected and qualified. The board of
37 trustees shall be known as "The Trustees of the New Jersey School
38 of the Arts" and shall be a body corporate, with all the powers
39 usually conferred upon such bodies and necessary to enable it to
40 make contracts, and to exercise such other rights and privileges as
41 may be necessary for carrying out the provisions and purposes of
42 this act.】 The school shall employ northern, central and southern
43 coordinators and hire appropriate professional staff to implement
44 programs in music, dance, visual arts and creative writing in each of
45 the 21 counties of the State.
46 (cf: P.L.2000, c.115, s.4)

1 24. Section 6 of P.L.1969, c.95 (C.18A:61A-6) is amended to
2 read as follows:

3 6. The **【board of trustees of the】** school shall **【, within】** be
4 governed by the Commissioner of Education under the general
5 policies and guidelines set by the State Board of Education, and the
6 commissioner shall have general supervision over, and shall be
7 vested with the conduct of, the school. **【It】** The commissioner
8 shall, within the general policies and guidelines set by the State
9 Board of Education, have the power and duty to:

10 a. Determine the educational curriculum and program of the
11 school in accordance with the arts standards, frameworks and
12 assessments;

13 b. Determine policies for the organization, administration and
14 development of the school;

15 c. Study the educational and financial needs of the school;
16 annually acquaint the Governor and Legislature with the condition
17 of the school; and prepare, and after concurrence by and jointly
18 with the State Board of Education, present the annual budget to the
19 Governor and Legislature, in accordance with law;

20 d. Subject to the provisions of P.L.1944, c.112 (C.52:27B-1 et
21 seq.), direct and control the expenditures of the school in
22 accordance with the provisions of the budget and the appropriations
23 acts of the Legislature, except that with respect to transfers of funds
24 pursuant to P.L.1944, c.112 (C.52:27B-1 et seq.), the school shall
25 be deemed a spending agency, and as to funds received or solicited
26 from other sources, in accordance with the terms of any applicable
27 trusts, gifts, bequests, or other special provisions, the counsel,
28 advice and assistance of the Division of Investment in the
29 Department of the Treasury shall be available to the **【board of**
30 **trustees】** commissioner in the establishment and maintenance of
31 endowment and trust funds;

32 e. With the approval of the State Board of Education appoint
33 and fix the compensation of a director of the school who shall be its
34 executive officer and shall serve at the pleasure of the **【board of**
35 **trustees】** commissioner;

36 f. Appoint members of the academic, administrative and
37 teaching staffs as shall be required and fix their compensation and
38 terms of employment in accordance with salary policies adopted by
39 the State Board of Education, which salary policies shall prescribe
40 qualifications for the education staff that may be in any given
41 classification;

42 g. Appoint, remove, promote and transfer such other officers,
43 agents or employees as may be required for carrying out the
44 purposes of the school and assign their duties, determine their
45 salaries and prescribe qualifications for all positions, all in
46 accordance with the provisions of Title 11A, Civil Service, of the
47 New Jersey Statutes;

1 h. Subject to the provisions of P.L.1954, c.48 (C.52:34-6 et
2 seq.), to enter into contracts and agreements with the State or any of
3 its political subdivisions or with the United States, or with any
4 public body, department or other agency of the State or the United
5 States or with any individual, firm, or corporation which are
6 deemed necessary or advisable by the **[board]** commissioner for
7 carrying out the purposes of the school;

8 i. Adopt bylaws and make and promulgate such rules,
9 regulations and orders, not inconsistent with the provisions of this
10 act that are necessary and proper for the administration and
11 operation of the school and the carrying out of its purposes;

12 j. Receive and accept private and corporate contributions for
13 such purposes and upon such terms as the donor may prescribe
14 consistent with the purposes of the school and general policies and
15 guidelines set by the State Board of Education.

16 (cf: P.L.2000, c.115, s.5)

17
18 25. Section 7 of P.L.1969, c.95 (C.18A:61A-7) is amended to
19 read as follows:

20 7. Subject to the approval of the State Board of Education or
21 the board of education of a school district, as the case may be, the
22 **[board of trustees]** Commissioner of Education may contract for
23 the use of existing facilities, courses of instruction and programs in
24 academic and other nonarts courses and instruction of other
25 educational institutions and to employ faculty and other personnel
26 jointly or on a co-operative or cost sharing basis with such other
27 educational institutions.

28 (cf: P.L.1969, c.95, s.7)

29
30 26. Section 2 of P.L.1981, c.311 (C.45:14D-2) is amended to
31 read as follows:

32 2. As used in this act:

33 a. "Accessorial service" means the preparation of articles for
34 shipment, including, but not limited to, the packing, crating, boxing
35 and servicing of appliances, the furnishing of containers,
36 unpacking, uncrating and reassembling of articles, placing them at
37 final destination and the moving or shifting of articles from one
38 location to another within a building, or at a single address;

39 b. **["Board" means the State Board of Public Movers and**
40 **Warehousemen established under this act;]** (Deleted by
41 amendment, P.L. , c.)(pending before the Legislature as this bill)

42 c. (Deleted by amendment, P.L.1993, c.365).

43 d. "Department" means the Department of Law and Public
44 Safety;

45 e. "Household goods" means personal effects, fixtures,
46 equipment, stock and supplies or other property usually used in or
47 as part of the stock of a dwelling, when it is put into storage or
48 when it is transported by virtue of its removal, in whole or in part,

- 1 by a householder from one dwelling to another, or from the
2 dwelling of a householder to the dwelling of another householder,
3 or between the dwelling of a householder and a repair or storage
4 facility, or from the dwelling to an auction house or other place of
5 sale. The term "household goods" shall not apply to property
6 moving from a factory or store, except property which the
7 householder has purchased and which is transported at his request
8 as part of the movement by the householder from one dwelling to
9 another;
- 10 f. "Intrastate commerce" means commerce moving wholly
11 between points within the State over all public highways, or at a
12 single location;
- 13 g. "License" means a license issued by the **[board]** director;
- 14 h. "Motor vehicle" means any vehicle, machine, tractor, truck
15 or semitrailer, or any combination thereof, propelled, driven or
16 drawn by mechanical power, and used upon the public highways in
17 the transportation of household goods, office goods and special
18 commodities in intrastate commerce;
- 19 i. "Mover's services" means all of the services rendered by a
20 public mover;
- 21 j. "Storage services" means all of the services rendered by a
22 warehouseman;
- 23 k. "Office goods" means personal effects, fixtures, furniture,
24 equipment, stock and supplies or other property usually used in or
25 as part of the stock of any office, or commercial, institutional,
26 professional or other type of establishment, when it is put into
27 storage or when the property is transported by virtue of its removal,
28 in whole or in part, from one location to another, but does not mean
29 or include stock and supplies or other property usually used in or as
30 part of the stock of any office, or commercial, institutional,
31 professional or other type of establishment, when put into storage;
- 32 l. "Person" means any individual, copartnership, association,
33 company, or corporation, and includes any trustee, receiver,
34 assignee, lessee, or personal representative of any person herein
35 defined;
- 36 m. "Place of business" means a business office located in New
37 Jersey from which the mover or warehouseman conducts his daily
38 business and where records are kept;
- 39 n. "Property" means all of the articles in the definition of
40 household goods, office goods or special commodities;
- 41 o. "Public highway" or "highway" means any public street,
42 road, thoroughfare, bridge and way in this State open to the use of
43 the public as a matter of right for purposes of motor vehicular
44 travel, including those that impose toll charges;
- 45 p. "Public mover" or "mover" means any person who engages
46 in the transportation of household goods, office goods or special
47 commodities by motor vehicle for compensation in intrastate
48 commerce between points in this State, including the moving of

1 household goods, office goods or special commodities from one
2 location to another at a single address, and any person who engages
3 in the performance of accessorial services; except that the term
4 "public mover" or "mover" shall not apply to an owner-operator, or
5 any person who engages in, or holds himself out to the general
6 public as engaging in, the transportation of special commodities
7 when such commodities are not transported by virtue of a removal,
8 in whole or in part, and who does not engage, nor hold himself out
9 to the general public as engaging in, the transportation of household
10 or office goods;

11 q. "Special commodities" means uncrated or unboxed works of
12 art, fixtures, appliances, business machines, electronic equipment,
13 displays, exhibits, home, office, store, theatrical or show equipment,
14 musical instruments, or other articles being put into storage or being
15 moved, and which require the use of equipment and personnel
16 usually furnished or employed by warehousemen or public movers,
17 except that the provisions of P.L.1981, c.311 (C.45:14D-1 et seq.)
18 shall not apply to any person engaged in the transportation or
19 storage of special commodities when these commodities are not
20 transported by virtue of a removal, in whole or in part;

21 r. "Storage" means the safekeeping of property in a depository
22 for compensation;

23 s. "Tariff" means a schedule of rates and charges for the
24 storage or transportation of property in intrastate commerce on file
25 with the **[board]** director, which shall be used, except in the use of
26 binding estimates by movers, in computing all charges on the
27 storage or transportation of property as of the date of the time in
28 storage or transportation;

29 t. "Warehouseman" means a person engaged in the business of
30 storage;

31 u. "Removal" means the physical relocation, in whole or in
32 part, of either household goods, office goods or special
33 commodities from one location to another location, including
34 internal relocations within the same room or facility, for
35 compensation;

36 v. "Bill of lading" means "bill of lading" as defined by
37 paragraph (6) of N.J.S.12A:1-201;

38 w. "Consumer" means a person who contracts with a public
39 mover for mover's services;

40 x. "Contracting public mover" means a licensed public mover
41 who contracts with an owner-operator to provide any mover's
42 service of the licensed public mover, and is liable for any mover's
43 services performed or agreed to be performed by the owner-
44 operator pursuant to that contract;

45 y. "Director" means the Director of the Division of Consumer
46 Affairs in the Department of Law and Public Safety;

1 z. "Owner-operator" means a person who owns, leases, or rents
2 one or more motor vehicles and who uses the vehicles to provide
3 mover's services for a contracting public mover.
4 (cf: P.L.2007, c.50, s.1)

5
6 27. Section 6 of P.L.1981, c.311 (C.45:14D-6) is amended to
7 read as follows:

8 6. The **board** director shall, in addition to such other powers
9 and duties as **it** the director may possess by law:

10 a. Administer and enforce the provisions of this act;

11 b. Adopt and promulgate rules and regulations, pursuant to the
12 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
13 seq.), to effectuate the purposes of this act;

14 c. Examine and pass on the qualifications of all applicants for
15 license under this act, and issue a license to each qualified
16 applicant;

17 d. Establish professional standards for persons licensed under
18 this act;

19 e. Conduct hearings pursuant to the "Administrative Procedure
20 Act," P.L.1968, c.410 (C.52:14B-1 et seq.); except that the **board**
21 director shall have the right to administer oaths to witnesses, and
22 shall have the power to issue subpoenas for the compulsory
23 attendance of witnesses and the production of pertinent books,
24 papers, or records;

25 f. Conduct proceedings before any board, agency or court of
26 competent jurisdiction for the enforcement of the provisions of this
27 act;

28 g. Annually publish a list of the names, addresses and tariffs of
29 all persons who are licensed under this act;

30 h. Establish reasonable requirements with respect to proper and
31 adequate movers' and warehousemen's services and the furnishing
32 of estimates, and prescribe a uniform system of accounts, records
33 and reports;

34 i. Adopt and promulgate rules and regulations to protect the
35 interests of the consumer, including, but not limited to, regulations
36 concerning the contents of information brochures which a mover or
37 warehouseman shall give to a customer prior to the signing of a
38 contract for moving or storage services.

39 (cf: P.L.1993, c.365, s.3)

40
41 28. Section 7 of P.L.1981, c.311 (C.45:14D-7) is amended to
42 read as follows:

43 7. The **board** director may, after notice and opportunity for a
44 hearing, revoke, suspend or refuse to renew or issue any license
45 issued pursuant to this act upon a finding that the applicant or
46 holder of a license:

47 a. Has obtained a license by means of fraud, misrepresentation
48 or concealment of material facts;

- 1 b. Has engaged in the use or employment of dishonesty, fraud,
2 deception, misrepresentation, false promise or false pretense;
3 c. Has engaged in gross negligence or gross incompetence;
4 d. Has engaged in repeated acts of negligence or incompetence;
5 e. Has repeatedly failed to discharge contractual obligations to
6 any person contracting for moving or storage services;
7 f. Has engaged in occupational misconduct;
8 g. Has been convicted of any crime involving moral turpitude
9 or any crime relating adversely to the activities regulated by
10 P.L.1981, c.311 (C.45:14D-1 et seq.). For the purpose of this
11 subsection, a plea of guilty, non vult, nolo contendere or any other
12 similar disposition of alleged criminal activity shall be deemed a
13 conviction;
14 h. Has had his authority to engage in the activities regulated by
15 P.L.1981, c.311 (C.45:14D-1 et seq.) revoked or suspended by any
16 other state, agency or authority for reasons consistent with that act;
17 or
18 i. Has violated or failed to comply with the provisions of
19 P.L.1981, c.311 (C.45:14D-1 et seq.) or any regulation adopted
20 thereunder.

21 The licensee or applicant shall be furnished with an official
22 statement of the reasons for the **【board's】** director's proposed action
23 and shall be afforded an opportunity for a hearing.

24 (cf: P.L.1993, c.365, s.4)
25

26 29. Section 8 of P.L.1981, c.311 (C.45:14D-8) is amended to
27 read as follows:

28 8. The **【board】** director may, after one year from the date of
29 the revocation of any license, restore the license.

30 (cf: P.L.1993, c.365, s.5)
31

32 30. Section 9 of P.L.1981, c.311 (C.45:14D-9) is amended to
33 read as follows:

34 9. a. It shall be unlawful for any person to engage in the
35 business of public moving or storage unless he shall have obtained
36 from the **【board】** director a license to engage in the business and
37 shall have a permanent place of business in this State;

38 b. Application for a license shall be made in writing to the
39 **【board】** director, be verified under oath by the agent in charge and
40 shall contain the following information: (1) the name and location
41 of the applicant; (2) description of the applicant's moving vehicles
42 and storage facilities; (3) identification of the issuer and amount of
43 any insurance or surety bonds maintained by the applicant. A
44 license shall be issued to a qualified applicant if it is found that the
45 applicant is fit, willing and able to perform the service of a mover
46 or warehouseman, and to conform to the provisions of this act;

1 c. Every person advertising moving or storage services shall
2 include in any advertisement the number of his license, and his New
3 Jersey business address and telephone number;

4 d. No license shall be issued to an applicant if the applicant
5 has: (1) committed any act which if committed by a licensee would
6 be grounds for suspension or revocation; (2) misrepresented any
7 material fact on his application; (3) not registered each vehicle
8 which will be performing intrastate moves in New Jersey, except on
9 vehicles which have been rented or leased and are operated by a
10 public mover licensed under this act; (4) not established or
11 maintained a place of business in New Jersey;

12 e. A copy of the license shall be carried on each truck, tractor,
13 trailer or semitrailer or combination thereof at all times when the
14 vehicle is being used in operations subject to this act.

15 (cf: P.L.1993, c.365, s.6)

16

17 31. Section 11 of P.L.1981, c.311 (C.45:14D-11) is amended to
18 read as follows:

19 11. Every warehouseman or mover shall provide safe, proper
20 and adequate service and shall observe the **【board's】** director's
21 rules and regulations concerning the storage or transportation of
22 property.

23 (cf: P.L.1993, c.365, s.7)

24

25 32. Section 14 of P.L.1981, c.311 (C.45:14D-14) is amended to
26 read as follows:

27 14. a. Public movers and warehousemen shall file their tariffs
28 with the **【board】** director semiannually;

29 b. Except in the use of binding estimates provided for in
30 section 6 of P.L.1998, c.60 (C.45:14D-29), no public mover or
31 warehouseman shall charge, demand, collect or receive a greater
32 compensation for his service than specified in the tariff.

33 (cf: P.L.1998, c.60, s.2)

34

35 33. Section 15 of P.L.1981, c.311 (C.45:14D-15) is amended to
36 read as follows:

37 15. a. The **【board】** director shall by rule or regulation establish,
38 prescribe or change the fees for licenses, renewals of licenses or
39 other services. Licenses shall expire one year from the date of issue
40 unless the holder thereof shall, 30 days before such expiration, pay
41 to the **【board】** director a renewal fee accompanied by a renewal
42 application on a form prescribed by the **【board】** director.

43 b. The **【board's】** director's fees established, prescribed or
44 changed pursuant to this section shall be established, prescribed or
45 changed to such extent as shall be necessary to defray all proper
46 expenses incurred by the **【board】** director and any staff employed
47 to administer this act; but such fees shall not be fixed at a level that

1 will raise amounts in excess of the amount estimated to be so
2 required.

3 c. All fees and any fines imposed by the **board** director shall
4 be paid to the **board** director and shall be forwarded by the
5 **board** director to the State Treasurer and become part of the
6 General Fund.

7 d. There shall be annually appropriated to the Department of
8 Law and Public Safety for the use of the **board** director such sums
9 as shall be necessary to implement and effectuate the provisions of
10 this act.

11 (cf: P.L.1993, c.365, s.9)

12

13 34. Section 16 of P.L.1981, c.311 (C.45:14D-16) is amended to
14 read as follows:

15 16. Any person violating any provision of P.L.1981, c.311
16 (C.45:14D-1 et seq.) shall, in addition to any other sanctions
17 provided herein, be liable to a civil penalty of not more than
18 \$2,500.00 for the first offense and not more than \$5,000.00 for the
19 second and each subsequent offense. For the purpose of this
20 section, each transaction or violation shall constitute a separate
21 offense; except a second or subsequent offense shall not be deemed
22 to exist unless an administrative or court order has been entered in a
23 prior, separate and independent proceeding. In lieu of an
24 administrative proceeding or an action in the Superior Court, the
25 Attorney General may bring an action in the name of the **board**
26 director for the collection or enforcement of civil penalties for the
27 violation of any provision of that act. The action may be brought in
28 a summary manner pursuant to **["the penalty enforcement law"**
29 **(N.J.S.2A:58-1 et seq.)]** the "Penalty Enforcement Law of 1999,"
30 P.L.1999, c.274 (C.2A:58-10 et seq.), and the rules of court
31 governing actions for the collection of civil penalties in the
32 municipal or Special Civil Part of the Law Division of the Superior
33 Court where the offense occurred. Process in the action may be by
34 summons or warrant and if the defendant in the action fails to
35 answer the action, the court shall, upon finding an unlawful act or
36 practice to have been committed by the defendant, issue a warrant
37 for the defendant's arrest in order to bring the person before the
38 court to satisfy the civil penalties imposed. In an action
39 commenced pursuant to this section, the court may order restored to
40 any person in interest any moneys or property acquired by means of
41 an unlawful act or practice. Any action alleging the unlicensed
42 practice of the activities regulated by P.L.1981, c.311 (C.45:14D-1
43 et seq.) shall be brought pursuant to this section or, where
44 injunctive relief is sought, by an action commenced in the Superior
45 Court. In an action brought pursuant to that act, the **board**
46 director or the court may order the payment of costs for the use of

1 the State.
2 (cf: P.L.1993, c.365, s.10)

3
4 35. Section 7 of P.L.1984, c.140 (C.45:14D-17) is amended to
5 read as follows:

6 7. Whenever it shall appear to the **【board】** director or the
7 Attorney General that a person has engaged in, or is engaging in,
8 any act or practice declared unlawful by P.L.1981, c.311
9 (C.45:14D-1 et seq.), or when the **【board】** director or the Attorney
10 General shall deem it to be in the public interest to inquire whether
11 a violation may exist, the **【board】** director through the Attorney
12 General, or the Attorney General acting independently, may:

13 a. Require any person to file, on a form to be prescribed, a
14 statement or report in writing under oath, or otherwise, as to the
15 facts and circumstances concerning the rendition of any service or
16 conduct of any sale incidental to the discharge of any act or practice
17 subject to that act;

18 b. Examine under oath any person in connection with any act
19 or practice subject to that act;

20 c. Inspect any premises from which the activity regulated by
21 that act is conducted;

22 d. Examine any goods, ware or item used in the rendition of
23 any service by a public mover or warehouseman;

24 e. Examine any record, book, document, account or paper
25 maintained by or for any public mover or warehouseman in the
26 regular course of engaging in the activities regulated by that act or
27 regulations promulgated pursuant to that act;

28 f. For the purpose of preserving evidence of an unlawful act or
29 practice, pursuant to an order of the Superior Court, impound any
30 record, book, document, account, paper, goods, ware, or item used
31 or maintained by or for any public mover or warehouseman in the
32 regular course of engaging in the activities regulated by that act or
33 regulations promulgated pursuant to that act. When necessary, the
34 Superior Court may, on application of the Attorney General, issue
35 an order sealing items or material subject to this subsection.

36 In order to accomplish the objectives of P.L.1981, c.311
37 (C.45:14D-1 et seq.) or the regulations promulgated pursuant to that
38 act, the **【board】** director or the Attorney General may hold
39 investigative hearings as necessary and may issue subpoenas to
40 compel the attendance of any person or the production of books,
41 records or papers at a hearing or inquiry.

42 (cf: P.L.1993, c.365, s.11)

43
44 36. Section 8 of P.L.1984, c.140 (C.45:14D-18) is amended to
45 read as follows:

46 8. If a person fails or refuses to file any statement or report, or
47 refuses access to premises from which activities regulated by
48 P.L.1981, c.311 (C.45:14D-1 et seq.) are conducted in any lawfully

1 conducted investigative matter or fails to obey a subpoena issued
2 pursuant to that act, the **board** director or the Attorney General
3 may apply to the Superior Court and obtain an order:

4 a. Adjudging that person in contempt of court and assessing
5 civil penalties in accordance with the amounts prescribed by that
6 act; or

7 b. Granting other relief as required; or

8 c. Suspending the license of that person until compliance with
9 the subpoena or investigative demand is effected.

10 (cf: P.L.1993, c.365, s.12)

11
12 37. Section 10 of P.L.1984, c.140 (C.45:14D-20) is amended to
13 read as follows:

14 10. In addition or as an alternative, as the case may be, to
15 revoking, suspending or refusing to renew any license, the **board**
16 director may, after affording an opportunity to be heard:

17 a. Assess civil penalties in accordance with P.L.1981, c.311
18 (C.45:14D-1 et seq.);

19 b. Order that any person violating any provision of that act
20 cease and desist from future violations thereof or take affirmative
21 corrective action as necessary with regard to any act or practice
22 found to be unlawful by the **board** director;

23 c. Order any person found to have violated any provision of
24 that act to restore or to return to any person aggrieved by an
25 unlawful act or practice any moneys or property, real or personal,
26 acquired by means of that act or practice; except that the **board**
27 director shall not order restoration in a dollar amount greater than
28 those moneys received by a licensee or his agent or any other
29 person violating that act.

30 In any administrative proceeding on a complaint alleging a
31 violation of that act, the **board** director may issue subpoenas to
32 compel the attendance of witnesses or the production of books,
33 records, or documents at the hearing on the complaint.

34 (cf: P.L.1993, c.365, s.13)

35
36 38. Section 11 of P.L.1984, c.140 (C.45:14D-21) is amended to
37 read as follows:

38 11. Whenever it shall appear to the **board** director or the
39 Attorney General that a violation of P.L.1981, c.311 (C.45:14D-1 et
40 seq.), including the unlicensed practice of the activities regulated
41 therein, has occurred, is occurring, or will occur, the Attorney
42 General, in addition to any other proceeding authorized by law, may
43 seek and obtain in a summary proceeding in the Superior Court an
44 injunction prohibiting the act or practice. In the proceeding the
45 court may assess a civil penalty in accordance with the provisions
46 of that act, order restoration to any person in interest of any moneys
47 or property, real or personal, acquired by means of an unlawful act

1 or practice and may enter any orders necessary to prevent the
2 performance of an unlawful practice in the future and to remedy
3 fully any past unlawful activity. In any action brought pursuant to
4 this section, the court shall not suspend or revoke any license issued
5 by the **[board]** director.

6 (cf: P.L.1993, c.365, s.14)

7
8 39. Section 12 of P.L.1984, c.140 (C.45:14D-22) is amended to
9 read as follows:

10 12. Upon the failure of any person to comply within 10 days
11 after service of any order of the **[board]** director directing payment
12 of penalties or restoration of moneys or property, the Attorney
13 General or the **[board]** director may issue a certificate to the Clerk
14 of the Superior Court that the person is indebted to the State for the
15 payment of the penalty and the moneys or property ordered
16 restored. A copy of the certificate shall be served upon the person
17 against whom the order was entered. Thereupon the clerk shall
18 immediately enter upon his record of docketed judgments the name
19 of the person so indebted and of the State, a designation of the
20 statute under which the penalty is imposed, the amount of the
21 penalty imposed, and amount of moneys ordered restored, a listing
22 of property ordered restored, and the date of the certification. The
23 entry shall have the same force and effect as the entry of a docketed
24 judgment in the Superior Court, and the Attorney General shall
25 have all rights and remedies of a judgment creditor, in addition to
26 exercising any other available remedies. The entry, however, shall
27 be without prejudice to the right of appeal to the Appellate Division
28 of the Superior Court from the **[board's]** director's order.

29 An action to enforce the provisions of an order entered by the
30 **[board]** director or to collect a penalty levied thereby may be
31 brought in any municipal or Special Civil Part of the Law Division
32 of the Superior Court or the Superior Court in a summary manner
33 pursuant to **["the penalty enforcement law" (N.J.S. 2A:58-1 et**
34 **seq.)]** the "Penalty Enforcement Law of 1999," P.L.1999, c.274
35 (C.2A:58-10 et seq.) and the rules of court governing the collection
36 of civil penalties. Process in the action shall be by summons or
37 warrant, and if the defendant fails to answer the action, the court
38 shall issue a warrant for the defendant's arrest for the purpose of
39 bringing the person before the court to satisfy any order entered.

40 (cf: P.L.1993, c.365, s.15)

41
42 40. Section 13 of P.L.1984, c.140 (C.45:14D-23) is amended to
43 read as follows:

44 13. When it shall appear to the **[board]** director or the Attorney
45 General that a person against whom a cease and desist order has
46 been entered has violated the order, the **[board]** director or the
47 Attorney General may initiate a summary proceeding in the

1 Superior Court for the violation thereof. Any person found to have
2 violated a cease and desist order shall pay to the State of New
3 Jersey civil penalties in the amount of not more than \$25,000.00 for
4 each violation of the order. If a person fails to pay a civil penalty
5 assessed by the court for violation of a cease and desist order, the
6 court assessing the unpaid penalty is authorized, upon application of
7 the **【board】** director or the Attorney General, to grant any relief
8 which may be obtained under any statute or court rule governing the
9 collection and enforcement of penalties.

10 (cf: P.L.1993, c.365, s.16)

11
12 41. Section 15 of P.L.1984, c.140 (C.45:14D-25) is amended to
13 read as follows:

14 15. No license shall be issued to a warehouseman or mover or
15 remain in force unless the warehouseman or mover complies with
16 the rules or regulations that the **【board】** director shall prescribe
17 governing policies of insurance, qualifications as a self-insurer or
18 other securities or agreements in the amount that the **【board】**
19 director may require.

20 (cf: P.L.1993, c.365, s.17)

21
22 42. Section 3 of P.L.1998, c.60 (C.45:14D-26) is amended to
23 read as follows:

24 3. The **【board】** director shall notify the Board of Public
25 Utilities of the business location and telephone number of any
26 public mover that does not have a valid license issued by the
27 **【board】** director.

28 (cf: P.L.1998, c.60, s.3)

29
30 43. Section 4 of P.L.1998, c.60 (C.45:14D-27) is amended to
31 read as follows:

32 4. When notified by the **【State Board of Public Movers and**
33 **Warehousemen】** director pursuant to section 3 of P.L.1998, c.60
34 (C.45:14D-26), the Board of Public Utilities shall order the
35 servicing telecommunications company to disconnect that mover's
36 telephone number that is published in any commercial listing.

37 (cf: P.L.1998, c.60, s.4)

38
39 ¹44. Section 12 of P.L.1969, c.158 (C.18A:73-27) is amended to
40 read as follows:

41 12. The State Library shall consist of the State Librarian and **【an**
42 **advisory council and】** such other personnel as the President of
43 Thomas Edison State College may deem necessary for the efficient
44 administration thereof.

45 (cf: P.L.2001, c.137, s.4)¹

46
47 ¹45. N.J.S.18A:74-10 is amended to read as follows:

1 18A:74-10. In order to participate in any apportionment made
2 according to the provisions of this chapter, municipalities and
3 counties shall comply with the regulations and standards which
4 have been, or which may be, prescribed by law or recommended by
5 the [advisory council of the State Library] State Librarian for the
6 operation and improvement of free public libraries to provide
7 efficient and effective library services, to insure public benefit and
8 convenience therefrom and to achieve the objects of this chapter.
9 (cf: P.L.2001, c.137, s.34)¹

10
11 ¹46. Section 4 of P.L.1973, c.381 (C.18A:74-17) is amended to
12 read as follows:

13 4. The administration of this act shall be governed by rules and
14 regulations[,] recommended [by the Advisory Council of the State
15 Library,] and promulgated by the State Librarian with the approval
16 of the President of Thomas Edison State College.
17 (cf: 2001, c.137, s.38)¹

18
19 ¹47. Section 3 of P.L.1999, c.184 (C.18A:74-26) is amended to
20 read as follows:

21 3. There is created a Public Library Construction Advisory
22 Board to be comprised of seven members as follows: the Secretary
23 of State or the secretary's designee who shall serve as the chair; the
24 State Librarian or the librarian's designee; [a member of the State
25 Library Advisory Council established pursuant to section 13 of
26 P.L.1969, c.158 (C.18A:73-28), or the council's designee, who shall
27 be chosen by the council and shall serve at the pleasure of the
28 council and until a successor is chosen] the President of Thomas
29 Edison State College, or the president's designee; and four persons
30 with library, construction, or finance experience who shall be
31 appointed by the Governor with the advice and consent of the
32 Senate and who shall serve at the pleasure of the Governor and until
33 their successors are appointed and shall have qualified.

34 Moneys in the fund shall be distributed as grants to public
35 libraries for part of eligible project costs as enumerated in section 4
36 of P.L.1999, c.184 (C.18A:74-27), based on criteria and a
37 competitive selection process established by the board. The board
38 shall promulgate regulations prescribing procedures for applying for
39 a grant and the terms and conditions for receiving a grant. A grant
40 application shall include a complete description of the project to be
41 financed and an identification of additional sources of revenue to be
42 used. An application shall be reviewed, and approved or denied by
43 the board in accordance with uniform procedures by resolution of
44 the board. When a grant is approved by the board, the board shall
45 establish the recommended grant amount and shall submit to the
46 Joint Budget Oversight Committee, or its successor, the board's
47 approved amount of the grant and a brief description of the project

1 for approval by the committee. Any grant not disapproved by the
 2 Joint Budget Oversight Committee within 30 days of such
 3 submission shall be deemed approved by the committee. After a
 4 grant application is approved by the committee, the board shall
 5 forward a copy of the application and certify the approved amount
 6 of the grant to the authority.

7 (cf: P.L.1999, c.184, s.3)¹

8
 9 ¹[44.] 48.¹ The following are repealed:

10 ¹Sections 13, 15, and 16 of P.L.1969, c.158 (C.18A:73-28,
 11 18A:73-30 and 31);

12 Section 7 of P.L.1983, c.486 (C.18A:73-31.1);¹

13 P.L.1979, c.443;

14 Section 9 of P.L.1999, c.156 (C.52:27D-118.30b);

15 P.L.1983, c.378 (C.52:9V-1 et ¹[seq] seq.¹);

16 Section 12 of P.L.1971, c.134 (C.52:17B-129);

17 Section 1 of P.L.2000, c.138 (C.18A:44-5);

18 P.L.1978, c.68;

19 Section 1 of P.L.1994, c.191;

20 Section 31 of P.L.2002, c.40 (C.54:10A-41);

21 Sections 2 through 4 of P.L.1985, c.1 (C.52:17B-77.1 through
 22 52:17B-77.3, inclusive);

23 Sections 8 through 12 of P.L.1991, c.344;

24 Section 6 of P.L.1977, c.240 (C.24:6E-5);

25 Section 37 of P.L.1993, c.139;

26 P.L.2003, c.58;

27 Section 2 of P.L.1999, c.419 (C.18A:65-87);

28 Section 2 of P.L.1995, c.419 (C.6:1-99);

29 Section 3 of P.L.2003, c.112 (C.17B:30-43);

30 P.L.2003, c.47;

31 Section 5 of P.L.1998, c.37;

32 P.L.2004, c.121;

33 P.L.1997, J.R.7;

34 Section 4 of P.L.2001, c.192 (C.52:9YY-4);

35 P.L.2003, c.303;

36 Sections 1 through 7 of P.L.1993, c.209 (C.52:16A-43 through
 37 52:16A-49, inclusive);

38 P.L.1993, J.R.7;

39 Section 4 of P.L.1999, c.111 (C.2A:34-12.4);

40 Section 43 of P.L.2000, c.126;

41 Section 5 of P.L.1991, c.235 (C.13:1D-39);

42 Sections 1 through 17 of P.L.2001, c.262 (C.18A:71B-64
 43 through 18A:71B-80, inclusive);

44 P.L.2004, c.85;

45 P.L.1993, J.R.8;

46 P.L.1998, J.R.7;

47 Sections 18 through 20 of P.L.1983, c.315 (C.34:5A-18 through
 48 34:5A-20, inclusive);

1 P.L.2005, c.117;
2 Section 4 of P.L.1981, c.311 (C.45:14D-4);
3 P.L.1984, J.R.8;
4 P.L.1992, c.75 (C.52:9H-31 et seq.);
5 P.L.1994, c.146;
6 P.L.2002, c.49;
7 P.L.2004, J.R.1;
8 Section 3 of P.L.1969, c.95 (C.18A:61A-3); and
9 Sections 1 through 7 of P.L.2001, c.203.

10

11 ' ~~45.~~ 49. ' This act shall take effect immediately.

12

13

14

15

16 Eliminates various inactive boards, commissions, committees,
17 councils, and task forces.