

SENATE, No. 1997

STATE OF NEW JERSEY

214th LEGISLATURE

INTRODUCED MAY 27, 2010

Sponsored by:

Senator JIM WHELAN

District 2 (Atlantic)

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

Co-Sponsored by:

Senator Goodwin

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/22/2010)

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 drug
16 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.

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

43 f. "Chemical equivalents" means those drug products that
44 contain the same amounts of the same therapeutically active

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

Matter underlined thus is new matter.

1 ingredients in the same dosage forms and that meet present
2 compendial standards.

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

10 h. "Therapeutic equivalents" means chemical equivalents which,
11 when administered to the same individuals in the same dosage
12 regimen, will provide essentially the same efficacy or toxicity as
13 their respective reference drug products.

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

17 j. "Bioequivalents" means chemical equivalents which, when
18 administered to the same individuals in the same dosage regimen,
19 will result in comparable bioavailability.

20 k. "Pharmaceutical equivalents" means those drug products that
21 contain the same amounts of the same therapeutically active
22 ingredients in the same dosage form and that meet established
23 standards.

24 l. "Interchangeable drug products" means pharmaceutical
25 equivalents or bioequivalents that are determined to be therapeutic
26 equivalents by the **【council】** department.

27 m. "Present compendial standards" means the official standards
28 for drug excipients and drug products listed in the latest revision of
29 the United States Pharmacopoeia (USP) and the National Formulary
30 (NF).

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

39 (cf: P.L.1993, c.256, s.1)
40

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

43 7. a. The **【council】** department shall prepare a list of
44 interchangeable drug products. This list shall be periodically
45 reviewed in accordance with a schedule of and procedure for such
46 review as shall be established by the **【council】** department. In
47 development of the list, distinctions shall be made when: (1)
48 evidence of bioequivalence is considered critical and when it is not;

1 (2) when levels of toxicity are considered critical and when they are
2 not. The list may include interchangeable drug products used by
3 the United States Government and its agencies, where the
4 government or such agency has established the reliability of the
5 drug products interchanged.

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

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

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

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

40 f. The **【council】 department** shall distribute copies of the list of
41 interchangeable drug products and revisions thereof and additions
42 thereto among physicians and other authorized prescribers and
43 licensed pharmacists, and shall supply a copy to any person upon
44 request, upon payment of the price established by the **【council】**
45 department.

46 g. The **【council】 department** shall be authorized to adopt
47 reasonable rules and regulations, in accordance with the provisions

1 of the [Administrative Procedure Act, P.L.1966, c. 410 (C. 54:14B-
2 1 et seq.)] “Administrative Procedure Act,” P.L.1968, c.410
3 (C.52:14B-1 et seq.), to carry out its functions and duties under this
4 act and to effectuate its purposes.
5 (cf: P.L.1977, c.240, s.7)

6
7 3. Section 35 of P.L.1993, c.139 (C.58:10B-12) is amended to
8 read as follows:

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

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

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

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

43 b. In developing minimum remediation standards the
44 department shall:

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

47 (2) base the standards upon reasonable assumptions of exposure
48 scenarios as to amounts of contaminants to which humans or other

1 receptors will be exposed, when and where those exposures will
2 occur, and the amount of that exposure;

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

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

16 (5) consider and utilize, in the absence of other standards used
17 or developed by the Department of Environmental Protection and
18 the United States Environmental Protection Agency, the toxicity
19 factors, slope factors for carcinogens and reference doses for non-
20 carcinogens from the United States Environmental Protection
21 Agency's Integrated Risk Information System (IRIS).

22 c. (1) The department shall develop residential and
23 nonresidential soil remediation standards that are protective of
24 public health and safety. For contaminants that are mobile and
25 transportable to groundwater or surface water, the residential and
26 nonresidential soil remediation standards shall be protective of
27 groundwater and surface water. Residential soil remediation
28 standards shall be set at levels or concentrations of contamination
29 for real property based upon the use of that property for residential
30 or similar uses and which will allow the unrestricted use of that
31 property without the need of engineering devices or any
32 institutional controls and without exceeding a health risk standard
33 greater than that provided in subsection d. of this section.
34 Nonresidential soil remediation standards shall be set at levels or
35 concentrations of contaminants that recognize the lower likelihood
36 of exposure to contamination on property that will not be used for
37 residential or similar uses, which will allow for the unrestricted use
38 of that property for nonresidential purposes, and that can be met
39 without the need of engineering controls. Whenever real property is
40 remediated to a nonresidential soil remediation standard, except as
41 otherwise provided in paragraph (3) of subsection g. of this section,
42 the department shall require, pursuant to section 36 of P.L.1993,
43 c.139 (C.58:10B-13), that the use of the property be restricted to
44 nonresidential or other uses compatible with the extent of the
45 contamination of the soil and that access to that site be restricted in
46 a manner compatible with the allowable use of that property.

47 (2) The department may develop differential remediation
48 standards for surface water or groundwater that take into account

1 the current, planned, or potential use of that water in accordance
2 with the "Clean Water Act" (33U.S.C. s.1251 et seq.) and the
3 "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.).

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

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

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

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

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

44 f. (1) A person performing a remediation of contaminated real
45 property, in lieu of using the established minimum soil remediation
46 standard for either residential use or nonresidential use adopted by
47 the department pursuant to subsection c. of this section, may submit
48 to the department a request to use an alternative residential use or

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

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

41 (2) The department may, upon its own initiative, require an
42 alternative remediation standard for a particular contaminant for a
43 specific real property site, in lieu of using the established minimum
44 residential use or nonresidential use soil remediation standard
45 adopted by the department for a particular contaminant pursuant to
46 this section. The department may require an alternative remediation
47 standard pursuant to this paragraph upon a determination by the
48 department, based on the weight of the scientific evidence, that due

1 to specific physical site characteristics of the subject real property,
2 including, but not limited to, its proximity to surface water, the use
3 of the adopted residential use or nonresidential use soil remediation
4 standards would not be protective, or would be unnecessarily
5 overprotective, of public health or safety or of the environment, as
6 appropriate.

7 g. The development, selection, and implementation of any
8 remediation standard or remedial action shall ensure that it is
9 protective of public health, safety, and the environment, as
10 applicable, as provided in this section. In determining the
11 appropriate remediation standard or remedial action that shall occur
12 at a site, the department and any person performing the remediation,
13 shall base the decision on the following factors:

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

1 approved by the department if all the criteria for remedial action
2 selection enumerated in this section, as applicable, are met. Except
3 as provided in section 27 of P.L.2009, c.60 (C.58:10C-27), the
4 department may not require a person to compare or investigate any
5 alternative remedial action as part of its review of the selected
6 remedial action. The department may disapprove the selection of a
7 remedial action for a site on which the proposed remedial action
8 will render the property unusable for future redevelopment or for
9 recreational use;

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

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

40 (4) Remediation shall not be required beyond the regional
41 natural background levels for any particular contaminant. The
42 department shall develop regulations that set forth a process to
43 identify background levels of contaminants for a particular region.
44 For the purpose of this paragraph "regional natural background
45 levels" means the concentration of a contaminant consistently
46 present in the environment of the region of the site and which has
47 not been influenced by localized human activities;

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

6 (6) Groundwater that is contaminated shall not be required to be
7 remediated to a level or concentration for any particular
8 contaminant lower than the level or concentration that is migrating
9 onto the property from another property owned and operated by
10 another person;

11 (7) The technical performance, effectiveness and reliability of
12 the proposed remedial action in attaining and maintaining
13 compliance with applicable remediation standards and required
14 health risk standards shall be considered. In reviewing a proposed
15 remedial action, the department or the licensed site remediation
16 professional shall also consider the ability of the owner or operator
17 to implement the proposed remedial action within a reasonable time
18 frame without jeopardizing public health, safety or the environment;

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

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

30 (10) The department shall, by rule or regulation, establish
31 presumptive remedies, use of which shall be required on any site or
32 area of concern to be used for residential purposes, as a child care
33 center licensed pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.), as a
34 public school or private school as defined in N.J.S.18A:1-1, or as a
35 charter school established pursuant to P.L.1995, c.426 (C.18A:36A-
36 1 et seq.). The department may also issue guidelines that provide
37 for presumptive remedies that may be required as provided in
38 paragraph (1) of this subsection, on a site to be used for residential
39 purposes, as a child care center, or as a public school, private school
40 or charter school. The presumptive remedies shall be based on the
41 historic use of the property, the nature and extent of the
42 contamination at the site, the future use of the site and any other
43 factors deemed relevant by the department. The department may
44 include the use of engineering and institutional controls in the
45 presumptive remedies authorized pursuant to this subsection. If the
46 person responsible for conducting the remediation demonstrates to
47 the department that the use of an unrestricted use remedial action or
48 a presumptive remedy is impractical due to conditions at the site, or

1 that an alternative remedy would be equally protective over time as
2 a presumptive remedy, then an alternative remedy for the site that is
3 protective of the public health and safety may be proposed for
4 review and approval by the department;

5 (11) The department may authorize a person conducting a
6 remediation to divide a contaminated site into one or more areas of
7 concern. For each area of concern, a different remedial action may
8 be selected provided the requirements of this subsection are met and
9 the remedial action selected is consistent with the future use of the
10 property; and

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

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

20 The department may require the person responsible for
21 conducting the remediation to supply the information required
22 pursuant to this subsection as is necessary for the department to
23 make a determination.

24 h. (1) The department shall adopt regulations which establish a
25 procedure for a person to demonstrate that a particular parcel of
26 land contains large quantities of historical fill material. Upon a
27 determination by the department that large quantities of historic fill
28 material exist on that parcel of land, there is a rebuttable
29 presumption that the department shall not require any person to
30 remove or treat the fill material in order to comply with applicable
31 health risk or environmental standards. In these areas the
32 department shall establish by regulation the requirement for
33 engineering or institutional controls that are designed to prevent
34 exposure of these contaminants to humans, that allow for the
35 continued use of the property, that are less costly than removal or
36 treatment, which maintain the health risk standards as established in
37 subsection d. of this section, and, as applicable, are protective of the
38 environment. The department may rebut the presumption only upon
39 a finding by the preponderance of the evidence that the use of
40 engineering or institutional controls would not be effective in
41 protecting public health, safety, and the environment. The
42 department may not adopt any rule or regulation that has the effect
43 of shifting the burden of rebutting the presumption. For the
44 purposes of this paragraph "historic fill material" means generally
45 large volumes of non-indigenous material, no matter what date they
46 were emplaced on the site, used to raise the topographic elevation
47 of a site, which were contaminated prior to emplacement and are in
48 no way connected with the operations at the location of

1 emplacement and which include, but are not limited to, construction
2 debris, dredge spoils, incinerator residue, demolition debris, fly ash,
3 and non-hazardous solid waste. Historic fill material shall not
4 include any material which is substantially chromate chemical
5 production waste or any other chemical production waste or waste
6 from processing of metal or mineral ores, residues, slags or tailings.

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

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

26 i. The department may not require a remedial action workplan
27 to be prepared or implemented or engineering or institutional
28 controls to be imposed upon any real property unless sampling
29 performed at that real property demonstrates the existence of
30 contamination above the applicable remediation standards.

31 j. Upon the approval by the department or by a licensed site
32 remediation professional of a remedial action workplan, or similar
33 plan that describes the extent of contamination at a site and the
34 remedial action to be implemented to address that contamination,
35 the department may not subsequently require a change to that
36 workplan or similar plan in order to compel a different remediation
37 standard due to the fact that the established remediation standards
38 have changed; however, the department may compel a different
39 remediation standard if the difference between the new remediation
40 standard and the remediation standard approved in the workplan or
41 other plan differs by an order of magnitude. The limitation to the
42 department's authority to change a workplan or similar plan
43 pursuant to this subsection shall only apply if the workplan or
44 similar plan is being implemented in a reasonable timeframe, as
45 may be indicated in the approved remedial action workplan or
46 similar plan.

47 k. Notwithstanding any other provisions of this section, all
48 remediation standards and remedial actions that involve real

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

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

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

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

32 o. A person who has remediated a site pursuant to the
33 provisions of this section, who was liable for the cleanup and
34 removal costs of that discharge pursuant to the provisions of
35 paragraph (1) of subsection c. of section 8 of P.L.1976, c.141
36 (C.58:10-23.11g), and who remains liable for the discharge on that
37 site due to a possibility that a remediation standard may change,
38 undiscovered contamination may be found, or because an
39 engineering control was used to remediate the discharge, shall
40 maintain with the department a current address at which that person
41 may be contacted in the event additional remediation needs to be
42 performed at the site. The requirement to maintain the current
43 address shall be made part of the conditions of the permit issued
44 pursuant to section 19 of P.L.2009, c.60 (C.58:10C-19) and the final
45 remediation document.

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

47

48 4. Section 1 of P.L.2003, c.112 (C.17B:30-41) is amended to

1 read as follows:

2 1. The Legislature finds and declares that:

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

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

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

11 d. A significant portion of the uncollected debt is related to
12 copayments and deductibles that are difficult for hospitals to collect
13 efficiently.

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

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

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

22

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

25 2. As used in this act:

26 "Coinsurance" means the percentage of a charge covered by a
27 health plan that must be paid by a person covered under the health
28 plan.

29 "Collection agency" means the Department of the Treasury and
30 any company, agency or law firm engaged in collecting debts that
31 the Department of the Treasury may determine to engage to assist it
32 in collecting debts.

33 ["Commission" means the Hospital Care Payment Commission
34 created pursuant to this act.]

35 "Debt" means money owed by a patient to a hospital, or by
36 someone who is legally responsible for payment for a patient, and
37 includes late payment penalties and interest thereon. It does not
38 include monies owed to a hospital by a health plan for services
39 provided by the hospital to a person with coverage under that plan,
40 or amounts subject to dispute between a health plan and a hospital.

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

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

1 "Department" means the Department of Health and Senior
2 Services.

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

5 "Health plan" means an individual or group health benefits plan
6 that provides or pays the cost of hospital and medical expenses,
7 dental or vision care, or prescription drugs, and is provided by or
8 through an insurer, health maintenance organization, the Medicaid
9 program, the Medicare program, a Medicare+Choice provider or
10 Medicare supplemental insurer, an employer-sponsored group
11 health benefits plan, government or church-sponsored health
12 benefits plan or a multi-employer welfare arrangement.

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

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

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

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

20

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

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

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

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

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

32 (2) administrative fees to the collection agency;

33 (3) 50% of the remainder, but only from monies collected from
34 debtors of hospitals pursuant to this act after paragraphs (1) and (2)
35 of this subsection are paid, shall be payable to the hospital from
36 which the debt originated within 90 days of receipt of monies
37 related to discharge of the assigned debt into the fund; and

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

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

41

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

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

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

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

- 4 (1) derives from a limited number of hospitals;
5 (2) consists of coinsurance and deductibles that remain payable
6 after adjudication by a health plan;
7 (3) is assigned by a general hospital;
8 (4) is less than two years old at the date of assignment to the
9 **【commission】 department**, as determined by the date of discharge
10 for inpatient services and date of service for outpatient services;
11 (5) involves any of the above or any combination of the above,
12 or includes such other limitations as the **【commission】 department**
13 determines are desirable to smooth implementation of the program
14 created by this act.

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

17 c. Test assignment data received from the hospitals to
18 determine whether the records are sufficient to make set-off
19 practicable, and return records that do not pass the test to the
20 hospitals.

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

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

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

37 g. Offset liability for the hospital debts against the New Jersey
38 Gross Income Tax pursuant to N.J.S.54A:1-1 et seq., including an
39 earned income tax credit provided as a refund pursuant to P.L.2000,
40 c.80 (C.54A:4-6 et al.), or whenever any individual is eligible to
41 receive an NJ SAVER rebate or a homestead rebate pursuant to
42 P.L.1990, c.61 (C.54:4-8.57 et al.) or P.L.1999, c.63 (C.54:4-8.58a
43 et al.), and if the rebate is not required to be paid over to the
44 municipal tax collector under the provisions of section 8 of
45 P.L.1990, c.61 (C.54:4-8.64), and including any other financial
46 resource authorized as a source capable of offset for any reason by
47 section 1 of P.L.1981, c.239 (C.54A:9-8.1 et seq.).

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

3 i. Make such decisions as to compromise and waiver of
4 interest, penalties, post-judgment interest and write-off as it shall
5 deem prudent.

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

9 k. Create standards for settlement of debts through the
10 collection agency process.

11 l. Determine to cease accepting debt from a hospital until such
12 time as the hospital can demonstrate to the satisfaction of the
13 **【commission】** department that its accuracy has improved to
14 acceptable levels where the **【commission】** department determines
15 that data forwarded by a hospital to the **【commission】** department
16 has an unacceptable level of inaccuracies regarding validity or
17 quality of the debt forwarded to the **【commission】** department.

18 m. Contract with other State agencies for services, including
19 administrative services necessary to carry out the duties of the
20 **【commission】** department.

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

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

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

35
36 8. Section 6 of P.L.2003, c.112 (C.17B:30-46) is amended to
37 read as follows:

38 6. Decisions of the **【commission】** department, regarding the
39 fairness formula, the validity of debts, the adequacy of data
40 provided to the **【commission】** department by hospitals for use in
41 the program, and other such matters as shall arise concerning the
42 administration of the program, shall constitute final agency action.

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

44
45 9. Section 7 of P.L.2003, c.112 (C.17B:30-47) is amended to
46 read as follows:

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

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

7 (1) the hospital has determined that the patient is not eligible for
8 charity care under the New Jersey Hospital Care Payment
9 Assistance Program established by the Department of Health and
10 Senior Services pursuant to section 10 of P.L.1992, c.160 (C.26:2H-
11 18.60);

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

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

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

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

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

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

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

41 f. Upon receipt of the voluntary assignment, the Department of
42 the Treasury shall send, on behalf of the **【commission】** department,
43 a notice to the person named as a debtor of the hospital, notifying
44 the person as to receipt of the assignment by the **【commission】**
45 department, providing the person with 30 days to challenge the
46 validity of the debt, and providing notice that in the absence of such
47 challenge, a Certificate of Debt will be filed with the Superior Court

1 of New Jersey. The notice shall also include a statement on the
2 **【commission's】 department's** intention to take action to set off the
3 liability against any refund of taxes pursuant to the "New Jersey
4 Gross Income Tax Act" including an earned income tax credit, a NJ
5 SAVER rebate or a homestead rebate, or other such funds as may be
6 authorized by law.

7 g. If the person named as a debtor responds within the 30-day
8 period, the person shall be provided with an opportunity to present,
9 either in writing or in person, evidence as to why the person does
10 not believe he is responsible for the debt. The **【commission】**
11 department shall provide written notice to both the person and the
12 hospital as to its determination regarding the validity of the debt,
13 including the imposition of collection fees and interest, if
14 applicable.

15 h. If the person fails to respond within 30 days to the
16 **【commission】 department**, the **【commission】 department** may
17 utilize the provisions of the Set off of Individual Liability (SOIL)
18 program established pursuant to P.L.1981, c.239 (C.54A:9-8.1 et
19 seq.), to collect any surcharge levied under this section that is
20 unpaid on or after the effective date of this act.

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

43 i. Any collection efforts undertaken pursuant to this act shall
44 be undertaken in accordance with the "Health Insurance Portability
45 and Accountability Act of 1996," Pub.L.104-191 and 45C.F.R.
46 160.101 to 164.534, or any other similar law. The **【commission】**
47 department and any other entity performing collection activities

1 pursuant to this act is authorized to enter into any agreements
2 required to comply with such laws, including, but not limited to,
3 entering into agreements with the hospitals and collection agencies
4 to provide for appropriate safeguarding of information.

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

6
7 10. Section 1 of P.L.2001, c.192 (C.52:9YY-1) is amended to
8 read as follows:

9 1. This act shall be known and may be cited as the "Health
10 Data **[Commission]** Act."

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

12
13 11. Section 2 of P.L.2001, c.192 (C.52:9YY-2) is amended to
14 read as follows:

15 2. The Legislature finds and declares that:

16 a. It is the intention of the Legislature to establish a single
17 point of contact for members of the public to obtain health data
18 **[through the creation of the New Jersey Health Data Commission]**;

19 b. The purpose of this **[commission]** initiative is to compile
20 health care access, quality and cost data produced within the State
21 from public and private entities and maximize the usefulness of the
22 data for the public without duplicating existing data collection
23 efforts by State agencies; and

24 c. It is anticipated that the expense to the State of compiling
25 and disseminating the available and useful health data for the
26 benefit of the public will be minimal and will be partially offset by
27 subscriptions to routinely published **[commission]** documents of
28 the Department of Health and Senior Services, the purchase of
29 special **[commission]** reports of the Department of Health and
30 Senior Services, and the receipt of grants to provide health data
31 information to the public.

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

33
34 12. Section 3 of P.L.2001, c.192 (C.52:9YY-3) is amended to
35 read as follows:

36 3. As used in this act:

37 **["Commission"** means the New Jersey Health Data Commission
38 established pursuant to this act.]

39 "Department" means the Department of Health and Senior
40 Services.

41 "Disclosure" means the disclosure of health data to a person or
42 entity outside the **[commission]** department.

43 "Health data" means any information, except vital statistics as
44 defined in R.S.26:8-1, relating to the health status of people, the
45 availability of health care resources and services, or the use and
46 cost of these resources and services. Health data shall not include

1 information that is created or received by members of the clergy or
2 others who use spiritual means alone for healing.

3 "Identifiable health data" means any item, collection or grouping
4 of health data which makes the person supplying it or described in it
5 identifiable.

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

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

18

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

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

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

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

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

27 (c) health resources, including the extent of available personnel
28 and resources;

29 (d) utilization of health care;

30 (e) health care costs and financing; and

31 (f) other health-related matters;

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

36 (3) promote standards for health data that will facilitate the
37 comparison of information and ease the burden of data preparation
38 and reporting.

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

41 c. The **【commission】** department shall collect health data only
42 on a voluntary basis from persons and entities, except to the extent
43 that specific statutory authority exists to compel the reporting of
44 such data. When requesting health data from a person or entity, the
45 agency shall notify the person or entity in writing as to the
46 following:

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

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

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

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

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

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

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

17 f. The **【commission】** department shall take such actions as are
18 appropriate to effect the collection and compilation of health data
19 produced within the State and to maximize the usefulness of the
20 data collected.

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

22 (1) participate with federal, State and local government agencies
23 in the design and implementation of a cooperative system of
24 producing comparable and uniform health data at the federal, State
25 and local levels;

26 (2) undertake and support research, development,
27 demonstrations and evaluations concerning such a cooperative
28 system; and

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

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

32

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

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

39 b. A person or entity to whom the **【commission】** department
40 has disclosed health data shall make no disclosure of any health
41 data which identifies a person's health status or utilization of health
42 care unless the person described in the data has consented to the
43 disclosure.

44 c. No identifiable health data obtained by the **【commission】**
45 department shall be subject to subpoena or similar compulsory
46 process in a civil or criminal, judicial, administrative or legislative
47 proceeding, nor shall a person or entity with lawful access to

1 identifiable health data pursuant to this act be compelled to testify
2 with regard to that data; except that data pertaining to a party in
3 litigation may be subject to subpoena or similar compulsory process
4 in an action brought by or on behalf of that party to enforce a
5 liability arising under this act.

6 (cf: P.L.2001, c.192, s.6
7

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

10 7. The **【commission】** department shall take appropriate
11 measures to protect the security of health data which it obtains,
12 including:

- 13 a. limiting access to the data to authorized persons;
- 14 b. designating a person to be responsible for the physical
15 security of the data;
- 16 c. developing and implementing a system for monitoring the
17 security of the data;
- 18 d. periodically reviewing all health data to evaluate whether it
19 is appropriate to remove identifying characteristics from the data;
20 and

21 e. developing a program for the routine scheduled destruction
22 of all forms, records or electronic files maintained by the
23 **【commission】** department which contain identifiable health data.

24 (cf: P.L.2001, c.192, s.7)
25

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

28 8. **【In】** To effectuate the purposes of P.L.2001, c.192
29 (C.52:9YY-1 et seq.), and in addition to any other powers
30 authorized by law, the **【commission】** department shall have the
31 authority, in accordance with State law, to:

- 32 a. make and enter into contracts to purchase services and
33 supplies and to hire consultants;
- 34 b. develop and submit a proposed budget;
- 35 c. accept gifts and charitable contributions;
- 36 d. apply for, receive and expend grants;
- 37 e. adopt regulations, pursuant to the "Administrative Procedure
38 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the
39 purposes of this act;
- 40 f. establish charges for and collect payment from persons and
41 entities for the provision of services, including the dissemination of
42 health data;
- 43 g. receive and expend appropriations;
- 44 h. enter into a reimbursable work program with other State
45 government agencies or private entities under which funds are
46 transferred from the other agencies or entities to the **【commission】**

1 department for the performance of activities pursuant to this act;
2 and

3 i. provide such other services and perform such other functions
4 as the **【commission】** department deems necessary to fulfill its
5 responsibilities under this act.

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

7

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

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

20 The penalty shall be sued for and collected in the name of the
21 **【commission】** department in a summary proceeding in accordance
22 with the "Penalty Enforcement Law of 1999," P.L.1999, c.274
23 (C.2A:58-10 et seq.).

24 b. The **【commission】** department or an entity acting on its
25 behalf shall be liable to a person or entity injured by the intentional
26 or negligent violation of the provisions of section 6 of **【this act】**
27 P.L.2001, c.192 (C.52:9YY-6), in an amount equal to the damages
28 sustained by the person or entity, together with the cost of the
29 action and reasonable attorney's fees, as determined by the court.

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

31

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

34 3. As used in this act:

35 **【"Board" means the Pollution Prevention Advisory Board**
36 **established pursuant to section 5 of this act.】**

37 "Commissioner" means the Commissioner of the Department of
38 Environmental Protection.

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

41 "Department" means the Department of Environmental
42 Protection.

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

46 "Facility-wide permit" means a single permit issued by the
47 department to the owner or operator of a priority industrial facility

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

9 "Hazardous substance" means any substance on the list
10 established by the United States Environmental Protection Agency
11 for reporting pursuant to 42 U.S.C. s.11023, and any other
12 substance which the department, pursuant to the provisions of
13 subsection i. of section 8 of this act, defines as a hazardous
14 substance for the purposes of this act.

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

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

27 "Manufacture" means to produce, prepare, import, or compound
28 a hazardous substance.

29 "Multimedia release" means the release of a hazardous substance
30 to any environmental medium, or any combination of media,
31 including the air, water or land, and shall include any release into
32 workplaces.

33 "Nonproduct output" means all hazardous substances or
34 hazardous wastes that are generated prior to storage, recycling,
35 treatment, control, or disposal and that are not intended for use as a
36 product.

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

39 "Operator" means any person in control of, or exercising
40 responsibility for, the daily operation of an industrial facility or a
41 priority industrial facility.

42 "Owner" means any person who owns an industrial facility or a
43 priority industrial facility.

44 "Person" means any individual, partnership, company,
45 corporation, society, firm, consortium, joint venture, or any
46 commercial or other legal entity.

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

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

26 "Pollution prevention plan" means a plan required to be prepared
27 by an industrial facility pursuant to the provisions of section 7 of
28 this act.

29 "Pollution prevention plan progress report" means a report
30 required to be submitted annually to the department by the owner or
31 operator of an industrial facility pursuant to the provisions of
32 section 7 of this act.

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

37 "Priority industrial facility" means any industrial facility
38 required to prepare and submit a toxic chemical release form
39 pursuant to 42 U.S.C. s.11023, or any other facility designated a
40 priority industrial facility pursuant to rules and regulations adopted
41 by the department pursuant to the provisions of subsection h. of
42 section 8 of this act.

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

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

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

7 "Research and development laboratory" means a facility or a
8 specially designated area of a facility used primarily for research,
9 development, and testing activity, and not primarily involved in the
10 production of goods for commercial sale, in which hazardous
11 substances are used by, or under, the direct supervision of a
12 technically qualified person.

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

17 "Targeted production process" means any production process
18 which significantly contributes to the use or release of hazardous
19 substances or the generation of hazardous waste or nonproduct
20 output, as determined by the owner or operator of an industrial
21 facility pursuant to criteria established by the department.

22 "Targeted source" means any source which significantly
23 contributes to the generation of nonproduct output, as determined
24 by the owner or operator of an industrial facility pursuant to criteria
25 established by the department.

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

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

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

31
32 19. Section 21 of P.L.1983, c.315 (C.34:5A-21) is amended to
33 read as follows:

34 21. The Department of Health and Senior Services, the
35 Department of Environmental Protection, and the Department of
36 Labor **【, in conjunction with the council,】** and Workforce
37 Development shall jointly establish a procedure for annually
38 receiving information **【, advice, testimony, and recommendations】**
39 from the **【council, the】** public **【,】** and any other interested party,
40 concerning **【the implementation of this act】** any revision of the
41 workplace hazardous substance list and any revision of the
42 environmental hazardous substance list. This procedure shall
43 include a mechanism for revising the workplace hazardous
44 substance list and the environmental hazardous substance list. Any
45 revision of the workplace hazardous substance list or environmental
46 hazardous substance list shall be based on documented scientific
47 evidence. The Department of Health and Senior Services and the
48 Department of Environmental Protection shall publicly announce

1 any revisions of the workplace hazardous substance list or the
2 environmental hazardous substance list, and any such additions or
3 revisions shall be made pursuant to the provisions of the
4 "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et
5 seq.).

6 (cf: P.L.1983, c.315, s.21)

7
8 20. Section 8 of P.L.1998, c.108 (C.27:5F-41) is amended to
9 read as follows:

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

29 b. The Director of the Office of Highway Traffic Safety, in
30 consultation with the [Director of the Division of Motor Vehicles]
31 Chief Administrator of the New Jersey Motor Vehicle Commission,
32 shall produce an informational brochure for parents and guardians
33 of beginning drivers under the age of 18 years. The [division]
34 commission shall ensure that the parents or guardians of a permit
35 holder receive these brochures at the time a permit is issued to a
36 beginning driver. The brochures shall include, but not be limited to,
37 the following information:

38 (1) Setting an example for the beginning driver;

39 (2) Accident and fatality statistics about beginning drivers;

40 (3) Causes of accidents among beginning drivers;

41 (4) The need to supervise vehicle operation by a beginning
42 driver;

43 (5) Methods to coach a beginning driver on how to reduce
44 accidents;

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

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

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

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

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

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

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

38
39 22. Section 10 of P.L.1998, c.108 (C.27:5F-43) is amended to
40 read as follows:

41 10. a. **【There is established a State Review Board on Driver**
42 **Education.】** The Director of the Office of Highway Traffic Safety
43 **【or his designee shall be ex officio the chairman of the board. The**
44 Governor shall appoint to the board a certified secondary school
45 driver education teacher and representatives from the Department of
46 Education, the Department of Transportation, the AAA Clubs of
47 New Jersey, the Driving School Association of New Jersey, the

1 Insurance Council of New Jersey, the New Jersey Association of
2 Chiefs of Police, the New Jersey State Safety Council and the New
3 Jersey Traffic Safety Officers Association. The board] shall make
4 recommendations to the [Director of the Division of Motor
5 Vehicles] Chief Administrator of the New Jersey Motor Vehicle
6 Commission with respect to rules and regulations promulgated
7 under [this act] P.L.1998, c.108 including, but not limited to, the
8 development of uniform curriculum guidelines for approved
9 classroom and behind-the-wheel driver education. [Any vacancies
10 occurring in the membership shall be filled in the same manner as
11 the original appointments.]

12 b. The course of instruction for behind-the-wheel driver
13 education shall be designed to develop the skills necessary for the
14 safe and lawful operation of a motor vehicle. Defensive driving,
15 highway courtesy, appropriate driving behavior and attitudes,
16 accident avoidance, safe passing and lane changing, and a general
17 understanding of and respect for the State's motor vehicle laws shall
18 be emphasized.

19 (cf: P.L.2001, c.420, s.2)

20

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

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

41 (cf: P.L.2000, c.115, s.4)

42

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

45 6. The [board of trustees of the] school shall [, within] be
46 governed by the Commissioner of Education under the general
47 policies and guidelines set by the State Board of Education, and the

- 1 commissioner shall have general supervision over, and shall be
2 vested with the conduct of, the school. **【It】** The commissioner
3 shall, within the general policies and guidelines set by the State
4 Board of Education, have the power and duty to:
- 5 a. Determine the educational curriculum and program of the
6 school in accordance with the arts standards, frameworks and
7 assessments;
- 8 b. Determine policies for the organization, administration and
9 development of the school;
- 10 c. Study the educational and financial needs of the school;
11 annually acquaint the Governor and Legislature with the condition
12 of the school; and prepare, and after concurrence by and jointly
13 with the State Board of Education, present the annual budget to the
14 Governor and Legislature, in accordance with law;
- 15 d. Subject to the provisions of P.L.1944, c.112 (C.52:27B-1 et
16 seq.), direct and control the expenditures of the school in
17 accordance with the provisions of the budget and the appropriations
18 acts of the Legislature, except that with respect to transfers of funds
19 pursuant to P.L.1944, c.112 (C.52:27B-1 et seq.), the school shall
20 be deemed a spending agency, and as to funds received or solicited
21 from other sources, in accordance with the terms of any applicable
22 trusts, gifts, bequests, or other special provisions, the counsel,
23 advice and assistance of the Division of Investment in the
24 Department of the Treasury shall be available to the **【board of**
25 **trustees】** commissioner in the establishment and maintenance of
26 endowment and trust funds;
- 27 e. With the approval of the State Board of Education appoint
28 and fix the compensation of a director of the school who shall be its
29 executive officer and shall serve at the pleasure of the **【board of**
30 **trustees】** commissioner;
- 31 f. Appoint members of the academic, administrative and
32 teaching staffs as shall be required and fix their compensation and
33 terms of employment in accordance with salary policies adopted by
34 the State Board of Education, which salary policies shall prescribe
35 qualifications for the education staff that may be in any given
36 classification;
- 37 g. Appoint, remove, promote and transfer such other officers,
38 agents or employees as may be required for carrying out the
39 purposes of the school and assign their duties, determine their
40 salaries and prescribe qualifications for all positions, all in
41 accordance with the provisions of Title 11A, Civil Service, of the
42 New Jersey Statutes;
- 43 h. Subject to the provisions of P.L.1954, c.48 (C.52:34-6 et
44 seq.), to enter into contracts and agreements with the State or any of
45 its political subdivisions or with the United States, or with any
46 public body, department or other agency of the State or the United
47 States or with any individual, firm, or corporation which are

1 deemed necessary or advisable by the **board** commissioner for
2 carrying out the purposes of the school;

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

7 j. Receive and accept private and corporate contributions for
8 such purposes and upon such terms as the donor may prescribe
9 consistent with the purposes of the school and general policies and
10 guidelines set by the State Board of Education.

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

12
13 25. Section 7 of P.L.1969, c.95 (C.18A:61A-7) is amended to
14 read as follows:

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

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

24
25 26. Section 2 of P.L.1981, c.311 (C.45:14D-2) is amended to
26 read as follows:

27 2. As used in this act:

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

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

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

38 d. "Department" means the Department of Law and Public
39 Safety;

40 e. "Household goods" means personal effects, fixtures,
41 equipment, stock and supplies or other property usually used in or
42 as part of the stock of a dwelling, when it is put into storage or
43 when it is transported by virtue of its removal, in whole or in part,
44 by a householder from one dwelling to another, or from the
45 dwelling of a householder to the dwelling of another householder,
46 or between the dwelling of a householder and a repair or storage
47 facility, or from the dwelling to an auction house or other place of
48 sale. The term "household goods" shall not apply to property

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

1 public as engaging in, the transportation of special commodities
2 when such commodities are not transported by virtue of a removal,
3 in whole or in part, and who does not engage, nor hold himself out
4 to the general public as engaging in, the transportation of household
5 or office goods;

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

16 r. "Storage" means the safekeeping of property in a depository
17 for compensation;

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

24 t. "Warehouseman" means a person engaged in the business of
25 storage;

26 u. "Removal" means the physical relocation, in whole or in
27 part, of either household goods, office goods or special
28 commodities from one location to another location, including
29 internal relocations within the same room or facility, for
30 compensation;

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

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

35 x. "Contracting public mover" means a licensed public mover
36 who contracts with an owner-operator to provide any mover's
37 service of the licensed public mover, and is liable for any mover's
38 services performed or agreed to be performed by the owner-
39 operator pursuant to that contract;

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

42 z. "Owner-operator" means a person who owns, leases, or rents
43 one or more motor vehicles and who uses the vehicles to provide
44 mover's services for a contracting public mover.

45 (cf: P.L.2007, c.50, s.1)

46

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

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

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

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

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

10 d. Establish professional standards for persons licensed under
11 this act;

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

18 f. Conduct proceedings before any board, agency or court of
19 competent jurisdiction for the enforcement of the provisions of this
20 act;

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

23 h. Establish reasonable requirements with respect to proper and
24 adequate movers' and warehousemen's services and the furnishing
25 of estimates, and prescribe a uniform system of accounts, records
26 and reports;

27 i. Adopt and promulgate rules and regulations to protect the
28 interests of the consumer, including, but not limited to, regulations
29 concerning the contents of information brochures which a mover or
30 warehouseman shall give to a customer prior to the signing of a
31 contract for moving or storage services.

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

33
34 28. Section 7 of P.L.1981, c.311 (C.45:14D-7) is amended to
35 read as follows:

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

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

42 b. Has engaged in the use or employment of dishonesty, fraud,
43 deception, misrepresentation, false promise or false pretense;

44 c. Has engaged in gross negligence or gross incompetence;

45 d. Has engaged in repeated acts of negligence or incompetence;

46 e. Has repeatedly failed to discharge contractual obligations to
47 any person contracting for moving or storage services;

48 f. Has engaged in occupational misconduct;

1 g. Has been convicted of any crime involving moral turpitude
2 or any crime relating adversely to the activities regulated by
3 P.L.1981, c.311 (C.45:14D-1 et seq.). For the purpose of this
4 subsection, a plea of guilty, non vult, nolo contendere or any other
5 similar disposition of alleged criminal activity shall be deemed a
6 conviction;

7 h. Has had his authority to engage in the activities regulated by
8 P.L.1981, c.311 (C.45:14D-1 et seq.) revoked or suspended by any
9 other state, agency or authority for reasons consistent with that act;
10 or

11 i. Has violated or failed to comply with the provisions of
12 P.L.1981, c.311 (C.45:14D-1 et seq.) or any regulation adopted
13 thereunder.

14 The licensee or applicant shall be furnished with an official
15 statement of the reasons for the [board's] director's proposed action
16 and shall be afforded an opportunity for a hearing.

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

18
19 29. Section 8 of P.L.1981, c.311 (C.45:14D-8) is amended to
20 read as follows:

21 8. The [board] director may, after one year from the date of
22 the revocation of any license, restore the license.

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

24
25 30. Section 9 of P.L.1981, c.311 (C.45:14D-9) is amended to
26 read as follows:

27 9. a. It shall be unlawful for any person to engage in the
28 business of public moving or storage unless he shall have obtained
29 from the [board] director a license to engage in the business and
30 shall have a permanent place of business in this State;

31 b. Application for a license shall be made in writing to the
32 [board] director, be verified under oath by the agent in charge and
33 shall contain the following information: (1) the name and location
34 of the applicant; (2) description of the applicant's moving vehicles
35 and storage facilities; (3) identification of the issuer and amount of
36 any insurance or surety bonds maintained by the applicant. A
37 license shall be issued to a qualified applicant if it is found that the
38 applicant is fit, willing and able to perform the service of a mover
39 or warehouseman, and to conform to the provisions of this act;

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

43 d. No license shall be issued to an applicant if the applicant
44 has: (1) committed any act which if committed by a licensee would
45 be grounds for suspension or revocation; (2) misrepresented any
46 material fact on his application; (3) not registered each vehicle
47 which will be performing intrastate moves in New Jersey, except on
48 vehicles which have been rented or leased and are operated by a

1 public mover licensed under this act; (4) not established or
2 maintained a place of business in New Jersey;

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

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

7

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

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

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

15

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

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

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

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

25

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

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

34 b. The **【board's】** director's fees established, prescribed or
35 changed pursuant to this section shall be established, prescribed or
36 changed to such extent as shall be necessary to defray all proper
37 expenses incurred by the **【board】** director and any staff employed
38 to administer this act; but such fees shall not be fixed at a level that
39 will raise amounts in excess of the amount estimated to be so
40 required.

41 c. All fees and any fines imposed by the **【board】** director shall
42 be paid to the **【board】** director and shall be forwarded by the
43 **【board】** director to the State Treasurer and become part of the
44 General Fund.

45 d. There shall be annually appropriated to the Department of
46 Law and Public Safety for the use of the **【board】** director such sums

1 as shall be necessary to implement and effectuate the provisions of
2 this act.

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

4
5 34. Section 16 of P.L.1981, c.311 (C.45:14D-16) is amended to
6 read as follows:

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

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

41
42 35. Section 7 of P.L.1984, c.140 (C.45:14D-17) is amended to
43 read as follows:

44 7. Whenever it shall appear to the **[board]** director or the
45 Attorney General that a person has engaged in, or is engaging in,
46 any act or practice declared unlawful by P.L.1981, c.311
47 (C.45:14D-1 et seq.), or when the **[board]** director or the Attorney

1 General shall deem it to be in the public interest to inquire whether
2 a violation may exist, the **[board]** director through the Attorney
3 General, or the Attorney General acting independently, may:

4 a. Require any person to file, on a form to be prescribed, a
5 statement or report in writing under oath, or otherwise, as to the
6 facts and circumstances concerning the rendition of any service or
7 conduct of any sale incidental to the discharge of any act or practice
8 subject to that act;

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

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

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

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

19 f. For the purpose of preserving evidence of an unlawful act or
20 practice, pursuant to an order of the Superior Court, impound any
21 record, book, document, account, paper, goods, ware, or item used
22 or maintained by or for any public mover or warehouseman in the
23 regular course of engaging in the activities regulated by that act or
24 regulations promulgated pursuant to that act. When necessary, the
25 Superior Court may, on application of the Attorney General, issue
26 an order sealing items or material subject to this subsection.

27 In order to accomplish the objectives of P.L.1981, c.311
28 (C.45:14D-1 et seq.) or the regulations promulgated pursuant to that
29 act, the **[board]** director or the Attorney General may hold
30 investigative hearings as necessary and may issue subpoenas to
31 compel the attendance of any person or the production of books,
32 records or papers at a hearing or inquiry.
33 (cf: P.L.1993, c.365, s.11)
34

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

37 8. If a person fails or refuses to file any statement or report, or
38 refuses access to premises from which activities regulated by
39 P.L.1981, c.311 (C.45:14D-1 et seq.) are conducted in any lawfully
40 conducted investigative matter or fails to obey a subpoena issued
41 pursuant to that act, the **[board]** director or the Attorney General
42 may apply to the Superior Court and obtain an order:

43 a. Adjudging that person in contempt of court and assessing
44 civil penalties in accordance with the amounts prescribed by that
45 act; or

46 b. Granting other relief as required; or

47 c. Suspending the license of that person until compliance with

1 the subpoena or investigative demand is effected.

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

3
4 37. Section 10 of P.L.1984, c.140 (C.45:14D-20) is amended to
5 read as follows:

6 10. In addition or as an alternative, as the case may be, to
7 revoking, suspending or refusing to renew any license, the **[board]**
8 director may, after affording an opportunity to be heard:

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

11 b. Order that any person violating any provision of that act
12 cease and desist from future violations thereof or take affirmative
13 corrective action as necessary with regard to any act or practice
14 found to be unlawful by the **[board]** director;

15 c. Order any person found to have violated any provision of
16 that act to restore or to return to any person aggrieved by an
17 unlawful act or practice any moneys or property, real or personal,
18 acquired by means of that act or practice; except that the **[board]**
19 director shall not order restoration in a dollar amount greater than
20 those moneys received by a licensee or his agent or any other
21 person violating that act.

22 In any administrative proceeding on a complaint alleging a
23 violation of that act, the **[board]** director may issue subpoenas to
24 compel the attendance of witnesses or the production of books,
25 records, or documents at the hearing on the complaint.

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

27
28 38. Section 11 of P.L.1984, c.140 (C.45:14D-21) is amended to
29 read as follows:

30 11. Whenever it shall appear to the **[board]** director or the
31 Attorney General that a violation of P.L.1981, c.311 (C.45:14D-1 et
32 seq.), including the unlicensed practice of the activities regulated
33 therein, has occurred, is occurring, or will occur, the Attorney
34 General, in addition to any other proceeding authorized by law, may
35 seek and obtain in a summary proceeding in the Superior Court an
36 injunction prohibiting the act or practice. In the proceeding the
37 court may assess a civil penalty in accordance with the provisions
38 of that act, order restoration to any person in interest of any moneys
39 or property, real or personal, acquired by means of an unlawful act
40 or practice and may enter any orders necessary to prevent the
41 performance of an unlawful practice in the future and to remedy
42 fully any past unlawful activity. In any action brought pursuant to
43 this section, the court shall not suspend or revoke any license issued
44 by the **[board]** director.

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

46
47 39. Section 12 of P.L.1984, c.140 (C.45:14D-22) is amended to

1 read as follows:

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

21 An action to enforce the provisions of an order entered by the
22 **【board】** director or to collect a penalty levied thereby may be
23 brought in any municipal or Special Civil Part of the Law Division
24 of the Superior Court or the Superior Court in a summary manner
25 pursuant to **【"the penalty enforcement law" (N.J.S. 2A:58-1 et**
26 **seq.)】** the "Penalty Enforcement Law of 1999," P.L.1999, c.274
27 (C.2A:58-10 et seq.) and the rules of court governing the collection
28 of civil penalties. Process in the action shall be by summons or
29 warrant, and if the defendant fails to answer the action, the court
30 shall issue a warrant for the defendant's arrest for the purpose of
31 bringing the person before the court to satisfy any order entered.
32 (cf: P.L.1993, c.365, s.15)

33

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

36 13. When it shall appear to the **【board】** director or the Attorney
37 General that a person against whom a cease and desist order has
38 been entered has violated the order, the **【board】** director or the
39 Attorney General may initiate a summary proceeding in the
40 Superior Court for the violation thereof. Any person found to have
41 violated a cease and desist order shall pay to the State of New
42 Jersey civil penalties in the amount of not more than \$25,000.00 for
43 each violation of the order. If a person fails to pay a civil penalty
44 assessed by the court for violation of a cease and desist order, the
45 court assessing the unpaid penalty is authorized, upon application of
46 the **【board】** director or the Attorney General, to grant any relief

1 which may be obtained under any statute or court rule governing the
2 collection and enforcement of penalties.

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

4
5 41. Section 15 of P.L.1984, c.140 (C.45:14D-25) is amended to
6 read as follows:

7 15. No license shall be issued to a warehouseman or mover or
8 remain in force unless the warehouseman or mover complies with
9 the rules or regulations that the **board** director shall prescribe
10 governing policies of insurance, qualifications as a self-insurer or
11 other securities or agreements in the amount that the **board**
12 director may require.

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

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

17 3. The **board** director shall notify the Board of Public
18 Utilities of the business location and telephone number of any
19 public mover that does not have a valid license issued by the
20 **board** director.

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

22
23 43. Section 4 of P.L.1998, c.60 (C.45:14D-27) is amended to
24 read as follows:

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

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

31
32 44. The following are repealed:

33 P.L.1979, c.443;

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

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

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

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

38 P.L.1978, c.68;

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

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

41 Sections 2 through 4 of P.L.1985, c.1 (C.52:17B-77.1 through
42 52:17B-77.3, inclusive);

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

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

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

46 P.L.2003, c.58;

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

1 (Section 1 of P.L.1994, c.191);
2 Corporation Business Tax Study Commission (Section 31 of
3 P.L.2002, c.40);
4 Crime Prevention Advisory Committee (Sections 2 through 4 of
5 P.L.1985, c.1);
6 Delaware and Raritan Canal Transportation Safety Study
7 Commission (Sections 8 through 12 of P.L.1991, c.344);
8 Drug Utilization Review Council (Section 6 of P.L.1977, c.240);
9 Environment Advisory Task Force (Section 37 of P.L.1993,
10 c.139);
11 Ergonomics in Education Study Commission (P.L.2003, c.58);
12 Fisheries Information and Development Center Coordinating
13 Board (Section 2 of P.L.1999, c.419);
14 Governor's Air and Space Medal Nominating Committee
15 (Section 2 of P.L.1995, c.419);
16 Hospital Care Payment Commission (Section 3 of P.L.2003,
17 c.112);
18 Jewish Heritage Trail Study Commission (P.L.2003, c.47);
19 Managed Care Task Force (Section 5 of P.L.1998, c.37);
20 New Jersey Citizens' Clean Elections Commission (P.L.2004,
21 c.121);
22 New Jersey Commemorative Coin Design Commission
23 (P.L.1997, J.R.7);
24 New Jersey Health Data Commission (Section 4 of P.L.2001,
25 c.192);
26 New Jersey Obesity Prevention Task Force (P.L.2003, c.303);
27 New Jersey Railroad and Transportation Museum Commission
28 (Sections 1 through 7 of P.L.1993, c.209);
29 New Jersey Uniform Securities Law Study Commission
30 (P.L.1993, J.R.7);
31 Parents' Education Program Advisory Committee (Section 4 of
32 P.L.1999, c.111);
33 Police Paperwork Reduction Task Force (Section 43 of P.L.2000,
34 c.126);
35 Pollution Prevention Advisory Board (Section 5 of P.L.1991,
36 c.235);
37 Prepaid Higher Education Expense Board and associated
38 program in its entirety (P.L.2001, c.262 et seq.);
39 Property Tax Convention Task Force (P.L.2004, c.85);
40 Recreational Sports and Leisure Activities Liability Study
41 Commission (P.L.1993, J.R.8);
42 Regional Intergovernmental Transportation Coordinating Study
43 Commission (P.L.1998, J.R.7);
44 Right to Know Advisory Council, including its duties and
45 powers (Sections 18 through 20 of P.L.1983, c.315);
46 School Construction Review Commission (P.L.2005, c.117);
47 State Board of Public Movers and Warehousemen (Section 4 of
48 P.L.1981, c.311);

1 State Commission on Drunk Driving (P.L.1984, J.R.8);
2 State Revenue Forecasting Advisory Commission (Sections 1
3 through 3 of P.L.1992, c.75);
4 State Review Board on Driver Education (section 21 of this bill
5 as it amends C.27:5F-43);
6 Task Force on New Jersey History (P.L.1994, c.146);
7 Task Force on Workplace Violence (P.L.2002, c.49);
8 Task Force to Study Attendance in Public Schools (P.L.2004,
9 J.R.1);
10 The Trustees of the New Jersey School of the Arts (Section 3 of
11 P.L.1969, c.95); and
12 World Language Instruction Committee (Sections 1 through 7 of
13 P.L.2001, c.203).
14 These boards, commissions, committees, councils, and task
15 forces have served their purpose, been inactive for years, no longer
16 have a role to fulfill, have completed their work, have not been
17 convened for a long period of time, or were never organized. They
18 are part of a list of such entities that were included in the report of
19 the Red Tape Review Group entitled “Findings &
20 Recommendations,” April 19, 2010. Not included in this bill are
21 those boards, commissions, committees, councils, and task forces
22 identified in the report for elimination that were established under
23 federal or local law, by gubernatorial executive order, or were
24 previously eliminated by State law.