

## CHAPTER 39

AN ACT to eliminate inactive commissions, committees, councils and boards, and amending and repealing various parts of the statutory law.

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

Repealer.

1. The following are repealed:

P.L.1911, c.198 (R.S.43:20-1 through 43:20-3, inclusive)

P.L.1931, c.70 (R.S.9:13-1 through 9:13-6, inclusive)

P.L.1938, c.92

P.L.1954, JR 4

P.L.1955, JR 16

P.L.1958, c.55 (R.S.18:15-20)

P.L.1959, c.22 (C.4:1A-1 et seq.)

Section 7 of P.L.1962, c.45 (C.34:5-172)

P.L.1965, c.118

Sections 1 through 6 of P.L.1966, c.28 (C.40A:1A-2 through 40A:1A-7, inclusive)

Section 18 of P.L.1966, c.126

Sections 6 and 7 of P.L.1967, c.23 (C.52:17B-5.11 and 52:17B-5.12)

P.L.1967, c.240

P.L.1968, c.259

Section 8 of P.L.1969, c.95 (C.18A:61A-8)

P.L.1969, c.121

P.L.1971, c.205 (C.5:11-1 through 5:11-14, inclusive)

Sections 12 through 14 of P.L.1972, c.186 (C.48:5A-12 through 48:5A-14, inclusive)

Section 13 of P.L.1973, c.375 (C.26:12-13)

Section 3 of P.L.1978, c.176 (C.52:17B-144)

Section 5 of P.L.1978, c.176 (C.52:17B-146)

Sections 6, 7 and 8 of P.L.1981, c.279 (C.13:1E-54 through 13:1E-56, inclusive)

Section 35 of P.L.1983, c.65 (C.17:30E-23)

Sections 3 and 4 of P.L.1983, c.222 (C.58:10-23.22 and 58:10-23.23)

Sections 1 through 45 of P.L.1983, c.272 (C.13:17A-1 through 13:17A-45, inclusive)

P.L.1983, c.333 (C.52:17B-151 et seq.)

P.L.1983, c.352 (C.26:2M-1 et seq.)

Sections 4 through 10 of P.L.1983, c.467 (C.52:17B-9.9 through 52:17B-9.15, inclusive)

Section 8 of P.L.1984, c.198 (C.9:25-8)

Section 3 of P.L.1985, c.160 (C.52:27H-22.3)

Sections 1 through 6 of P.L.1985, c.363 (C.52:9Y-1 through 52:9Y-6, inclusive)

P.L.1985, c.383 (C.4:26-1 et seq.)

P.L.1986, c.111 (C.28:2-20 et seq.)

Section 4 of P.L.1987, c.55 (C.52:27H-21.10)

Sections 4 and 5 of P.L.1989, c.243 (C.13:1E-55.2 and 13:1E-55.3)

P.L.1989, c.289

Sections 2 and 9 through 11 of P.L.1991, c.165 (C.40A:1A-1, 40A:1A-8 through 40A:1A-10, inclusive)

Sections 6 and 7 of P.L.1991, c.194

Section 20 of P.L.1991, c.201 (C.26:2H-72)

Sections 1 through 5 of P.L.1991, c.450 (C.13:1DD-1 et seq.)

P.L.1991, c.528 (C.52:27D-150.1 through 52:27D-150.3, inclusive)

Sections 1 through 7 of Joint Resolution No. 2 of 1991 (C.52:9DD-1 through 52:9DD-7, inclusive)

P.L.1993, c.195

Section 8 of P.L.1993, c.268 (C.34:15E-8)

Sections 7 and 8 of P.L.1995, c.209 (C.34:1B-99 and 34:1B-100)

Section 17 of P.L.1998, c.43 (C.26:2H-7.9)

Section 33 of P.L.1998, c.44 (C.52:27C-93).

2. Section 8 of P.L.1991, c.90 (C.26:6A-8) is amended to read as follows:

C.26:6A-8 Rules, regulations, policies, practices to gather reports, data.

8. Pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) the Department of Health and Senior Services shall establish rules, regulations, policies and practices as may be necessary to collect annual reports from health care institutions, to gather additional data as is reasonably necessary, to oversee and evaluate the implementation of this act. The department shall seek to minimize the burdens of record-keeping imposed by these rules, regulations, policies and practices, and shall seek to assure the appropriate confidentiality of patient records.

3. Section 4 of P.L.1995, c.209 (C.34:1B-96) is amended to read as follows:

C.34:1B-96 Investment of moneys in export financing company.

4. The authority is authorized, notwithstanding any law to the contrary, to invest such moneys from the "Economic Recovery Fund," established pursuant to section 3 of P.L.1992, c.16 (C.34:1B-7.12), or from other export or business assistance programs administered by the authority, as may be available and which the authority deems appropriate for the purposes of this act, in an export financing company, hereinafter "the company," to be incorporated or organized pursuant to the provisions of this act, which, together with those investments which may be made in the stock or interest of the company by other public entities involved in international export markets that may include, but not necessarily be limited to, the Delaware River Port Authority and the Port Authority of New York and New Jersey, shall be at a minimum amount to be determined by the authority. The moneys shall be used for the purchase of stock or an interest in the company, provided that the class of stock or interest purchased by the authority and other public entities shall be of such type and character as to require the company to repay the investment of funds from the authority and other public entities prior to the repayment of funds from private sources, but in no event shall the amount of such stock or interest purchased by the authority and other public entities exceed 49% of the total outstanding stock or total shared interest of the company. The authority is authorized in its discretion to sell or otherwise dispose of the stock or interest purchased by the authority as shall be in the interest of the authority but the authority shall sell or otherwise dispose of the stock or interest no later than three years after the date of purchase.

Nothing in this act shall be construed to preclude the company from being organized as a

limited liability company or to preclude the authority and other public entities involved in international export markets from purchasing an interest in such a limited liability company provided that the interest purchased by the authority and other public entities shall not exceed 49 percent of the total shared interest of the company, and provided that the operating agreement of the company grants the authority and any other public entity the right to resign and receive a distribution, representing the fair value of the authority's or public entity's interest in the company, prior to the resignation of and distribution to any private members.<sup>1</sup>

4. Section 8 of P.L.1955, c.64 (C.34:16-27) is amended to read as follows:

C.34:16-27 Powers of commission.

8. The commission shall be authorized to:

(a) Adopt and promulgate such rules and regulations as may be necessary to carry out the provisions of this act.

(b) Provide vocational rehabilitation and independent living rehabilitation services, directly or through public or private instrumentalities to eligible handicapped individuals without discrimination as to sex, race, color, creed or national origin, except that the commission shall not duplicate services provided for blind persons under the care of the State commission to ameliorate the condition of the blind and deaf persons under the care of the Marie H. Katzenbach School for the Deaf, nor shall the commission provide services for persons who in its judgment are not feasible for rehabilitation. In case vocational rehabilitation and independent living rehabilitation services cannot be provided to all eligible handicapped persons who apply for such services, the commission shall provide, by regulation, the order to be followed in selecting those to whom such services will be provided.

(c) Construct or establish and operate rehabilitation facilities and workshops, which may include residential accommodations related to the rehabilitation of handicapped individuals and make grants to public and other nonprofit organizations for such purposes.

(d) Establish and supervise the operation of vending stands and other small businesses established pursuant to this act to be conducted by severely handicapped individuals.

(e) Make studies, investigations, demonstrations, and reports, and provide training and instruction (including the establishment and maintenance of such research fellowships and traineeships with such stipends and allowances as may be deemed necessary) in matters relating to vocational rehabilitation and independent living rehabilitation.

(f) Enter into reciprocal agreements with other States to provide for the vocational rehabilitation and independent living rehabilitation of residents of the States concerned.

(g) Accept and use gifts made, by will or otherwise, for carrying out the purposes of this chapter. Gifts made under such conditions as in the judgment of the commission are proper and consistent with the provisions of this chapter, may be accepted, held, invested, reinvested, or used in accordance with the conditions, if any, of the gift.

(h) Take such action as it deems necessary or appropriate to carry out the purposes of this act.

5. Section 2 of P.L.1989, c.202 (C.39:3-33.9) is amended to read as follows:

C.39:3-33.9 Issuance of reflectorized motor vehicle registration plates.

2. a. The chief administrator of the New Jersey Motor Vehicle Commission shall implement a phase-in program for the issuance of reflectorized motor vehicle registration

plates in this State, the planning of which shall begin immediately for the issuance which shall begin on the first day of the seventh month following the report of the Reflectorized License Plate Selection Commission established pursuant to this section of this 1989 amendatory and supplementary act, P.L.1989, c.202 (C.39:3-33.9), except that the division shall first use any existing supplies of nonreflectorized plates which it orders prior to the commencement of the issuance. The purpose of the issuance shall be to change the color scheme and style of the registration plates in use prior to the beginning of the issuance in order to provide for greater contrast between the background of the plate and the lettering and to ensure that all plates are fully treated with a reflectorized material designed to increase their nighttime visibility and legibility. The color scheme and style of the new plates shall be selected by the Reflectorized License Plate Selection Commission. The markings on the plates shall be in accordance with specifications prescribed by the chief administrator.

For a period of six years commencing on the first day of the seventh month following enactment of this 1989 amendatory and supplementary act, P.L.1989, c.202 (C.39:3-33.9 et al.), the commission may charge in addition to an annual motor vehicle registration fee, an additional annual fee not to exceed \$0.40 for the costs of the issuance of reflectorized motor vehicle registration plates in this State.

b. The chief administrator of the New Jersey Motor Vehicle Commission shall promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) in order to effectuate the purposes of this act.

c. The chief administrator shall submit an annual progress report on the planning and implementation of the reflectorized motor vehicle registration plate phase-in program to the Governor and members of the Legislature with the first report to be submitted one year after enactment of this 1989 amendatory and supplementary act. The annual report submitted after the fourth year of implementation shall contain a recommendation as to the advisability and feasibility of a general recall of all plates of an earlier design that are still in use at the completion of the phase-in program. This report shall also contain the chief administrator's recommendation of a funding source for the ongoing costs associated with the continued issuance of reflectorized plates. The last report shall be submitted after the completion of the phase-in program.

6. Section 3 of P.L.1983, c.467 (C.52:17B-9.8) is amended to read as follows:

C.52:17B-9.8 Powers, duties of unit.

3. In addition to any other powers and duties vested in it by law or by the Attorney General, the unit shall:

a. Coordinate, file and investigate all missing persons cases in this State, and cooperate with local law enforcement officials and federal law enforcement officials in the creation of a centralized office on missing persons in this State;

b. (Deleted by amendment, P.L.2007, c.39).

c. Collect and maintain data on missing persons and unidentified bodies in this State and throughout the United States;

d. Coordinate efforts with other states and with the federal government in the investigation of cases involving missing persons or unidentified bodies;

e. Provide specialized training to law enforcement officers and medical examiners in this State, in conjunction with the Police Training Commission, which would enable them to more efficiently handle the tracing of missing persons and unidentified bodies on the local

level;

f. Employ the services of local law enforcement agencies or other social or governmental agencies.

7. Section 11 of P.L. 1983, c.467 (C.52:17B-9.16) is amended to read as follows:

C.52:17B-9.16 Acceptance of monetary donations or items or materials.

11. A monetary donation made available to the State through the Missing Persons Unit which specifies the purchase of items or materials to be used for the purposes of this act or any donation of items or materials which meet the requirements of the Division of State Police, shall be accepted by the Attorney General on behalf of the State and distributed or appropriated for law enforcement and specifically used for the purposes of this act. A monetary donation shall be included in the annual appropriation bill and distributed in the same manner as other appropriations.

8. Section 2 of P.L.1978, c.176 (C.52:17B-143) is amended to read as follows:

C.52:17B-143 State law enforcement planning agency; in DLPS but responsible to Governor.

2. The State Law Enforcement Planning Agency created pursuant to Executive Order No. 45, dated August 13, 1968, is continued and constituted as the State Law Enforcement Planning Agency (hereinafter "agency"). For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the agency is allocated to the Department of Law and Public Safety, but, notwithstanding said allocation, the agency shall be independent of any supervision or control by the department or by any board or officer thereof. The agency shall be responsible to the Governor.

9. Section 6 of P.L.1978, c.176 (C.52:17B-147) is amended to read as follows:

C.52:17B-147 Powers and duties of agency.

6. The agency shall:

a. Serve as the State planning agency pursuant to the Federal Omnibus Crime Control and Safe Streets Act of 1968 and the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, and other related federal or State acts;

b. (Deleted by amendment, P.L.2007, c.39);

c. Advise and assist the Governor in developing policies, plans, programs and budgets for improving the coordination, administration and effectiveness of the criminal justice system in the State;

d. Prepare a State comprehensive criminal justice plan on behalf of the Governor, which plan, and any substantial modifications thereto, shall be submitted to the Legislature for an advisory review of goals, priorities and policies contained therein, and shall be periodically updated and based on an analysis of the State's criminal justice needs and problems;

e. Establish goals, priorities and standards for the reduction of crime and the improvement of the administration of justice in the State;

f. Recommend legislation concerning criminal justice matters to the Governor and Legislature;

g. Encourage local and regional comprehensive criminal justice planning efforts;

h. Monitor and evaluate programs and projects, funded in whole or in part by or through

the State Government, aimed at reducing crime and delinquency and improving the administration of justice;

i. Cooperate with and render technical assistance to State agencies, units of county and local government and public or private agencies relating to the criminal justice system;

j. Apply for, contract for, receive and expend for its purposes any appropriations or grants from the State, its political subdivisions, the federal Government or any other source, public or private;

k. Have the authority to collect from any State, county or local governmental entity information, data, reports, statistics or such other material which is necessary to carry out the agency's functions; and

l. Perform such other duties as may be necessary to carry out the purposes of this act.<sup>1</sup>

10. Section 9 of P.L.1993, c.220 (C.52:17B-167) is amended to read as follows:

C.52:17B-167 Selection of grant recipients.

9. a. The Attorney General shall select grant recipients.

b. No more than 50% of the total dollar amount of grants awarded from the fund shall be allocated to municipalities eligible to receive State aid pursuant to subsections a., b. and c. of section 1 of P.L.1985, c.170 (C.52:27D-118.11).

c. No municipality shall receive a grant exceeding \$200,000 for a project or \$50,000 for equipment. However, if funding remains after all approved projects and law enforcement equipment grants have been funded in any program year, funding in excess of the amount specified in this subsection may be awarded to grantees by the Attorney General.

d. A municipality which receives a grant for a project under this act may receive funding in subsequent years to continue that project. Approval of a continuation grant shall be contingent upon certification by the Attorney General that the project is effectively meeting the objectives of this act. A municipality that is eligible to receive an initial grant under this act shall be eligible to receive continuation funding.

11. Section 4 of P.L.1990, c. 83 (C.52:27D-43.28) is amended to read as follows:

C.52:27D-43.28 Hispanic women's demonstration resource centers.

4. The division shall establish not less than two but not more than five Hispanic women's demonstration resource centers; one in conjunction with an existing facility in southern New Jersey and the other in conjunction with an existing facility in northern New Jersey. The centers shall be established in locations serving populations of Hispanic women in northern and southern New Jersey through the issuance of grants to public or private nonprofit organizations servicing either women or Hispanic populations. In reviewing grant applications under this act, the division shall give due consideration to the needs of the Hispanic women in the municipality in which the applicant is located and surrounding area.

The division shall develop comprehensive guidelines for the establishment, goals and operation of the centers. In carrying out the purpose of this act, the director shall consult with the Office of Hispanic Affairs.

12. Section 64 of P.L.2000, c.72 (C.18A:7G-38) is amended to read as follows:

C.18A:7G-38 Program to provide additional funding for apprenticeship programs.

64. a. The Commissioner of Education, in conjunction with the Commissioner of Labor

and Workforce Development, shall establish a program to provide additional funding for apprenticeship programs registered by the federal Bureau of Apprenticeship and Training in the United States Department of Labor. There shall be appropriated annually in fiscal year 2001 through fiscal year 2005 the sum of \$3,000,000 to accomplish this purpose.

b. The commissioners of the Department of Education and the Department of Labor and Workforce Development shall establish guidelines for the distribution of funds under the program, including a provision that requires a majority of the funding to assist apprenticeship programs in urban areas. The guidelines shall also include a list of those types of entities eligible for funding including, but not limited to, county colleges, county vocational schools, unions and other sponsors of apprenticeship programs deemed appropriate. Eligible entities shall be permitted to use the funding provided pursuant to the program to fund student grants. Pursuant to established guidelines, the commissioners of the Department of Education and the Department of Labor and Workforce Development shall be responsible for the distribution of funds under the program.

13. Section 1 of P.L.1982, c.30 (C.52:24-4.1) is amended to read as follows:

C.52:24-4.1 Annual audit of "Hazardous Discharge Fund," "Hazardous Discharge Site Cleanup Fund."

1. The State Auditor shall conduct an annual financial and operational audit of the "Hazardous Discharge Fund" created pursuant to the "Hazardous Discharge Bond Act," P.L.1981, c.275 and the "Hazardous Discharge Site Cleanup Fund" established pursuant to section 1 of P.L.1985, c.247 (C.58:10-23.34). This audit, together with any recommendations on practices or procedures to promote or guarantee the fiscal integrity of the "Hazardous Discharge Fund" and the "Hazardous Discharge Site Cleanup Fund" and to improve the effectiveness of fund operations, shall be submitted to the Governor and the Legislature, the Assembly Environmental Quality Committee and the Senate Energy and Environment Committee, or their designated successors. The audit shall be due on or before December 31 of each year.

14. Section 1 of P.L.1982, c.32 (C.52:24-4.2) is amended to read as follows:

C.52:24-4.2 Annual audit of funds.

1. The State Auditor shall conduct an annual audit of the funds pursuant to the provisions of chapter 24 of Title 52 of the Revised Statutes. This audit, together with any recommendations on practices or procedures to promote or guarantee the fiscal integrity and improve the operations of the funds, shall be submitted to the Governor and the Legislature, the General Assembly Environmental Quality Committee and the Senate Energy and Environment Committee, or their designated successors. The audit for fiscal year 1981 shall be due within 60 days of the effective date of this act, and each successive annual audit shall be due on or before December 31.

15. Section 3 of P.L.1993, c.268 (C.34:15E-3) is amended to read as follows:

C.34:15E-3 Definitions.

3. As used in this act:

"Apprenticeship Policy Committee" or "committee" means the New Jersey Apprenticeship Policy Committee which:

a. Was established by a written agreement of: the Bureau of Apprenticeship and Training in the U.S. Department of Labor; the State Department of Labor and Workforce Development; and the State Department of Education; and

b. Consists of: the Assistant Commissioner, State Department of Education, Division of Adult and Occupational Education; the Director of Region II of the Bureau of Apprenticeship and Training in the U.S. Department of Labor; an assistant commissioner of the State Department of Labor and Workforce Development; and a representative of the New Jersey State AFL-CIO.

"Apprenticeship program" means a registered apprenticeship program providing to each trainee combined classroom and on-the-job training under the direct and close supervision of a highly skilled worker in an occupation recognized as an apprenticeable trade, and registered by the Bureau of Apprenticeship and Training of the U.S. Department of Labor and meeting the standards established by the bureau, or registered by a State apprenticeship agency recognized by the bureau.

"Labor demand occupation" means an occupation for which there is or is likely to be an excess of demand over supply for adequately trained workers, including, but not limited to, an occupation designated as a labor demand occupation by the New Jersey Occupational Information Coordinating Committee pursuant to section 12 of P.L.1992, c.43 (C.34:1A-78).

"Youth Transitions to Work Partnership" or "Partnership" means the Youth Transitions to Work Partnership established pursuant to section 4 of this act.

16. Section 73 of P.L.1954, c.84 (C.43:15A-73) is amended to read as follows:

C.43:15A-73 Eligible employees of certain governmental entities, enrollment in Public Employees' Retirement System.

73. a. (1) The Public Employees' Retirement System is hereby authorized and directed to enroll eligible employees of the New Jersey Turnpike Authority, Palisades Interstate Park Commission, Interstate Environmental Commission, the Delaware River Basin Commission and the Delaware River Joint Toll Bridge Commission.

In the case of the Delaware River Joint Toll Bridge Commission, the eligible employees shall be only those who are employed on the free bridges across the Delaware river, under the control of said commission, or who are members of the retirement system at the time they begin employment with the commission.

The said employees shall be subject to the same membership, contribution and benefit provisions of the retirement system as State employees.

(2) In addition to those agencies named in paragraph (1) of this subsection, the Public Employees' Retirement System is hereby authorized and directed to enroll an eligible officer or employee, excluding a police officer or firefighter, of a bi-state or multi-state agency established pursuant to an interstate compact to which this State is a party, if the officer or employee is a resident of this State at the time of appointment or employment with the agency and the governing body of the agency has adopted a resolution, and filed a certified copy of the resolution with the board of the retirement system, that permits such an officer or employee to enroll. The enrollment shall be at the option of the officer or employee so permitted. A filed resolution shall define each category of officer or employee who may enroll in the retirement system, and the resolution may apply to those officers or employees initially appointed or employed on or after January 1, 2002.

The resolution shall be in a form prescribed by the Division of Pensions and Benefits. The election by an officer or employee to enroll in the retirement system shall be made



within 90 days of the date of eligibility. Once enrolled, the officer or employee shall remain a member of the retirement system during the period of continuous service with the agency. The officer or employee shall not be enrolled simultaneously in more than one retirement system based on the same service with the agency.

An enrolled officer or employee who was appointed or employed on or after January 1, 2002 shall receive credit for service with the agency rendered prior to enrollment if there is paid into the appropriate fund of the retirement system at the time of enrollment, either by the agency or by the officer or employee, the full purchase amount required by applying the factor, supplied by the actuary, as being applicable to the officer's or employee's age at the time of purchase, to the officer's or employee's salary at the time of purchase or to the highest annual compensation for service in this State for which contributions were made during any prior fiscal year of membership in the retirement system, whichever is greater. An officer or employee who was a member of the retirement system on the date continuous service with the agency began and who has not withdrawn the employee contributions from the system, shall participate in the retirement system under the former membership. A bi-state or multi-state agency that files a resolution pursuant to this paragraph shall for all purposes of P.L.1954, c.84 (C.43:15A-1 et seq.) be deemed an employer, and its eligible employees, both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of P.L.1952, c.215 (C.43:3A-1 et seq.), P.L.1958, c.143 (C.43:3B-1 et seq.), P.L.1968, c.23 (C.43:3C-1 et seq.), P.L.1981, c.213 (C.43:3C-4 and 43:3C-5), P.L.1986, c.188 (C.43:3C-9), and P.L.1997, c.113 (C.43:3C-9.1 et seq.), as are applicable to State employees. As a condition, the agency shall consent to participation in the New Jersey agreement with the Social Security Administration.

b. The State University of New Jersey, as an instrumentality of the State, shall, for all purposes of this act, be deemed an employer and its eligible employees, both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as are applicable to State employees and for all purposes of this act employment by the State University of New Jersey after April 16, 1945, and for the purposes of chapter 3 of Title 43 of the Revised Statutes any new employment after January 1, 1955, shall be deemed to be and shall be construed as service to and employment by the State of New Jersey.

c. The Compensation Rating and Inspection Bureau, created and established pursuant to the provisions of R.S.34:15-89, shall, for all purposes of this act, be deemed an employer and its eligible employees, both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as both are applicable to State employees.

The retirement system shall certify to the Commissioner of Banking and Insurance and the Commissioner of Banking and Insurance shall direct the Compensation Rating and Inspection Bureau to provide the necessary payments to the retirement system in accordance with procedures established by the retirement system. Such payments shall include (1) the contributions and charges, similar to those paid by other public agency employers, to be paid by the Compensation Rating and Inspection Bureau to the retirement system on behalf of its employee members, and (2) the contributions to be paid by the Compensation Rating and Inspection Bureau to provide the past service credits up to June 30, 1965 for these members, both veterans and nonveterans, who enroll before July 1, 1966.

d. The New Jersey Sports and Exposition Authority, created and established pursuant to

the "New Jersey Sports and Exposition Authority Law," P.L.1971, c.137 (C.5:10-1 et seq.) shall for all purposes of this act, be deemed an employer and its eligible employees both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as are applicable to State employees.

(1) Eligible employees as used herein shall not include persons who are not classified as salaried, or who are compensated on an hourly or per diem basis, or whose employment is normally covered by other retirement systems to which the authority makes contributions.

(2) Eligible employees previously permitted to enroll in the retirement system shall redeposit the contributions previously made by them and all service credit shall then be restored and future contributions made at the date of contribution as originally assigned. The authority shall redeposit the employer payments it had made, with interest to the date of redeposit.

e. The New Jersey Transit Corporation created and established pursuant to the "New Jersey Public Transportation Act of 1979," P.L.1979, c.150 (C.27:25-1 et seq.) shall for all purposes of this act, be deemed an employer and its eligible employees both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as are applicable to State employees. Eligible employees as used herein means only those individuals who are members of the Public Employees' Retirement System or any other State-administered retirement system immediately prior to their initial employment by the corporation.

f. (1) The Casino Reinvestment Development Authority, created and established pursuant to P.L.1984, c.218 (C.5:12-153 et seq.), the New Jersey Urban Development Corporation, created and established pursuant to P.L.1985, c.227 (C.55:19-1 et seq.), the New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises, created and established pursuant to P.L.1985, c.386 (C.34:1B-47 et seq.), and the Catastrophic Illness in Children Relief Fund Commission, created and established pursuant to P.L.1987, c.370 (C.26:2-148 et seq.) shall each, for all purposes of this act, be deemed an employer and eligible authority, corporation, or commission. Employees, both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as are applicable to State employees.

(2) The current or former employees of the authorities, the corporation, and the commission may purchase credit for all service with the authority, corporation, or commission rendered prior to the effective date of this amendatory and supplementary act, P.L.1990, c.25 (C.43:15A-73.2 et al.), if that service would otherwise be eligible for credit in the retirement system. This purchase shall be made in the same manner and shall be subject to the same terms and conditions provided for the purchase of previous membership service by section 8 of P.L.1954, c.84 (C.43:15A-8). The authority, corporation, or commission shall pay the unfunded liability as determined by the actuary for prior service purchased by its employees in accordance with a schedule approved by the actuary. This obligation of the authority, corporation, or commission shall be known as the accrued liability for prior service credit.

(3) For any employee of the authorities or of the corporation or commission who is in service with the authority, corporation, or commission on the effective date of this amendatory and supplementary act, P.L.1990, c.25 (C.43:15A-73.2 et al.), the age of enrollment for the purposes of the member contribution rate under section 25 of P.L.1954,

c.84 (C.43:15A-25) shall be the age of the employee on the date the continuous service with the authority began. Any employee who was a member of the retirement system on the date continuous service with the authority, corporation, or commission began but whose membership expired before the effective date of participation by the authority, corporation, or commission in the retirement system, and who has not withdrawn the employee contributions from the system, shall participate in the retirement system under the former membership and shall contribute to the system at the rate applicable to the former membership.

g. A subsidiary corporation or other corporation established by the Delaware River Port Authority pursuant to subdivision (m) of Article I of the compact creating the authority (R.S.32:3-2), as defined in section 3 of P.L.1997, c.150 (C.34:1B-146), shall, for all purposes of this act, be deemed an employer and its eligible employees, both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as are applicable to State employees. Employees of the subsidiary or other corporation eligible for participation in the retirement system under this subsection shall include only persons who are employees of the South Jersey Port Corporation on the effective date of P.L.1997, c.150 (C.34:1B-144 et al.) and are re-employed by the subsidiary or other corporation within 365 days of the effective date.

17. Section 2 of P.L.1962, c.45 (C.34:5-167) is amended to read as follows:

C.34:5-167 Definitions.

2. The following terms wherever used or referred to in this act shall have the following meanings unless a different meaning clearly appears from the context;

- a. "Act" means this act and rules and regulations promulgated and adopted hereunder.
- b. "Approved" means approved by the commissioner.
- c. "Bureau" means Bureau of Engineering and Safety in the Division of Labor, Department of Labor and Workforce Development.
- d. "Commissioner" means the Commissioner of the Department of Labor and Workforce Development, or his authorized representative.
- e. (Deleted by amendment, P.L.2007, c.39).
- f. "Department" means the Department of Labor and Workforce Development.
- g. "Employee" means any person suffered or permitted to work by an employer, having a specific regard to any of the activities included in section 3 of this act.
- h. "Employer" means any corporation, partnership, individual proprietorship, joint venture, firm, company or other similar legal entity engaged in activities included in section 3 of this act or any person acting in the direct interest of any of the foregoing in relation to any employee or place of employment, having specific regard to any of the activities included in section 3 of this act.
- i. "Place of employment" means any place in or about which an employee is suffered or permitted to work having specific regard to any of the activities included in section 3 of this act.

18. Section 4 of P.L.1962, c.45 (C.34:5-169) is amended to read as follows:

C.34:5-169 Rules and regulations; promulgation by commissioner.

4. The commissioner shall make and promulgate rules and regulations reasonably

necessary to implement the purposes of this act. Such rules and regulations shall go into effect 90 days following promulgation or at such later date as the rules and regulations shall provide. The commissioner shall consult and seek the advice of interested and qualified associations, agencies and persons. A notice of intent to promulgate proposed rules and regulations shall be published by the commissioner at least 30 days prior to the promulgation of such rules and regulations. This notice of intent shall state briefly the purpose of the proposed rules and regulations and shall state that a copy of the proposed rules and regulations may be obtained by any person upon written request to the department.

19. Section 3 of P.L.1981, c.279 (C.13:1E-51) is amended to read as follows:

C.13:1E-51 Definitions.

3. As used in this act:

a. "Applicant" means the applicant for a registration statement and engineering design for a major hazardous waste facility;

b. "Application" means the application for a registration statement and engineering design for a major hazardous waste facility;

c. "Commission" means the Hazardous Waste Facilities Siting Commission established by section 4 of this act;

d. "Commissioner" means the Commissioner of Environmental Protection;

e. (Deleted by amendment, P.L.2007, c.39);

f. "Criteria" means the criteria for the siting of new major hazardous waste facilities adopted by the department pursuant to section 9 of this act;

g. "Department" means the Department of Environmental Protection;

h. (Deleted by amendment, P.L.1983, c. 392);

i. "Engineering design" means the specifications and parameters approved by the department for the construction and operation of a major hazardous waste facility;

j. "Environmental and health impact statement" means a statement of likely environmental and public health impacts resulting from the construction and operation of a major hazardous waste facility, and includes an inventory of existing environmental conditions at the site, a project description, an assessment of the impact of the project on the environment and on public health, a listing of unavoidable environmental and public health impacts, and steps to be taken to minimize environmental and public health impacts during construction and operation;

k. "Hazardous waste" means any waste or combination of wastes which poses a present or potential threat to human health, living organisms or the environment including, but not limited to, waste material that is toxic, carcinogenic, corrosive, irritating, sensitizing, biologically infectious, explosive or flammable, and any waste so designated by the United States Environmental Protection Agency. Hazardous waste does not include radioactive waste;

l. "Hazardous waste facility" means any area, plant or other facility for the treatment, storage or disposal of hazardous waste, including loading and transportation facilities or equipment used in connection with the processing of hazardous wastes; "major hazardous waste facility" means any commercial hazardous waste facility which has a total capacity to treat, store or dispose of more than 250,000 gallons of hazardous waste, or the equivalent thereof, as determined by the department, except that any facility which would otherwise be considered a major hazardous waste facility pursuant to this subsection solely as the result of the recycling or rerefining of any hazardous wastes which are or contain gold, silver,

osmium, platinum, palladium, iridium, rhodium, ruthenium or copper shall not be considered a major hazardous waste facility for the purposes of this act; "existing major hazardous waste facility" means any major hazardous waste facility which was legally in operation or upon which construction had legally commenced prior to the effective date of this act; "new major hazardous waste facility" means any major hazardous waste facility other than an existing major hazardous waste facility; "commercial hazardous waste facility" means any hazardous waste facility which accepts hazardous waste from more than one generator for storage, treatment or disposal at a site other than the site where the hazardous waste was generated;

m. "Hazardous waste industry" means any industry which operates a hazardous waste facility or which proposes to construct or operate a hazardous waste facility;

n. "Owner or operator" means and includes, in addition to the usual meanings thereof, every owner of record of any interest in land whereon a major hazardous waste facility is or has been located, and any person or corporation which owns a majority interest in any other corporation which is the owner or operator of any major hazardous waste facility;

o. "Plan" means the Major Hazardous Waste Facilities Plan adopted by the commission pursuant to section 10 of this act;

p. "Registration statement" or "registration" means the operating license, approved by the department, for a major hazardous waste facility; "registrant" means the person to whom such approval was granted.<sup>1</sup>

20. Section 3 of P.L.1989, c.243 (C.13:1E-55.1) is amended to read as follows:

C.13:1E-55.1 Annual program analysis required.

3. a. The Director of the Office of Management and Budget shall annually conduct an analysis of the program established in the Department of Environmental Protection for the cleanup of hazardous discharges in the State. This program analysis shall include an evaluation of the staff levels necessary to efficiently carry out the program and an analysis of the most efficient use of the various sources of funds dedicated to the cleanup program.

b. The program analysis shall be submitted to the Commissioner of Environmental Protection for review and to the State Auditor for utilization in the preparation of the audit report.

c. (Deleted by amendment, P.L.2007, c.39).

21. Section 9 of P.L.1981, c.279 (C.13:1E-57) is amended to read as follows:

C.13:1E-57 Criteria for siting of new major hazardous waste facilities; preparation and adoption.

9. a. The department shall, within 1 year of the effective date of this act, prepare, adopt and transmit to the commission criteria for the siting of new major hazardous waste facilities. Such criteria shall be designed to prevent any significant adverse environmental impact resulting from the location or operation of a major hazardous waste facility, including any significant degradation of the surface or ground waters of this State, and shall prohibit the location or operation of any new major hazardous waste facility, at a minimum, within:

(1) 2,000 feet of any structure which is routinely occupied by the same person or persons more than 12 hours per day, or by the same person or persons under the age of 18 for more than 2 hours per day, except that the commission may permit the location of a major hazardous waste facility less than 2,000 feet, but in no case less than 1,500 feet, from such

structures upon showing that such a location would not present a substantial danger to the health, welfare, and safety of the persons occupying or inhabiting such structures;

(2) Any flood hazard area delineated pursuant to P.L.1962, c.19 (C.58:16A-50 et seq.);

(3) Any wetlands designated pursuant to P.L.1970, c.272 (C.13:9A-1 et seq.);

(4) Any area where the seasonal high water table rises to within 1 foot of the surface, unless the seasonal high water table can be lowered to more than 1 foot below the surface by permanent drainage measures approved by the department; and

(5) Any area within a 20 mile radius of a nuclear fission power plant at which spent nuclear fuel rods are stored on-site.

b. The provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), or any other law to the contrary notwithstanding, the department shall prepare and adopt criteria for the siting of new major hazardous waste facilities as follows:

(1) Within 6 months of the effective date of this act, the department shall prepare and make available to all interested persons preliminary criteria for the siting of new major hazardous waste facilities;

(2) Within 8 months of the effective date of this act, the department shall conduct public meetings on the preliminary criteria in the several geographic areas of this State. Notice of these meetings shall be published, at least 30 days in advance thereof, in at least two newspapers circulating in the specific geographic area where the meeting will be held. Notice of these meetings shall also be transmitted, at least 30 days in advance thereof, to every municipal clerk and environmental commission within the specified geographic area where the meeting will be held;

(3) Within 9 months of the effective date of this act, the department shall consider and evaluate any comments made at the public meetings, make such revisions to the preliminary criteria as it deems necessary or appropriate, and schedule a public hearing on the revised criteria. Notice of this hearing shall be published, at least 30 days in advance thereof, in at least four newspapers of general circulation in this State;

(4) Within 10 months of the effective date of this act, the department shall conduct the public hearing on the revised criteria; and

(5) Within 1 year of the effective date of this act, the department shall consider and evaluate any comments made at the public hearing, make such changes to the revised criteria as it deems necessary or appropriate, and adopt and transmit to the commission final criteria for the siting of new major hazardous waste facilities.

22. Section 10 of P.L.1981, c.279 (C.13:1E-58) is amended to read as follows:

C.13:1E-58 Major hazardous waste facilities plan; preparation and adoption; contents; public information program.

10. a. The commission shall prepare and adopt, within 1 year of the effective date of this act, a Major Hazardous Waste Facilities Plan. This plan shall be revised and updated every 3 years, or more frequently when, in the discretion of the commission, changes in existing hazardous waste facilities, the amount or type of hazardous waste generated in this State, or technological advances so require.

b. The plan shall include, but need not be limited to:

(1) An inventory and appraisal, including the identity, location and life expectancy, of all hazardous waste facilities located within the State, and the identity of every person engaging in hazardous waste collection, treatment, storage or disposal within the State;

(2) A current inventory of the sources, composition and quantity of the hazardous waste generated within the State;

(3) Projections of the amounts and composition of hazardous waste to be generated within the State in each of the next 3 years;

(4) A determination of the number and type of new major hazardous waste facilities needed to treat, store or dispose of hazardous waste in this State;

(5) An analysis of the ability of all existing facilities to meet current and proposed State and federal environmental, health and safety standards and their performance in meeting these standards;

(6) An analysis of transportation routes and transportation costs from hazardous waste generators to existing or available suitable sites for major hazardous waste facilities;

(7) Procedures to encourage codisposal of solid and hazardous waste, source reduction, materials recovery, energy recovery, waste exchanging and recycling and to discourage all inappropriate disposal techniques, and to minimize the amount of hazardous waste to be treated, stored or disposed of in this State; and

(8) A regional analysis of existing and necessary major hazardous waste facilities and recommended procedures for coordinating major hazardous waste facilities planning on a regional basis.

c. The provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), or any other law to the contrary notwithstanding, the commission shall prepare and adopt the plan as follows:

(1) Within 6 months of the effective date of this act, the commission shall prepare and make available to all interested persons a proposed plan;

(2) Within 8 months of the effective date of this act, the commission shall conduct public hearings in the several geographic areas of the State on the proposed plan. Notice of these hearings shall be published at least 30 days in advance thereof in at least two newspapers circulating in the specific geographic area where the hearing will be held;

(3) Within 1 year of the effective date of this act, the commission shall consider any comments made at the public hearings, make such revisions to the proposed plan as it deems necessary or appropriate, and adopt the plan.

d. Within 90 days of the effective date of this act, the commission shall, in consultation with the department, establish a public information program which addresses:

(1) The nature and dimension of the hazardous waste problem;

(2) The need for the proper and expeditious siting of new major hazardous waste facilities;

(3) The respective responsibilities of the commission and department pursuant to this act; and

(4) The necessity and opportunities for public participation as provided herein.

e. In preparing or revising the plan pursuant to this section, the commission may direct that the department provide or prepare any data or other information which the commission deems necessary for the performance of its responsibilities pursuant to this act.

23. Section 11 of P.L.1981, c.279 (C.13:1E-59) is amended to read as follows:

C.13:1E-59 Site designations; proposal and adoption.

11. a. The commission shall propose and adopt site designations for the number and type of new major hazardous waste facilities determined to be necessary in the plan.

The provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) or any other law to the contrary notwithstanding, these sites shall be proposed and adopted in the following manner:

(1) Within 18 months of the effective date of this act, or within 6 months of the receipt of the criteria from the department, whichever is sooner, the commission shall propose sites for new major hazardous waste facilities, transmit written notice thereof, by certified mail, to the governing body, board of health, planning board and environmental commission of the affected municipality, and provide the governing body with a grant, pursuant to the provisions of subsection d. of this section, to conduct a site suitability study of the proposed site. In the event that a site is located in a county wherein has been established a county health department, such notice shall also be transmitted thereto;

(2) Within 6 months of the receipt of a grant from the commission, the governing body of the affected municipality shall complete and transmit to the commission the site suitability study on the proposed site;

(3) Within 45 days of the receipt by the commission of the municipal site suitability study, an adjudicatory hearing concerning the proposed site shall be conducted by an administrative law judge. The affected municipality shall be a party of interest to such hearing, and shall have the right to present testimony and cross-examine witnesses. Intervention in this hearing by any other person shall be as provided by the "Administrative Procedure Act";

(4) Within 30 days of the close of such hearing, the administrative law judge shall transmit his recommendations for action on the proposed site to the commission. The judge shall not favorably recommend the proposed site as suitable for a major hazardous waste facility unless he finds clear and convincing evidence that locating a major hazardous waste facility on the proposed site will not constitute a substantial detriment to the public health, safety and welfare of the affected municipality; and

(5) Within 30 days of the receipt thereof, the commission shall affirm, conditionally affirm or reject the recommendations of the administrative law judge and adopt or withdraw the proposed site. Such action by the commission shall be based upon the potential for significant impairment of the environment or the public health, shall be considered to be final agency action thereon for the purposes of the "Administrative Procedure Act" and shall be subject only to judicial review as provided in the Rules of Court.

If the commission fails to act upon the recommendations of the administrative law judge as required in this subsection, the failure shall constitute commission affirmance of those recommendations.

b. The commission may designate alternate or additional sites for new major hazardous waste facilities, at the request of any hazardous waste industry, and the requestor shall have the burden of proof concerning the suitability of the site in proceedings conducted pursuant to subsection a. of this section.

c. The commission may, upon its own motion or at the request of the governing body of any affected municipality, repeal or withdraw any adopted site for a new major hazardous waste facility if, in the discretion of the commission, such action is consistent with the purposes and provisions of this act.

d. The commission may make grants to municipalities for conducting site suitability studies of proposed sites for major hazardous waste facilities, pursuant to this section, from any State, federal or other funds which may be appropriated or otherwise made available to it for this purpose.



e. In the event that any site proposed by the commission pursuant to this section is located in more than one municipality, the notices required herein shall be transmitted to each affected municipality or agency thereof, the grant awarded for the municipal site suitability study shall be made to all of the affected municipalities, the site suitability study shall be conducted jointly by all of the affected municipalities, and all of the affected municipalities shall be considered a single party for the purposes of the adjudicatory hearing held pursuant to this section.<sup>1</sup>

24. Section 12 of P.L.1981, c.279 (C.13:1E-60) is amended to read as follows:

C.13:1E-60 Construction of major hazardous waste facility; registration statement and engineering design; review; approval; findings; fees; exemptions.

12. a. No person shall commence construction of any major hazardous waste facility on or after the effective date of this act unless that person shall have obtained the approval of the department for the registration statement and engineering design for such facility prior to construction thereof.

b. The department shall review all applications for registration statements and engineering designs for new major hazardous waste facilities. The review shall include the evaluation of an environmental and health impact statement, which statement shall be prepared by the commission at the applicant's expense.

In addition to all other standards and conditions pertaining to an application for registration and engineering design approval, no such approval shall be granted by the department for a new major hazardous waste facility unless the department finds that:

(1) (Deleted by amendment, P.L.1983, c. 392);

(2) The environmental and health impact statement shows that the location and design of the proposed facility will pose no significant threat to human health or to the environment if properly managed in accordance with all relevant federal and State laws and all rules and regulations adopted pursuant thereto; and

(3) The proposed facility would be operated by the proposed operator on a site designated by the commission for that particular type of major hazardous waste facility.

c. The provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), or any other law to the contrary notwithstanding, the review of all applications for registration and engineering design approval for new major hazardous waste facilities shall be conducted in the following manner:

(1) Not less than 90 days prior to filing an application for registration and engineering design approval, the applicant shall submit to the department and the governing body of the affected municipality a letter of intent to apply for registration and engineering design approval, and a brief description of the nature of the proposed facility;

(2) (Deleted by amendment, P.L.1983, c.392);

(3) The department shall transmit, by certified mail, a complete copy of any application submitted pursuant to this subsection to the governing body, board of health, planning board and environmental commission of the affected municipality;

(4) Within 6 months of the receipt of such notice, the affected municipality shall conduct and transmit to the department a review of the proposed facility and operator, including a site plan review conducted in the manner provided by the "Municipal Land Use Law," P.L.1975, c.291 (C. 40:55D-1 et seq.). The cost of the municipal review shall be borne by the applicant, except that such cost shall not exceed \$15,000.00 per application. In preparing

this review, the affected municipality may request and receive any reasonable and relevant information from the applicant or the department;

(5) Within 8 months of the receipt of a complete application, the department shall reject the application or grant tentative approval thereof, which tentative approval shall establish design and operating conditions for the proposed major hazardous waste facility, requirements for the monitoring thereof, and any other conditions required under State rules and regulations;

(6) All tentative approvals of applications granted pursuant to this subsection shall be transmitted to the applicant and to the affected municipality and shall be accompanied by a fact sheet setting forth the principal facts and the significant factual, legal, methodological, and policy questions considered in granting the tentative approval. The fact sheet shall include a description of the type of facility or activity which is the subject of the tentative approval; the types and quantities of wastes which are proposed to be treated, stored, or disposed of at the proposed facility; a brief summary of the basis for the conditions of the tentative approval; the environmental and health impact statement prepared for the proposed facility and a summary as to how the statement demonstrates that the proposed facility, subject to such conditions as may have been imposed, would not create a significant adverse impact upon the public health or the environment, and, in the event that the granting of the tentative approval is contrary to the findings of the municipal review of the application, the department's reasons for the rejection of those findings;

(7) Within 45 days of the granting of a tentative approval of an application, an adjudicatory hearing on the proposed facility and operator shall be conducted by an administrative law judge. The affected municipality shall be a party of interest to such hearing, and shall have the right to present testimony and cross-examine witnesses. Intervention in this hearing by any other person shall be as provided in the "Administrative Procedure Act" ;

(8) Within 30 days of the close of such hearing, the administrative law judge shall transmit his recommendations for action on the application to the department. The judge shall not recommend approval of an application unless he finds clear and convincing evidence that the disclosure statement and application for a registration statement establish that the owner and operator of the proposed facility possess sufficient financial resources to construct, operate, and guarantee maintenance and closure of the facility, and that the facility will not constitute a substantial detriment to the public health, safety and welfare of the affected municipality; and

(9) Within 60 days of the receipt thereof, the department shall affirm, conditionally affirm or reject the recommendations of the administrative law judge and grant final approval to or deny the application. Such approval or denial of an application by the department shall be considered to be final agency action thereon for the purposes of the "Administrative Procedure Act," and shall be subject only to judicial review as provided in the Rules of Court.

If the department fails to act upon the recommendations of the administrative law judge as required by this subsection, the failure shall constitute departmental affirmance of the recommendations.

d. The department may charge and collect, in accordance with a fee schedule adopted as a rule and regulation pursuant to the "Administrative Procedure Act," such reasonable fees as may be necessary to cover the costs of reviewing applications pursuant to this section.

e. The department may, upon request of an owner or operator and after public hearing, exempt a major hazardous waste facility below a certain size or of a particular type from

being considered a major hazardous waste facility for the purposes of this section, provided that such exemption is consistent with the eligibility standards contained in rules and regulations adopted by the commission.

f. In the event that any application reviewed by the department pursuant to this section is for a registration statement and engineering design approval for a proposed major hazardous waste facility on a site located in more than one municipality, the notices required herein shall be transmitted to each affected municipality or agency thereof, the municipal review of the proposed facility and operator shall be conducted jointly by all of the affected municipalities, and all of the affected municipalities shall be considered a single party for the purposes of the adjudicatory hearing held pursuant to this section.

25. Section 38 of P.L.1981, c.279 (C.13:1E-86) is amended to read as follows:

C.13:1E-86 Report; need for State construction and operation of major hazardous waste facilities or exchange.

38. Within 5 years of the effective date of this act, the commission, in consultation with the department, shall prepare and transmit to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature a report detailing the findings of the commission with respect to the need, if any, for State construction and operation of major hazardous waste facilities, the need, if any, for the State operation of a hazardous waste exchange, as well as the need, if any, for State rate regulation of major hazardous waste facilities.

26. Section 2 of P.L.1983, c.65 (C.17:29A-34) is amended to read as follows:

C.17:29A-34 Intent and purpose of act.

2. It is the intent and purpose of this act:

a. To require each insurer to apply on a flat and uniform fee basis per insured automobile Statewide its miscellaneous taxes, licenses, fees and at least 90% of its general expenses and acquisition, field supervision, and collection expense portions of the premium, excluding commissions.

b. To require that each insurer flatten the tax portion of the automobile insurance premium paid pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.) and certain assessments made pursuant to sections 4, 6 and 7 of P.L.1952, c.174 (C.39:6-64, 39:6-66 and 39:6-67) on a flat uniform fee basis per insured automobile Statewide.

c. To establish the New Jersey Merit Rating Plan for convictions for motor vehicle violations and an accident surcharge system for motor vehicles, based on criteria set forth in this act.

d. To require that automobile insurance rates charged any insured shall not exceed certain average rates, as determined in the act.

e. To provide that every senior citizen will receive the benefit of at least a 5% rate reduction as a result of this act.

f. (Deleted by amendment, P.L.1984, c.1.)

g. To establish a time guideline to assist in speeding the rate review process for all property and casualty lines, including automobile insurance, and to provide that a filing shall be deemed approved unless disapproved by the commissioner within the specified time.

h. To provide for higher deductibles on collision and comprehensive coverage, an increase in uninsured motorist coverage, and underinsured motorist coverage for private passenger automobile insurance.

i. To provide the funds necessary to modernize the operations and improve the effectiveness and efficiencies of the New Jersey Motor Vehicle Commission so as to permit the commission to discharge its statutory obligations relating to the automobile insurance system.

j. To provide by the enactment of all these reforms that automobile insurance will be affordable, available, and more equitable to the motorists of this State.

27. Section 5 of P.L.1983, c.222 (C.58:10-23.24) is amended to read as follows:

C.58:10-23.24 Hazardous substance contingency response master plan.

5. The department shall adopt, within 10 months of the effective date of this act and pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a Hazardous Substance Contingency Response Master Plan.

28. This act shall take effect immediately.

Approved January 29, 2007.