

(PRELIMINARY COPY – UNOFFICIAL)
P.L.2018, CHAPTER.54, *approved July 1, 2018*
SENATE, NO. 2824 (*First Reprint*)

AN ACT TO AMEND AND SUPPLEMENT "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 2019 and regulating the disbursement thereof," approved July 1, 2018 (P.L.2018, c.53).

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

1. In addition to the amounts appropriated under P.L.2018, c.53, the annual State appropriations act for Fiscal Year 2019, there are appropriated out of the General Fund the following sums for the purposes specified:

74 DEPARTMENT OF STATE	
<i>30 Educational, Cultural, and Intellectual Development</i>	
<i>36 Higher Educational Services</i>	
<i>2405 Higher Education Student Assistance Authority</i>	
<u>GRANTS-IN-AID</u>	
45-2405 Student Assistance Programs	\$20,000,000
Total Grants-in-Aid Appropriation, Higher Education Student Assistance Authority	\$20,000,000
Grants-in-Aid:	
45 Community College Opportunity Grant ...	(\$20,000,000)

2. In addition to the amounts appropriated under P.L.2018, c.53, the annual State appropriations act for Fiscal Year 2019, there are appropriated out of the Property Tax Relief Fund the following sums for the purposes specified:

82 DEPARTMENT OF THE TREASURY	
<i>70 Government Direction, Management, and Control</i>	
<i>75 State Subsidies and Financial Aid</i>	
<u>STATE AID</u>	
42-2085 Energy Tax Receipts Property Tax Relief Aid	\$788,492,000
¹ (From General Fund	\$335,492,000) ¹
(From Property Tax Relief Fund ¹ [\$788,492,000] <u>453,000,000</u> ¹)	
Total State Aid Appropriation, State Subsidies and Financial Aid	\$788,492,000
¹ (From General Fund	\$335,492,000) ¹
(From Property Tax Relief Fund ¹ [\$788,492,000] <u>453,000,000</u> ¹)	

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

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
¹Assembly floor amendments adopted June 30, 2018.
²Governor's line-item changes of July 1, 2018.

State Aid:

¹ 42	<u>Energy Tax Receipts</u>	
	Property Tax Relief Aid	(\$335,492,000) ¹
42	Energy Tax Receipts	¹ 【(\$788,492,000)】
	Property Tax Relief Aid (PTRF)	<u>453,000,000¹</u>

3. The following items in section 1 of P.L.2018, c.53, the annual appropriations act for Fiscal Year 2019, are amended to read as follows:

74 DEPARTMENT OF STATE

30 Educational, Cultural, and Intellectual Development

37 Cultural and Intellectual Development Services

DIRECT STATE SERVICES

05-2530	Support of the Arts	\$405,000
06-2335	Museum Services	2,242,000
07-2540	Development of Historical Resources	789,000
	Total Direct State Services Appropriation,	
	Cultural and Intellectual Development Services	<u>\$3,436,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$2,450,000)
Materials and Supplies	(92,000)
Services Other Than Personal	(300,000)
Maintenance and Fixed Charges	(94,000)

Special Purpose:

<u>07</u>	<u>New Jersey Historical Commission –</u>	
	<u>Celebration of America</u>	<u>(500,000)</u>

4. The following language provisions are added to section 1 of P.L.2018, c.53, the annual State appropriations act for Fiscal Year 2019:

74 DEPARTMENT OF STATE

30 Educational, Cultural, and Intellectual Development

36 Higher Educational Services

2410 Rutgers, The State University – New Brunswick

GRANTS-IN-AID

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated to Rutgers – The State University, there is appropriated an amount not to exceed \$500,000 which shall be used to support and maintain an office responsible for overseeing the coordination and implementation of improvements that foster technology and innovation in New Jersey, subject to the approval of the Director of the Division of Budget and Accounting.

5. The following language provisions in section 1 of P.L.2018, c.53, the annual appropriations act for Fiscal Year 2019, are amended to read as follows:

22 DEPARTMENT OF COMMUNITY AFFAIRS

70 Government Direction, Management, and Control

75 State Subsidies and Financial Aid

STATE AID

Notwithstanding the provisions of any law or regulation to the contrary, from the amounts received from the appropriation to the Consolidated Municipal Property Tax Relief Aid Program and received from the amounts transferred from Consolidated Municipal Property Tax Relief Aid to the Energy Tax Receipts Property Tax Relief **【Fund】 Aid account**, each municipality shall be required to distribute to each fire district within its boundaries the amount received by the fire district from the Supplementary Aid for Fire Services program pursuant to the provisions of the fiscal year 1995 annual appropriations act, P.L.1994, c.67, less an amount proportional to reductions in the combined total amount received by the municipality from Consolidated Municipal Property Tax Relief Aid and from the Energy Tax Receipts Property Tax Relief Fund/Aid account since fiscal year 2008.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Consolidated Municipal Property Tax Relief Aid shall be distributed in the same amounts, and to the same municipalities that received funding pursuant to the previous year's annual appropriations act; provided further, however, that from the amount hereinabove appropriated there are transferred to the Energy Tax Receipts Property Tax Relief **【Fund】 Aid account** such amounts as were determined for fiscal year 2019 and prior fiscal years pursuant to subsection e. of section 2 of P.L.1997, c.167 (C.52:27D-439), as amended by P.L.1999, c.168; and except that the amount of Consolidated Municipal Property Tax Relief Aid allocated to Newark ²【, Paterson, and Trenton shall be increased by the amount of Transitional Aid to Localities it was awarded for calendar year 2017, and the amount of Consolidated Municipal Property Tax Relief Aid received by any other municipality shall be increased by such amounts of Transitional Aid to Localities deemed to constitute Consolidated Municipal Property Tax Relief Aid by the Director of the Division of Local Government Services in the previous fiscal year; provided further, that amounts shall be transferred as necessary from the appropriation for Transitional Aid to Localities to the appropriation for

Consolidated Municipal Property Tax Relief Aid to provide Newark, Paterson, and Trenton² with the increase in Consolidated Municipal Property Tax Relief Aid required herein, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the Director of the Division of Local Government Services shall take such actions as may be necessary to ensure that proportional amounts of the Consolidated Municipal Property Tax Relief Aid and the amounts transferred from Consolidated Municipal Property Tax Relief Aid to the [" Energy Tax Receipts Property Tax Relief Fund"] Aid account appropriated to offset losses from business personal property tax that would have otherwise been used for the support of public schools will be used to reduce the school property tax levy for those affected school districts with the remaining State Aid used a municipal property tax relief. The chief financial officer of the municipality shall pay to the school districts such amounts as may be due by December 31.

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural, and Intellectual Development

31 Direct Educational Services and Assistance

STATE AID

Notwithstanding the provisions of any law or regulation to the contrary, following notification to the Joint Budget Oversight Committee there are appropriated to the Emergency Fund account such additional amounts as may be required to fund approved applications for emergency aid following district needs assessments conducted by the Department of Education, subject to the approval of the Director of the Division of Budget and Accounting. The commissioner shall determine the repayment terms, if any, that will be assessed.² [Such additional amounts are appropriated as may be required to ensure that any district that received emergency aid in the previous fiscal year will not receive less K-12 aid as set forth in the March 2018 State Aid notice issued by the Commissioner of Education than the sum of K-12 aid as set forth in the July 2017 State Aid notice issued by the Commissioner of Education and the emergency aid received in the previous fiscal year, subject to the approval of the Director of the Division of Budget and Accounting. The commissioner shall determine the repayment terms, if any, that will be assessed.²

74 DEPARTMENT OF STATE
30 Educational, Cultural, and Intellectual Development
36 Higher Educational Services
2405 Higher Education Student Assistance Authority
GRANTS-IN-AID

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for County College Opportunity Grants is subject to the following conditions: (1) \$20 million is appropriated to the Higher Education Student Assistance Authority for the purpose of providing grants to eligible enrollees at New Jersey county colleges, commencing with the 2019 Spring semester beginning on or after January 1, 2019, to pay for the costs of tuition or fees, or both, that are not already covered by other available funding opportunities, including but not limited to awards of tuition assistance and grants from any source, as determined by the Higher Education Student Assistance Authority; provided, however, that the Higher Education Student Assistance Authority, in consultation with the Office of the Secretary of Higher Education, shall establish criteria governing student eligibility and other necessary program elements, which shall be published on the Authority's Internet website; provided further that for Fiscal Year 2019, grants shall be available only to eligible students whose annual family income, as determined by the Authority, does not exceed \$45,000; and provided further that unexpended balances, not to exceed \$5 million, may be reallocated to augment the Tuition Assistance Grant program for county colleges, upon the recommendation of the Secretary of Higher Education and subject to the approval of the Director of the Division of Budget and Accounting; and (2) \$5 million is appropriated to the Office of the Secretary of Higher Education for the purpose of providing planning grants to county colleges to develop plans for a program of free county college education pursuant to criteria to be established by the Secretary and published on the Internet website of the Office of the Secretary of Higher Education, which shall include but not be limited to goals and strategies for capacity building, increasing student completion, reducing financial burdens on students, and estimates and plans by county colleges for adapting to increased enrollment, subject to the approval of the Director of the Division of Budget and Accounting.

94 INTERDEPARTMENTAL ACCOUNTS
70 Government Direction, Management, and Control
74 General Government Services
9420 Other Interdepartmental Accounts
GRANTS-IN-AID

The amount hereinabove appropriated for Direct Support Professionals Wage Increase shall be used to provide a wage increase to each direct support professional who provides children's behavioral health services **【and】** or assists children **【and】** or adults with intellectual **【and】** or developmental disabilities under a provider **【contracts】** contract or fee-for-service agreement with the Department of Children and Families, the Division of Developmental Disabilities in the Department of Human Services, **【and】** or the Division of Vocational Rehabilitation Services in the Department of Labor and Workforce Development. The Commissioner of Human Services shall, effective July 1 2018, increase Community Care Program and Supports Program reimbursement rates for the following service categories: Career Planning, Community Based Supports, Community Inclusion Services, Day Habilitation, Individual Supports, Prevocational Training, Respite, and Supported Employment. The increased rates for these eight identified services in the Supports Program and Community Care Program shall be used to calculate an increase to individual participant budgets in order to support the same level of service. The Commissioner of Children and Families **【,** the Commissioner of Human Services,**】** and the Commissioner of Labor and Workforce Development shall each modify service provider contracts or fee-for-service rates as necessary to ensure receipt of **【this】** a wage increase by each direct support professional beginning October 1, 2018 , and require that each direct support professional receives the same percentage wage increase. Amounts shall be transferred to departments and divisions contracting with community care providers in order to provide the appropriate upward contract adjustment. **【Contract adjustments to all eligible providers shall ensure that each direct support professional receives the same percentage wage increase.】** No later than October 1, 2018, the Director of the Division of Budget and Accounting shall submit a report to the Joint Budget Oversight Committee detailing, for each department and division: the specific community care providers that will receive an upward contract adjustment in FY2019; for each provider receiving an upward adjustment, the direct support professional wage base dollar amount upon which each contract adjustment was calculated and the dollar amount of the upward contract adjustment to be received in FY2019; the sum of the contract bases of all community providers receiving an upward adjustment; an explanation of how the amounts associated with the upward contract adjustment were calculated; and the manner in which the department or division administering each contract will ensure that the

contract adjustment will be used to provide increased payments to direct support professionals.

¹6. The following language provisions in section 1 of P.L.2018, c.53, the annual appropriations act for Fiscal Year 2019, are amended to read as follows:

82 DEPARTMENT OF THE TREASURY
70 Government Direction, Management, and Control
75 State Subsidies and Financial Aid

STATE AID

【There is appropriated from the **】** Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Energy Tax Receipts Property Tax Relief **【Fund the amount of \$788,492,000】** Aid and an amount not to exceed \$375,939,000 from Consolidated Municipal Property Tax Relief Aid is appropriated and shall be allocated to municipalities in accordance with the provisions of subsection b. of section 2 of P.L.1997, c.167 (C.52:27D-439), provided further, however, that from the amounts hereinabove appropriated, each municipality shall also receive such additional amounts as provided in the previous fiscal year from the Energy Tax Receipts Property Tax Relief **【Fund】** Aid account. Each municipality that receives an allocation from the amount so transferred from the Consolidated Municipal Property Tax Relief Aid program shall have its allocation from the Consolidated Municipal Property Tax Relief Aid program reduced by the same amount.

Notwithstanding the provisions of paragraph (1) of subsection c. of section 2 of P.L.1997, c.167 (C.52:27D-439) or any other law or regulation to the contrary, the amount hereinabove appropriated for Energy Tax Receipts Property Tax Relief **【Fund payments】** Aid shall be distributed on the following schedule: on or before August 1, 45% of the total amount due; September 1, 30% of the total amount due; October 1, 15% of the total amount due; November 1, 5% of the total amount due, December 1 for municipalities operating under a calendar fiscal year, 5% of the total amount due; and June 1 for municipalities operating under the State fiscal year, 5% of the total amount due; provided, however, that notwithstanding the provisions of any law or regulation to the contrary, the Director of Local Government Services, in consultation with the Commissioner of Community Affairs and the State Treasurer, may direct the Director of the Division of Budget and Accounting to provide such payments on an accelerated schedule if necessary to ensure fiscal stability for a municipality.

Notwithstanding the provisions of any law or regulation to the contrary, the release of the total annual amount due for the current fiscal year from Energy Tax Receipts Property Tax Relief **[Fund]** Aid to municipalities is subject to the following condition: the municipality shall submit to the Director of the Division of Local Government Services a report describing the municipality's compliance with the "Best Practices Inventory" established by the Director of the Division of Local Government Services; provided, however, that the director may take into account the particular circumstances of a municipality. In preparing the Best Practices Inventory, the director shall identify best municipal practices in the areas of general administration, fiscal management, and operational activities, as well as the particular circumstances of a municipality, in determining the minimum score acceptable for the release of the total annual amount due for the current fiscal year.¹

¹**[6.] 7.**¹ The following language provision is added to the General Provisions of P.L.2018, c.53, the annual State appropriations act for Fiscal Year 2019:

98. Notwithstanding the provisions of any law or regulation to the contrary, amounts deposited into the "Energy Tax Receipts Property Tax Relief Fund" pursuant to P.L.1997, c.167 (C.52:27D-438 et al.) are appropriated to the General Fund as State revenue.

¹**[7.] 8.**¹ Section 98 of P.L.2018, c.53 is amended to read as follows:

[98.] 99. This act shall take effect July 1, 2018.

¹**[8.] 9.**¹ This act shall take effect July 1, 2018, but shall remain inoperative until the enactment into law of the annual appropriations act for the fiscal year ending June 30, 2019, P.L.2018, c.53.