

[First Reprint]

SENATE, No. 2507

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED JANUARY 13, 2009

Sponsored by:
Senator BARBARA BUONO
District 18 (Middlesex)

SYNOPSIS

Amends the Fiscal Year 2009 appropriation act to implement certain components of the Executive's plan to offset shortfalls in State revenues.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on February 2, 2009, with amendments.



1 AN ACT to amend an "An Act making appropriations for the support of
 2 the State Government and the several public purposes for the fiscal
 3 year ending June 30, 2009 and regulating the disbursement thereof,"
 4 approved June 30, 2008 (P.L.2008, c.35).

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

8
 9 1. The following provisions of section 1 of P.L.2008, c.35 are
 10 amended to read as follows:

34 DEPARTMENT OF EDUCATION

11 **1****[Notwithstanding]** Subject to the enactment of P.L.2009, c. (pending before
 12 the Legislature as Senate Bill No. 7 of 2008 or Assembly Bill No. 3688 of
 13 2009), and provided further that the Governor directs that an amount not to
 14 exceed \$75,000,000 of State aid appropriations for school districts shall be
 15 placed in reserve and thereby made unavailable for expenditure by the State,
 16 then notwithstanding¹ the provisions of any law, rule, or regulation to the
 17 contrary, between February 1, 2009 and June 30, 2009, the Commissioner of
 18 Education shall withhold payment of State aid to a school district by an
 19 amount equal to the difference between the pension contribution that would
 20 have been required to be paid by the school district to the Public Employees'
 21 Retirement System for the 2008-2009 fiscal year notwithstanding the
 22 provisions of section 1 of P.L. , c. (pending before the Legislature as
 23 Senate Bill No. 7 of 2008 ¹or Assembly Bill No. 3688 of 2009¹) and the
 24 pension contribution required to be paid by the school district to the Public
 25 Employees' Retirement System for the 2008-2009 fiscal year pursuant to the
 26 provisions of section 1 of P.L. , c. (pending before the Legislature as
 27 Senate Bill No. 7 of 2008 ¹or Assembly Bill No. 3688 of 2009¹). The
 28 Commissioner shall determine the amount of State aid to be withheld from
 29 each school district in consultation with the State Treasurer. **1****[The total**
 30 **amount of State aid to be withheld shall not exceed \$75,000,000.]¹**
 31 **Notwithstanding** the provisions of any law, rule, or regulation to the contrary,
 32 any amount that a school district is required to deposit into a pension reserve
 33 account shall be reduced by the amount of State aid withheld.

46 DEPARTMENT OF HEALTH AND SENIOR SERVICES

34 **[Consistent with]** **Notwithstanding** the provisions of P.L.2005, c.237,
 35 **[\$40,000,000]** **\$25,300,000** from the surcharge on each general hospital and
 36 each specialty heart hospital is appropriated to fund federally qualified health
 37 centers and **\$14,700,000** is appropriated to the General Fund as general
 38 revenue. Any unexpended balance at the end of the preceding fiscal year in the
 39 Health Care Subsidy Fund received through the hospital and other health care
 40 initiatives account during fiscal year 2008 is appropriated, and notwithstanding
 41 the provision of P.L.2005, c.237 or any law or regulation to the contrary, an

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted February 2, 2009.

1 amount not to exceed \$3,000,000 is appropriated from the unexpended balance
2 of such funds, subject to the approval of the Director of the Division of Budget
3 and Accounting, to provide one-time grants to federally qualified health
4 centers in financial distress, as shall be determined by the Commissioner of
5 Health and Senior Services, for the purpose of maintaining adequate access to
6 health care within the State; provided further, however, that such one time
7 grants shall only be awarded pursuant to procedure for applications, criteria for
8 eligibility, qualifications of applicants and any other relevant information as
9 shall be established by the commissioner. The qualifications shall include an
10 agreement by a recipient that the recipient shall allow the commissioner to
11 review its finances and operational performance to ensure that access to health
12 care is maintained and public funds are utilized for their intended purpose.
13

' 62 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

50 Economic Planning, Development, and Security

53 Economic Assistance and Security

DIRECT STATE SERVICES

05-4525 Workers' Compensation

14 Notwithstanding the provisions of R.S.34:15-49 to the contrary, including the
15 reference therein to salaries of judges of the Division of Workers'
16 Compensation determined as a percentage of the annual salary of judges of
17 Superior Court, beginning on January 1, 2009 there shall be no increase paid
18 from appropriations made herein for an annual salary increase for judges of the
19 Division of Workers' Compensation.
20

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management, and Control

74 General Government Services

2026 Office of Administrative Law

DIRECT STATE SERVICES

45-2026 Adjudication of Administrative Appeals

21 Notwithstanding the provisions of section 4 of P.L.1978, c.67 (C.52:14F-4) to the
22 contrary, including the reference therein to salaries of administrative law judges
23 determined as a percentage of the annual salary of judges of Superior Court,
24 beginning on January 1, 2009 there shall be no increase paid from
25 appropriations made herein for an annual salary increase for administrative law
26 judges.

FEDERAL FUNDS

27 Notwithstanding the provisions of any law or regulation to the contrary, in addition
28 to the federal funds appropriated in the FY 2009 appropriations act, P.L.2008,
29 c.35, there are appropriated to the appropriate executive agencies, subject to the
30 approval of the Director of the Division of Budget and Accounting, such
31 additional federal funds received during this fiscal year pursuant to any federal
32 law authorizing a federal economic stimulus program or any other similar
33 federal program for the purposes, projects, and programs set forth in such law;
34 provided, however, that if the federal law does not delineate the specific
35 purposes, projects, and programs to be funded by the federal funds, the
36 purposes, projects, and programs to be funded by the federal funds shall be

1 subject to the approval of the Joint Budget Oversight Committee, and further
2 provided, however, that the State Treasurer shall report to the President of the
3 Senate, the Speaker of the General Assembly, the Chair of the Senate Budget
4 and Appropriations Committee, and the Chair of the Assembly Budget
5 Committee at least quarterly on the receipt and utilization of all additional
6 federal funds received during this fiscal year pursuant to any federal law
7 authorizing a federal economic stimulus program.

8 Officials from the appropriate executive agencies are hereby authorized to take such
9 steps, if any, as may be necessary to qualify for, apply for, receive and expend
10 such federal funds and to make such commitments, representations and other
11 agreements as may be required by the federal government to receive federal
12 funds under federal law authorizing the federal economic stimulus program or
13 any other similar federal law. Furthermore, and notwithstanding any other law
14 or regulation to the contrary, officials from the appropriate executive agencies
15 may encumber any of these federal funds appropriated pursuant to this provision
16 prior to entering into any contract, grant or other agreement obligating the
17 federal funds, subject to the approval of the Director of the Division of Budget
18 and Accounting.¹

19 (cf: P.L.2008, c.35, s.1)

20
21 2. The following general provision is added to P.L.2008, c.35 to
22 read as follows:

23 Notwithstanding the provisions of any law or regulation to the
24 contrary, such additional sums as may be needed for the payment of
25 interest and/or principal due from the issuance of any bonds authorized
26 under the several bond acts of the State, not to exceed \$135,000,000,
27 are appropriated and shall first be charged to the Long Term Obligation
28 and Capital Expenditure Fund, subject to the approval of the Director
29 of the Division of Budget and Accounting.

30
31 3. The following general provision is added to P.L.2008, c.35 to
32 read as follows:

33 Notwithstanding the provisions of any law or regulation to the
34 contrary, there may be transferred from the debt defeasance account
35 established pursuant to section 3 of P.L.2008, c.22 and various capital
36 accounts established pursuant to section 4 of P.L.2008, c.22 in the
37 Long Term Obligation and Capital Expenditure Fund to the Property
38 Tax Relief Fund an amount not in excess of \$371,000,000, as revenue
39 to support appropriations in the Property Tax Relief Fund, subject to
40 the approval of the Director of the Division of Budget and Accounting.

41
42 4. The following general provision is added to P.L.2008, c.35 to
43 read as follows:

44 Notwithstanding the provisions of section 5 of P.L.1990, c.44
45 (C.52:9H-18) or any law or regulation to the contrary, there may be
46 transferred from the Surplus Revenue Fund to the Property Tax Relief
47 Fund an amount not in excess of \$275,000,000, as revenue to support
48 appropriations in the Property Tax Relief Fund, subject to the approval
49 of the Director of the Division of Budget and Accounting.

1 ¹【5.The following general provision is added to P.L.2008, c.35 to
2 read as follows:

3 Notwithstanding the provisions of any law or regulation to the
4 contrary, there is appropriated from the Casino Control Fund
5 \$1,718,000 for transfer to the Casino Revenue Fund as revenue to
6 support appropriations in the Casino Revenue Fund, subject to the
7 approval of the Director of the Division of Budget and Accounting.】¹

8

9 ¹【6.】5.¹ This act shall take effect immediately.