

P.L.2010, CHAPTER 50, *approved August 16, 2010*  
Senate, No. 1982 (*First Reprint*)

1   **AN ACT** concerning terminology referring to persons with various  
2       disabilities and revising parts of statutory law.

3  
4       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7       1. Section 27 of P.L.1982, c.77 (C.2A:4A-46) is amended to  
8 read as follows:

9       27. a. The court may order any disposition in a juvenile-family  
10 crisis provided for in paragraphs (2), (4), (5), (6), (7) and (13) of  
11 subsection b. of section 24 of P.L.1982, c.77 (C.2A:4A-43) or other  
12 disposition specifically provided for in P.L.1982, c.80 (C.2A:4A-76  
13 et seq.).

14       b. No juvenile involved in a juvenile-family crisis shall be  
15 committed to or placed in any institution or facility established for  
16 the care of delinquent children or in any facility, other than an  
17 institution for **the mentally retarded** persons with intellectual  
18 disabilities, a mental hospital or facility for the care of persons  
19 addicted to controlled dangerous substances, which physically  
20 restricts such juvenile committed to or placed in it.  
21 (cf: P.L. 1995, c.280, s.14)

22  
23       2. Section 3 of P.L.1977, c.200 (C.5:5-44.4) is amended to read  
24 as follows:

25       3. The New Jersey State Developmental Disabilities Council  
26 shall determine annually which organizations in New Jersey shall  
27 receive the moneys to be distributed pursuant to section 2 of this  
28 supplemental act; provided, however, that such organizations shall  
29 be nonprofit organizations which expend funds for direct services in  
30 full-time programs to New Jersey residents who are  
31 developmentally disabled, and provided further, however, that each  
32 such organization shall be affiliated with a national organization of  
33 the same type and purpose. As used herein, "developmentally  
34 disabled" means a disability of a person which (1) is attributable to:

35       (a) **mental retardation** an intellectual disability, cerebral  
36 palsy, epilepsy or autism;

37       (b) any other condition found to be closely related to **mental**  
38 **retardation** an intellectual disability because such condition results

**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:

<sup>1</sup>Senate SHH committee amendments adopted June 10, 2010.

1 in impairment of general intellectual functioning or adaptive  
2 behavior similar to impairment resulting from [mental retardation]  
3 an intellectual disability or which requires treatment and services  
4 similar to those required for [mental retardation] an intellectual  
5 disability; or

6 (c) dyslexia resulting from a disability described in  
7 subparagraphs (a) and (b);

8 (2) originates before such person attains age 18;

9 (3) has continued or can be expected to continue indefinitely;  
10 and

11 (4) constitutes a substantial handicap to such person's ability to  
12 function normally in society.

13 (cf: P.L.1977, c. 200, s. 3)

14

15 3. Section 6 of P.L.1938, c.366 (C.17:48-6) is amended to read  
16 as follows:

17 6. Every individual contract made by a corporation subject to  
18 the provisions of this chapter to furnish services to a subscriber  
19 shall provide for the furnishing of services for a period of 12  
20 months, and no contract shall be made providing for the inception  
21 of such services at a date later than 1 year after the actual date of  
22 the making of such contract. Any such contract may provide that it  
23 shall be automatically renewed from year to year unless there shall  
24 have been at least 30 days' prior written notice of termination by  
25 either the subscriber or the corporation. In the absence of fraud or  
26 material misrepresentation in the application for a contract or for  
27 reinstatement, no contract with an individual subscriber shall be  
28 terminated by the corporation unless all contracts of the same type,  
29 in the same group or covering the same classification of persons are  
30 terminated under the same conditions.

31 No contract between any such corporation and a subscriber shall  
32 entitle more than one person to services, except that a contract  
33 issued as a family contract may provide that services will be  
34 furnished to a husband and wife, or husband, wife and their  
35 dependent child or children, or the subscriber and his (or her)  
36 dependent child or children. Adult dependent(s) of a subscriber  
37 may also be included for coverage under the contract of such  
38 subscriber.

39 Whenever, pursuant to the provisions of a subscription certificate  
40 or group contract issued by a corporation, the former spouse of a  
41 named subscriber under such a certificate or contract is no longer  
42 entitled to coverage as an eligible dependent by reason of divorce,  
43 separate coverage for such former spouse shall be made available  
44 the corporation on an individual non-group basis under the  
45 following conditions:

46 (a) Application for such non-group coverage shall be made to  
47 the corporation by or on behalf of such former spouse no later than

1 31 days following the date his or her coverage under the prior  
2 certificate or contract terminated.

3 (b) No new evidence of insurability shall be required in  
4 connection with the application for such non-group coverage but  
5 any health exception, limitation or exclusion applicable to said  
6 former spouse under the prior coverage may, at the option of the  
7 corporation, be carried over to the new non-group coverage.

8 (c) The effective date of the new coverage shall be the day  
9 following the date on which such former spouse's coverage under  
10 the prior certificate or contract terminated.

11 (d) The benefits provided under the non-group coverage issued  
12 to such former spouse shall be at least equal to the basic benefits  
13 provided in contracts then being issued by the corporation to new  
14 non-group applicants of the same age and family status.

15 Family type contracts shall provide that the services applicable  
16 for children shall be payable with respect to a newly-born child of  
17 the subscriber, or his or her spouse from the moment of birth. The  
18 services for newly-born children shall consist of coverage of injury  
19 or sickness including the necessary care and treatment of medically  
20 diagnosed congenital defects and abnormalities. If a subscription  
21 payment is required to provide services for a child, the contract may  
22 require that notification of birth of a newly-born child and the  
23 required payment must be furnished to the service corporation  
24 within 31 days after the date of birth in order to have the coverage  
25 continue beyond such 31-day period.

26 Nonfamily type contracts which provide for services to the  
27 subscriber but not to family members or dependents of that  
28 subscriber, shall also provide services to newly-born children of the  
29 subscriber which shall commence with the moment of birth of each  
30 child and shall consist of coverage of injury or sickness including  
31 the necessary care and treatment of medically diagnosed congenital  
32 defects and abnormalities, provided that application therefor and  
33 payment of the required subscription amount are made to include in  
34 said contract the coverage described in the preceding paragraph of  
35 this section within 31 days from the date of birth of a newborn  
36 child.

37 A contract under which coverage of a dependent of a subscriber  
38 terminates at a specified age shall, with respect to an unmarried  
39 child, covered by the contract prior to attainment of age 19, who is  
40 incapable of self-sustaining employment by reason of [mental  
41 retardation] an intellectual disability or physical handicap and who  
42 became so incapable prior to attainment of age 19 and who is  
43 chiefly dependent upon such subscriber for support and  
44 maintenance, not so terminate while the contract remains in force  
45 and the dependent remains in such condition, if the subscriber has  
46 within 31 days of such dependent's attainment of the termination  
47 age submitted proof of such dependent's incapacity as described  
48 herein. The foregoing provisions of this paragraph shall not apply

1 retrospectively or prospectively to require a hospital service  
2 corporation to insure as a covered dependent any **【mentally**  
3 **retarded】** child with an intellectual disability or physically  
4 handicapped child of the applicant where the contract is  
5 underwritten on evidence of insurability based on health factors  
6 required to be set forth in the application. In such cases any  
7 contract heretofore or hereafter issued may specifically exclude  
8 such **【mentally retarded】** child with an intellectual disability or  
9 physically handicapped child from coverage.

10 Every individual contract entered into by any such corporation  
11 with any subscriber thereto shall be in writing and a certificate  
12 stating the terms and conditions thereof shall be furnished to the  
13 subscriber to be kept by him. No such certificate form shall be  
14 made, issued or delivered in this State unless it contains the  
15 following provisions:

16 (a) A statement of the contract rate, or amount payable to the  
17 corporation by or on behalf of the subscriber for the original  
18 quarter-annual period of coverage and of the time or times at which,  
19 and the manner in which, such amount is to be paid; and a  
20 provision requiring 30 days written notice to the subscriber before  
21 any change in the contract, including a change in the amount of  
22 subscription rate, shall take effect;

23 (b) A statement of the nature of the services to be furnished and  
24 the period during which they will be furnished; and if there are any  
25 services to be excepted, a detailed statement of such exceptions  
26 printed as hereinafter specified;

27 (c) A statement of the terms and conditions, if any, upon which  
28 the contract may be amended on approval of the commissioner or  
29 canceled or otherwise terminated at the option of either party. Any  
30 notice to the subscriber shall be effective if sent by mail to the  
31 subscriber's address as shown at the time on the plan's record,  
32 except that, in the case of persons for whom payment of the contract  
33 is made through a remitting agent, any such notice to the subscriber  
34 shall also be effective if a personalized notice is sent to the  
35 remitting agent for delivery to the subscriber, in which case it shall  
36 be the responsibility of the remitting agent to make such delivery.  
37 The notice to the subscriber as herein required shall be sent at least  
38 30 days before the amendment, cancellation or termination of the  
39 contract takes effect. Any rider or endorsement accompanying such  
40 notice, and amending the rates or other provisions of the contract,  
41 shall be deemed to be a part of the contract as of the effective date  
42 of such rider or endorsement;

43 (d) A statement that the contract includes the endorsements  
44 thereon and attached papers, if any, and contains the entire contract  
45 for services;

46 (e) A statement that no statement by the subscriber in his  
47 application for a contract shall avoid the contract or be used in any  
48 legal proceeding thereunder, unless such application or an exact

1 copy thereof is included in or attached to such contract, and that no  
2 agent or representative of such corporation, other than an officer or  
3 officers designated therein, is authorized to change the contract or  
4 waive any of its provisions;

5 (f) A statement that if the subscriber defaults in making any  
6 payment under the contract, the subsequent acceptance of a  
7 payment by the corporation or by one of its duly authorized agents  
8 shall reinstate the contract, but with respect to sickness and injury  
9 may cover such sickness as may be first manifested more than 10  
10 days after the date of such acceptance;

11 (g) A statement of the period of grace which will be allowed the  
12 subscriber for making any payment due under the contract. Such  
13 period shall be not less than 10 days.

14 In every such contract made, issued or delivered in this State:

15 (a) All printed portions shall be plainly printed in type of which  
16 the face is not smaller than 10 point;

17 (b) There shall be a brief description of the contract on its first  
18 page and on its filing back in type of which the face is not smaller  
19 than 14 point;

20 (c) The exceptions of the contract shall appear with the same  
21 prominence as the benefits to which they apply; and

22 (d) If the contract contains any provision purporting to make  
23 any portion of the articles, constitution or bylaws of the corporation  
24 a part of the contract, such portion shall be set forth in full.

25 (cf: P.L.1980, c.113, s.3)

26  
27 4. Section 2 of P.L.1964, c.104 (C.17:48-6.1) is amended to  
28 read as follows:

29 2. A hospital service corporation may issue to a policyholder a  
30 group contract, covering at least two employees or members at the  
31 date of issue, if it conforms to the following description:

32 (a) A contract issued to an employer or to the trustees of a fund  
33 established by one or more employers, or issued to a labor union, or  
34 issued to an association formed for purposes other than obtaining  
35 such contract, or issued to the trustees of a fund established by one  
36 or more labor unions, or by one or more employers and one or more  
37 labor unions, covering employees and members of associations or  
38 labor unions.

39 (b) A contract issued to cover any other group which the  
40 Commissioner of Insurance determines may be covered in  
41 accordance with sound underwriting principles.

42 Benefits may be provided for one or more members of the  
43 families or one or more dependents of persons who may be covered  
44 under a group contract referred to in (a) or (b) above.

45 Family type contracts shall provide that the services applicable  
46 for children shall be payable with respect to a newly-born child of  
47 the subscriber, or his or her spouse from the moment of birth. The  
48 services for newly-born children shall consist of coverage of injury

1 or sickness including the necessary care and treatment of medically  
2 diagnosed congenital defects and abnormalities. If a subscription  
3 payment is required to provide services for a child, the contract may  
4 require that notification of birth of a newly-born child and the  
5 required payment must be furnished to the service corporation  
6 within 31 days after the date of birth in order to have the coverage  
7 continue beyond such 31-day period. Group contracts which  
8 provide for services to the subscriber but not to family members or  
9 dependents of that subscriber, other than contracts which provide no  
10 dependent coverage whatsoever for the subscriber's class, shall also  
11 provide services to newly-born children of the subscriber which  
12 shall commence with the moment of birth of each child and shall  
13 consist of coverage of injury or sickness including the necessary  
14 care and treatment of medically diagnosed congenital defects and  
15 abnormalities, provided that application therefor and payment of the  
16 required subscription amount are made to include in said contract  
17 the coverage described in the preceding paragraph of this section  
18 within 31 days from the date of birth of a newborn child.

19 A contract under which coverage of such a dependent terminates  
20 at a specified age shall, with respect to an unmarried child, covered  
21 by the contract prior to attainment of age 19, who is incapable of  
22 self-sustaining employment by reason of **【mental retardation】**  
23 intellectual disability or physical handicap and who became so  
24 incapable prior to attainment of age 19 and who is chiefly  
25 dependent upon the covered employee or member for support and  
26 maintenance, not so terminate while the coverage of the employee  
27 or member remains in force and the dependent remains in such  
28 conditions, if the employee or member has within 31 days of such  
29 dependent's attainment of the termination age submitted proof of  
30 such dependent's incapacity as described herein. The foregoing  
31 provisions of this paragraph shall not apply retrospectively or  
32 prospectively to require a hospital service corporation to insure as a  
33 covered dependent any **【mentally retarded】** child with an  
34 intellectual disability or **【physically handicapped child】** physical  
35 handicap of the applicant where the contract is underwritten on  
36 evidence of insurability based on health factors required to be set  
37 forth in the application. In such cases any contract heretofore or  
38 hereafter issued may specifically exclude such **【mentally retarded】**  
39 child with an intellectual disability or **【physically handicapped**  
40 **child】** physical handicap from coverage.

41 Any group contract which contains provisions for the payment  
42 by the insurer of benefits for members of the family or dependents  
43 of a person in the insured group shall provide that, subject to  
44 payment of the appropriate premium, such family members or  
45 dependents be permitted to have coverage continued for at least 180  
46 days after the death of the person in the insured group.

1       The contract may provide that the term "employees" shall  
2 include as employees of a single employer the employees of one or  
3 more subsidiary corporations and the employees, individual  
4 proprietors and partners of affiliated corporations, proprietorships  
5 and partnerships if the business of the employer and such  
6 corporations, proprietorships or partnerships is under common  
7 control through stock ownership, contract or otherwise. The  
8 contract may provide that the term "employees" shall include the  
9 individual proprietor or partners of an individual proprietorship or a  
10 partnership. The contract may provide that the term "employees"  
11 shall include retired employees. A contract issued to trustees may  
12 provide that the term "employees" shall include the trustees or their  
13 employees, or both, if their duties are principally connected with  
14 such trusteeship. A contract issued to the trustees of a fund  
15 established by the members of an association of employers may  
16 provide that the term "employees" shall include the employees of  
17 the association.

18 (cf: P.L.1993, c.162, s.24)

19

20       5. Section 5 of P.L.1940, c.74 (C.17-48A-5) is amended to read  
21 as follows:

22       5. Every individual contract made by any corporation subject to  
23 the provisions of this chapter to provide payment for medical  
24 services shall provide for the payment of medical services for a  
25 period of 12 months from the date of issue of the subscription  
26 certificate. Any such contract may provide that it shall be  
27 automatically renewed from year to year unless there shall have  
28 been 1 month's prior written notice of termination by either the  
29 subscriber or the corporation. In the absence of fraud or material  
30 misrepresentation in the application for contract or for  
31 reinstatement, no contract with an individual subscriber shall be  
32 terminated by the corporation unless all contracts of the same type,  
33 in the same group or covering the same classification of persons are  
34 terminated under the same conditions. No contract between such  
35 corporation and subscriber shall allow for the payment for medical  
36 services for more than one person, except that a family contract  
37 may provide that payment will be made for medical services  
38 rendered to a subscriber and any of those dependents defined in  
39 section 1 of this act.

40       Whenever, pursuant to the provisions of a subscription certificate  
41 or group contract issued by a corporation, the former spouse of a  
42 named subscriber under such a certificate or contract is no longer  
43 entitled to coverage as an eligible dependent by reason of divorce,  
44 separate coverage for such former spouse shall be made available  
45 by the corporation on an individual nongroup basis under the  
46 following conditions:

47       (a) Application for such nongroup coverage shall be made to the  
48 corporation by or on behalf of such former spouse no later than 31

1 days following the date his or her coverage under the prior  
2 certificate or contract terminated.

3 (b) No new evidence of insurability shall be required in  
4 connection with the application for such nongroup coverage but any  
5 health exception, limitation or exclusion applicable to said former  
6 spouse under the prior coverage may, at the option of the  
7 corporation, be carried over to the new nongroup coverage.

8 (c) The effective date of the new coverage shall be the day  
9 following the date on which such former spouse's coverage under  
10 the prior certificate or contract terminated.

11 (d) The benefits provided under the nongroup coverage issued to  
12 such former spouse shall be at least equal to the basic benefits  
13 provided in contracts then being issued by the corporation to new  
14 nongroup applicants of the same age and family status.

15 Family type contracts shall provide that the services applicable  
16 for children shall be payable with respect to a newly-born child of  
17 the subscriber, or his or her spouse from the moment of birth. The  
18 services for newly-born children shall consist of coverage of injury  
19 or sickness including the necessary care and treatment of medically  
20 diagnosed congenital defects and abnormalities. If a subscription  
21 payment is required to provide services for a child, the contract may  
22 require that notification of birth of a newly-born child and the  
23 required payment shall be furnished to the service corporation  
24 within 31 days after the date of birth in order to have the coverage  
25 continue beyond such 31-day period.

26 Nonfamily type contracts which provide for services to the  
27 subscriber but not to family members or dependents of that  
28 subscriber, shall also provide services to newly-born children of the  
29 subscriber which shall commence with the moment of birth of each  
30 child and shall consist of coverage of injury or sickness including  
31 the necessary care and treatment of medically diagnosed congenital  
32 defects and abnormalities, provided that application therefor and  
33 payment of the required subscription amount are made to include in  
34 said contract the coverage described in the preceding paragraph of  
35 this section within 31 days from the date of birth of a newborn  
36 child.

37 A contract under which coverage of a dependent of a subscriber  
38 terminates at a specified age shall, with respect to an unmarried  
39 child, covered by the contract prior to attainment of age 19, who is  
40 incapable of self-sustaining employment by reason of [mental  
41 retardation] intellectual disability or physical handicap and who  
42 became so incapable prior to attainment of age 19 and who is  
43 chiefly dependent upon such subscriber for support and  
44 maintenance, not so terminate while the contract remains in force  
45 and the dependent remains in such condition, if the subscriber has  
46 within 31 days of such dependent's attainment of the termination  
47 age submitted proof of such dependent's incapacity as described  
48 herein. The foregoing provisions of this paragraph shall not apply



1 retrospectively or prospectively to require a medical service  
2 corporation to insure as a covered dependent any **【mentally**  
3 **retarded】** child with an intellectual disability or **【physically**  
4 **handicapped child】** physical handicap of the applicant where the  
5 contract is underwritten on evidence of insurability based on health  
6 factors, required to be set forth in the application. In such cases any  
7 contract heretofore or hereafter issued may specifically exclude  
8 such **【mentally retarded】** child with an intellectual disability or  
9 **【physically handicapped child】** physical handicap from coverage.  
10 (cf: P.L.1981, c.511, s.9)

11

12 6. Section 1 of P.L.1964, c.105 (C.17:48A-7.1) is amended to  
13 read as follows:

14 1. A medical service corporation may issue to a policyholder a  
15 group contract, covering at least 10 employees or members at the  
16 date of issue, if it conforms to the following description:

17 (a) A contract issued to an employer or to the trustees of a fund  
18 established by one or more employers, or issued to a labor union, or  
19 issued to an association formed for purposes other than obtaining  
20 such contract, or issued to the trustees of a fund established by one  
21 or more labor unions or by one or more employers and one or more  
22 labor unions, covering employees and members of associations or  
23 labor unions.

24 (b) A contract issued to cover any other group which the  
25 Commissioner of Insurance (hereinafter called the commissioner)  
26 determines may be covered in accordance with sound underwriting  
27 principles.

28 Benefits may be provided for one or more members of the  
29 families or one or more dependents of persons who may be covered  
30 under a group contract referred to in (a) or (b) above.

31 Family type contracts shall provide that the services applicable  
32 for children shall be payable with respect to a newly-born child of  
33 the subscriber, or his or her spouse from the moment of birth. The  
34 services for newly-born children shall consist of coverage of injury  
35 or sickness including the necessary care and treatment of medically  
36 diagnosed congenital defects and abnormalities. If a subscription  
37 payment is required to provide services for a child, the contract may  
38 require that notification of birth of a newly-born child and the  
39 required payment must be furnished to the service corporation  
40 within 31 days after the date of birth in order to have the coverage  
41 continue beyond such 31-day period.

42 Group contracts which provide for services to the subscriber but  
43 not to family members or dependents of that subscriber, other than  
44 contracts which provide no dependent coverage whatsoever for the  
45 subscriber's class, shall also provide services to newly-born children  
46 of the subscriber which shall commence with the moment of birth  
47 of each child and shall consist of coverage of injury or sickness

1 including the necessary care and treatment of medically diagnosed  
2 congenital defects and abnormalities, provided that application  
3 therefor and payment of the required subscription amount are made  
4 to include in said contract the coverage described in the preceding  
5 paragraph of this section within 31 days from the date of birth of a  
6 newborn child.

7 A contract under which coverage of such a dependent terminates  
8 at a specified age shall, with respect to an unmarried child, covered  
9 by the contract prior to attainment of age 19, who is incapable of  
10 self-sustaining employment by reason of ~~【mental retardation】~~  
11 intellectual disability or physical handicap and who became so  
12 incapable prior to attainment of age 19 and who is chiefly  
13 dependent upon the covered employee or member for support and  
14 maintenance, not so terminate while the coverage of the employee  
15 or member remains in force and the dependent remains in such  
16 condition, if the employee or member has within 31 days of such  
17 dependent's attainment of the termination age submitted proof of  
18 such dependent's incapacity as described herein. The foregoing  
19 provisions of this paragraph shall apply retrospectively or  
20 prospectively to require a medical service corporation to insure as a  
21 covered dependent any ~~【mentally retarded】~~ child with an  
22 intellectual disability or ~~【physically handicapped child】~~ physical  
23 handicap of the applicant where the contract is underwritten on  
24 evidence of insurability based on health factors required to be set  
25 forth in the application. In such cases any contract heretofore or  
26 hereafter issued may specifically exclude such ~~【mentally retarded】~~  
27 child with an intellectual disability or ~~【physically handicapped~~  
28 ~~child】~~ physical handicap from coverage.

29 Any group contract which contains provisions for the payment  
30 by the insurer of benefits for members of the family or dependents  
31 of a person in the insured group shall, subject to payment of the  
32 appropriate premium, provide that such family members or  
33 dependents be permitted to have coverage continued for at least 180  
34 days after the death of the person in the insured group.

35 The contract may provide that the term "employees" shall  
36 include as employees of a single employer the employees of one or  
37 more subsidiary corporations and the employees, individual  
38 proprietors and partners of affiliated corporations, proprietorships  
39 and partnerships if the business of the employer and such  
40 corporations, proprietorships or partnerships is under common  
41 control through stock ownership, contract or otherwise. The  
42 contract may provide that the term "employees" shall include the  
43 individual proprietor or partners of an individual proprietorship or a  
44 partnership. The contract may provide that the term "employees"  
45 shall include retired employees. A contract issued to trustees may  
46 provide that the term "employees" shall include the trustees or their  
47 employees, or both, if their duties are principally connected with

1 such trusteeship. A contract issued to the trustees of a fund  
2 established by the members of an association of employers may  
3 provide that the term "employees" shall include the employees of  
4 the association.

5 (cf: P.L.1976, c.101, s.3)

6  
7 7. Section 22 of P.L.1985, c.236 (C.17:48E-22) is amended to  
8 read as follows:

9 22. Coverage of an unmarried child, covered prior to attainment  
10 of age 19 by an individual contract under which coverage  
11 terminates at a specified age, who is incapable of self-sustaining  
12 employment by reason of **【mental retardation】** intellectual  
13 disability or physical handicap and who became so incapable prior  
14 to attainment of age 19 and who is chiefly dependent upon the  
15 subscriber for support and maintenance, shall not terminate while  
16 the contract remains in force and the dependent remains in that  
17 condition, if the subscriber has within 31 days of the dependent's  
18 attainment of the termination age submitted proof of the dependent's  
19 incapacity as described herein. The provisions of this section shall  
20 not apply retrospectively or prospectively to require a health service  
21 corporation to insure as a covered dependent any **【mentally**  
22 **retarded】** child with an intellectual disability or **【physically**  
23 **handicapped child】** physical handicap of the applicant where the  
24 contract is underwritten on evidence of insurability based on health  
25 factors required to be set forth in the application. A contract  
26 heretofore or hereafter issued may, however, specifically exclude  
27 such **【mentally retarded】** child with an intellectual disability or  
28 **【physically handicapped child】** physical handicap from coverage.

29 (cf: P.L.1985, c.236, s.22)

30  
31 8. Section 30 of P.L.1985, c.236 (C.17:48E-30) is amended to  
32 read as follows:

33 30. Coverage of an unmarried child, covered prior to attainment  
34 of age 19 by a group contract under which coverage terminates at a  
35 specified age, who is incapable of self-sustaining employment by  
36 reason of **【mental retardation】** intellectual disability or physical  
37 handicap and who became so incapable prior to attainment of age  
38 19 and who is chiefly dependent upon the covered employee or  
39 member for support and maintenance, shall not terminate while the  
40 coverage of the employee or member remains in force and the  
41 dependent remains in that condition, if the employee or member has  
42 within 31 days of the dependent's attainment of the termination age  
43 submitted proof of the dependent's incapacity as described herein.  
44 The provisions of this section shall not apply retrospectively or  
45 prospectively to require a health service corporation to insure as a  
46 covered dependent any **【mentally retarded】** child with an  
47 intellectual disability or **【physically handicapped child】** physical

1 handicap of the applicant where the contract is underwritten on  
2 evidence of insurability based on health factors required to be set  
3 forth in the application. Any contract heretofore or hereafter issued  
4 may, however, specifically exclude a **【mentally retarded】** child with  
5 an intellectual disability or **【physically handicapped child】** physical  
6 handicap from coverage.

7 (cf: P.L.1985, c.236, s.30)

8  
9 9. N.J.S.17B:26-2 is amended to read as follows:

10 17B:26-2. a. No such policy of insurance shall be delivered or  
11 issued for delivery to any person in this State unless:

12 (1) The entire money and other considerations therefor are  
13 expressed therein; and

14 (2) The time at which the insurance takes effect and terminates  
15 is expressed therein; and

16 (3) It purports to insure only one person, except that a policy  
17 may insure, originally or by subsequent amendment, upon the  
18 application of an adult member of a family who shall be deemed the  
19 policyholder, any two or more eligible members of that family,  
20 including husband, wife, dependent children or any children under a  
21 specified age which shall not exceed 19 years and any other person  
22 dependent upon the policyholder; and

23 (4) The style, arrangement and over-all appearance of the policy  
24 give no undue prominence to any portion of the text, and unless  
25 every printed portion of the text of the policy and of any  
26 endorsements or attached papers is plainly printed in light-faced  
27 type of a style in general use, the size of which shall be uniform and  
28 not less than 10-point with a lower-case unspaced alphabet length  
29 not less than 120-point (the "text" shall include all printed matter  
30 except the name and address of the insurer, name or title of the  
31 policy, the brief description if any, and captions and subcaptions);  
32 and

33 (5) The exceptions and reductions of indemnity are set forth in  
34 the policy and, except those which are set forth in sections 17B:26-  
35 3 to 17B:26-31 inclusive, are printed, at the insurer's option, either  
36 included with the benefit provision to which they apply, or under an  
37 appropriate caption such as "exceptions," or "exceptions and  
38 reductions," provided that if an exception or reduction specifically  
39 applies only to a particular benefit of the policy, a statement of  
40 such exception or reduction shall be included with the benefit  
41 provision to which it applies; and

42 (6) Each such form, including riders and endorsements, shall be  
43 identified by a form number in the lower left-hand corner of the  
44 first page thereof; and

45 (7) It contains no provision purporting to make any portion of  
46 the charter, rules, constitution, or bylaws of the insurer a part of the  
47 policy unless such portion is set forth in full in the policy, except in  
48 the case of the incorporation of, or reference to, a statement of rates

1 or classification of risks, or short-rate table filed with the  
2 commissioner.

3 b. A policy under which coverage of a dependent of the  
4 policyholder terminates at a specified age shall, with respect to an  
5 unmarried child covered by the policy prior to the attainment of  
6 age 19, who is incapable of self-sustaining employment by reason  
7 of **【mental retardation】** intellectual disability or physical handicap  
8 and who became so incapable prior to attainment of age 19 and who  
9 is chiefly dependent upon such policyholder for support and  
10 maintenance, not so terminate while the policy remains in force and  
11 the dependent remains in such condition, if the policyholder has  
12 within 31 days of such dependent's attainment of the limiting age  
13 submitted proof of such dependent's incapacity as described herein.  
14 The foregoing provisions of this paragraph shall not require an  
15 insurer to insure a dependent who is a **【mentally retarded】** child  
16 with an intellectual disability or **【physically handicapped child】**  
17 physical handicap where the policy is underwritten on evidence of  
18 insurability based on health factors set forth in the application or  
19 where such dependent does not satisfy the conditions of the policy  
20 as to any requirement for evidence of insurability or other  
21 provisions of the policy, satisfaction of which is required for  
22 coverage thereunder to take effect. In any such case the terms of  
23 the policy shall apply with regard to the coverage or exclusion from  
24 coverage of such dependent.

25 c. Notwithstanding any provision of a policy of health  
26 insurance, hereafter delivered or issued for delivery in this State,  
27 whenever such policy provides for reimbursement for any  
28 optometric service which is within the lawful scope of practice of a  
29 duly licensed optometrist, the insured under such policy shall be  
30 entitled to reimbursement for such service, whether the said service  
31 is performed by a physician or duly licensed optometrist.

32 d. If any policy is issued by an insurer domiciled in this State  
33 for delivery to a person residing in another state, and if the official  
34 having responsibility for the administration of the insurance laws of  
35 such other state shall have advised the commissioner that any such  
36 policy is not subject to approval or disapproval by such official, the  
37 commissioner may by ruling require that such policy meet the  
38 standards set forth in subsection a. of this section and in sections  
39 17B:26-3 to 17B:26-31 inclusive.

40 e. Notwithstanding any provision of a policy of health  
41 insurance, hereafter delivered or issued for delivery in this State,  
42 whenever such policy provides for reimbursement for any  
43 psychological service which is within the lawful scope of practice  
44 of a duly licensed psychologist, the insured under such policy shall  
45 be entitled to reimbursement for such service, whether the said  
46 service is performed by a physician or duly licensed psychologist.

47 f. Notwithstanding any provision of a policy of health  
48 insurance, hereafter delivered or issued for delivery in this State,

1 whenever such policy provides for reimbursement for any service  
2 which is within the lawful scope of practice of a duly licensed  
3 chiropractor, the insured under such policy or the chiropractor  
4 rendering such service shall be entitled to reimbursement for such  
5 service, when the said service is performed by a chiropractor. The  
6 foregoing provision shall be liberally construed in favor of  
7 reimbursement of chiropractors.

8 g. All individual health insurance policies which provide  
9 coverage for a family member or dependent of the insured on an  
10 expense incurred basis shall also provide that the health insurance  
11 benefits applicable for children shall be payable with respect to a  
12 newly born child of that insured from the moment of birth.

13 (1) The coverage for newly born children shall consist of  
14 coverage of injury or sickness including the necessary care and  
15 treatment of medically diagnosed congenital defects and birth  
16 abnormalities.

17 (2) If payment of a specific premium is required to provide  
18 coverage for a child, the policy may require that notification of  
19 birth of a newly born child and payment of the required premium  
20 must be furnished to the insurer within 31 days after the date of  
21 birth in order to have the coverage continue beyond such 31-day  
22 period.

23 h. All individual health insurance policies which provide  
24 coverage on an expense incurred basis but do not provide coverage  
25 for a family member or dependent of the insured on an expense  
26 incurred basis shall nevertheless provide for coverage of newborn  
27 children of the insured which shall commence with the moment of  
28 birth of each child and shall consist of coverage of injury or  
29 sickness including the necessary care and treatment of medically  
30 diagnosed congenital defects and birth abnormalities, provided  
31 application therefor and payment of the required premium are made  
32 to the insurer to include in said policy coverage the same or similar  
33 to that of the insured, described in g. (1) above 31 days from the  
34 date of a newborn child.

35 i. Whenever, pursuant to the provisions of an individual or  
36 group contract issued by an insurer, the former spouse of a named  
37 insured is no longer entitled to coverage as an individual dependent  
38 by reason of divorce, separate coverage for such former spouse  
39 shall be made available by the insurer on an individual non-group  
40 basis under the following conditions:

41 (1) Application for such non-group coverage shall be made to  
42 the insurer by or on behalf of such former spouse no later than 31  
43 days following the date his or her coverage under the prior  
44 certificate or contract terminated.

45 (2) No new evidence of insurability shall be required in  
46 connection with the application for such non-group coverage but  
47 any health exception, limitation or exclusion applicable to said

1 former spouse under the prior coverage may, at the option of the  
2 insurer, be carried over to the new non-group coverage.

3 (3) The effective date of the new coverage shall be the day  
4 following the date on which such former spouse's coverage under  
5 the prior certificate or contract terminated.

6 (4) The benefits provided under the non-group coverage issued  
7 to such former spouse shall be at least equal to the basic benefits  
8 provided in contracts then being issued by the insurer to acceptable  
9 new non-group applicants of the same age and family status.  
10 (cf: P.L.1980, c.113, s.2)

11

12 10. N.J.S.17B:27-30 is amended to read as follow:

13 17B:27-30. Benefits of group health insurance, except benefits  
14 for loss of time on account of disability, may be provided for one or  
15 more members of the families or one or more dependents of persons  
16 who may be insured under a group policy referred to in sections  
17 17B:27-27, 17B:27-28 or 17B:27-29. Any group health insurance  
18 policy which contains provisions for the payment by the insurer of  
19 benefits for expenses incurred on account of hospital, nursing,  
20 medical, or surgical services for members of the family or  
21 dependents of a person in the insured group must, subject to  
22 payment of the appropriate premium, permit such family members  
23 or dependents to have coverage continued for at least 180 days after  
24 the death of the person in the insured group, subject to the policy  
25 provision as to termination of coverage with respect to family  
26 members or dependents for reasons other than the death of the  
27 person in the insured group.

28 All group health insurance policies which provide coverage for a  
29 family member or dependent of an insured on an expense incurred  
30 basis shall also provide that the benefits applicable for children  
31 shall be payable with respect to a newly-born child of that insured  
32 from the moment of birth. The coverage for newly-born children  
33 shall consist of coverage of injury or sickness including the  
34 necessary care and treatment of medically diagnosed congenital  
35 defects and birth abnormalities. If payment of a specific premium  
36 is required to provide coverage for a child, the policy may require  
37 that notification of birth of a newly-born child and payment of the  
38 required premium must be furnished to the insurer within 31 days  
39 after the date of birth in order to have the coverage continue  
40 beyond such 31-day period.

41 All group health insurance policies which provide coverage on  
42 an expense incurred basis for the insured but do not provide  
43 coverage for a family member or dependent of the insured on an  
44 expense incurred basis, except such group policies as provide no  
45 dependent coverage whatsoever for the insured's class, shall  
46 nevertheless provide for coverage of newborn children of the  
47 insured which shall commence with the moment of birth of each  
48 child and shall consist of coverage of injury or sickness including

1 the necessary care and treatment of medically diagnosed congenital  
2 defects and birth abnormalities, provided application and payment  
3 of the required premium are made to the insurer to include in said  
4 policy coverage for a newly-born child as described in the previous  
5 paragraph of this section within 31 days from the date of birth of a  
6 newborn child.

7 A policy under which coverage of a dependent of an employee or  
8 other member of the insured group terminates at a specified age  
9 shall, with respect to an unmarried child covered by the policy prior  
10 to the attainment of age 19, who is incapable of self-sustaining  
11 employment by reason of **[mental retardation]** intellectual  
12 disability or physical handicap and who became so incapable prior  
13 to attainment of age 19 and who is chiefly dependent upon such  
14 employee or member for support and maintenance, not so terminate  
15 while the insurance of the employee or member remains in force  
16 and the dependent remains in such condition, if the insured  
17 employee or member has within 31 days of such dependent's  
18 attainment of the termination age submitted proof of such  
19 dependent's incapacity as described herein. The foregoing  
20 provision of this paragraph shall not require an insurer to insure a  
21 dependent who is a **[mentally retarded]** child with an intellectual  
22 disability or **[physically handicapped child]** physical handicap of  
23 an employee or other member of the insured group where such  
24 dependent does not satisfy the conditions of the group policy as to  
25 any requirements for evidence of insurability or other provisions as  
26 may be stated in the group policy required for coverage thereunder  
27 to take effect. In any such case the terms of the policy shall apply  
28 with regard to the coverage or exclusion from coverage of such  
29 dependent.

30 (cf: P.L.1976, c.101, s.1)

31  
32 11. N.J.S.18A:39-1.2 is amended to read as follows:

33 18A:39-1.2. Whenever the governing body of a municipality  
34 finds that for safety reasons it is desirable to provide transportation  
35 to and from a school for pupils living within the municipality, other  
36 than those living remote from the school or those physically  
37 handicapped or **[mentally retarded]** with an intellectual disability,  
38 the governing body and the board of education of the district are  
39 authorized to enter into a contract pursuant to the "Interlocal  
40 Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.) under the terms  
41 of which the board shall provide such transportation. Any funds  
42 required to be paid by the municipality to the board of education  
43 under such a contract shall be appropriated by the governing body  
44 and paid to the custodian of school moneys of the district. The  
45 governing body of the municipality may charge the parents or  
46 guardians of children who are transported for safety reasons in  
47 order to help defray expenses, provided that no charge shall be  
48 imposed on the parent or guardian of any child who meets the



1 Statewide eligibility standards established by the State Board of  
2 Education for free and reduced price meals under the State school  
3 lunch program. The amount of any charges and the method of  
4 collection shall be specified in the contract between the municipal  
5 governing body and the board of education. Nothing in this section  
6 shall prevent a board of education from providing transportation at  
7 its own expense.

8 (cf: P.L.1995, c.271, s.1)

9  
10 12. N.J.S.18A:43A-5 is amended to read as follows:

11 18A:43A-5. The bureau may, subject to the approval of the  
12 board of education, provide for or administer any or all of the  
13 following services:

14 (a) Take, keep and maintain a census of all children residing in  
15 the district pursuant to the provisions of section 18A:11-2;

16 (b) Supervise and maintain a school attendance service to carry  
17 out the provisions of article 3 of chapter 38 of this title, Compulsory  
18 Education;

19 (c) Maintain a register and classification of **mentally retarded**  
20 children with intellectual disabilities and **handicapped** children  
21 with handicaps pursuant to the provisions of chapter 46 of this title;

22 (d) Supervise the issuance of employment certificates, age  
23 certificates and special permits pursuant to the provisions of chapter  
24 153 of the Laws of 1940, the law limiting and regulating child  
25 labor;

26 (e) Establish and maintain group and individual child guidance  
27 and counseling programs;

28 (f) Establish and operate speech and remedial reading clinics  
29 and such other clinics as will promote the normal educational  
30 development of the children of the district;

31 (g) Arrange with the respective county and municipal authorities  
32 concerned with proper juvenile development and particularly with  
33 those concerned with juvenile delinquency for mutual cooperation  
34 and assistance including service of the children's bureau as a  
35 receiving center for juvenile delinquents;

36 (h) Carry out, under guidance, the recommendations of mental  
37 health and diagnostic centers and clinics and of family psychiatrists  
38 and physicians;

39 (i) Counsel with parent and child;

40 (j) Cooperate in providing long- or short-term supervision of  
41 any child in connection with any of the services authorized by this  
42 section;

43 (k) Assist in the promotion of the normal development of youth  
44 and their proper adjustment in society.

45 (cf: N.J.S.18A:43A-5)

46  
47 13. N.J.S.18A:46-1 is amended to read as follows:

1 18A:46-1. As used in this chapter a handicapped child shall  
2 mean and include any child who **[is mentally retarded,]** has an  
3 intellectual disability or who is visually handicapped, auditorily  
4 handicapped, communication handicapped, neurologically or  
5 perceptually impaired, orthopedically handicapped, chronically ill,  
6 emotionally disturbed, socially maladjusted, multiply handicapped,  
7 autistic, or pre-school handicapped.  
8 (cf: 1990, c.52, s.55)

9  
10 14. N.J.S.18A:46-2 is amended to read as follows:

11 18A:46-2. The commissioner shall be responsible for the  
12 coordination of the work of the county departments of child study  
13 and the general administration of special educational services in the  
14 public schools of this State.

15 In order to carry out the provisions of this chapter, he shall  
16 appoint to his staff persons qualified to administer educational  
17 services in the general field of education for handicapped children  
18 including each of the following disability groups: (1) **[mentally**  
19 **retarded]** intellectually disabled, (2) orthopedically handicapped,  
20 (3) communication handicapped, (4) visually handicapped, (5)  
21 neurologically or perceptually impaired, (6) chronically ill, (7)  
22 emotionally disturbed, (8) socially maladjusted, (9) **[the]** auditorily  
23 handicapped, (10) autistic and (11) **[the]** pre-school handicapped,  
24 and a consultant experienced in child psychiatry, and specialists in  
25 school psychology, health service, school social work, learning  
26 disabilities and special education and such other qualified personnel  
27 as he shall deem necessary and he shall fix their compensation with  
28 the approval of the State board.

29 The commissioner shall appoint biannually an advisory council  
30 with the approval of the State board which will consist of not less  
31 than seven nor more than 15 members representative of public and  
32 private professional and lay interests. The advisory council shall  
33 advise in the promulgation of rules, regulations and the  
34 implementation of this chapter and the establishment of standards  
35 and qualifications for the professional personnel. The council shall  
36 serve without remuneration.

37 (cf: P.L.1990, c.52, s.56)

38  
39 15. N.J.S.18A:46-8 is amended to read as follows:

40 18A:46-8. Each board of education shall provide for the  
41 examination and classification of each child residing in the district  
42 and identified pursuant to N.J.S.18A:46-6, except that the board of  
43 education of a county vocational school district shall provide for the  
44 examination and classification of each child who is attending the  
45 county vocational school on a full-time basis and is identified  
46 pursuant to N.J.S.18A:46-6. Such examination and classification  
47 shall be accomplished according to procedures prescribed by the

1 commissioner and approved by the State board, under one of the  
2 following categories: **mentally retarded** intellectually disabled,  
3 visually handicapped, auditorily handicapped, communication  
4 handicapped, neurologically or perceptually impaired,  
5 orthopedically handicapped, chronically ill, emotionally disturbed,  
6 socially maladjusted, autistic, multiply handicapped or pre-school  
7 handicapped. The examination and classification of such nonpublic  
8 school children shall be in a location determined by the local board  
9 of education of the district in which the nonpublic school is located  
10 and approved by the commissioner pursuant to rules and regulations  
11 promulgated by the State board.

12 The classification of communication handicapped shall be made  
13 by the basic child study team and an approved speech correctionist  
14 or speech pathologist, without child study consultation. Such  
15 children shall be reported to the basic child study team.

16 The proposed classification shall be reported to the parent or  
17 guardian of the child and an opportunity provided, prior to  
18 implementation of the classification, for consultation by such parent  
19 or guardian with the appropriate special educational services  
20 personnel of the district. Pursuant to rules of the State board, the  
21 parent or guardian shall also be provided an opportunity for further  
22 review of the classification in the Department of Education.

23 (cf: P.L.1990, c.52, s.57)  
24

25 16. N.J.S.18A:46-9 is amended to read as follows:

26 18A:46-9. Each child classified pursuant to **section** N.J.S.  
27 18A:46-8 as **mentally retarded** having an intellectual disability  
28 shall be similarly further identified, examined and classified into  
29 one of the following subcategories:

30 a. Educable **mentally retarded children,** children with  
31 intellectual disabilities who **are those who** may be expected to  
32 succeed with a minimum of supervision in homes and schools and  
33 community life and are characterized particularly by reasonable  
34 expectation that at maturity they will be capable of vocational and  
35 social independence in competitive environment;

36 b. Trainable **mentally retarded children,** children with  
37 intellectual disabilities who are so **retarded** intellectually disabled  
38 that they cannot be classified as educable but are, notwithstanding,  
39 potentially capable of self-help, of communicating satisfactorily, or  
40 participating in groups, of directing their behavior so as not to be  
41 dangerous to themselves or others and of achieving with training  
42 some degree of personal independence and social and economic  
43 usefulness within sheltered environments;

44 c. Children eligible for day training, who are **those so**  
45 **severely mentally retarded as to be** incapable of giving evidence of  
46 understanding and responding in a positive manner to simple

1 directions expressed in the child's primary mode of communication  
2 and who cannot in some manner express basic wants and needs.

3 (cf: P.L.1975, c.212, s.39)

4  
5 17. R.S.19:4-1 is amended to read as follows:

6 19:4-1. Except as provided in **[sections]** R.S. 19:4-2 and R.S.  
7 19:4-3 **[of this Title]**, every person possessing the qualifications  
8 required by Article II, paragraph 3, of the Constitution of the State  
9 of New Jersey and having none of the disqualifications hereinafter  
10 stated and being duly registered as required by **[this]** Title 19, shall  
11 have the right of suffrage and shall be entitled to vote in the polling  
12 place assigned to the election district in which he actually resides,  
13 and not elsewhere.

14 No person shall have the right of suffrage--

15 (1) Who **[is an idiot or is insane]** has been adjudicated by a  
16 court of competent jurisdiction to lack the capacity to understand  
17 the act of voting; or

18 (2) (Deleted by amendment.)

19 (3) (Deleted by amendment.)

20 (4) (Deleted by amendment.)

21 (5) (Deleted by amendment.)

22 (6) Who has been convicted of a violation of any of the  
23 provisions of this Title, for which criminal penalties were imposed,  
24 if such person was deprived of such right as part of the punishment  
25 therefor according to law unless pardoned or restored by law to the  
26 right of suffrage; or

27 (7) Who shall be convicted of the violation of any of the  
28 provisions of this Title, for which criminal penalties are imposed, if  
29 such person shall be deprived of such right as part of the  
30 punishment therefor according to law, unless pardoned or restored  
31 by law to the right of suffrage; or

32 (8) Who is serving a sentence or is on parole or probation as the  
33 result of a conviction of any indictable offense under the laws of  
34 this or another state or of the United States.

35 A person who will have on the day of the next general election  
36 the qualifications to entitle him to vote shall have the right to be  
37 registered for and vote at such general election and register for and  
38 vote at any election, intervening between such date of registration  
39 and such general election, if he shall be a citizen of the United  
40 States and shall meet the age and residence requirements prescribed  
41 by the Constitution of this State and the laws of the United States,  
42 when such intervening election is held, as though such  
43 qualifications were met before registration.

44 (cf: P.L.1971, c.280, s.1)

45  
46 18. Section 15 of P.L.1971, c. 136 (C.26:2H-15) is amended to  
47 read as follows:

1       15. Whenever a residential health care facility, boarding house  
2 or rooming house, not licensed hereunder, by public or private  
3 advertising or by other means holds out to the public that it is  
4 equipped to provide postoperative or convalescent care for persons  
5 **【mentally ill or mentally retarded】** with mental illness or  
6 intellectual disabilities or who are suffering or recovering from  
7 illness or injury, or who are chronically ill, or whenever there is  
8 reason to believe that any such facility or institution, not licensed  
9 hereunder, is violating any of the provisions of this act, then, and in  
10 such case, the department shall be permitted reasonable inspection  
11 of such premises for the purpose of ascertaining whether there is  
12 any violation of the provisions hereof. If any such residential  
13 health care facility, boarding house or rooming house, shall operate  
14 as a private mental hospital, convalescent home, private nursing  
15 home or private hospital in violation of the provisions of this act,  
16 then the same shall be liable to the penalties which are prescribed  
17 and capable of being assessed against health care facilities pursuant  
18 to this act.

19       Any person, firm, association, partnership or corporation, not  
20 licensed hereunder, but who holds out to the public by advertising  
21 or other means that the medical and nursing care contemplated by  
22 this act will be furnished to persons seeking admission as patients,  
23 shall cease and desist from such practice and shall be liable to a  
24 penalty of \$100.00 for the first offense and \$500.00 for each  
25 subsequent offense, such penalty to be recovered as provided for  
26 herein.

27 (cf: P.L.1979, c.496, s.21)

28  
29       19. R.S.30:1-12 is amended to read as follows:

30       30:1-12. a. The Legislature finds that the Commissioner of  
31 Human Services is obligated by State and federal law to assure that  
32 programs that serve eligible, low-income, handicapped, elderly,  
33 abused, and disabled persons are provided in an accessible,  
34 efficient, cost-effective and high quality manner. In order to meet  
35 these ends, the commissioner must have sufficient authority to  
36 require institutions and agencies that are under his direct or indirect  
37 supervision to meet State and federal mandates. This authority is  
38 especially necessary given the manner in which certain services are  
39 provided by county or local agencies, but are funded in whole or  
40 part by the State. The Legislature finds that the commissioner must  
41 have the authority to establish rules, regulations and directives,  
42 including incentives and sanctions, to assure that these institutions  
43 and agencies are providing services in a manner consistent with  
44 these mandates.

45       b. The commissioner shall have power to determine all matters  
46 relating to the unified and continuous development of the  
47 institutions and noninstitutional agencies within his jurisdiction. He  
48 shall determine all matters of policy and shall have power to

1 regulate the administration of the institutions or noninstitutional  
2 agencies within his jurisdiction, correct and adjust the same so that  
3 each shall function as an integral part of a general system. The  
4 rules, regulations, orders and directions issued by the commissioner  
5 pursuant thereto, for this purpose shall be accepted and enforced by  
6 the executive having charge of any institution or group of  
7 institutions or noninstitutional agencies or any phase of the work  
8 within the jurisdiction of the department.

9 In order to implement the public policy of this State concerning  
10 the provision of charitable, hospital, relief and training institutions  
11 established for diagnosis, care, treatment, training, rehabilitation  
12 and welfare of persons in need thereof, for research and for training  
13 of personnel, and in order that the personnel, buildings, land, and  
14 other facilities provided be most effectively used to these ends and  
15 to advance the public interest, the commissioner is hereby  
16 empowered to classify and designate from time to time the specific  
17 functions to be performed at and by any of the aforesaid institutions  
18 under his jurisdiction and to designate, by general classification of  
19 disease or disability, age or sex, the classes of persons who may be  
20 admitted to, or served by, these institutions or agencies.

21 In addition to and in conjunction with its general facilities and  
22 services for **the mentally ill, mentally retarded and tuberculous**  
23 persons with mental illness, developmental disabilities, or  
24 tuberculosis, the department may at its discretion establish and  
25 maintain specialized facilities and services for the residential care,  
26 treatment and rehabilitation of persons who are suffering from  
27 chronic mental or neurological disorders, including, but not limited  
28 to alcoholism, drug addiction, epilepsy and cerebral palsy.

29 The commissioner shall have the power to regulate the  
30 administration of agencies under his supervision including, but not  
31 limited to, municipal and county agencies that administer public  
32 assistance. The commissioner may issue rules, regulations, orders  
33 and directions to assure that programs administered by the agencies  
34 are financially and programmatically efficient and effective, and to  
35 establish incentives and impose sanctions to assure the appropriate  
36 operation of programs and compliance with State and federal laws  
37 and regulations.

38 In addition, the commissioner shall have the authority to:

39 (1) review and approve county and municipal budgets for public  
40 assistance; and

41 (2) take appropriate interim action, including withholding State  
42 and federal administrative funds, or take over and operate county or  
43 municipal public assistance operations in situations in which the  
44 commissioner determines that the public assistance agency is failing  
45 to substantially follow federal or State law, thereby placing clients,  
46 who are dependent on public assistance benefits to survive in a  
47 humane and healthy manner, at serious risk. In this situation, the  
48 commissioner shall have the authority to bill the county for the cost

1 of such operations and for necessary changes to assure that services  
2 are provided to accomplish federal and State mandates in an  
3 effective and efficient manner.

4 No rule, regulation, order or direction shall abridge the authority  
5 of a county or municipality to establish wages and terms and  
6 conditions of employment for its employees through collective  
7 negotiation with an authorized employee organization pursuant to  
8 P.L.1984, c.14 (C.44:7-6.1 et seq.).

9 The commissioner shall have the power to promulgate  
10 regulations to assure that services in State and county psychiatric  
11 facilities are provided in an efficient and accessible manner and are  
12 of the highest quality. Regulations shall include, but shall not be  
13 limited to, the transfer of patients between facilities; the  
14 maintenance of quality in order to obtain certification by the United  
15 States Department of Health and Human Services; the review of the  
16 facility's budget; and the establishment of sanctions to assure the  
17 appropriate operation of facilities in compliance with State and  
18 federal laws and regulations.

19 The commissioner shall have the power to promulgate  
20 regulations to assure that county adjusters effectively and  
21 efficiently conduct investigations, notify legally responsible persons  
22 of amounts to be assessed against them, petition the courts,  
23 represent patients in psychiatric facilities, and as necessary reopen  
24 the question of payment for maintenance of persons residing in  
25 psychiatric facilities. Regulations may include minimum standards  
26 for determining payment of care by legally responsible persons; a  
27 uniform reporting system of findings, conclusions and  
28 recommendations; and the establishment of sanctions to assure  
29 compliance with State laws and regulations.

30 c. The commissioner shall have the power to conduct an  
31 investigation into the financial ability to pay, directly or indirectly,  
32 of any person receiving services from the department, or his  
33 chargeable relatives. This authority shall include the power to issue  
34 subpoenas to compel testimony and the production of documents.  
35 The commissioner may contract with a public or private entity to  
36 perform the functions set forth in this subsection, subject to terms  
37 and conditions required by the commissioner.

38 (cf: P.L.1997, c.37, s.11)

39

40 20. R.S.30:1-15 is amended to read as follows:

41 30:1-15. The commissioner and the State board shall have the  
42 power of visitation and inspection of all county and city jails or  
43 places of detention, county or city workhouses, county  
44 penitentiaries, county mental hospitals, poor farms, almshouses,  
45 county and municipal schools of detention, and privately  
46 maintained institutions and noninstitutional agencies for the care  
47 and treatment of [the mentally ill, the blind, the deaf, the mentally  
48 retarded] persons with mental illness or developmental disabilities

1 and persons who are blind <sup>1</sup>['or deaf] , visually impaired, deaf  
2 blind, or hard of hearing<sup>1</sup>, or other institutions, and noninstitutional  
3 agencies conducted for the benefit of **the physically and mentally**  
4 **defective** persons <sup>1</sup>['who are physically or mentally defective]  
5 with a physical or mental deficiency<sup>1</sup>, or the furnishing of board,  
6 lodging or care for children. The commissioner or his duly  
7 authorized agent, and any member of the State board shall be  
8 admitted to any and all parts of any such institutions at any time,  
9 for the purpose of inspecting and observing the physical condition  
10 thereof, the methods of management and operation thereof, the  
11 physical condition of the inmates, the care, treatment and discipline  
12 thereof, and also to determine whether such persons so admitted or  
13 committed are properly and adequately boarded, lodged, treated,  
14 cared for and maintained. The commissioner and the State board  
15 may make such report with reference to the result of such  
16 observation and inspection and recommendation with reference  
17 thereto, as they may determine.

18 (cf: P.L.1977, c.63, s.11)

19  
20 21. Section 3 of P.L.1965, c.59 (C.30:1-15.1) is amended to read  
21 as follows:

22 3. Inspection and approval of all residential facilities within the  
23 State providing diagnosis, care or treatment of **the mentally ill or**  
24 **the mentally retarded** persons with mental illness or developmental  
25 disabilities shall be a responsibility of the department. The  
26 commissioner shall have the duty and is hereby authorized to set  
27 standards, and through his agents, including professionally qualified  
28 persons, to visit and inspect as often as is necessary, but at least  
29 once a year, all residential facilities which provide diagnosis, care  
30 or treatment of **the mentally ill or the mentally retarded** persons  
31 with mental illness or developmental disabilities, whether State,  
32 county, municipal, public or private, in order to determine the  
33 conditions under which such persons are lodged, cared for,  
34 maintained or treated, and in order to assure that adequate standards  
35 of care and treatment are maintained, that civil liberties of  
36 individuals receiving care are preserved and that the public may be  
37 informed of the adequacy of these facilities.

38 The State board and the commissioner, or their agents, shall have  
39 the right of admission to all parts of any building or buildings in  
40 which **mentally ill or mentally retarded** persons with mental  
41 illness or developmental disabilities are lodged, cared for or treated,  
42 as often as may be necessary. The extent and results of such  
43 visitation and inspection shall be included in the annual or any  
44 special report of the commissioner or the State board with such  
45 recommendations as they may deem necessary. Such report shall be  
46 available to the public.

47 (cf: P.L.1971, c.384, s.22)



1       22. Section 4 of P.L.1965, c.59 (C.30:1-15.2) is amended to read  
2 as follows:

3       4. The premises, books, records and accounts of any facility or  
4 organization to which payments are made from the treasury of the  
5 State, directly or indirectly, for or on account of the diagnosis, care,  
6 treatment, rehabilitation, or maintenance of **[any mentally ill or**  
7 **mentally retarded]** persons with mental illness or developmental  
8 disabilities shall be open to the inspection of the commissioner or  
9 his agents; such books, records and accounts shall be available for  
10 inspection and audit by the State Auditor or any of his agents  
11 insofar as they relate to the receipt and expenditure of State  
12 moneys, in order to determine whether the amount so paid by the  
13 State is a proper charge, which question the commissioner shall  
14 determine.

15       In order to encourage the continual improvement of standards of  
16 care, the commissioner shall make available, within the limits of  
17 appropriations therefor, professional consultative services to those  
18 facilities in the State which minister to **[the mentally ill and the**  
19 **mentally retarded]** persons with mental illness or developmental  
20 disabilities.

21 (cf: P.L.1971, c.384, s.23)

22

23       23. Section 1 of P.L.1987, c.5 (C.30:1AA-10) is amended to  
24 read as follows:

25       1. The Legislature finds and declares that: approximately 2%  
26 of the residents of this State **[are developmentally disabled]** have  
27 developmental disabilities and more than 50,000 of these persons  
28 are developmentally disabled school age children; 30,000 to 40,000  
29 residents **[suffer from mental retardation]** have intellectual  
30 disabilities severe enough to require lifelong supervision or care;  
31 several times more **[are mildly retarded]** have less severe  
32 intellectual disabilities and can live independent or semi-  
33 independent lives; pregnancy during adolescence increases the  
34 incidence of **[mental retardation and]** developmental disabilities  
35 because of the heightened risk of premature birth, low birthweight,  
36 birth complications and birth defects; in 1984 in New Jersey, there  
37 were 6,682 births to women ages 18 years and under; about one out  
38 of 10 women in New Jersey becomes pregnant during her teenage  
39 years; and there is a 40% chance that a child of a teenager will be  
40 permanently impaired.

41       The Legislature further finds and declares that: the causes of  
42 many cases of developmental disabilities, such as inadequate  
43 prenatal care, maternal diseases, environmental contaminants,  
44 alcohol and drug ingestion, poor nutrition, lead poisoning,  
45 childhood diseases, child abuse and neglect, and accidents, are  
46 preventable; and it is in the best interests of the citizens of the State  
47 of New Jersey to establish a permanent office in the State

1 Department of Human Services to combat the causes of [mental  
2 retardation and] developmental disabilities.

3 (cf: P.L.1987, c.5, s.1)

4

5 24. Section 2 of P.L.1987, c.5 (C.30:1AA-11) is amended to  
6 read as follows:

7 2. There is established in the Department of Human Services  
8 the Office for Prevention of [Mental Retardation and]  
9 Developmental Disabilities, hereinafter referred to as the "office."

10 (cf: P.L.1987, c.5, s.2)

11

12 25. Section 3 of P.L.1987, c.5 (C.30:1AA-12) is amended to  
13 read as follows:

14 3. The administrator and chief executive officer of the office  
15 shall be the director, who shall be a person qualified by training and  
16 experience to perform the duties of the office. Subsequent to  
17 consultation with the Governor's Council on the Prevention of  
18 [Mental Retardation and] Developmental Disabilities, the  
19 Commissioner of Human Services shall appoint the director, who  
20 shall serve at the pleasure of the commissioner during the  
21 commissioner's term of office and until the appointment and  
22 qualification of the director's successor. The director shall devote  
23 his entire time to the duties of his position and shall receive a salary  
24 commensurate with the responsibilities of the office. The director  
25 shall serve in the State unclassified service of the Civil Service.

26 The director may appoint, retain or employ officers, experts or  
27 consultants on a contract basis or otherwise, which he deems  
28 necessary, and employ investigators or other professionally  
29 qualified personnel who shall be in the noncompetitive division of  
30 the career service of the Civil Service.

31 (cf: P.L.2000, c.82, s.1)

32

33 26. Section 5 of P.L.1987, c.5 (C.30:1AA-14) is amended to  
34 read as follows:

35 5. The responsibilities of the office shall include, but are not  
36 limited to:

37 a. Developing a long-range comprehensive plan for the  
38 prevention of [mental retardation and] developmental disabilities in  
39 accordance with the priorities established by the Governor's Council  
40 on the Prevention of [Mental Retardation and] Developmental  
41 Disabilities;

42 b. Encouraging cooperative programs of research among State  
43 governmental departments and agencies, universities and private  
44 agencies;

45 c. Developing public information campaigns about the causes  
46 of developmental disabilities and the means for preventing  
47 developmental disabilities;

1 d. Coordinating public education programs about the causes  
2 and prevention of developmental disabilities and determining  
3 professional in-service training needs in these areas;

4 e. Stimulating expanded and new services for the prevention of  
5 developmental disabilities; and

6 f. Making recommendations to the Commissioner of Human  
7 Services regarding any needed executive or legislative action.

8 (cf: P.L.2000, c.82, s.2)

9  
10 27. Section 6 of P.L.1987, c.5 (C.30:1AA-15) is amended to  
11 read as follows:

12 6. a. The Governor's Council on the Prevention of **【Mental**  
13 **Retardation and】** Developmental Disabilities, originally created by  
14 Executive Order No. 72 (signed May 24, 1984), shall serve as an  
15 advisory council to the Commissioner of Human Services and to the  
16 Office for Prevention of **【Mental Retardation and】** Developmental  
17 Disabilities.

18 The State Departments of Human Services, Education, Health  
19 and Senior Services, Environmental Protection and Community  
20 Affairs are authorized and directed, to the extent consistent with the  
21 law, to cooperate with the Governor's Council on the Prevention of  
22 **【Mental Retardation and】** Developmental Disabilities and to  
23 furnish it with resources necessary to carry out its purposes under  
24 this act.

25 The Governor shall appoint 25 public members to the Governor's  
26 Council on the Prevention of **【Mental Retardation and】**  
27 Developmental Disabilities to serve three-year terms, except that, of  
28 the members first appointed, nine shall be appointed to serve for  
29 three years, eight shall be appointed to serve for two years, and  
30 eight shall be appointed to serve for one year. At least one of the  
31 public members appointed to the Governor's council shall be an  
32 advocate for **【the mentally retarded and developmentally disabled】**  
33 persons with developmental disabilities.

34 b. The Governor's Council on the Prevention of **【Mental**  
35 **Retardation and】** Developmental Disabilities shall establish from its  
36 members the Executive Committee of the Governor's Council on the  
37 Prevention of Prevention of **【Mental Retardation and】**  
38 Developmental Disabilities. This committee shall have full power to  
39 act in lieu of the full council. The executive committee shall  
40 consist of 12 members, all of whom are members of the Governor's  
41 council. The Commissioners of the Departments of Health and  
42 Senior Services, Human Services, Education, Community Affairs  
43 and Environmental Protection shall serve as ex officio members.  
44 The Secretary of State and the Chairperson of the Governor's  
45 council shall serve as nonvoting, ex officio members of the  
46 executive committee. The Governor's council shall elect from its  
47 membership the remaining five members of the executive

1 committee. These persons, as members of the Governor's council,  
2 shall be selected for their knowledge, competence, experience or  
3 interest in connection with the prevention of [mental retardation  
4 and other] developmental disabilities. Members of the executive  
5 committee may, from time to time, designate other individuals as  
6 their representatives.

7 The executive committee shall serve without compensation, but  
8 shall be reimbursed for necessary expenses incurred in the  
9 performance of their duties. The Governor's council shall elect an  
10 executive committee chairperson from among the five voting  
11 cabinet members of the executive committee. The executive  
12 committee may select from among its members a vice-chairperson  
13 and other officers or subcommittees which are deemed necessary or  
14 appropriate.

15 (cf: P.L. 2000, c.82, s.3)

16  
17 28. Section 7 of P.L.1987, c.5 (C.30:1AA-16) is amended to  
18 read as follows:

19 7. The Commissioner of Human Services and the executive  
20 committee of the Governor's Council on the Prevention of [Mental  
21 Retardation and] Developmental Disabilities established pursuant  
22 to section 6 of this act shall report annually to the Governor and the  
23 Legislature concerning the status of prevention programs in the  
24 State.

25 (cf: P.L.2000, c.82, s.4)

26  
27 29. R.S.30:4-6 is amended to read as follows:

28 R.S.30:4-6. The principal keeper of the State prison and the  
29 chief executive officer of each of the other correctional institutions  
30 shall receive from the hands of the sheriff or other proper officer  
31 every person sentenced to imprisonment in his institution and safely  
32 keep him therein according to law and the rules and regulations of  
33 the institution until lawfully discharged therefrom.

34 The chief executive officer of each institution for [the mentally  
35 retarded or mentally ill] persons with developmental disabilities or  
36 mental illness, and of each correctional institution shall have the  
37 custody and control of every person admitted to his institution until  
38 properly discharged.

39 (cf: P.L.1965, c.59, s.6)

40  
41 30. R.S.30:4-24 is amended to read as follows:

42 30:4-24. The provisions of Title 30 of the Revised Statutes shall  
43 govern the admission and commitment of [the mentally ill,  
44 tuberculous] persons with mental illness, tuberculosis, and  
45 [mentally retarded] developmental disabilities to the several  
46 institutions designated therefor and govern and control all phases of  
47 the relationship between such patients and such institutions

1 including payments, maintenance, custody, treatment, parole and  
2 discharge as though each provision of Title 30 of the Revised  
3 Statutes has been specifically enacted, unless otherwise specified in  
4 law, with relation to each institution, its board of managers and  
5 officials, and to all other officials, boards and authorities.

6 Title 30 of the Revised Statutes is to be administered in  
7 accordance with the general principles laid down in this section,  
8 which are declared to be the public policy of this State that:

9 (1) adequate residential and nonresidential facilities be provided  
10 for the prompt and effective diagnosis, care, treatment, training and  
11 rehabilitation of individuals suffering from diseases and  
12 dysfunctions of the brain, mind and nervous system, including the  
13 various forms of mental illness and **【mental retardation】**  
14 developmental disability;

15 (2) such facilities be closely integrated with other community  
16 health, welfare and social resources;

17 (3) the human dignity and the moral and constitutional rights of  
18 such individuals be upheld and protected by appropriate statutes;

19 (4) family and community ties and mutual responsibilities be  
20 reinforced;

21 (5) inasmuch as such mental disorders may in some cases  
22 substantially impair the individual's ability to guide his actions in  
23 his own best interests or with due regard for the rights of others,  
24 provision be made for the due process of law by which such an  
25 individual may be placed under protection, treatment or restraint in  
26 his own or the public interest;

27 (6) the primary responsibility for the costs of services provided  
28 to an individual rests with him and his responsible relatives;

29 (7) it is in the public interest that facilities be available to all  
30 persons without limitation because of economic circumstances, and  
31 that extraordinary hardships to any individual or his relatives which  
32 may result from severe or prolonged disability be mitigated;

33 (8) means and facilities be provided by the State for scientific  
34 studies directed toward expanding knowledge of the causes,  
35 prevention, control, management and cure of diseases and  
36 dysfunctions of the brain, mind and nervous system; and

37 (9) as an intrinsic part of the program established by the State,  
38 provision be made for the instruction of professional and  
39 nonprofessional personnel in the skills required for the proper  
40 diagnosis, care, training, treatment and rehabilitation of persons  
41 suffering from disorders of the brain, mind and nervous system, and  
42 for the pursuit of relevant research.

43 (cf: P.L.1995, c.155, s.2)

44  
45 31. Section 1 of P.L.1983, c.223 (C.30:4-24.4) is amended to  
46 read as follows:

47 1. The Commissioner of **【the Department of】** Human Services  
48 shall require employees in the Division of **【Mental Retardation】**

1 Developmental Disabilities to make written reports accounting for  
2 all expenditures which they may make of moneys of **【mentally**  
3 **retarded】** persons with developmental disabilities who receive  
4 functional services from the division pursuant to sections 16 and 18  
5 of P.L.1965, c.59 (C. 30:4-25.4 and 30:4-25.6).  
6 (cf: P.L.1983, c.223, s.1)

7  
8 32. Section 13 of P.L.1965, c.59 (C.30:4-25.1) is amended to  
9 read as follows:

10 13. a. For the purpose of Title 30 of the Revised Statutes:

11 **【(1) "Eligible mentally retarded person" or "eligible**  
12 **developmentally disabled person"】** "Eligible person with a  
13 developmental disability" means a person who has been declared  
14 eligible for admission to functional services of the Division of  
15 Developmental Disabilities and who complies with the provisions  
16 of section 5 of P.L.1995, c.155 (C.30:4-25.9).

17 **【(2)】** "Evaluation services" means those services and procedures  
18 in the Division of Developmental Disabilities by which eligibility  
19 for functional services for **【the mentally retarded】** persons with  
20 developmental disabilities is determined and those services  
21 provided by the Division of Developmental Disabilities for the  
22 purpose of advising the court concerning the need for guardianship  
23 of individuals over the age of 18 who appear to be mentally  
24 deficient.

25 **【(3)】** "Functional services" means those services and programs  
26 in the Division of Developmental Disabilities available to provide  
27 **【the mentally retarded】** persons with developmental disabilities  
28 with education, training, rehabilitation, adjustment, treatment, care  
29 and protection.

30 "Intellectual disability means a significant subaverage general  
31 intellectual functioning existing concurrently with deficits in  
32 adaptive behavior which are manifested during the development  
33 period. "Intellectual disability" and "intellectually disabled" shall  
34 have the same meaning as the terms "mental retardation" and  
35 "mentally retarded." For the purposes of Title 30 of the Revised  
36 Statutes, the term "developmentally disabled" may be used  
37 interchangeably with intellectual disability to refer to persons who  
38 receive services from the Division of Developmental Disabilities.

39 **【(4)】** "Mental deficiency" or "mentally deficient" means that  
40 state of **【mental retardation】** intellectual disability in which the  
41 reduction of social competence is so marked that persistent social  
42 dependency requiring guardianship of the person shall have been  
43 demonstrated or be anticipated.

44 **【(5) "Mental retardation" or "mentally retarded" means a**  
45 **significant subaverage general intellectual functioning existing**  
46 **concurrently with deficits in adaptive behavior which are**  
47 **manifested during the development period. For the purposes of**

1 Title 30 of the Revised Statutes, the term "developmentally  
2 disabled" may be used interchangeably with mental retardation to  
3 refer to persons who receive services from the Division of  
4 Developmental Disabilities.

5 (6) "Residential services" or "residential functional services"  
6 means observation, examination, care, training, treatment,  
7 rehabilitation and related services, including community care,  
8 provided by the Division of Developmental Disabilities to patients  
9 who have been admitted or transferred to, but not discharged from  
10 any residential functional service for **the mentally retarded**  
11 persons with developmental disabilities.

12 (7) "Income" means, but is not limited to, wages, benefits,  
13 interest earned, pensions, annuity payments and support from a  
14 third party pursuant to statute, rule or order or by contract.

15 (8) "Assets" or "resources" means, but is not limited to, cash,  
16 trusts, bank accounts, certificates of deposit, stocks, bonds and  
17 savings bonds.

18 b. Application for admission of an eligible **mentally retarded**  
19 person with a developmental disability to functional services of the  
20 Division of Developmental Disabilities may be made under any of  
21 the following classes:

22 Class F. Application to the commissioner by the parent, guardian  
23 or person or agency having care and custody of the person of a  
24 minor or by the guardian of the person of **a mentally deficient**  
25 an adult with a mental deficiency;

26 Class G. Application to the commissioner by a **mentally**  
27 **retarded** person over 18 years of age who has a developmental  
28 disability on his own behalf;

29 Class H. Application to the commissioner by a Superior Court,  
30 Chancery Division, Family Part having jurisdiction over an eligible  
31 **mentally retarded** minor with a developmental disability;

32 Class I. Application to the commissioner with an order of  
33 commitment to the custody of the commissioner issued by a court  
34 of competent jurisdiction during or following criminal process  
35 involving the eligible **mentally deficient** person with a mental  
36 deficiency.

37 Application shall be made on such forms and accompanied by  
38 such relevant information as may be specified from time to time by  
39 the commissioner.

40 (cf: P.L.1995, c.155, s.4)

41

42 33. Section 14 of P.L.1965, c.59 (C.30:4-25.2) is amended to  
43 read as follows:

44 14. Application for determination of eligibility for functional  
45 services for a person under the age of 21 years who is believed to  
46 **be mentally retarded** have a developmental disability may be  
47 made to the commissioner by:

1       1. his parent or guardian;

2       2. a child-caring agency, hospital, clinic, or other appropriate  
3 agency, public or private, or by a physician having care of the  
4 minor, provided the written consent of the parent or guardian or the  
5 Division of Youth and Family Services, under its care and custody  
6 program, has been obtained; or

7       3. a Superior Court, Chancery Division, Family Part having  
8 jurisdiction over the minor.

9       Application for determination of eligibility for any person over  
10 18 years of age for functional services may be made by:

11       a. **【a mentally retarded individual】** a person with a  
12 developmental disability over 18 years of age on his own behalf;

13       b. the guardian of the person of an adjudicated mentally  
14 incompetent adult; or

15       c. any court of competent jurisdiction in which the issue of  
16 mental deficiency may have arisen and which finds that it is in the  
17 interest of the '**【alleged mentally deficient】**' person 'with an  
18 alleged mental deficiency' to determine such eligibility.

19 (cf: P.L.1991, c.91, s.312)

20

21       34. Section 15 of P.L.1965, c.59 (C.30:4-25.3) is amended to  
22 read as follows:

23       15. Promptly on receipt of the application for determination of  
24 eligibility for admission to functional services of the Division of  
25 Developmental Disabilities, the commissioner shall determine the  
26 state of **【mental retardation】** developmental disability and need for  
27 functional services. Such determination shall be made under rules  
28 promulgated by the commissioner. Any **【mentally retarded】** person  
29 with a developmental disability who makes such application or on  
30 whose behalf application is made and who is found to require  
31 functional services of the Division of Developmental Disabilities  
32 shall be declared eligible subject to the person's and his legally  
33 chargeable relatives' compliance with the provisions of section 5 of  
34 P.L.1995, c.155 (C.30:4-25.9).

35 (cf: P.L.1995, c.155, s.6)

36

37       35. Section 16 of P.L.1965, c.59 (C.30:4-25.4) is amended to  
38 read as follows:

39       16. The commissioner or his designated agent shall, immediately  
40 upon determination of the **【state of mental retardation of the**  
41 **individual】** person's developmental disability, as provided herein,  
42 report his findings to the applicant, and in the event that the  
43 **【mentally retarded】** person who makes such application or on  
44 whose behalf the application has been made is found eligible, the  
45 commissioner or his designated agent shall issue to the applicant a  
46 statement of eligibility for the functional services of the Division of  
47 Developmental Disabilities. The statement of eligibility shall advise



1 the applicant of the particular functional service deemed most  
2 appropriate for the training, habilitation, care and protection of the  
3 **【mentally retarded individual】 person** as of the time of  
4 determination and shall further advise the applicant concerning the  
5 immediate availability of such services, or alternate services.

6 The statement of eligibility shall also advise the applicant of the  
7 requirements of section 5 of P.L.1995, c.155 (C.30:4-25.9),  
8 R.S.30:4-66 and R.S.30:4-74.

9 (cf: P.L.1995, c.155, s.7)

10

11 36. Section 17 of P.L.1965, c.59 (C.30:4-25.5) is amended to  
12 read as follows:

13 17. Whenever an eligible **【mentally retarded】** minor with a  
14 developmental disability is found to be neglected or delinquent  
15 under any of the statutes of this State pertaining to juvenile  
16 delinquency or to abandonment, abuse, cruelty, or neglect of  
17 children, the Superior Court, Chancery Division, Family Part  
18 having jurisdiction may accompany its application under Class H  
19 for admission of the **【mentally retarded】** minor to functional  
20 services of the department with an order placing the aforesaid minor  
21 under the care and custody of the commissioner.

22 (cf: P.L.1991, c.91, s.313)

23

24 37. Section 18 of P.L.1965, c.59 (C.30:4-25.6) is amended to  
25 read as follows:

26 18. The commissioner shall, upon proper application for  
27 admission, forthwith admit the eligible **【mentally retarded】** person  
28 with a developmental disability, and provide him with appropriate  
29 functional service to the extent available. In the event that the  
30 functional service which has been specified as most appropriate  
31 from time to time is not immediately available, the commissioner  
32 shall provide alternate service and, at the request of the applicant,  
33 shall also place the eligible **【mentally retarded】** person on a waiting  
34 list for the preferred service pending its availability.

35 (cf: P.L.1965, c.59, s.18)

36

37 38. Section 19 of P.L.1965, c.59 (C30:4-25.7) is amended to  
38 read as follows:

39 19. The commissioner shall make all reasonable and necessary  
40 provisions to ensure the health, safety, welfare and earliest  
41 appropriate release of persons admitted to residential services for  
42 **【the mentally retarded】** persons with developmental disabilities.  
43 He shall provide further for educational, medical, dietetic, and  
44 social needs of any such person in accordance with such person's  
45 individual requirements, as determined by competent professional  
46 personnel.

47 (cf: P.L.1965, c.59, s.19)

1       39. Section 20 of P.L.1965, c.59 (C.30:4-25.8) is amended to  
2 read as follows:

3       20. The commissioner or his designated agent shall make  
4 diligent efforts to maintain contact with the parent or guardian of  
5 each **【mentally retarded individual】** person with a developmental  
6 disability who is receiving functional services and, in the case of  
7 those receiving residential services, to advise the parent or guardian  
8 promptly of any significant changes in the condition of the  
9 **【individual】** person. He shall make all reasonable efforts to consult  
10 with the parent or guardian concerning recommended changes in the  
11 program, care, training, rehabilitation or treatment being rendered  
12 to any **【mentally retarded individual】** person with a developmental  
13 disability by the department, and to secure the prior consent of the  
14 parent or guardian to such changes; provided, however, that, in the  
15 absence of an expressed prohibition of such action by the parent or  
16 guardian, the commissioner or his designated agent shall be free  
17 from liability for the consequences of any prudent action taken by  
18 them in the interest of the immediate health or safety of the  
19 **【mentally retarded individual】** person when an emergency affecting  
20 such **【individual】** person may arise.  
21 (cf: P.L.1965, c.59, s.20)  
22

23       40. Section 5 of P.L.1995, c.155 (C.30:4-25.9) is amended to  
24 read as follows:

25       5. a. An applicant for functional services from the Division of  
26 Developmental Disabilities, any person acting on his behalf  
27 pursuant to section 14 of P.L.1965, c.59 (C.30:4-25.2), or the  
28 applicant's chargeable relatives, as appropriate, shall agree, if the  
29 applicant is determined eligible for functional services pursuant to  
30 section 15 of P.L.1965, c.59 (C.30:4-25.3), to comply with the  
31 following conditions of eligibility and continued functional services  
32 participation:

33       (1) The applicant for residential services or other person listed  
34 in this subsection shall assign to the Commissioner of Human  
35 Services any rights of the applicant to support or payment from a  
36 third party under any law, regulation, court order or administrative  
37 order unless specifically prohibited by federal law or regulation;

38       (2) The applicant or other person listed in this subsection shall  
39 apply for and maintain all current and future benefits for which the  
40 applicant may be eligible, including, but not limited to, Medicare,  
41 Medicaid, any other State or federal benefits and any third party  
42 support pursuant to statute, rule, court order or contract; and

43       (3) The applicant or other person listed in this subsection shall  
44 make payments as required pursuant to R.S.30:4-60.

45       b. The Division of Developmental Disabilities may terminate  
46 any services received by, or the placement of, the eligible  
47 **【developmentally disabled】** person with a developmental disability

1 within 60 days if the conditions of eligibility set forth in this section  
2 are not complied with by the eligible **【developmentally disabled】**  
3 person with a developmental disability or other person listed in  
4 subsection a. of this section. During any appeals process period,  
5 services to a **【developmentally disabled】** person with a  
6 developmental disability shall not be terminated.

7 c. Nothing in this section or Title 30 of the Revised Statutes  
8 shall be construed to deny functional services to any person who  
9 meets the eligibility conditions and criteria for functional services,  
10 but does not have the ability to pay the full per capita costs or  
11 payments required pursuant to R.S.30:4-60.

12 (cf: P.L.1995, c.155, s.5)

13  
14 41. Section 69 of P.L.1965, c.59 (C.30:4-83.1) is amended to  
15 read as follows:

16 69. Whenever **【a mentally ill or mentally retarded individual】** a  
17 person with mental illness or a developmental disability is  
18 transferred from one residential service to another by order of the  
19 commissioner, notice shall be given by the commissioner in  
20 advance, where possible, but in any case in writing, to his spouse, if  
21 any, or to his guardian, or to his parents if he is a minor, or to his  
22 nearest known relative or friend.

23 (cf: P.L.1965, c. 59, s.69)

24  
25 42. R.S.30:4-101 is amended to read as follows:

26 30:4-101. In a public institution maintained in whole or in part  
27 by the **【state】** State, or a county, municipality or subdivision  
28 thereof, married couples, inmates of the same institution, shall not  
29 be separated or maintained in separate quarters. This provision shall  
30 not apply to institutions for **【the insane or feeble-minded】** persons  
31 with mental illness or developmental disabilities, or to correctional  
32 institutions or to cases where the health or mental condition of the  
33 persons concerned warrants separation.

34 (cf: R.S.30:4-101)

35  
36 43. Section 75 of P.L.1965, c.59 (C.30:4-107.1) is amended to  
37 read as follows:

38 75. Whenever a **【mentally retarded】** minor with a  
39 developmental disability or adult **【who is mentally deficient】** with  
40 a mental deficiency<sup>1</sup> **【adult】** is receiving functional services  
41 without court order, and is resident at a State school, or private  
42 residential institution, or a resource family home, or similar  
43 accommodation by arrangement of the commissioner, the  
44 commissioner shall cause such **【mentally retarded】** person to be  
45 released to the immediate custody of his parent or guardian of the  
46 person, as the case may be, on written application of said parent or  
47 guardian. Release shall be effected as promptly as possible,

1 provided, however, that 48 hours' notice may be required. The  
2 department shall thereafter continue to provide such functional  
3 services as may be appropriate, unless functional services are  
4 terminated as hereinafter provided in this act.

5 (cf: P.L.2004, c.130, s.45)

6  
7 44. Section 77 of P.L.1965, c.59 (C.30:4-107.3) is amended to  
8 read as follows:

9 77. Discharge of individuals admitted to and continuing to  
10 receive functional services without an order of the court shall be  
11 effected under the following circumstances:

12 (1) upon written application by the parent or guardian of the  
13 person of a minor or by the guardian of the person of an adult;

14 (2) upon written application by the **【mentally retarded】** person  
15 with a developmental disability on his own behalf, after receiving  
16 services on his own application or request;

17 (3) upon determination by the commissioner or his designated  
18 agent that functional services of the department are no longer  
19 required;

20 (4) upon attainment of the age of 21 years in the absence of a  
21 valid request for continuation of functional services; or

22 (5) upon determination by the commissioner that no condition of  
23 **【mental retardation】** developmental disability exists.

24 Discharge of individuals under the circumstances described in  
25 class (1) and (2) of this section shall be effected as promptly as  
26 practicable, under rules promulgated by the State Board of Control.  
27 (P.L.1965, c.59, s. 77)

28  
29 45. Section 84 of P.L.1965, c.59 (C.30:4-165.1) is amended to  
30 read as follows:

31 84. The department shall provide comprehensive evaluation,  
32 functional and guardianship services, as hereafter designated, in  
33 order that eligible **【mentally retarded】** persons with developmental  
34 disabilities may be provided with adequate training, care and  
35 protection.

36 Evaluation services shall include:

37 (1) primary evaluation services consisting of inpatient and  
38 outpatient facilities for the direct evaluation of medical,  
39 psychological, social, educational and related factors affecting the  
40 functioning of the individual and pertinent to his need for  
41 specialized care, training or treatment as a **【mentally retarded】**  
42 person with a developmental disability; and

43 (2) secondary evaluation services consisting of facilities for the  
44 appraisal of such data available from other sources.

45 (cf: P.L.1965, c.59, s.84)

46  
47 46. Section 85 of P.L.1965, c.59 (C.30:4-165.2) is amended to  
48 read as follows:

1       85. Functional services for **【the mentally retarded】** persons with  
2 developmental disabilities shall include both residential and  
3 nonresidential services as follows:

4       (1) Nonresidential functional services shall include but need not  
5 be limited to: evaluation, counseling of family or guardian, of  
6 employer, or of **【retarded】** a person with a developmental  
7 disability; consultative services to social, educational, or welfare  
8 and health agencies and to the courts; day-care programs; and day  
9 training programs.

10       (2) Residential functional services shall include but need not be  
11 limited to: evaluation study, treatment, education, training,  
12 rehabilitation, care and protection provided in State schools and in  
13 other residential facilities operated by the department; family care  
14 and sheltered life programs; interim placement in approved  
15 residential facilities other than State schools. Such programs may  
16 be of short- or long-term duration as required.

17 (cf: P.L.1979, c.207, s.17)

18

19       47. Section 87 of P.L.1965, c.59 (C.30:4-165.4) is amended to  
20 read as follows:

21       87. "Guardianship services" shall mean those services and  
22 programs provided by the Division of **【Mental Retardation】**  
23 Developmental Disabilities for the purpose of implementing its  
24 responsibility toward the individuals for whom it is performing the  
25 services of guardian of the person.

26 (cf: P.L.1985, c.133, s.1)

27

28       48. Section 88 of P.L.1965, c.59 (C.30:4-165.5) is amended to  
29 read as follows:

30       88. Whenever a minor has been admitted to functional or other  
31 services provided by the Division of **【Mental Retardation】**  
32 Developmental Disabilities on application as provided herein and  
33 has not been discharged therefrom, the commissioner shall, not less  
34 than six months nor more than 18 months prior to the 18th birthday  
35 of said person, cause him to be examined to ascertain whether it  
36 appears that such person will need a guardian on attainment of his  
37 majority.

38       If the commissioner anticipates that such person will need a  
39 guardian, the commissioner or his designated agent shall apply to  
40 the Superior Court in the same manner as provided in section 1 of  
41 P.L.1970, c. 289 (C. 30:4-165.7) for appointment of a guardian  
42 unless another application is pending.

43       In the event that no guardian has been appointed for a person  
44 who commences receiving functional or other services after the  
45 effective date of this amendatory and supplementary act and who  
46 has attained age 18, and if the commissioner has ascertained that  
47 such person appears to need a guardian, then the commissioner shall  
48 apply to the Superior Court in the same manner as provided in

1 section 1 of P.L.1970, c.289 (C.30:4-165.7) for appointment of a  
2 guardian unless another application is pending.

3 The commissioner shall also promptly advise in plain language  
4 any parent, spouse, relative, or other interested person of his  
5 findings and of the parent's or person's right to participate in the  
6 process of an adjudication and to be considered for appointment as  
7 a guardian. The commissioner may offer to these persons  
8 assistance to facilitate their appointments as guardians unless he has  
9 reason to question their fitness to serve.  
10 (cf: P.L.1985, c.133, s.2)

11

12 49. Section 89 of P.L.1965, c.59 (C.30:4-165.6) is amended to  
13 read as follows:

14 89. Any **【mentally retarded】** person with a developmental  
15 disability under the age of 18 years who, on the effective date of  
16 this act, is receiving residential functional services under order of  
17 commitment of any court shall continue to receive residential care  
18 as if admitted under Class F of this act, unless within 30 days of the  
19 effective date of this act the commissioner shall apply to the  
20 Superior Court, Chancery Division, Family Part for an order of  
21 commitment to care and custody as provided herein. Persons over  
22 the age of 18 for whom a guardian of the person has been appointed  
23 and who are receiving residential functional services shall be  
24 considered to have been admitted under Class F of this act. Where  
25 no guardian has been appointed for a person who is over the age of  
26 18 who is receiving residential functional services on the effective  
27 date of this act, the last prior order issued with respect to him shall  
28 continue in force and effect for one year following the effective  
29 date of this act, unless prior to that time either (1) the **【mentally**  
30 **retarded】** person with a developmental disability has been  
31 discharged or (2) a guardian of his person has been appointed, or  
32 (3) application has been made by a court of competent jurisdiction  
33 for his admission to care under Class I as provided herein.

34 Any order for payment of maintenance issued under prior  
35 provisions of Title 30 in effect on the effective date of this act shall  
36 remain in force and effect.

37 (cf: P.L.1991, c.91, s.321)

38

39 50. Section 2 of P.L.1970, c.289 (C.30:4-165.8) is amended to  
40 read as follows:

41 2. The moving papers shall include a verified complaint, an  
42 affidavit from a practicing physician or a psychologist licensed  
43 pursuant to P.L.1966, c.282 (C.45:14B-1 et seq.), and an affidavit  
44 from the chief executive officer, medical director or other officer  
45 having administrative control over the program from which the  
46 individual is receiving functional or other services provided by the  
47 Division of **【Mental Retardation】** Developmental Disabilities. The  
48 affidavits shall set forth with particularity the facts supporting the

1     affiant's belief that the alleged incapacitated person suffers from a  
2     significant chronic functional impairment to such a degree that the  
3     person either lacks the cognitive capacity to make decisions for  
4     himself or to communicate, in any way, decisions to others. For the  
5     purposes of this section, "significant chronic functional  
6     impairment" includes, but is not limited to, a lack of comprehension  
7     of concepts related to personal care, health care or medical  
8     treatment.

9     (cf: P.L.1997, c.379, s.5)

11     51. R.S.30:6-16 is amended to read as follows:

12     30:6-16. An annual sum, the per capita amount of which for  
13     each pupil shall be fixed by the State House Commission, when  
14     appropriated by the Legislature, may be applied by the commission  
15     mentioned in **[section] R.S.30:6-1 [of this Title]** for the instruction  
16     or placing for instruction in a suitable and convenient institution or  
17     elsewhere, **[of] persons who are deaf [and dumb], '[partially blind**  
18     **or blind] hard of hearing, deaf blind, blind, visually impaired', [or**  
19     **mentally retarded or] '[, developmentally disabled, or mentally**  
20     **deficient] or with a developmental disability or mental deficiency'**  
21     **[persons or partially blind inhabitants] and who are residents** of the  
22     State as the board may select.

23     Whenever deemed necessary by the commission, blind babies  
24     and young children **[too frail or backward to enter] with physical or**  
25     **intellectual disabilities whose needs cannot be met in** other  
26     institutions for the blind shall be sent to some convenient and  
27     suitable institution in the State where special hospital care,  
28     instruction and support can be provided but the rate to be paid by  
29     the State including clothing and necessary transportation shall not  
30     exceed the rate fixed by the State House Commission.

31     The rate to be paid for any blind child placed in an institution  
32     outside the State, including clothing shall not exceed the per capita  
33     rate fixed by the State House Commission.

34     (cf: P.L.1965, c.59, s.90)

36     52. Section 3 of P.L.1977, c.82 (C.30:6D-3) is amended to read  
37     as follows:

38     3. As used in this act, unless a different meaning clearly  
39     appears from the context:

40     a. "Developmental disability" means a

41     severe, chronic disability of a person which:

42     (1) is attributable to a mental or physical impairment or  
43     combination of mental or physical impairments;

44     (2) is manifest before age 22;

45     (3) is likely to continue indefinitely;

46     (4) results in substantial functional limitations in three or more  
47     of the following areas of major life activity, that is, self-care,

1 receptive and expressive language, learning, mobility, self-direction  
2 and capacity for independent living or economic self-sufficiency;  
3 and

4 (5) reflects the need for a combination and sequence of special  
5 inter-disciplinary or generic care, treatment or other services which  
6 are of lifelong or extended duration and are individually planned  
7 and coordinated. Developmental disability includes, but is not  
8 limited to severe disabilities attributable to **mental retardation**, an  
9 intellectual disability, autism, cerebral palsy, epilepsy, spina bifida  
10 and other neurological impairments where the above criteria are  
11 met;

12 b. "Services" or "services for persons with developmental  
13 disabilities" means specialized services or special adaptations of  
14 generic services provided by any public or private agency,  
15 organization or institution and directed toward the alleviation of a  
16 developmental disability or toward the social, personal, physical, or  
17 economic habilitation or rehabilitation of an individual with such a  
18 disability; and such term includes diagnosis, evaluation, treatment,  
19 personal care, day care, domiciliary care, special living  
20 arrangements, training, education, sheltered employment,  
21 recreation, counseling of the individual with such disability and of  
22 his family, protective and other social and socio-legal services,  
23 information and referral services, follow-along services, and  
24 transportation services necessary to assure delivery of services to  
25 persons with developmental disabilities; and

26 c. "Facility" or "facility for persons with developmental  
27 disabilities" means a facility operated by any public or private  
28 agency, organization or institution for the provision of services for  
29 persons with developmental disabilities.

30 (cf: P.L.1985, c.145, s.12)

31

32 53. Section 3 of P.L.1985, c.145 (C.30:6D-25) is amended to  
33 read as follows:

34 3. For the purposes of this act:

35 a. "Commissioner" means the Commissioner of **the State**  
36 **Department of** Human Services.

37 b. "Developmental disability" means a severe, chronic  
38 disability of a person which: (1) is attributable to a mental or  
39 physical impairment or combination of mental or physical  
40 impairments; (2) is manifest before age 22; (3) is likely to continue  
41 indefinitely; (4) results in substantial functional limitations in three  
42 or more of the following areas of major life activity, that is, self-  
43 care, receptive and expressive language, learning, mobility, self-  
44 direction and capacity for independent living or economic self-  
45 sufficiency; and (5) reflects the need for a combination and  
46 sequence of special interdisciplinary or generic care, treatment or  
47 other services which are of lifelong or extended duration and are  
48 individually planned and coordinated. Developmental disability



1 includes, but is not limited to, severe disabilities attributable to  
2 **【mental retardation】** an intellectual disability, autism, cerebral  
3 palsy, epilepsy, spina bifida and other neurological impairments  
4 where the above criteria are met.

5 c. "Director" means the Director of the Division of  
6 Developmental Disabilities.

7 d. "Division" means the Division of Developmental  
8 Disabilities.

9 e. "Eligible **【developmentally disabled】** person with a  
10 developmental disability" means a person who is developmentally  
11 disabled pursuant to subsection b. of this section and who has been  
12 declared eligible for services provided by the division.

13 f. "Services for **【developmentally disabled】** persons with  
14 developmental disabilities" means specialized services or  
15 specialized adaptations of generic services provided by a public or  
16 private agency, organization or institution and directed toward the  
17 alleviation of a developmental disability or toward the social,  
18 personal, physical or economic habilitation or rehabilitation of a  
19 person with a developmental disability and includes care  
20 management, diagnosis, evaluation, treatment, personal care, day  
21 care, domiciliary care, special living arrangements, training,  
22 education, vocational training, recreation, counseling of the person  
23 with the disability and his family, information and referral services  
24 and transportation services.

25 (cf: P.L.1985, c.145, s.3)

26

27 54. Section 5 of P.L.1985, c.145 (C.30:6D-27) is amended to  
28 read as follows:

29 5. In addition to other functions, powers and duties vested in  
30 him by this act or any other law, the director shall:

31 a. Provide services for eligible **【developmentally disabled】**  
32 persons with developmental disabilities by identifying appropriate  
33 programs to meet their needs and by facilitating the establishment  
34 of community-based services for these persons; except that if the  
35 most appropriate services are not immediately available, the  
36 director may provide an eligible **【developmentally disabled】** person  
37 with a developmental disability with alternate services;

38 b. Establish procedures for the determination of eligibility for  
39 services pursuant to this act and ensure that statements of eligibility  
40 advise the applicant about the particular functional services deemed  
41 most appropriate for the training, habilitation, care and protection of  
42 that **【developmentally disabled individual】** person with a  
43 developmental disability as of the time of the determination;

44 c. Establish liaison and cooperative agreements with other  
45 governmental departments and agencies which provide programs  
46 and services to **【the developmentally disabled】** persons with  
47 developmental disabilities to prevent duplication of services and

1 encourage a continuum of care that is required by persons with  
2 developmental disabilities;

3 d. Establish standards for services that are provided for persons  
4 with developmental disabilities, which include the scope and quality  
5 of these services and which give full recognition to the unique  
6 problems and special needs associated with developmental  
7 disabilities;

8 e. Advise, consult and provide professional assistance to  
9 organized efforts by organizations, groups, associations and  
10 committees which work toward improving services and  
11 opportunities for persons with developmental disabilities; and

12 f. Select and retain the services of consultants whose advice is  
13 considered necessary to assist the division in obtaining information  
14 or developing plans and programs required for the performance of  
15 its duties and responsibilities pursuant to this act.

16 (cf: P.L.1985, c.145, s.5)

17

18 55. Section 8 of P.L.1985, c.145 (C.30:6D-30) is amended to  
19 read as follows:

20 8. Notwithstanding any provisions of this act to the contrary,  
21 the eligibility of **【mentally retarded】** persons with intellectual  
22 disabilities for services of the division shall continue as provided in  
23 chapter 4 of Title 30 of the Revised Statutes.

24 (cf: P.L.1985, c.145, s.8)

25

26 56. Section 2 of P.L.1998, c.40 (C.30:6D-44) is amended to read  
27 as follows:

28 2. The Legislature finds and declares that:

29 a. It is in the public interest to generate revenue to be used by  
30 the Division of Developmental Disabilities in the Department of  
31 Human Services to reduce the number of disabled persons awaiting  
32 placement in a community residence or program; and

33 b. By establishing an appropriate assessment on intermediate  
34 care facilities for **【the mentally retarded】** persons with  
35 developmental disabilities, to the extent possible under federal law,  
36 additional funding will be available for more placements of disabled  
37 persons in community residences or programs.

38 (cf: P.L.1998, c.40, s.2)

39

40 57. Section 3 of P.L.1998, c.40 (C.30:6D-45) is amended to read  
41 as follows:

42 3. As used in this act:

43 "Commissioner" means the Commissioner of Human Services.

44 "Gross revenue" means all revenue received by an **【ICF-MR】**  
45 ICF-DD from patients or third parties, including, but not limited to,  
46 persons, Medicaid and other payers related to patient services.

1 "Intermediate care facility for **the mentally retarded**"] persons  
2 with developmental disabilities " or **["ICF-MR"] "ICF-DD"** means  
3 any institution licensed by the Department of Health and Senior  
4 Services as an **ICF-MR** ICF-DD or operated by the Department  
5 of Human Services as a certified **ICF-MR** ICF-DD.

6 "Medicaid" means the Medicaid program established pursuant to  
7 P.L.1968, c.413 (C.30:4D-1 et seq.).  
8 (cf: P.L.1998, c.40, s.3)

9  
10 58. Section 6 of P.L.1956, c.161 (C.30:11-10) is amended to  
11 read as follows:

12 6. The provisions of article 3 of chapter 4 of Title 30 of the  
13 Revised Statutes, except as concerning or pertaining to the  
14 investigation and determination of legal settlement and indigence of  
15 patients, shall apply to duly licensed private mental hospitals for the  
16 care and treatment of **the mentally ill, mentally deficient and**  
17 **mentally retarded**"] persons 'who are mentally ill, mentally  
18 deficient, and intellectually disabled'] with a mental illness, a  
19 mental deficiency, and an intellectual disability<sup>1</sup> and every license  
20 issued hereunder shall be the licensee's authority to receive and  
21 hold a person duly admitted or committed pursuant to law.

22 (cf: P.L.1956, c.161, s.6)

23  
24 59. Section 10 of P.L.1953, c.212 (C.30:11A-10) is amended to  
25 read as follows:

26 10. (a) Any person, firm, corporation, partnership, society or  
27 association who shall operate or conduct a residential health care  
28 facility without first obtaining the certificate of approval required  
29 by this act, or who shall operate such establishment after revocation  
30 or suspension of a certificate of approval, shall be liable to a penalty  
31 of \$10.00 for each day of operation in violation hereof for the first  
32 offense and for any subsequent offense shall be liable to a penalty  
33 of \$20.00 for each day of operation in violation hereof.

34 The penalties authorized by this section shall be recovered in a  
35 summary proceeding, brought in the name of the State of New  
36 Jersey pursuant to the "penalty enforcement law" (N.J.S. 2A:58-1  
37 et seq.) . Money penalties, when recovered, shall be payable to the  
38 General State Fund.

39 The department may, in the manner provided by law, maintain an  
40 action in the name of the State of New Jersey for injunctive relief  
41 against any person, firm, corporation, partnership, society or  
42 association, continuing to conduct, manage or operate a residential  
43 health care facility without a certificate of approval, or after  
44 suspension or revocation of such certificate.

45 The practice and procedure in actions instituted under authority  
46 of this section shall conform to the practice and procedure in the  
47 court in which the action is instituted.

1 No officer or agent of any municipal or county agency having  
2 responsibility for making payments of any form of public assistance  
3 under the provisions of Title 44 of the Revised Statutes, shall make  
4 such payments to or on behalf of a person residing in a residential  
5 health care facility as defined in this act, unless such establishment  
6 is, at the time of such payment, approved or provisionally approved  
7 pursuant to this act.

8 (b) No residential health care facility, licensed hereunder, shall  
9 by public or private advertisement or by any other means hold out  
10 to the public that it is equipped to provide post-operative or  
11 convalescent care for persons '~~who are~~ mentally ill or ~~mentally~~  
12 ~~retarded~~ intellectually disabled with a mental illness or an  
13 intellectual disability<sup>1</sup> or who are suffering or recovering from  
14 illness or injury or who are critically ill. Any person, firm,  
15 association, partnership, society or corporation who violates the  
16 provisions of this subsection shall cease and desist from such  
17 practices and shall be liable to a penalty of \$100.00 for the first and  
18 \$200.00 for each subsequent offense, such penalties shall be  
19 recovered in the manner provided for in subsection (a) of this  
20 section.

21 (c) No residential health care facility licensed hereunder, shall  
22 operate as a private mental hospital, convalescent home, private  
23 nursing home, or private hospital, unless it is licensed pursuant to  
24 chapter 11 of Title 30 of the Revised Statutes. Whenever there is  
25 reason to believe that any such facility or institution is in violation  
26 of the provisions of this subsection, the department may conduct a  
27 reasonable inspection of the premises for the purpose of  
28 ascertaining whether there is any violation. Any facility or  
29 institution which violates the provisions of this subsection shall be  
30 liable to a penalty of \$25.00 for each day of operation in violation  
31 of this subsection for the first offense and to a penalty of \$50.00 for  
32 each day of operation for any subsequent offense. The Department  
33 of Health, with the approval of the Attorney General, is hereby  
34 authorized and empowered to compromise and settle claims for the  
35 monetary penalty in appropriate circumstances where it appears to  
36 the satisfaction of the department that payment of the full penalty  
37 will work severe hardship on any individual not having sufficient  
38 financial ability to pay the full penalty but in no case shall the  
39 penalty be compromised for a sum less than \$250.00 for the first  
40 offense and \$500.00 for any subsequent offense; provided,  
41 however, that any penalty of less than \$250.00 or \$500.00, as the  
42 case may be, may be compromised for a lesser sum. The penalties  
43 authorized by this subsection shall be recovered in the manner  
44 provided for in subsection (a) of this section.

45 (d) No owner, operator or employee of a residential health care  
46 facility shall serve notice upon a resident to leave the premises, or  
47 take any other action in retaliation for: (a) The efforts of the  
48 resident or a person acting on his behalf to secure or enforce any

1 rights under a contract, the laws of this State or any of its  
2 subdivisions, or the laws of the United States; or (b) The good faith  
3 complaint of a resident or a person acting on his behalf to a  
4 governmental authority concerning the owner, operator or  
5 employee's alleged violation of this act or any health or safety law,  
6 regulation, code or ordinance, or other law or regulation which has  
7 as its objective the regulation of residential health care facilities.

8  
9 60. Section 2 of P.L.1977, c.448 (C.30:11B-2) is amended to  
10 read as follows:

11 2. "Community residence for the developmentally disabled"  
12 means any community residential facility housing up to 16  
13 **【developmentally disabled】** persons with developmental  
14 disabilities, which provides food, shelter and personal guidance for  
15 **【developmentally disabled】** persons with developmental disabilities  
16 who require assistance, temporarily or permanently, in order to live  
17 independently in the community. Such residences shall not be  
18 considered health care facilities within the meaning of the "Health  
19 Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.)  
20 and shall include, but not be limited to, group homes, halfway  
21 houses, supervised apartment living arrangements and hostels.

22 "Community residence for the mentally ill" means any  
23 community residential facility which provides food, shelter and  
24 personal guidance, under such supervision as required, to not more  
25 than 15 **【mentally ill】** persons with mental illness who require  
26 assistance temporarily or permanently, in order to live  
27 independently in the community. These residences shall be  
28 approved for a purchase of service contract or an affiliation  
29 agreement pursuant to procedures established by the Division of  
30 Mental Health Services in the Department of Human Services or the  
31 Division of Child Behavioral Health Services in the Department of  
32 Children and Families, as applicable. These residences shall not  
33 house persons who have been assigned to a State psychiatric  
34 hospital after having been found not guilty of a criminal offense by  
35 reason of insanity or unfit to be tried on a criminal charge. These  
36 residences shall not be considered health care facilities within the  
37 meaning of the "Health Care Facilities Planning Act," P.L.1971,  
38 c.136 (C.26:2H-1 et seq.) and shall include, but not be limited to,  
39 group homes, halfway houses, supervised apartment living  
40 arrangements, family care homes and hostels.

41 "Community residence for persons with head injuries" means a  
42 community residential facility providing food, shelter and personal  
43 guidance, under such supervision as required, to not more than 15  
44 persons with head injuries, who require assistance, temporarily or  
45 permanently, in order to live in the community, and shall include,  
46 but not be limited to: group homes, halfway houses, supervised  
47 apartment living arrangements, and hostels. Such a residence shall  
48 not be considered a health care facility within the meaning of the

1 "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1  
2 et seq.).

3 "Developmental disability" or "developmentally disabled" means  
4 a severe, chronic disability of a person which: a. is attributable to a  
5 mental or physical impairment or combination of mental or physical  
6 impairments; b. is manifest before age 22; c. is likely to continue  
7 indefinitely; d. results in substantial functional limitations in three  
8 or more of the following areas of major life activity, that is, self-  
9 care, receptive and expressive language, learning, mobility, self-  
10 direction and capacity for independent living or economic self-  
11 sufficiency; and e. reflects the need for a combination and sequence  
12 of special interdisciplinary or generic care, treatment or other  
13 services which are of lifelong or extended duration and are  
14 individually planned and coordinated. Developmental disability  
15 includes, but is not limited to, severe disabilities attributable to  
16 **【mental retardation】** an intellectual disability, autism, cerebral  
17 palsy, epilepsy, spina bifida and other neurological impairments  
18 where the above criteria are met.

19 "Mentally ill" or "mental illness" means any psychiatric disorder  
20 which has required an individual to receive either inpatient  
21 psychiatric care or outpatient psychiatric care on an extended basis.

22 "Person with head injury" means a person who has sustained an  
23 injury, illness or traumatic changes to the skull, the brain contents  
24 or its coverings which results in a temporary or permanent  
25 physiobiological decrease of cognitive, behavioral, social or  
26 physical functioning which causes partial or total disability.

27 (cf: P.L.2006, c.47, s.177)

28

29 61. Section 1 of P.L.1993, c.43 (C.33:1-12a) is amended to read  
30 as follows:

31 1. A person who holds a Class C license, except a plenary retail  
32 transit license, or a club license shall ensure that a warning notice  
33 prepared by the Department of Health and Senior Services is posted  
34 prominently in any service area as well as on a wall, towel  
35 dispenser or other appropriate location in any public rest room for  
36 women patrons on the licensed premises. The notice shall warn  
37 patrons that alcohol consumption during pregnancy has been  
38 determined to be harmful to the fetus and can cause birth defects,  
39 low birth weight and Fetal Alcohol Syndrome, which is one of the  
40 leading causes of **【mental retardation】** intellectual disabilities.

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

42

43 62. Section 2 of P.L.1991, c.323 (C.39:4-14.7a) is amended to  
44 read as follows:

45 2. The Director of the Division of Consumer Affairs in the  
46 Department of Law and Public Safety shall, pursuant to the  
47 provisions of the "Administrative Procedure Act," P.L.1968, c.410  
48 (C.52:14B-1 et seq.), promulgate rules and regulations to effectuate

1 the purposes of this act. In addition to such other matters as the  
2 director shall deem appropriate and necessary, those rules and  
3 regulations so promulgated shall provide that the affixing of the  
4 warning cards "This Bike Is Missing One Part," designed by the  
5 New Jersey Coalition for Prevention of Developmental Disabilities  
6 and funded by the Office for the Prevention of [Mental Retardation  
7 and] Developmental Disabilities in the Department of Human  
8 Services, to a bicycle offered for sale at retail shall fulfill the  
9 requirements of section 1 of this act and that those warning cards  
10 shall be readily available to the retail sellers of bicycles at cost.

11 (cf: P.L.1991, c.323, s.2)

12

13 63. Section 1 of P.L.1984, c.50 (C.39:4-207.2) is amended to  
14 read as follows:

15 1. For purposes of this act ["mentally retarded person"]  
16 person with an intellectual disability" means a person in a state of  
17 significant subnormal intellectual development with reduction of  
18 social competence which state shall have existed prior to  
19 adolescence and is expected to be of life duration.

20 (cf: P.L.1984, c.50, s.1)

21

22 64. Section 2 of P.L.1984, c.50 (C.39:4-207.3) is amended to  
23 read as follows:

24 2. a. The Director of the Division of Motor Vehicles shall  
25 issue a special insignia upon the application of a federal, State,  
26 county or municipal entity or a public or private nonprofit  
27 organization incorporated under the laws of this State for motor  
28 vehicles owned or operated by the applicant and used to transport  
29 [mentally retarded] persons with intellectual disabilities. The  
30 insignia shall be of a design and shall be posted or attached to the  
31 motor vehicle in a place and manner to be determined by the  
32 director. The fee for the issuance of an insignia shall be determined  
33 by the director and the insignia shall be renewable annually by the  
34 director at the time fixed for the annual registration of the vehicle.

35 b. The director may also issue to an applicant, at the expense of  
36 the State, special vehicle identification cards to be carried by the  
37 operators of motor vehicles used to transport [mentally retarded]  
38 persons with intellectual disabilities. The cards shall be renewable  
39 annually by the director at the time fixed for the annual registration  
40 of the vehicles.

41 c. The director may also issue to an applicant a placard to be  
42 displayed on the motor vehicle.

43 (cf: P.L.1984, c.50, s.2)

44

45 65. Section 3 of P.L.1984, c.50 (C.39:4-207.4) is amended to  
46 read as follows:

1       3. A motor vehicle owned or operated by a federal, State,  
2 county or municipal entity or a public or private nonprofit  
3 organization incorporated under the laws of this State and used to  
4 transport **【mentally retarded】** persons with intellectual disabilities,  
5 and which is properly identified in accordance with the provisions  
6 of section 1 of this act, is authorized to park in a space  
7 appropriately marked for vehicles for the physically handicapped  
8 pursuant to law whenever the vehicle is being used to transport  
9 **【mentally retarded】** persons with intellectual disabilities.

10 (cf: P.L.1984, c.50, s.3)

11  
12       66. Section 1 of P.L.1964, c.10 (C.40:23-8.11) is amended to  
13 read as follows:

14       1. The board of chosen freeholders of any county may  
15 appropriate annually to any approved, privately operated, nonprofit  
16 organization whose services are nonsectarian, funds for the purpose  
17 of defraying the necessary expense incident to the diagnosis,  
18 treatment and training of **【mentally retarded,】** persons with  
19 intellectual disabilities, persons '【who are brain injured】 with a  
20 brain injury', or **【mentally ill】** persons with mental illness who are  
21 residents of the county, at suitable homes, schools, hospitals, day-  
22 care centers, residential treatment centers or sheltered workshops  
23 anywhere in the State supported by public funds or private charity,  
24 including the cost of transporting such persons to and from, and  
25 their support and maintenance at, such homes, schools, hospitals,  
26 day-care centers, residential treatment centers or sheltered  
27 workshops for the purpose of, or while undergoing diagnosis,  
28 treatment and training.

29 (cf: P.L.1969, c.6, s.2)

30  
31       67. Section 1 of P.L.1975, c.141 (C.40:48-9.4a) is amended to  
32 read as follows:

33       1. The governing body of any municipality may appropriate  
34 annually to any approved, privately operated, nonprofit organization  
35 whose services are nonsectarian, funds for the purpose of defraying  
36 the necessary expense incident to the diagnosis, treatment, training  
37 and rehabilitation of **【mentally-retarded, brain-injured, mentally-ill**  
38 **or】** persons with intellectual disabilities, persons '【who are brain  
39 injured】 with a brain injury', persons with mental illness, or  
40 persons who are otherwise mentally or physically handicapped  
41 **【persons】** who are residents of the municipality, at suitable homes,  
42 schools, hospitals, day-care centers, residential treatment centers,  
43 rehabilitation centers or sheltered workshops anywhere in the State  
44 supported by public funds or private charity, including the cost of  
45 transporting such persons to and from, and their support and  
46 maintenance at, such homes, schools, hospitals, day-care centers,  
47 residential treatment centers, rehabilitation centers or sheltered



1 workshops for the purpose of diagnosis or while undergoing  
2 treatment, training and rehabilitation, or for the purpose of  
3 maintaining an extended employment program.

4 (cf: P.L.1975, c.141, s.1)

5  
6 68. Section 15 of P.L.1971, c.199 (C.40A:12-15) is amended to  
7 read as follows:

8 15. Purposes for which leases for a public purpose may be made.

9 A leasehold for a term not in excess of 50 years may be made  
10 pursuant to this act and extended for an additional 25 years by  
11 ordinance or resolution thereafter for any county or municipal  
12 public purpose, including, but not limited to:

13 (a) The provision of fire protection, first aid, rescue and  
14 emergency services by an association duly incorporated for such  
15 purposes.

16 (b) The provision of health care or services by a nonprofit  
17 clinic, hospital, residential home, outpatient center or other similar  
18 corporation or association.

19 (c) The housing, recreation, education or health care of veterans  
20 of any war of the United States by any nonprofit corporation or  
21 association.

22 (d) Mental health or psychiatric services or education for the  
23 mentally ill persons with mental illness, [mentally retarded, or]  
24 persons '[who are mentally defective] with a mental deficiency', or  
25 persons with intellectual disabilities by any nonprofit corporation or  
26 association.

27 (e) Any shelter care or services for persons aged 62 or over  
28 receiving Social Security payments, pensions, or disability benefits  
29 which constitute a substantial portion of the gross income by any  
30 nonprofit corporation or association.

31 (f) Services or care for the education or treatment of cerebral  
32 palsy patients by any nonprofit corporation or association.

33 (g) Any civic or historic programs or activities by duly  
34 incorporated historical societies.

35 (h) Services, education, training, care or treatment of poor or  
36 indigent persons or families by any nonprofit corporation or  
37 association.

38 (i) Any activity for the promotion of the health, safety, morals  
39 and general welfare of the community of any nonprofit corporation  
40 or association.

41 (j) The cultivation or use of vacant lots for gardening or  
42 recreational purposes.

43 (k) The provision of electrical transmission service across the  
44 lines of a public utility for a county or municipality pursuant to  
45 R.S.40:62-12 through R.S.40:62-25.

46 Except as otherwise provided in subsection (k) of this section, in  
47 no event shall any lease under this section be entered into for, with,  
48 or on behalf of any commercial, business, trade, manufacturing,

1 wholesaling, retailing, or other profit-making enterprise, nor shall  
2 any lease pursuant to this section be entered into with any political,  
3 partisan, sectarian, denominational or religious corporation or  
4 association, or for any political, partisan, sectarian, denominational  
5 or religious purpose, except that a county or municipality may enter  
6 into a lease for the use permitted under subsection (j) with a  
7 sectarian, denominational or religious corporation; provided the  
8 property is not used for a sectarian, denominational or religious  
9 purpose. In the case of a municipality the governing body may  
10 designate the municipal manager, business administrator or any  
11 other municipal official for the purpose of entering into a lease for  
12 the use permitted under subsection (j).

13 (cf: P.L.1991, c.143, s.6)

14  
15 69. Section 3 of P.L.1941, c.220 (C.43:7-9) is amended to read  
16 as follows:

17 3. a. Upon the receipt of proper proofs of the death of a  
18 member who shall have lost his life, there shall be paid to his  
19 widow or widower a pension of 25% of the member's average final  
20 compensation, for the use of herself or himself, to continue during  
21 her or his widowhood, plus 15% of such salary payable to one  
22 surviving child or plus 25% of such salary to two or more surviving  
23 children; if there is no surviving widow or widower or in case the  
24 widow or widower dies or remarries, 20% of the member's average  
25 final compensation will be payable to one surviving child, 35% of  
26 such compensation to two surviving children in equal shares and if  
27 there be three or more children, 50% of such compensation will be  
28 payable to such children in equal shares; if there is no surviving  
29 widow, widower or child, 25% of the member's average final  
30 compensation will be payable to one surviving parent or 40% of  
31 such compensation will be payable to two surviving parents in equal  
32 shares.

33 b. Upon the receipt of proper proofs of the death after  
34 retirement of a former member of the pension fund, there shall be  
35 paid to his widow or widower a pension of 25% of the member's  
36 average final compensation for the use of herself or himself, to  
37 continue during her or his widowhood, plus 15% of such  
38 compensation payable to one surviving child or plus 25% of such  
39 compensation to two or more surviving children; if there is no  
40 surviving widow or widower or in case the widow or widower dies  
41 or remarries, 20% of the member's average final compensation will  
42 be payable to one surviving child, 35% of such compensation to two  
43 surviving children in equal shares and if there be three or more  
44 children, 50% of such compensation will be payable to such  
45 children in equal shares.

46 c. The changes in benefits provided by subsections a. and b. of  
47 this section shall apply only to pensions hereafter granted; provided,  
48 however, that pensions granted prior to the effective date of this

1 amendatory and supplementary act shall be increased to the  
2 schedule of payments stipulated by subsection a. on the first of the  
3 month following the commission's approval of those cases where  
4 proper evidence is submitted to the satisfaction of the pension  
5 commission that the death of the member in active service was the  
6 result of an accident met in the actual performance of duty at some  
7 definite time and place, that such death was not the result of the  
8 member's willful negligence, and that the death occurred within 5  
9 years of the accident; provided, further, that any pension in an  
10 amount less than \$1,600.00 per annum, presently paid or to be paid  
11 in the future to a widow or widower or a prison officer, shall be  
12 increased to \$1,600.00 per annum.

13 d. For purposes of this section:

14 (1) "Child" shall mean a deceased member's unmarried child  
15 either (a) under the age of 18 or (b) of any age who, at the time of  
16 the member's death, is disabled because of ~~mental retardation~~ an  
17 intellectual disability or physical incapacity, is unable to do any  
18 substantial, gainful work because of the impairment and his  
19 impairment has lasted or can be expected to last for a continuous  
20 period of not less than 12 months, as affirmed by the examining  
21 physicians of the fund.

22 (2) "Widower" shall mean the man to whom a member was  
23 married before the date of her retirement or at least 5 years before  
24 the date of her death and to whom she continued to be married until  
25 the date of her death and who was receiving at least one-half of his  
26 support from the member in the 12-month period immediately  
27 preceding the member's death or the accident which was the direct  
28 cause of the member's death. The dependency of such a widower  
29 will be considered terminated by marriage of the widower  
30 subsequent to the death of the member.

31 (3) "Widow" shall mean the woman to whom a member was  
32 married before the date of his retirement or at least 5 years before  
33 the date of his death and to whom he continued to be married until  
34 the date of his death and who has not remarried.

35 (4) "Parent" shall mean the parent of a member who was  
36 receiving at least one-half of his support from the member in the  
37 12-month period immediately preceding the member's death or the  
38 accident which was the direct cause of the member's death. The  
39 dependency of such a parent will be considered terminated by  
40 marriage of the parent subsequent to the death of the member.

41 (cf: P.L.1973, c.155, s.2)

42

43 70. Section 1 of P.L.1957, c.168 (C.43:12-28.1) is amended to  
44 read as follows:

45 1. The governing body of any municipality served by a  
46 volunteer fire company or first aid or rescue squad shall, by  
47 resolution, determine the eligibility for a survivor's pension of the  
48 widow or children or parent of any volunteer firefighter, first aid

1 worker, rescue squad worker, or emergency medical technician who  
2 has died as the result of injuries sustained in the course of  
3 performance of duty as a member of the volunteer fire company or  
4 first aid or rescue squad on or after January 1, 2000. A governing  
5 body may determine that the widow or children or parent of a  
6 volunteer is eligible for a survivor's pension whenever a volunteer  
7 dies while responding to, preparing for or returning from an  
8 emergency while under orders from a competent authority. When  
9 the municipal governing body determines that a widow or children  
10 or parent are eligible for a survivor's pension, a certified copy of  
11 the resolution shall be filed by the municipal clerk with the State  
12 Treasurer within 10 days of adoption, and the State shall provide for  
13 payment of the survivor's pension, starting in the first calendar year  
14 next following the year of death of the volunteer or the year next  
15 following the year in which P.L.2002, c.134 is enacted, whichever  
16 is later.

17 For the purposes of this section, "first aid or rescue squad" shall  
18 mean any duly incorporated first aid and emergency or volunteer  
19 ambulance or rescue squad association providing volunteer public  
20 first aid, ambulance or rescue services within the municipality;

21 "widow" shall also include "widower";

22 "child" shall mean a deceased firefighter's, emergency medical  
23 technician's, or first aid or rescue squad worker's unmarried child  
24 (a) under the age of 18, or (b) 18 years of age or older and enrolled  
25 in a secondary school, or (c) under the age of 24 and enrolled in a  
26 degree program in an institution of higher education for at least 12  
27 credit hours in each semester, or (d) of any age who, at the time of  
28 the firefighter's, technician's or worker's death, is disabled because  
29 of **【mental retardation】** an intellectual disability or physical  
30 incapacity, is unable to do any substantial, gainful work because of  
31 the impairment and the impairment has lasted or can be expected to  
32 last for a continuous period of not less than 12 months, as affirmed  
33 by the medical professional; and

34 "parent" shall mean the parent of a firefighter, emergency  
35 medical technician, or first aid or rescue squad worker who was  
36 receiving at least one-half of his or her support from the firefighter,  
37 technician or worker in the 12-month period immediately preceding  
38 the firefighter's, technician's or worker's death. The dependency of  
39 such a parent will be considered terminated by marriage of the  
40 parent subsequent to the death of the member.

41 (cf: P.L.2002, c.134, s.1)

42  
43 71. Section 6 of P.L.1954, c.84 (C.43:15A-6) is amended to read  
44 as follows:

45 6. As used in this act:

46 a. "Accumulated deductions" means the sum of all the  
47 amounts, deducted from the compensation of a member or

- 1 contributed by or on behalf of the member, standing to the credit of  
2 the member's individual account in the annuity savings fund.
- 3 b. "Annuity" means payments for life derived from the  
4 accumulated deductions of a member as provided in this act.
- 5 c. "Annuity reserve" means the present value of all payments  
6 to be made on account of any annuity or benefit in lieu of an  
7 annuity, granted under the provisions of this act, computed on the  
8 basis of such mortality tables recommended by the actuary as the  
9 board of trustees adopts, with regular interest.
- 10 d. "Beneficiary" means any person receiving a retirement  
11 allowance or other benefit as provided in this act.
- 12 e. "Child" means a deceased member's unmarried child either  
13 (1) under the age of 18 or (2) of any age who, at the time of the  
14 member's death, is disabled because of **【mental retardation】** an  
15 intellectual disability or physical incapacity, is unable to do any  
16 substantial, gainful work because of the impairment and the  
17 impairment has lasted or can be expected to last for a continuous  
18 period of not less than 12 months, as affirmed by the medical board.
- 19 f. "Parent" shall mean the parent of a member who was  
20 receiving at least 1/2 of the parent's support from the member in the  
21 12-month period immediately preceding the member's death or the  
22 accident which was the direct cause of the member's death. The  
23 dependency of such a parent will be considered terminated by  
24 marriage of the parent subsequent to the death of the member.
- 25 g. (1) "Widower," for employees of the State, means the man to  
26 whom a member was married, or a domestic partner as defined in  
27 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before  
28 the date of her death and to whom she continued to be married or a  
29 domestic partner until the date of her death and who was receiving  
30 at least 1/2 of his support from the member in the 12-month period  
31 immediately preceding the member's death or the accident which  
32 was the direct cause of the member's death. The dependency of such  
33 a widower will be considered terminated by marriage of, or  
34 establishment of a domestic partnership by, the widower subsequent  
35 to the death of the member. In the event of the payment of an  
36 accidental death benefit, the five-year qualification shall be waived.
- 37 (2) Subject to the provisions of paragraph (3) of this subsection,  
38 "widower," for employees of public employers other than the State,  
39 means the man to whom a member was married at least five years  
40 before the date of her death and to whom she continued to be  
41 married until the date of her death and who was receiving at least  
42 1/2 of his support from the member in the 12-month period  
43 immediately preceding the member's death or the accident which  
44 was the direct cause of the member's death. The dependency of such  
45 a widower shall be considered terminated by marriage of the  
46 widower subsequent to the death of the member. In the event of the  
47 payment of an accidental death benefit, the five-year qualification  
48 shall be waived.

1 (3) A public employer other than the State may adopt a  
2 resolution providing that the term "widower" as defined in  
3 paragraph (2) of this subsection shall include domestic partners as  
4 provided in paragraph (1) of this subsection.

5 h. (1) "Final compensation" means the average annual  
6 compensation for which contributions are made for the three years  
7 of creditable service in New Jersey immediately preceding the  
8 member's retirement or death, or it shall mean the average annual  
9 compensation for New Jersey service for which contributions are  
10 made during any three fiscal years of his or her membership  
11 providing the largest possible benefit to the member or the  
12 member's beneficiary.

13 (2) In the case of a person who becomes a member of the  
14 retirement system on or after the effective date of P.L.2010, c.1,  
15 "final compensation" means the average annual compensation for  
16 which contributions are made for the five years of creditable service  
17 in New Jersey immediately preceding the member's retirement or  
18 death, or it shall mean the average annual compensation for New  
19 Jersey service for which contributions are made during any five  
20 fiscal years of his or her membership providing the largest possible  
21 benefit to the member or the member's beneficiary.

22 i. "Fiscal year" means any year commencing with July 1 and  
23 ending with June 30 next following.

24 j. "Medical board" shall mean the board of physicians  
25 provided for in section 17 of P.L.1954, c.84 (C.43:15A-17).

26 k. "Pension" means payments for life derived from  
27 appropriations made by the employer as provided in this act.

28 l. "Pension reserve" means the present value of all payments to  
29 be made on account of any pension or benefit in lieu of a pension  
30 granted under the provisions of this act, computed on the basis of  
31 such mortality tables recommended by the actuary as the board of  
32 trustees adopts, with regular interest.

33 m. "Public Employees' Retirement System of New Jersey,"  
34 hereinafter referred to as the "retirement system" or "system," is the  
35 corporate name of the arrangement for the payment of retirement  
36 allowances and other benefits under the provisions of this act  
37 including the several funds placed under said system. By that name  
38 all of its business shall be transacted, its funds invested, warrants  
39 for money drawn, and payments made and all of its cash and  
40 securities and other property held.

41 n. "Regular interest" shall mean interest as determined by the  
42 State Treasurer, after consultation with the Directors of the  
43 Divisions of Investment and Pensions, the board of trustees and the  
44 actuary. It shall bear a reasonable relationship to the percentage rate  
45 of earnings on investments based on the market value of the assets  
46 but shall not exceed the assumed percentage rate of increase applied  
47 to salaries plus 3%, provided however that the board of trustees

1 shall not set the average percentage rate of increase applied to  
2 salaries below 6%.

3 o. "Retirement allowance" means the pension plus the annuity.

4 p. "Veteran" means any honorably discharged officer, soldier,  
5 sailor, airman, marine or nurse who served in any Army, Air Force  
6 or Navy of the Allies of the United States in World War I, between  
7 July 14, 1914, and November 11, 1918, or who served in any Army,  
8 Air Force or Navy of the Allies of the United States in World War  
9 II, between September 1, 1939, and September 2, 1945, and who  
10 was inducted into such service through voluntary enlistment, and  
11 was a citizen of the United States at the time of such enlistment, and  
12 who did not, during or by reason of such service, renounce or lose  
13 United States citizenship, and any officer, soldier, sailor, marine,  
14 airman, nurse or army field clerk, who has served in the active  
15 military or naval service of the United States and has or shall be  
16 discharged or released therefrom under conditions other than  
17 dishonorable, in any of the following wars, uprisings, insurrections,  
18 expeditions, or emergencies, and who has presented to the  
19 retirement system evidence of such record of service in form and  
20 content satisfactory to said retirement system:

21 (1) The Indian wars and uprisings during any of the periods  
22 recognized by the War Department of the United States as periods  
23 of active hostility;

24 (2) The Spanish-American War between April 20, 1898, and  
25 April 11, 1899;

26 (3) The Philippine insurrections and expeditions during the  
27 periods recognized by the War Department of the United States as  
28 of active hostility from February 4, 1899, to the end of 1913;

29 (4) The Peking relief expedition between June 20, 1900, and  
30 May 27, 1902;

31 (5) The army of Cuban occupation between July 18, 1898, and  
32 May 20, 1902;

33 (6) The army of Cuban pacification between October 6, 1906,  
34 and April 1, 1909;

35 (7) The Mexican punitive expedition between March 14, 1916,  
36 and February 7, 1917;

37 (8) The Mexican border patrol, having actually participated in  
38 engagements against Mexicans between April 12, 1911, and June  
39 16, 1919;

40 (9) World War I, between April 6, 1917, and November 11,  
41 1918;

42 (10) World War II, between September 16, 1940, and December  
43 31, 1946, who shall have served at least 90 days in such active  
44 service, exclusive of any period of assignment (1) for a course of  
45 education or training under the Army Specialized Training Program  
46 or the Navy College Training Program which course was a  
47 continuation of a civilian course and was pursued to completion, or  
48 (2) as a cadet or midshipman at one of the service academies any

1 part of which 90 days was served between said dates; provided, that  
2 any person receiving an actual service-incurred injury or disability  
3 shall be classed as a veteran whether or not that person has  
4 completed the 90-day service as herein provided;

5 (11) Korean conflict on or after June 23, 1950, and on or prior to  
6 January 31, 1955, who shall have served at least 90 days in such  
7 active service, exclusive of any period of assignment (1) for a  
8 course of education or training under the Army Specialized  
9 Training Program or the Navy College Training Program which  
10 course was a continuation of a civilian course and was pursued to  
11 completion, or (2) as a cadet or midshipman at one of the service  
12 academies, any part of which 90 days was served between said  
13 dates; provided, that any person receiving an actual service-incurred  
14 injury or disability shall be classed as a veteran whether or not that  
15 person has completed the 90-day service as herein provided; and  
16 provided further, that any member classed as a veteran pursuant to  
17 this paragraph prior to August 1, 1966, shall continue to be classed  
18 as a veteran whether or not that person completed the 90-day  
19 service between said dates as herein provided;

20 (12) Lebanon crisis, on or after July 1, 1958, who has served in  
21 Lebanon or on board any ship actively engaged in patrolling the  
22 territorial waters of that nation for a period, continuous or in the  
23 aggregate, of at least 14 days commencing on or before November  
24 1, 1958 or the date of termination of that conflict, as proclaimed by  
25 the President of the United States or Congress, whichever date of  
26 termination is the latest, in such active service; provided, that any  
27 person receiving an actual service-incurred injury or disability shall  
28 be classed as a veteran whether or not that person has completed the  
29 14 days' service as herein provided;

30 (13) Vietnam conflict on or after December 31, 1960, and on or  
31 prior to May 7, 1975, who shall have served at least 90 days in such  
32 active service, exclusive of any period of assignment (1) for a  
33 course of education or training under the Army Specialized  
34 Training Program or the Navy College Training Program which  
35 course was a continuation of a civilian course and was pursued to  
36 completion, or (2) as a cadet or midshipman at one of the service  
37 academies, any part of which 90 days was served between said  
38 dates; and exclusive of any service performed pursuant to the  
39 provisions of section 511(d) of Title 10, United States Code,  
40 pursuant to an enlistment in the Army National Guard or as a  
41 reserve for service in the Army Reserve, Naval Reserve, Air Force  
42 Reserve, Marine Corps Reserve, or Coast Guard Reserve; provided,  
43 that any person receiving an actual service-incurred injury or  
44 disability shall be classed as a veteran whether or not that person  
45 has completed the 90 days' service as herein provided;

46 (14) Lebanon peacekeeping mission, on or after September 26,  
47 1982, who has served in Lebanon or on board any ship actively  
48 engaged in patrolling the territorial waters of that nation for a



1 period, continuous or in the aggregate, of at least 14 days  
2 commencing on or before December 1, 1987 or the date of  
3 termination of that mission, as proclaimed by the President of the  
4 United States or Congress, whichever date of termination is the  
5 latest, in such active service; provided, that any person receiving an  
6 actual service-incurred injury or disability shall be classed as a  
7 veteran whether or not that person has completed the 14 days'  
8 service as herein provided;

9 (15) Grenada peacekeeping mission, on or after October 23,  
10 1983, who has served in Grenada or on board any ship actively  
11 engaged in patrolling the territorial waters of that nation for a  
12 period, continuous or in the aggregate, of at least 14 days  
13 commencing on or before November 21, 1983 or the date of  
14 termination of that mission, as proclaimed by the President of the  
15 United States or Congress, whichever date of termination is the  
16 latest, in such active service; provided, that any person receiving an  
17 actual service-incurred injury or disability shall be classed as a  
18 veteran whether or not that person has completed the 14 days'  
19 service as herein provided;

20 (16) Panama peacekeeping mission, on or after December 20,  
21 1989 or the date of inception of that mission, as proclaimed by the  
22 President of the United States or Congress, whichever date of  
23 inception is earliest, who has served in Panama or on board any ship  
24 actively engaged in patrolling the territorial waters of that nation for  
25 a period, continuous or in the aggregate, of at least 14 days  
26 commencing on or before January 31, 1990 or the date of  
27 termination of that mission, as proclaimed by the President of the  
28 United States or Congress, whichever date of termination is the  
29 latest, in such active service; provided, that any person receiving an  
30 actual service-incurred injury or disability shall be classed as a  
31 veteran whether or not that person has completed the 14 days'  
32 service as herein provided;

33 (17) Operation "Desert Shield/Desert Storm" mission in the  
34 Arabian peninsula and the Persian Gulf, on or after August 2, 1990  
35 or the date of inception of that operation, as proclaimed by the  
36 President of the United States or Congress, whichever date of  
37 inception is earliest, who has served in the Arabian peninsula or on  
38 board any ship actively engaged in patrolling the Persian Gulf for a  
39 period, continuous or in the aggregate, of at least 14 days  
40 commencing on or before the date of termination of that mission, as  
41 proclaimed by the President of the United States or Congress,  
42 whichever date of termination is the latest, in such active service;  
43 provided, that any person receiving an actual service-incurred injury  
44 or disability shall be classed as a veteran whether or not that person  
45 has completed the 14 days' service as herein provided;

46 (18) Operation Northern Watch and Operation Southern Watch,  
47 on or after August 27, 1992, or the date of inception of that  
48 operation, as proclaimed by the President of the United States,

1 Congress or United States Secretary of Defense, whichever date of  
2 inception is earliest, who served in the theater of operation,  
3 including in the Arabian peninsula and the Persian Gulf, and in  
4 direct support of that operation for a period, continuously or in the  
5 aggregate, of at least 14 days in such active service, commencing on  
6 or before the date of termination of that operation, as proclaimed by  
7 the President of the United States, Congress or United States  
8 Secretary of Defense, whichever date of termination is the latest;  
9 provided, that any person receiving an actual service-incurred injury  
10 or disability while engaged in such service shall be classed as a  
11 veteran whether or not that person has completed the 14 days'  
12 service as herein provided;

13 (19) Operation "Restore Hope" in Somalia, on or after December  
14 5, 1992, or the date of inception of that operation as proclaimed by  
15 the President of the United States or Congress, whichever date is  
16 earliest, who has served in Somalia or on board any ship actively  
17 engaged in patrolling the territorial waters of that nation for a  
18 period, continuously or in the aggregate, of at least 14 days in such  
19 active service commencing on or before March 31, 1994; provided  
20 that any person receiving an actual service-incurred injury or  
21 disability shall be classed as a veteran whether or not that person  
22 has completed the 14-day service as herein provided;

23 (20) Operations "Joint Endeavor" and "Joint Guard" in the  
24 Republic of Bosnia and Herzegovina, on or after November 20,  
25 1995, who served in such active service in direct support of one or  
26 both of the operations for at least 14 days, continuously or in the  
27 aggregate, commencing on or before June 20, 1998 and (1) was  
28 deployed in that nation or in another area in the region, or (2) was  
29 on board a United States naval vessel operating in the Adriatic Sea,  
30 or (3) operated in airspace above the Republic of Bosnia and  
31 Herzegovina; provided that any person receiving an actual service-  
32 incurred injury or disability shall be classed as a veteran whether or  
33 not that person completed the 14-day service requirement;

34 (21) Operation "Enduring Freedom", on or after September 11,  
35 2001, who served in a theater of operation and in direct support of  
36 that operation for a period, continuously or in the aggregate, of at  
37 least 14 days in such active service commencing on or before the  
38 date the President of the United States or the United States  
39 Secretary of Defense designates as the termination date of that  
40 operation; provided, that any person receiving an actual service-  
41 incurred injury or disability while engaged in such service shall be  
42 classed as a veteran whether or not that person has completed the 14  
43 days' service as herein provided; and

44 (22) Operation "Iraqi Freedom", on or after the date the President  
45 of the United States or the United States Secretary of Defense  
46 designates as the inception date of that operation, who served in  
47 Iraq or in another area in the region in direct support of that  
48 operation for a period, continuously or in the aggregate, of at least

1 14 days in such active service commencing on or before the date the  
2 President of the United States or the United States Secretary of  
3 Defense designates as the termination date of that operation;  
4 provided, that any person receiving an actual service-incurred injury  
5 or disability while engaged in such service shall be classed as a  
6 veteran whether or not that person has completed the 14 days'  
7 service as herein provided.

8 "Veteran" also means any honorably discharged member of the  
9 American Merchant Marine who served during World War II and is  
10 declared by the United States Department of Defense to be eligible  
11 for federal veterans' benefits.

12 q. (1) "Widow," for employees of the State, means the woman  
13 to whom a member was married, or a domestic partner as defined in  
14 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before  
15 the date of his death and to whom he continued to be married or a  
16 domestic partner until the date of his death and who was receiving  
17 at least 1/2 of her support from the member in the 12-month period  
18 immediately preceding the member's death or the accident which  
19 was the direct cause of the member's death. The dependency of such  
20 a widow will be considered terminated by the marriage of, or  
21 establishment of a domestic partnership by, the widow subsequent  
22 to the member's death. In the event of the payment of an accidental  
23 death benefit, the five-year qualification shall be waived.

24 (2) Subject to the provisions of paragraph (3) of this subsection,  
25 "widow," for employees of public employers other than the State,  
26 means the woman to whom a member was married at least five  
27 years before the date of his death and to whom he continued to be  
28 married until the date of his death and who was receiving at least  
29 1/2 of her support from the member in the 12-month period  
30 immediately preceding the member's death or the accident which  
31 was the direct cause of the member's death. The dependency of such  
32 a widow shall be considered terminated by the marriage of the  
33 widow subsequent to the member's death. In the event of the  
34 payment of an accidental death benefit, the five-year qualification  
35 shall be waived.

36 (3) A public employer other than the State may adopt a  
37 resolution providing that the term "widow" as defined in paragraph  
38 (2) of this subsection shall include domestic partners as provided in  
39 paragraph (1) of this subsection.

40 r. (1) "Compensation" means the base or contractual salary, for  
41 services as an employee, which is in accordance with established  
42 salary policies of the member's employer for all employees in the  
43 same position but shall not include individual salary adjustments  
44 which are granted primarily in anticipation of the member's  
45 retirement or additional remuneration for performing temporary or  
46 extracurricular duties beyond the regular workday or the regular  
47 work year.

1       (2) In the case of a person who becomes a member of the  
2 retirement system on or after July 1, 2007, "compensation" means  
3 the amount of base or contractual salary equivalent to the annual  
4 maximum wage contribution base for Social Security, pursuant to  
5 the Federal Insurance Contributions Act, for services as an  
6 employee, which is in accordance with established salary policies of  
7 the member's employer for all employees in the same position but  
8 shall not include individual salary adjustments which are granted  
9 primarily in anticipation of the member's retirement or additional  
10 remuneration for performing temporary or extracurricular duties  
11 beyond the regular workday or the regular work year. This  
12 paragraph shall not apply to a person who at the time of enrollment  
13 in the retirement system on or after July 1, 2007 transfers service  
14 credit from another State-administered retirement system pursuant  
15 to section 14 of P.L.1954, c.84 (C.43:15A-14), but shall apply to a  
16 former member of the retirement system who has been granted a  
17 retirement allowance and is reenrolled in the retirement system on  
18 or after July 1, 2007 pursuant to section 27 of P.L.1966, c.217  
19 (C.43:15A-57.2) after becoming employed again in a position that  
20 makes the person eligible to be a member of the retirement system.

21       In cases where salary includes maintenance, the retirement  
22 system shall fix the value of that part of the salary not paid in  
23 money which shall be considered under this act.

24       For the period of July 1, 2009 through June 30, 2011,  
25 "contractual salary" for State employees shall include across the  
26 board negotiated wage increases under a collective negotiations  
27 agreement that were payable to all State employees covered by that  
28 agreement notwithstanding that, by amendment to that collective  
29 negotiations agreement, the effective date of the contractual  
30 increase has been deferred. For the purpose of this paragraph,  
31 "State employee" means an employee in the Executive Branch or  
32 the Judicial Branch of State government of New Jersey or an  
33 employee of the State University authorized to participate in the  
34 system under subsection b. of section 73 of P.L.1954, c.84  
35 (C.43:15A-73), but shall not include employees of agencies  
36 authorized to participate in the system under subsections a., c., d.,  
37 e., f., and g. of section 73 of P.L.1954, c.84 (C.43:15A-73) or under  
38 P.L.1990, c.25 (C.43:15A-73.2 et al.).

39       For the period of July 1, 2009 through June 30, 2011,  
40 "contractual salary" for county and municipal employees shall  
41 include across the board negotiated wage increases under a  
42 collective negotiations agreement that were payable to all county or  
43 all municipal employees covered by that agreement notwithstanding  
44 that, by amendment to that collective negotiations agreement which  
45 has been filed with the Division of Pensions and Benefits, the  
46 effective date of the contractual increase has been deferred. For the  
47 purpose of this paragraph, "county and municipal employees"

1 means all persons employed by a county or municipality in this  
2 State.

3 (cf: P.L.2010, c.1, s.21)

4

5 72. Section 1 of P.L.2001, c.259 (C.43:15A-142) is amended to  
6 read as follows:

7 1. As used in this act, P.L.2001, c.259 (C.43:15A-142 et seq.):

8 “Aggregate public service” includes service as a workers  
9 compensation judge and in an office, position, or employment of  
10 this State or of a county, municipality, board of education, or public  
11 agency of this State.

12 “Beneficiary” means any person entitled to receive any benefit  
13 pursuant to the provisions of this act by reason of the death of a  
14 member or retirant.

15 “Child” means a deceased member’s or retirant’s unmarried  
16 child who is (a) under the age of 18; (b) of any age who, at the time  
17 of the member’s or retirant’s death, is disabled because of [mental  
18 retardation] an intellectual disability or physical incapacity, is  
19 unable to do any substantial, gainful work because of the  
20 impairment, and the impairment has lasted or can be expected to  
21 last for a continuous period of not less than 12 months, as affirmed  
22 by the medical board; or (c) under the age of 21 and is attending  
23 school full time.

24 “Final salary” means the annual salary received by the member  
25 at the time of retirement or death.

26 “Retirant” means any former member receiving a pension or  
27 retirement allowance as provided by this act.

28 “Widow” means the woman to whom a member was married at  
29 least four years before the date of his death and to whom he  
30 continued to be married until the date of his death. The eligibility  
31 of a widow to receive a survivor’s benefit shall be considered  
32 terminated by the marriage of the widow subsequent to the  
33 member’s or the retirant’s death. In the event of accidental death,  
34 the four-year qualification shall be waived. When used in this act,  
35 the term “widow” shall mean and include “widower” as may be  
36 necessary and appropriate to the particular situation.

37 “Widower” means the man to whom a member was married at  
38 least four years before the date of her death and to whom she  
39 continued to be married until the date of her death. The eligibility  
40 of a widower to receive a survivor’s benefit shall be considered  
41 terminated by the marriage of the widower subsequent to the  
42 member’s or the retirant’s death. In the event of accidental death,  
43 the four-year qualification shall be waived.

44 “Workers compensation judges” means the Chief Judges,  
45 administrative supervisory judges, supervisory judges and judges of  
46 compensation of the Division of Workers’ Compensation of the  
47 Department of Labor.

48 (cf: P.L.2001, c.259, s.1)

1       73. Section 12 of P.L.1944, c.253 (C.43:16-17) is amended to  
2 read as follows:

3       12. The following words and phrases as used in this act, unless a  
4 different meaning is plainly required by the context, shall have the  
5 following meanings:

6       (1) "Member" shall mean a person who on July 1, 1944, was a  
7 member of a municipal police department or paid or part-paid fire  
8 department or county police department or a paid or part-paid fire  
9 department of a fire district located in a township and who has  
10 contributed to the pension fund established under chapter 16 of  
11 Title 43 of the Revised Statutes and shall hereafter contribute to  
12 said fund.

13       (2) "Active member" shall mean any "member" who is a police  
14 officer, firefighter, detective, line person, driver of police van, fire  
15 alarm operator or inspector of combustibles and who is subject to  
16 call for active service or duty as such.

17       (3) "Employee member" shall mean any "member" who is not  
18 subject to call for active service or duty as a police officer,  
19 firefighter, detective, line person, driver of police van, fire alarm  
20 operator or inspector of combustibles.

21       (4) "Commission" shall mean the board having the general  
22 responsibility for the proper operation of the pension fund created  
23 by this act, subject to the provisions of chapter 70 of the laws of  
24 1955.

25       (5) "Physician or surgeon" shall mean the medical board  
26 composed of physicians who shall be called upon to determine the  
27 disability of members as provided by this act.

28       (6) "Employer" shall mean the county, municipality or agency  
29 thereof by which a member is employed.

30       (7) "Service" shall mean service rendered while a member is  
31 employed by a municipal police department, paid or part-paid fire  
32 department, county police department or paid or part-paid fire  
33 department of a fire district located in a township prior to the  
34 effective date of this act for such service to such departments  
35 thereafter.

36       (8) "Pension" shall mean the amount payable to a member or the  
37 member's beneficiary under the provisions of this act.

38       (9) "Average salary" shall mean the average salary paid during  
39 the last three years of a member's service.

40       (10) "Beneficiary" shall mean any person or persons, other than  
41 a member, receiving or entitled to receive a pension or benefits, as  
42 provided by this act.

43       (11) "Parent" shall mean the parent of a member who was  
44 receiving at least one-half of that parent's support from the member  
45 in the 12-month period immediately preceding the member's death  
46 or the accident which was the direct cause of the member's death.  
47 The dependency of such a parent will be considered terminated by  
48 marriage of the parent subsequent to the death of the member.

1 (12) "County police" shall mean all police officers having  
2 supervision of regulation of traffic upon county roads.

3 (13) (Deleted by amendment, P.L.1989, c.78.)

4 (14) "Surviving spouse" shall mean the person to whom a  
5 member was married before the date of retirement or at least two  
6 years before the date of the member's death and whose marriage to  
7 the member continued until the member's death.

8 (15) "Child" shall mean a deceased member's unmarried child  
9 either (a) under the age of 18 or (b) of any age who, at the time of  
10 the member's death, is disabled because of ~~mental retardation~~ an  
11 intellectual disability or physical incapacity, is unable to do any  
12 substantial, gainful work because of the impairment and whose  
13 impairment has lasted or can be expected to last for a continuous  
14 period of not less than 12 months, as affirmed by the examining  
15 physicians of the fund.

16 (16) "Regular interest" shall mean interest as determined by the  
17 State Treasurer, after consultation with the Directors of the  
18 Divisions of Investment and Pensions, the commission and the  
19 actuary. It shall bear a reasonable relationship to the percentage  
20 rate of earnings on investments based on the market value of the  
21 assets but shall not exceed the assumed percentage rate of increase  
22 applied to salaries plus 3%, provided however that the commission  
23 shall not set the average percentage rate of increase applied to  
24 salaries below 6%.

25 (17) "Final compensation" shall mean the compensation received  
26 by the member in the last 12 months of service preceding  
27 retirement.

28 (18) "Compensation" shall mean the base salary, for services as a  
29 member as defined in this act, which is in accordance with  
30 established salary policies of the member's employer for all  
31 employees in the same position but shall not include individual  
32 salary adjustments which are granted primarily in anticipation of  
33 the member's retirement or additional remuneration for performing  
34 temporary duties beyond the regular workday.

35 (cf: P.L.1992, c.125, s.12)

36

37 74. Section 1 of P.L.1944, c.255 (C.43:16A-1) is amended to  
38 read as follows:

39 1. As used in this act:

40 (1) "Retirement system" or "system" shall mean the Police and  
41 Firemen's Retirement System of New Jersey as defined in section 2  
42 of this act.

43 (2) (a) "Policeman" shall mean a permanent, full-time employee  
44 of a law enforcement unit as defined in section 2 of P.L.1961, c.56  
45 (C.52:17B-67) or the State, other than an officer or trooper of the  
46 Division of State Police whose position is covered by the State  
47 Police Retirement System, whose primary duties include the

1 investigation, apprehension or detention of persons suspected or  
2 convicted of violating the criminal laws of the State and who:

3 (i) is authorized to carry a firearm while engaged in the actual  
4 performance of his official duties;

5 (ii) has police powers;

6 (iii) is required to complete successfully the training  
7 requirements prescribed by P.L.1961, c.56 (C.52:17B-66 et seq.) or  
8 comparable training requirements as determined by the board of  
9 trustees; and

10 (iv) is subject to the physical and mental fitness requirements  
11 applicable to the position of municipal police officer established by  
12 an agency authorized to establish these requirements on a Statewide  
13 basis, or comparable physical and mental fitness requirements as  
14 determined by the board of trustees.

15 The term shall also include an administrative or supervisory  
16 employee of a law enforcement unit or the State whose duties  
17 include general or direct supervision of employees engaged in  
18 investigation, apprehension or detention activities or training  
19 responsibility for these employees and a requirement for  
20 engagement in investigation, apprehension or detention activities if  
21 necessary, and who is authorized to carry a firearm while in the  
22 actual performance of his official duties and has police powers.

23 (b) "Fireman" shall mean a permanent, full-time employee of a  
24 firefighting unit whose primary duties include the control and  
25 extinguishment of fires and who is subject to the training and  
26 physical and mental fitness requirements applicable to the position  
27 of municipal firefighter established by an agency authorized to  
28 establish these requirements on a Statewide basis, or comparable  
29 training and physical and mental fitness requirements as determined  
30 by the board of trustees. The term shall also include an  
31 administrative or supervisory employee of a firefighting unit whose  
32 duties include general or direct supervision of employees engaged  
33 in fire control and extinguishment activities or training  
34 responsibility for these employees and a requirement for  
35 engagement in fire control and extinguishment activities if  
36 necessary. As used in this paragraph, "firefighting unit" shall mean  
37 a municipal fire department, a fire district, or an agency of a county  
38 or the State which is responsible for control and extinguishment of  
39 fires.

40 (3) "Member" shall mean any policeman or fireman included in  
41 the membership of the retirement system pursuant to this  
42 amendatory and supplementary act, P.L.1989, c.204 (C.43:16A-15.6  
43 et al.).

44 (4) "Board of trustees" or "board" shall mean the board provided  
45 for in section 13 of this act.

46 (5) "Medical board" shall mean the board of physicians  
47 provided for in section 13 of this act.



- 1       (6) "Employer" shall mean the State of New Jersey, the county,  
2       municipality or political subdivision thereof which pays the  
3       particular policeman or fireman.
- 4       (7) "Service" shall mean service as a policeman or fireman paid  
5       for by an employer.
- 6       (8) "Creditable service" shall mean service rendered for which  
7       credit is allowed as provided under section 4 of this act.
- 8       (9) "Regular interest" shall mean interest as determined by the  
9       State Treasurer, after consultation with the Directors of the  
10      Divisions of Investment and Pensions, the board of trustees and the  
11      actuary. It shall bear a reasonable relationship to the percentage  
12      rate of earnings on investments based on the market value of assets  
13      but shall not exceed the assumed percentage rate of increase applied  
14      to salaries plus 3%, provided however that the board of trustees  
15      shall not set the average percentage rate of increase applied to  
16      salaries below 6%.
- 17      (10) "Aggregate contributions" shall mean the sum of all the  
18      amounts, deducted from the compensation of a member or  
19      contributed by him or on his behalf, standing to the credit of his  
20      individual account in the annuity savings fund.
- 21      (11) "Annuity" shall mean payments for life derived from the  
22      aggregate contributions of a member.
- 23      (12) "Pension" shall mean payments for life derived from  
24      contributions by the employer.
- 25      (13) "Retirement allowance" shall mean the pension plus the  
26      annuity.
- 27      (14) "Earnable compensation" shall mean the full rate of the  
28      salary that would be payable to an employee if he worked the full  
29      normal working time for his position. In cases where salary  
30      includes maintenance, the retirement system shall fix the value of  
31      that part of the salary not paid in money which shall be considered  
32      under this act.
- 33      (15) "Average final compensation" shall mean final  
34      compensation.
- 35      (16) "Retirement" shall mean the termination of the member's  
36      active service with a retirement allowance granted and paid under  
37      the provisions of this act.
- 38      (17) "Annuity reserve" shall mean the present value of all  
39      payments to be made on account of any annuity or benefit in lieu of  
40      any annuity computed upon the basis of such mortality tables  
41      recommended by the actuary as shall be adopted by the board of  
42      trustees, and regular interest.
- 43      (18) "Pension reserve" shall mean the present value of all  
44      payments to be made on account of any pension or benefit in lieu of  
45      any pension computed upon the basis of such mortality tables  
46      recommended by the actuary as shall be adopted by the board of  
47      trustees, and regular interest.

1 (19) "Actuarial equivalent" shall mean a benefit of equal value  
2 when computed upon the basis of such mortality tables  
3 recommended by the actuary as shall be adopted by the board of  
4 trustees, and regular interest.

5 (20) "Beneficiary" shall mean any person receiving a retirement  
6 allowance or other benefit as provided by this act.

7 (21) "Child" shall mean a deceased member's or retirant's  
8 unmarried child (a) under the age of 18, or (b) 18 years of age or  
9 older and enrolled in a secondary school, or (c) under the age of 24  
10 and enrolled in a degree program in an institution of higher  
11 education for at least 12 credit hours in each semester, provided that  
12 the member died in active service as a result of an accident met in  
13 the actual performance of duty at some definite time and place, and  
14 the death was not the result of the member's willful misconduct, or  
15 (d) of any age who, at the time of the member's or retirant's death, is  
16 disabled because of **[mental retardation]** an intellectual disability or  
17 physical incapacity, is unable to do any substantial, gainful work  
18 because of the impairment and his impairment has lasted or can be  
19 expected to last for a continuous period of not less than 12 months,  
20 as affirmed by the medical board.

21 (22) "Parent" shall mean the parent of a member who was  
22 receiving at least one-half of his support from the member in the  
23 12-month period immediately preceding the member's death or the  
24 accident which was the direct cause of the member's death. The  
25 dependency of such a parent will be considered terminated by  
26 marriage of the parent subsequent to the death of the member.

27 (23) (a) "Widower," for employees of the State, means the man  
28 to whom a member or retirant was married, or a domestic partner as  
29 defined in section 3 of P.L.2003, c.246 (C.26:8A-3), on the date of  
30 her death and who has not since remarried or established a domestic  
31 partnership. In the event of the payment of accidental death  
32 benefits, pursuant to section 10 of P.L.1944, c.255 (C.43:16A-10),  
33 the restriction concerning remarriage or establishment of a domestic  
34 partnership shall be waived.

35 (b) Subject to the provisions of paragraph (c) of this subsection,  
36 "widower," for employees of public employers other than the State,  
37 means the man to whom a member or retirant was married on the  
38 date of her death and who has not remarried.

39 (c) A public employer other than the State may adopt a  
40 resolution providing that the term "widower" as defined in  
41 paragraph (b) of this subsection shall include domestic partners as  
42 provided in paragraph (a) of this subsection.

43 (24) (a) "Widow," for employees of the State, means the woman  
44 to whom a member or retirant was married, or a domestic partner as  
45 defined in section 3 of P.L.2003, c.246 (C.26:8A-3), on the date of  
46 his death and who has not since remarried or established a domestic  
47 partnership. In the event of the payment of accidental death  
48 benefits, pursuant to section 10 of P.L.1944, c.255 (C.43:16A-10),

1 the restriction concerning remarriage or establishment of a domestic  
2 partnership shall be waived.

3 (b) Subject to the provisions of paragraph (c) of this subsection,  
4 "widow," for employees of public employers other than the State,  
5 means the woman to whom a member or retirant was married on the  
6 date of his death and who has not remarried.

7 (c) A public employer other than the State may adopt a  
8 resolution providing that the term "widow" as defined in paragraph  
9 (b) of this subsection shall include domestic partners as provided in  
10 paragraph (a) of this subsection.

11 (25) "Fiscal year" shall mean any year commencing with July 1,  
12 and ending with June 30, next following.

13 (26) (a) "Compensation" shall mean the base salary, for services  
14 as a member as defined in this act, which is in accordance with  
15 established salary policies of the member's employer for all  
16 employees in the same position but shall not include individual  
17 salary adjustments which are granted primarily in anticipation of  
18 the member's retirement or additional remuneration for performing  
19 temporary duties beyond the regular workday.

20 (b) In the case of a person who becomes a member of the  
21 retirement system on or after the effective date of P.L.2010, c.1,  
22 "compensation" means the amount of base salary equivalent to the  
23 annual maximum wage contribution base for Social Security,  
24 pursuant to the Federal Insurance Contributions Act, for services as  
25 a member as defined in this act, which is in accordance with  
26 established salary policies of the member's employer for all  
27 employees in the same position but shall not include individual  
28 salary adjustments which are granted primarily in anticipation of  
29 the member's retirement or additional remuneration for performing  
30 temporary duties beyond the regular workday.

31 (27) "Department" shall mean any police or fire department of a  
32 municipality or a fire department of a fire district located in a  
33 township or a county police or park police department or the  
34 appropriate department of the State or instrumentality thereof.

35 (28) (a) "Final compensation" means the compensation received  
36 by the member in the last 12 months of creditable service preceding  
37 his retirement or death.

38 (b) In the case of a person who becomes a member of the  
39 retirement system on or after the effective date of P.L.2010, c.1,  
40 "final compensation" means the average annual compensation for  
41 service for which contributions are made during any three fiscal  
42 years of membership providing the largest possible benefit to the  
43 member or the member's beneficiary.

44 (29) (Deleted by amendment, P.L.1992, c.78).

45 (30) (Deleted by amendment, P.L.1992, c.78).

46 (31) (a) "Spouse," for employees of the State, means the husband  
47 or wife, or domestic partner as defined in section 3 of P.L.2003,  
48 c.246 (C.26:8A-3), of a member.

1 (b) Subject to the provisions of paragraph (c) of this subsection,  
2 "spouse," for employees of public employers other than the State,  
3 means the husband or wife of a member.

4 (c) A public employer other than the State may adopt a  
5 resolution providing that the term "spouse" as defined in paragraph  
6 (b) of this subsection shall include domestic partners as provided in  
7 paragraph (a) of this subsection.

8 (cf: P.L.2010, c.1, s.22)

9  
10 75. Section 35 of P.L.1979, c.496 (C.44:7-93) is amended to  
11 read as follows:

12 35. a. As used in this section, "eligible resident" means a  
13 resident of a residential health care facility, rooming house or  
14 boarding house who is: eligible to receive services under the latest  
15 New Jersey Comprehensive Annual Services Program Plan for the  
16 use of funds appropriated under Title XX of the Federal Social  
17 Security Act; an "eligible person" under the act to which this act is  
18 a supplement; an otherwise aged, blind or disabled person; or a  
19 resident designated to be eligible by the Commissioner of [the  
20 Department of] Human Services.

21 b. County welfare boards shall provide services to eligible  
22 residents of residential health care facilities, rooming houses and  
23 boarding houses which shall include, but not be limited to, the  
24 following:

25 (1) Investigation and evaluation of reports of abuse or  
26 exploitation, as defined in section 36 hereunder, or of threats of  
27 such abuse or exploitation of eligible residents, at the direction of  
28 the Commissioner of Human Services;

29 (2) Visits to all such facilities having eligible residents, at  
30 regularly scheduled intervals to assess the needs of such residents,  
31 determine whether they are receiving needed services and  
32 appropriate levels of care, and to provide such services where  
33 appropriate;

34 (3) Provision of information to eligible residents concerning  
35 social service, welfare, mental health, home health and medical  
36 assistance programs available to them; referral of eligible residents  
37 to State, county and local agencies and organizations for any such  
38 services which county welfare boards cannot provide; and follow  
39 up to such referrals to determine whether such services are being  
40 provided;

41 (4) Reporting of any suspected violations of the provisions of  
42 this act and of any complaints received concerning services and  
43 conditions in such facilities to the commissioner and to appropriate  
44 State and local agencies for remedial action; and

45 (5) Provision of information to eligible residents whose  
46 continued residence in such facilities may be injurious or dangerous  
47 to their health concerning alternative housing and living  
48 arrangements available to them.

1 County welfare boards shall coordinate all services provided  
2 under this subsection with services provided to eligible residents by  
3 the State Divisions of Mental Health **【and Hospitals,】** 'and  
4 Addiction' Services and **【Mental Retardation】** Developmental  
5 Disabilities in the Department of Human Services and Division of  
6 Youth and Family Services in the Department of Children and  
7 Families, charitable institutions and other State and local agencies  
8 and service providers.

9 c. In order to fulfill their responsibilities under subsection b.  
10 above, county welfare boards shall be entitled to receive full and  
11 free access to residential health care facilities, rooming houses and  
12 boarding houses by the owners and operators of such facilities, and  
13 to receive cooperation and assistance from State and local law  
14 enforcement officials as needed.

15 d. The Commissioner of **【the Department of】** Human Services  
16 shall:

17 (1) Promulgate all necessary regulations to implement the  
18 provisions of this section;

19 (2) Maintain a central file of all complaints received concerning  
20 suspected violations of the provisions of this act and concerning  
21 services and conditions at residential health care facilities, rooming  
22 houses and boarding houses and shall maintain a record of the State  
23 and local agencies to which complaints have been referred by  
24 county welfare boards; refer any such complaints received by the  
25 commissioner to State and local agencies for remedial action as  
26 necessary; and follow up all complaints to determine whether such  
27 action has been taken;

28 (3) Provide such training and educational programs to the  
29 operators of such facilities as will enable them to appropriately  
30 respond to the needs of their residents;

31 (4) Designate agencies to:

32 (a) Identify those residential health care facilities, rooming  
33 houses and boarding houses in which substantial numbers of  
34 persons reside who are in need of mental health or **【mental**  
35 **retardation】** developmental disabilities services;

36 (b) Receive referrals and be responsible for the provision of  
37 mental health or **【mental retardation】** developmental disability  
38 services, or both;

39 (c) Report any apparent violation of this act to the appropriate  
40 State and local officials and authorities;

41 (d) Coordinate their efforts with county welfare boards,  
42 charitable institutions, the State Divisions of Mental Health **【and**  
43 **Hospitals,】** 'and Addiction' Services and **【Mental Retardation】**  
44 Developmental Disabilities in the Department of Human Services  
45 and Division of Youth and Family Services in the Department of  
46 Children and Families, and other State and local entities and service  
47 providers.

1 (5) Periodically monitor and evaluate services provided to  
2 eligible residents by county welfare boards and community agencies  
3 serving **the mentally ill and the mentally retarded** persons with  
4 mental illness or developmental disabilities.

5 (6) Issue a report to the Legislature's Standing Reference  
6 Committees on Institutions, Health and Welfare concerning the  
7 implementation of this section, 1 year following the effective date  
8 of this act.

9 e. Any person who submits or reports a complaint concerning a  
10 suspected violation of the provisions of this act or concerning  
11 services and conditions in residential health care facilities, rooming  
12 houses and boarding houses, or who testifies in any administrative  
13 or judicial proceeding arising from such a complaint, shall have  
14 immunity from any civil or criminal liability on account of such  
15 complaint, unless such person has acted in bad faith or with  
16 malicious purpose.

17 (cf: P.L.1979, c.496, s.35)

18  
19 76. Section 2 of P.L.2009, c.41 (C.45:9-37.112) is amended to  
20 read as follows:

21 2. The Legislature finds that: the profession of genetic  
22 counseling has existed for more than 30 years. Genetic counseling  
23 is a communication process which deals with the human problems  
24 associated with the occurrence, or the risk of occurrence, of a  
25 genetic disorder, birth defect, or **mental retardation** intellectual  
26 disability in a family. This process involves an attempt by one or  
27 more appropriately trained individuals to help an individual or  
28 family: comprehend the medical facts, including the diagnostic,  
29 probable course and available management of a disorder, as well as  
30 the risk of occurrence in specified relatives; understand the options  
31 for dealing with the risk of recurrence; choose the course of action  
32 that seems appropriate to that individual or family in view of the  
33 risk and the family goals and to act in accordance with that  
34 decision; and make the best possible adjustment to the disorder in  
35 affected family members and to the risk of occurrence or recurrence  
36 of the disorder.

37 The Legislature further finds that: the profession of genetic  
38 counseling profoundly affects the lives of the people of New Jersey;  
39 and informed individual decisions to undergo a genetic test and  
40 intellectually sound and emotionally healthy responses to the  
41 discovery of a genetic anomaly can be facilitated by professional  
42 genetic counseling; however, misuse of those same genetic tests or  
43 information used for individual decisions may result in  
44 inappropriate decision making, loss of privacy, discrimination,  
45 inappropriate medical referrals, and unnecessary emotional distress.

46 The Legislature declares, therefore, that this act is intended to  
47 protect the people of New Jersey by setting standards of  
48 qualification, education, training and experience for those persons

1 seeking to practice and be licensed as genetic counselors and by  
2 promoting high standards of professional performance for those  
3 presently practicing as genetic counselors and for those who will be  
4 licensed to practice genetic counseling in the State.

5 (cf: P.L.2009, c.41, s.2)

6  
7 77. Section 3 of P.L.1977, c.379 (C.52:27D-172) is amended to  
8 read as follows:

9 3. For the purposes of this act:

10 a. "Commissioner" means the Commissioner of [the  
11 Department of] Community Affairs.

12 b. "Handicapped persons" means persons who [are mentally  
13 retarded,] have intellectual disabilities or who are visually  
14 handicapped, auditorily handicapped, communication handicapped,  
15 neurologically or perceptually impaired, orthopedically  
16 handicapped, chronically ill, emotionally disturbed, socially  
17 maladjusted, multiply handicapped, or [developmentally disabled]  
18 have a developmental disability.

19 (cf: P.L.1977, c.379, s.3)

20  
21 78. Section 12 of P.L.2005, c.155 (C.52:27EE-12) is amended to  
22 read as follows:

23 12. Definitions.

24 As used in this act:

25 "administrative action" means and includes any action, omission,  
26 decision, recommendation, practice or procedure of an agency, but  
27 does not include the preparation, presentation or introduction of  
28 legislation;

29 "agency" means and includes the State of New Jersey and its  
30 principal departments, and any division, bureau, board, commission,  
31 agency, office, authority, or institution of the Executive Branch of  
32 the State government, or any other agency, including bi-state  
33 agencies, or any instrumentality created by the State, including  
34 counties, municipalities, or political subdivisions thereof, or any  
35 officer, employee, or member thereof acting or purporting to act in  
36 the exercise of his or her official duties, except the Governor and  
37 the Governor's personal staff and any portion of the Legislative  
38 Branch or Judicial Branch of State government;

39 "compensatory damages" means damages intended to make good  
40 the loss of an injured party, and no more. The term includes  
41 general and special damages, and does not include nominal,  
42 exemplary, or punitive damages;

43 "consumer insurance rate increases" means prior approval rate  
44 increases for: personal lines property casualty coverages; Medicare  
45 supplemental coverages; or a rating system change pursuant to  
46 section 14 of P.L.1997, c.151 (C.17:29A-46.1 et seq.);

1 "correctional facility" means a jail, prison, lockup, penitentiary,  
2 reformatory, training school, or other similar facility within the  
3 State of New Jersey;

4 "department" means the Department of the Public Advocate  
5 established herein, unless the context clearly indicates otherwise;

6 "elderly" means a person age 60 years or older;

7 "facility" whenever referred to in sections 61 through 65 of this  
8 act, means any facility or institution, whether public or private,  
9 offering health or health related services for the institutionalized  
10 elderly, and which is subject to regulation, visitation, inspection, or  
11 supervision by any government agency. Facilities include, but are  
12 not limited to, nursing homes, skilled nursing homes, intermediate  
13 care facilities, extended care facilities, convalescent homes,  
14 rehabilitation centers, residential health care facilities, special  
15 hospitals, veterans' hospitals, chronic disease hospitals, psychiatric  
16 hospitals, mental hospitals, **[mental retardation]** developmental  
17 centers or facilities, day care facilities for the elderly, and medical  
18 day care centers;

19 "funded entity" means any party to and beneficiary of contracts  
20 with the State or its political subdivisions, including any business,  
21 corporation, association, partnership, sole proprietorship, firm,  
22 trust, organization, unincorporated organization, individual,  
23 enterprise, or other legal entity receiving public funds;

24 "indigent mental hospital admittee" means a person who has  
25 been admitted to and is a patient in a mental hospital, an institution  
26 for the care and treatment of **[the mentally ill]** persons with mental  
27 illness, or a similar facility, whether public or private, State, county  
28 or local, or who is the subject of an action for admission as  
29 provided by P.L.1987, c.116 (C.30:4-27.1 et seq.) and who does not  
30 have the financial ability to secure competent representation and to  
31 provide all other necessary expenses of representation;

32 "institutionalized elderly" means any person 60 years of age or  
33 older, who is a patient, resident or client of any facility, as  
34 described herein;

35 "nominal damages" means damages that are designed to  
36 compensate a plaintiff and are less than \$500;

37 "public employee" means an employee of a public entity, and  
38 includes a person participating, under the supervision of the  
39 Palisades Interstate Park Commission, in a volunteer program in  
40 that part of the Palisades Interstate Park located in New Jersey;

41 "public entity" means and includes the State, and any county,  
42 municipality, district, public authority, public agency, and any other  
43 political subdivision or public body in the State;

44 "public interest" means an interest or right arising from the  
45 Constitution, decisions of court, common law or other laws of the  
46 United States or of this State inhering in the citizens of this State or  
47 in a broad class of such citizens;



1 "punitive damages" means and includes exemplary damages and  
2 means damages awarded against a party in a civil action because of  
3 aggravating circumstances in order to penalize and to provide  
4 additional deterrence against a defendant to discourage similar  
5 conduct in the future. Punitive damages do not include  
6 compensatory damages or nominal damages.  
7 (cf: P.L.2005, c.155, s.12)

8  
9 79. Section 2 of P.L.1977, c.239 (C.52:27G-2) is amended to  
10 read as follows:

11 2. As used in this act, unless the context clearly indicates  
12 otherwise:

13 a. "Abuse" means the willful infliction of physical pain, injury  
14 or mental anguish; unreasonable confinement; or the willful  
15 deprivation of services which are necessary to maintain a person's  
16 physical and mental health. However, no person shall be deemed to  
17 be abused for the sole reason he is being furnished nonmedical  
18 remedial treatment by spiritual means through prayer alone, in  
19 accordance with a recognized religious method of healing, in lieu of  
20 medical treatment;

21 b. An "act" of any facility or government agency shall be  
22 deemed to include any failure or refusal to act by such facility or  
23 government agency;

24 c. "Administrator" means any person who is charged with the  
25 general administration or supervision of a facility, whether or not  
26 such person has an ownership interest in such facility, and whether  
27 or not such person's functions and duties are shared with one or  
28 more other persons;

29 d. "Caretaker" means a person employed by a facility to  
30 provide care or services to an elderly person, and includes, but is  
31 not limited to, the administrator of a facility;

32 e. "Exploitation" means the act or process of using a person or  
33 his resources for another person's profit or advantage without legal  
34 entitlement to do so;

35 f. "Facility" means any facility or institution, whether public or  
36 private, offering health or health related services for the  
37 institutionalized elderly, and which is subject to regulation,  
38 visitation, inspection, or supervision by any government agency.  
39 Facilities include, but are not limited to, nursing homes, skilled  
40 nursing homes, intermediate care facilities, extended care facilities,  
41 convalescent homes, rehabilitation centers, residential health care  
42 facilities, special hospitals, veterans' hospitals, chronic disease  
43 hospitals, psychiatric hospitals, mental hospitals, [mental  
44 retardation] developmental centers or facilities, day care facilities  
45 for the elderly and medical day care centers;

46 g. "Government agency" means any department, division,  
47 office, bureau, board, commission, authority, or any other agency or  
48 instrumentality created by the State or to which the State is a party,

1 or by any county or municipality, which is responsible for the  
2 regulation, visitation, inspection or supervision of facilities, or  
3 which provides services to patients, residents or clients of facilities;

4 h. "Guardian" means any person with the legal right to manage  
5 the financial affairs and protect the rights of any patient, resident or  
6 client of a facility, who has been declared an incapacitated person  
7 by a court of competent jurisdiction;

8 i. "Institutionalized elderly," "elderly" or "elderly person"  
9 means any person 60 years of age or older, who is a patient,  
10 resident or client of any facility;

11 j. "Office" means the Office of the Ombudsman for the  
12 Institutionalized Elderly established herein;

13 k. "Ombudsman" means the administrator and chief executive  
14 officer of the Office of the Ombudsman for the Institutionalized  
15 Elderly;

16 l. "Patient, resident or client" means any elderly person who is  
17 receiving treatment or care in any facility in all its aspects,  
18 including, but not limited to, admission, retention, confinement,  
19 commitment, period of residence, transfer, discharge and any  
20 instances directly related to such status.

21 (cf: P.L.1997, c.379, s.9)

22

23 80. Section 3 of P.L.1965, c.89 (C.53:5A-3) is amended to read  
24 as follows:

25 3. As used in this act:

26 a. "Aggregate contributions" means the sum of all the amounts,  
27 deducted from the salary of a member or contributed by him or on  
28 his behalf, standing to the credit of his individual account in the  
29 Annuity Savings Fund. Interest credited on contributions to the  
30 former "State Police Retirement and Benevolent Fund" shall be  
31 included in a member's aggregate contributions.

32 b. "Annuity" means payments for life derived from the  
33 aggregate contributions of a member.

34 c. "Annuity reserve" means the present value of all payments  
35 to be made on account of any annuity or benefit in lieu of an  
36 annuity, computed upon the basis of such mortality tables  
37 recommended by the actuary as the board of trustees adopts and  
38 regular interest.

39 d. "Beneficiary" means any person entitled to receive any  
40 benefit pursuant to the provisions of this act by reason of the death  
41 of a member or retirant.

42 e. "Board of trustees" or "board" means the board provided for  
43 in section 30 of this act.

44 f. "Child" means a deceased member's or retirant's unmarried  
45 child either (a) under the age of 18 or (b) of any age who, at the  
46 time of the member's or retirant's death, is disabled because of  
47 **【mental retardation】** an intellectual disability or physical  
48 incapacity, is unable to do any substantial, gainful work because of

- 1 the impairment and his impairment has lasted or can be expected to  
2 last for a continuous period of not less than 12 months, as affirmed  
3 by the medical board.
- 4 g. "Creditable service" means service rendered for which credit  
5 is allowed on the basis of contributions made by the member or the  
6 State.
- 7 h. "Parent" means the parent of a member who was receiving at  
8 least one-half of his support from the member in the 12-month  
9 period immediately preceding the member's death or the accident  
10 which was the direct cause of the member's death. The dependency  
11 of such a parent will be considered terminated by marriage of the  
12 parent subsequent to the death of the member.
- 13 i. (1) "Final compensation" means the average compensation  
14 received by the member in the last 12 months of creditable service  
15 preceding his retirement or death. Such term includes the value of  
16 the member's maintenance allowance for this same period.
- 17 (2) In the case of a person who becomes a member of the  
18 retirement system on or after the effective date of P.L.2010, c.1,  
19 "final compensation" means the average annual compensation for  
20 service for which contributions are made during any three fiscal  
21 years of membership providing the largest possible benefit to the  
22 member or the member's beneficiary. Such term includes the value  
23 of the member's maintenance allowance for this same period.
- 24 j. (1) "Final salary" means the average salary received by the  
25 member in the last 12 months of creditable service preceding his  
26 retirement or death. Such term shall not include the value of the  
27 member's maintenance allowance.
- 28 (2) In the case of a person who becomes a member of the  
29 retirement system on or after the effective date of P.L.2010, c.1,  
30 "final salary" means the average annual salary for service for which  
31 contributions are made during any three fiscal years of membership  
32 providing the largest possible benefit to the member or the  
33 member's beneficiary. Such term shall not include the value of the  
34 member's maintenance allowance.
- 35 k. "Fiscal year" means any year commencing with July 1 and  
36 ending with June 30 next following.
- 37 l. "Medical board" means the board of physicians provided for  
38 in section 30 of this act.
- 39 m. "Member" means any full-time, commissioned officer, non-  
40 commissioned officer or trooper of the Division of State Police of  
41 the Department of Law and Public Safety of the State of New Jersey  
42 enrolled in the retirement system established by this act.
- 43 n. "Pension" means payment for life derived from contributions  
44 by the State.
- 45 o. "Pension reserve" means the present value of all payments to  
46 be made on account of any pension or benefit in lieu of any pension  
47 computed on the basis of such mortality tables recommended by the

1     actuary as shall be adopted by the board of trustees and regular  
2     interest.

3     p. "Regular interest" means interest as determined by the State  
4     Treasurer, after consultation with the Directors of the Divisions of  
5     Investment and Pensions, the board of trustees and the actuary. It  
6     shall bear a reasonable relationship to the percentage rate of  
7     earnings on investments based on the market value of the assets but  
8     shall not exceed the assumed percentage rate of increase applied to  
9     salaries plus 3%, provided however that the board of trustees shall  
10    not set the average percentage rate of increase applied to salaries  
11    below 6%.

12    q. "Retirant" means any former member receiving a retirement  
13    allowance as provided by this act.

14    r. "Retirement allowance" means the pension plus the annuity.

15    s. "State Police Retirement System of New Jersey," herein also  
16    referred to as the "retirement system" or "system," is the corporate  
17    name of the arrangement for the payment of retirement allowances  
18    and of the benefits under the provisions of this act including the  
19    several funds placed under said system. By that name, all of its  
20    business shall be transacted, its funds invested, warrants for moneys  
21    drawn, and payments made and all of its cash and securities and  
22    other property held. All assets held in the name of the former  
23    "State Police Retirement and Benevolent Fund" shall be transferred  
24    to the retirement system established by this act.

25    t. "Surviving spouse" means the person to whom a member or  
26    a retirant was married, or a domestic partner as defined in section 3  
27    of P.L.2003, c.246 (C.26:8A-3), on the date of the death of the  
28    member or retirant. The dependency of such a surviving spouse will  
29    be considered terminated by the marriage of, or establishment of a  
30    domestic partnership by, the surviving spouse subsequent to the  
31    member's or the retirant's death, except that in the event of the  
32    payment of accidental death benefits, pursuant to section 14 of  
33    P.L.1965, c.89 (C.53:5A-14), the dependency of such a surviving  
34    spouse or domestic partner will not be considered terminated by the  
35    marriage of, or establishment of a domestic partnership by, the  
36    surviving spouse subsequent to the member's death.

37    u. (1) "Compensation" for purposes of computing pension  
38    contributions means the base salary, for services as a member as  
39    defined in this act, which is in accordance with established salary  
40    policies of the State for all employees in the same position but shall  
41    not include individual salary adjustments which are granted  
42    primarily in anticipation of the member's retirement or additional  
43    remuneration for performing temporary duties beyond the regular  
44    workday or shift.

45    (2) In the case of a person who becomes a member of the  
46    retirement system on or after the effective date of P.L.2010, c.1,  
47    "compensation" means the amount of base salary equivalent to the  
48    annual maximum wage contribution base for Social Security,

1 pursuant to the Federal Insurance Contributions Act, for services as  
2 a member as defined in this act, which is in accordance with  
3 established salary policies of the State for all employees in the same  
4 position but shall not include individual salary adjustments which  
5 are granted primarily in anticipation of the member's retirement or  
6 additional remuneration for performing temporary duties beyond  
7 the regular workday or shift.

8 (cf: P.L.2010, c.1, s.23)

9  
10 81. R.S.54:4-3.6 is amended to read as follows:

11 54:4-3.6. The following property shall be exempt from taxation  
12 under this chapter: all buildings actually used for colleges, schools,  
13 academies or seminaries, provided that if any portion of such  
14 buildings are leased to profit-making organizations or otherwise  
15 used for purposes which are not themselves exempt from taxation,  
16 said portion shall be subject to taxation and the remaining portion  
17 only shall be exempt; all buildings actually used for historical  
18 societies, associations or exhibitions, when owned by the State,  
19 county or any political subdivision thereof or when located on land  
20 owned by an educational institution which derives its primary  
21 support from State revenue; all buildings actually and exclusively  
22 used for public libraries, asylum or schools for ~~feeble-minded or~~  
23 ~~idiotic persons~~ adults and children with intellectual disabilities; all  
24 buildings used exclusively by any association or corporation formed  
25 for the purpose and actually engaged in the work of preventing  
26 cruelty to animals; all buildings actually and exclusively used and  
27 owned by volunteer first-aid squads, which squads are or shall be  
28 incorporated as associations not for pecuniary profit; all buildings  
29 actually used in the work of associations and corporations organized  
30 exclusively for the moral and mental improvement of men, women  
31 and children, provided that if any portion of a building used for that  
32 purpose is leased to profit-making organizations or is otherwise  
33 used for purposes which are not themselves exempt from taxation,  
34 that portion shall be subject to taxation and the remaining portion  
35 only shall be exempt; all buildings actually used in the work of  
36 associations and corporations organized exclusively for religious  
37 purposes, including religious worship, or charitable purposes,  
38 provided that if any portion of a building used for that purpose is  
39 leased to a profit-making organization or is otherwise used for  
40 purposes which are not themselves exempt from taxation, that  
41 portion shall be subject to taxation and the remaining portion shall  
42 be exempt from taxation, and provided further that if any portion of  
43 a building is used for a different exempt use by an exempt entity,  
44 that portion shall also be exempt from taxation; all buildings  
45 actually used in the work of associations and corporations organized  
46 exclusively for hospital purposes, provided that if any portion of a  
47 building used for hospital purposes is leased to profit-making  
48 organizations or otherwise used for purposes which are not

1 themselves exempt from taxation, that portion shall be subject to  
2 taxation and the remaining portion only shall be exempt; all  
3 buildings owned or held by an association or corporation created for  
4 the purpose of holding the title to such buildings as are actually and  
5 exclusively used in the work of two or more associations or  
6 corporations organized exclusively for the moral and mental  
7 improvement of men, women and children; all buildings owned by a  
8 corporation created under or otherwise subject to the provisions of  
9 Title 15 of the Revised Statutes or Title 15A of the New Jersey  
10 Statutes and actually and exclusively used in the work of one or  
11 more associations or corporations organized exclusively for  
12 charitable or religious purposes, which associations or corporations  
13 may or may not pay rent for the use of the premises or the portions  
14 of the premises used by them; the buildings, not exceeding two,  
15 actually occupied as a parsonage by the officiating clergymen of  
16 any religious corporation of this State, together with the accessory  
17 buildings located on the same premises; the land whereon any of the  
18 buildings hereinbefore mentioned are erected, and which may be  
19 necessary for the fair enjoyment thereof, and which is devoted to  
20 the purposes above mentioned and to no other purpose and does not  
21 exceed five acres in extent; the furniture and personal property in  
22 said buildings if used in and devoted to the purposes above  
23 mentioned; all property owned and used by any nonprofit  
24 corporation in connection with its curriculum, work, care, treatment  
25 and study of [feeble-minded, mentally retarded, or idiotic] men,  
26 women, or children with intellectual disabilities shall also be  
27 exempt from taxation, provided that such corporation conducts and  
28 maintains research or professional training facilities for the care and  
29 training of [feeble-minded, mentally retarded, or idiotic] men,  
30 women, or children with intellectual disabilities; provided, in case  
31 of all the foregoing, the buildings, or the lands on which they stand,  
32 or the associations, corporations or institutions using and occupying  
33 them as aforesaid, are not conducted for profit, except that the  
34 exemption of the buildings and lands used for charitable,  
35 benevolent or religious purposes shall extend to cases where the  
36 charitable, benevolent or religious work therein carried on is  
37 supported partly by fees and charges received from or on behalf of  
38 beneficiaries using or occupying the buildings; provided the  
39 building is wholly controlled by and the entire income therefrom is  
40 used for said charitable, benevolent or religious purposes. The  
41 foregoing exemption shall apply only where the association,  
42 corporation or institution claiming the exemption owns the property  
43 in question and is incorporated or organized under the laws of this  
44 State and authorized to carry out the purposes on account of which  
45 the exemption is claimed or where an educational institution, as  
46 provided herein, has leased said property to a historical society or  
47 association or to a corporation organized for such purposes and

1 created under or otherwise subject to the provisions of Title 15 of  
2 the Revised Statutes or Title 15A of the New Jersey Statutes.

3 As used in this section "hospital purposes" includes health care  
4 facilities for the elderly, such as nursing homes; residential health  
5 care facilities; assisted living residences; facilities with a Class C  
6 license pursuant to P.L.1979, c.496 (C.55:13B-1 et al.), the  
7 "Rooming and Boarding House Act of 1979"; similar facilities that  
8 provide medical, nursing or personal care services to their residents;  
9 and that portion of the central administrative or service facility of a  
10 continuing care retirement community that is reasonably allocable  
11 as a health care facility for the elderly.

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

13  
14 82. R.S.54:5-84 is amended to read as follows:

15 54:5-84. If a delinquent owner or lienor shall be, at the time of  
16 the expiration of the time limited for the redemption of the real  
17 estate in which he is interested, an infant under the age of twenty-  
18 one years, or ~~an idiot~~ a person with an intellectual disability, or  
19 ~~then shall have~~ who has been judicially adjudged a person ~~of~~  
20 ~~unsound mind~~ in need of a guardian, the right to redeem shall not  
21 be barred by service of notice as provided in this article so long as  
22 such impediment shall continue, but shall be barred only by an  
23 action to foreclose brought in the Superior Court.

24 (cf: P.L.1953, c.51, s.33)

25  
26 83. (New section) a. Nothing in this act shall be construed as  
27 intended to result in a reduction of federal funds that may be  
28 available to the State.

29 b. Nothing in this act shall be construed to alter or otherwise  
30 affect the current or future protections, funding, eligibility, services,  
31 rights, or responsibilities of any person under any provision or  
32 program, benefit, or service whose terminology is revised pursuant  
33 to this act. No change in terminology made pursuant to this act  
34 shall be construed as causing or intending any change in any  
35 definitions or meanings of any provision so changed.

36 c. Whenever the terms "mentally retarded," "mental  
37 retardation," "idiot," and "feeble-minded" occur or any reference is  
38 made thereto in any law, regulation, contract, or document, the  
39 same shall be deemed to mean or refer to "person who is  
40 intellectually disabled" or "person with an intellectual disability."

41  
42 84. The following are repealed:

43 N.J.S.2A:41-1;

44 P.L.1955, c.201 (C.30:4-177.20 et seq.);

45 R.S.30:11-1 through 30:11-4;

46 P.L.1947, c.340 (C.30:11-6 through 30:11-9); and

47 P.L.1964, c.148 (C.30:11-1.1 et seq).

1       85. This act shall take effect on the 90<sup>th</sup> day following  
2 enactment.

3

4

5

6

7       Changes references of “mental retardation” to “intellectual  
8 disability” or “developmental disability” and uses person-first  
9 language for persons with disabilities.