

P.L. 1997, CHAPTER 392, *approved January 19, 1998*
Senate, No. 1962 (*Second Reprint*)

1 AN ACT concerning certificate of need application fees and amending
2 P.L.1971, c.136.

3

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

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7 1. Section 10 of P.L.1971, c. 136 (C.26:2H-10) is amended to read
8 as follows:

9 10. ¹[a.]¹ Application for a certificate of need shall be made to the
10 department, and shall be in such form and contain such information as
11 the department may prescribe. The department shall charge a
12 nonreturnable fee for the filing of an application for a certificate of
13 need. [The] ¹[Except as provided in subsection b. of this section, the]
14 The¹ minimum fee for the filing of an application shall be \$5,000. For
15 a project whose total cost is greater than \$1 million [but less than
16 \$10 million], the fee shall be \$5,000 plus ¹[.05%] 0.15%¹ of the total
17 project cost, [and for a project whose total cost is \$10 million or
18 more, the fee shall be \$5,000 plus 1.0% of the total project cost,]
19 ¹[except that, the maximum fee for the filing of an application shall be
20 \$100,000]¹. Upon receipt of an application, copies thereof shall be
21 referred by the department to the appropriate local advisory board and
22 the State Health Planning Board for review.

23 These appropriate boards shall provide adequate mechanisms for
24 full consideration of each application submitted to them and for
25 developing recommendations thereon. Such recommendations,
26 whether favorable or unfavorable, shall be forwarded to the
27 commissioner within 90 days of the date of referral of the application.
28 A copy of the recommendations made shall be forwarded to the
29 applicant.

30 Recommendations concerning certificates of need shall be governed

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SBA committee amendments adopted December 11, 1997.

² Senate floor amendments adopted December 15, 1997.

1 and based upon the principles and considerations set forth in section
2 8 of P.L.1971, c.136 (C.26:2H-8).

3 No member, officer or employee of any planning body shall be
4 subject to civil action in any court as the result of any act done or
5 failure to act, or of any statement made or opinion given, while
6 discharging his duties under this act as such member, officer, or
7 employee, provided he acted in good faith with reasonable care and
8 upon proper cause.

9 ¹[b. Notwithstanding the provisions of subsection a. of this section
10 to the contrary, in the case of an application for a certificate of need
11 that is subject to the expedited review process pursuant to
12 N.J.A.C.8:33-5.1 et seq., the fee shall be \$1,250 or 25% of any higher
13 minimum application fee for a certificate of need that may be
14 established after the effective date of this act.]¹

15 (cf: P.L.1991, c.187, s.36)

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17 2. This act shall take effect ²[immediately] on July 1 next following
18 the date of enactment².

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23 Reduces certain certificate of need application fees.