

P.L.2005, c. 132
FY 2006 Appropriations Act
FINAL LANGUAGE CHANGES
from
GOVERNOR'S ORIGINAL RECOMMENDATIONS

LEGISLATURE

Language Clarifying Technologies for which Legislative Appropriation Language may be Applied:

LEG70#71#0003D:

Such sums as are required, as determined by the [Computer] Technology Executive Group of the Legislative Information Systems Committee of the Legislative Services Commission, for the continuation and expansion of [data processing systems for the Legislature in order to plan, acquire and install a comprehensive electronic data processing system, including software acquisition and training in connection with the system] existing and emerging computer and information technologies for the Legislature including but not limited to interactive video conferencing, telecommunications capabilities, electronic copying and facsimile transmissions, training and such other technologies in order to sustain a coordinated and comprehensive legislative technology infrastructure that the Legislature deems necessary are appropriated. No amounts so determined shall be obligated, expended or otherwise made available without the written prior authorization of the Senate President and the Speaker of the General Assembly.

COMMUNITY AFFAIRS

Language Appropriating Funds from Urban Rural Centers Unsafe Demolition Revolving Loan Fund to Certain Municipalities for Building Demolition and Disposal Projects:

CMA40#41D:

There is appropriated from the Urban and Rural Centers Unsafe Demolition Revolving Loan Fund established under P.L.1997, c.125 the sum of \$5,336,721, to be used for building demolition and disposal projects in the following municipalities in the amount set forth: Bayonne: \$973,021; Brick Township: \$120,000; Camden City: \$2,000,000; Hillside: \$1,034,000; Plainfield: \$125,000; Pleasantville: \$84,700; Trenton: \$1,000,00.

Language Allocating up to 5% of Homelessness Prevention Grants for Administrative Expenses:

CMA40#41G:

Notwithstanding any law to the contrary, an amount equal to 5% of the

Language Concerning Certain New Jersey Meadowlands Commission Escrow Account:

CMA40#41G:

Notwithstanding the provisions of section 35 of P.L.1975, c.326 (C.13:17-10.1), sections 10 and 11 of P.L.1981, c.306 (C.13:1E-109 and C.13:1E-110), section 8 of P.L.1985, c.368 (C.13:1E-176), or any rules and regulations adopted pursuant thereto, subject to any terms or conditions prescribed by order of the Department of Environmental Protection, upon issuance of acceptable post-closure security to the Department of Environmental Protection, the balance in Escrow Account No. 42-43-201-2018833 established for the post-closure of the Kingsland Park Sanitary Landfill shall be withdrawn by the New Jersey Meadowlands Commission and paid to the State Treasurer for deposit in the General Fund and the amount so deposited shall be appropriated to the New Jersey Meadowlands Commission for Meadowlands Area Grants for National and Economic Transformation (Magnet) Program.

Language Applying Revenue from the New Home Warranty Security Fund to State Rental Assistance Program:

CMA40#41G:

Amounts from the New Home Warranty Security Fund transferred to the General Fund shall be applied for the State Rental Assistance Program and the Prevention of Homelessness accounts.

CORRECTIONS

Language Concerning Savings from Administrative Efficiencies in the Department of Corrections:

CORTOT:

Of the Savings from Administrative Efficiencies, \$1,000,000 shall be allocated to the State Parole Board.

Language Requiring Department of Corrections Employees to Pay Fair Market Rent for Departmental Housing:

COR10#19D:

No employee of the Department of Corrections shall reside in departmental housing without payment of fair market rental rate.

Language Requiring Re-entry Case Management Services Appropriation to Follow Recommendations in Governor's Task Force on Mental Health Final Report (Shift):

COR10#17G:

The amounts appropriated hereinabove for Re-entry Case Management Services shall be expended consistent with the recommendations in the final report of the Governor's Task Force on Mental Health.

<p>Language Authorizing Expenditures of State Parole Board After-Care Accounts for Young Adult Ex-Offenders: COR10#17G: <u>Notwithstanding the provision of any law to the contrary, the New Jersey State Parole Board is authorized to expend the amounts appropriated for Re-Entry Substance Abuse Program, Halfway Back Program and Day Reporting Program to provide services to ex-offenders under juvenile or adult parole supervision who are age 18 or older, subject to the approval of the Director of the Division of Budget and Accounting.</u></p>
<p>EDUCATION</p>
<p>Language Capping Amount of Unanticipated Excess Receipts from Board of Examiners' Fees: EDU30#34D: Receipts from the State Board of Examiners' fees in excess of those anticipated, <u>not to exceed \$1,400,000</u>, and the unexpended <u>program</u> balances of such receipts at the end of the preceding fiscal year, are appropriated for the operation of the Professional Development and Licensure programs.</p>
<p>Language Allocating Grant for Learning Through Listening Program: EDU30#34D: <u>From the amount hereinabove appropriated for the Governor's Literacy Initiative, there is allocated \$300,000 for a grant for the Learning Through Listening program at the New Jersey Unit of the Recording for the Blind and Dyslexic.</u></p>
<p>Language Allocation from Literacy Initiative to Literacy Volunteers: EDU30#34D: <u>From the amount hereinabove appropriated for the Governor's Literacy Initiative, there is allocated \$150,000 for a grant for Literacy Volunteers.</u></p>
<p>Language Allocating Funds from Governor's Literacy Initiative to Commission for the Blind and Visually Impaired: EDU30#34D: From the amount appropriated hereinabove for the Governor's Literacy Initiative, the sum of [\$300,000] <u>\$900,000</u> may be transferred to the Commission for the Blind and Visually Impaired for increased Braille lessons for blind children, subject to the approval of the Director of the Division of Budget and Accounting.</p>
<p>Student Registration and Record System Carryforward Language: EDU30#35D: <u>The unexpended balance at the end of the preceding fiscal year in the Student Registration and Record System account are appropriated for the same purpose.</u></p>

Social Promotion Initiative Language:

EDU30#34G:

The amount hereinabove appropriated for the Social Promotion Initiative shall be distributed by the Commissioner of Education to the districts selected to participate in the pilot of the initiative. The amounts shall be distributed to the participating districts based on approved budgets for the program. Of the amount hereinabove appropriated, up to \$75,000 may be used for professional development costs of teachers involved in providing the program.

Carryforward Language for Grants to Nonpublic High Schools for Capital Projects for Secular Purposes:

EDU30#31S:

The unexpended balance in the Nonpublic Capital Projects Aid account at the end of the preceding fiscal year is appropriated and shall be distributed by the Commissioner of Education as grants to nonpublic high schools for capital projects, including capital projects completed after September 2003. Grants shall be awarded in accordance with criteria established by the commissioner which shall include but not be limited to a requirement that the capital project be used for a secular purpose. A grant shall be awarded upon submission of an application by the nonpublic school to the commissioner and the commissioner's approval of that application. The amount of a grant shall not exceed \$500,000.

Language Appropriating High Expectations for Learning Proficiency Aid:
EDU30#31S:

Of the amount hereinabove for High Expectations for Learning Proficiency Aid, \$14,900,927 shall be distributed to a school district, other than an "Abbott district" or a district receiving Abbott Bordered District Aid, that is not a non-operating district as determined by the commissioner, and that is either (a) in district factor group A or B and has an equalized valuation per pupil less than \$380,000; (b) in district factor group A, B, CD or DE, and has a concentration of low-income pupils that is equal to or greater than 14 percent and has an equalized valuation per pupil that is less than \$1,100,000, and either has a general fund tax levy per pupil that exceeds \$9,000 or a concentration of low-income pupils that exceeds 30 percent; (c) contiguous to an "Abbott district" and has at least one school with a concentration of low-income pupils equal to or greater than 20 percent; or (d) a county vocational school district in which 51 percent or more of its resident enrollment is comprised of students who reside in an "Abbott district." Each such school district shall receive the same proportion of \$11,700,000 as its October 2004 resident enrollment bears to the total October 2004 resident enrollment of all such districts; in addition such school district shall receive such additional amount as may be required to increase the amount of High Expectations for Learning Proficiency Aid that the district receives in the 2005-2006 school year to the amount of High Expectations for Learning Proficiency Aid the district received in the 2004-2005 school year. As used hereinabove, "district factor group" shall be determined by the commissioner using 2000 federal decennial census data; "equalized valuation per pupil" and "general fund tax levy per pupil" shall be as determined by the commissioner for the school year 2004-05; and "concentration of low-income pupils" shall be as defined in section 3 of P.L.1996, c.138 (C.18A:7F-3), except that ASSA data shall be as of October 2004. Any amount remaining in this account after its distribution is made pursuant to these criteria shall be distributed by the commissioner to school districts meeting substantially similar circumstances.

Language Authorizing Education Opportunity Aid Carryforward to be Used for Abbott Supervision:

EDU30#31PS:

Of the amount hereinabove appropriated for Education Opportunity Aid, an amount not to exceed \$14,686,000, shall be transferred to the Department of Education's operating budget, subject to the approval of the Director of the Division of Budget and Accounting, for the purpose of managing and supervising implementation of Abbott remedies. In addition, the unexpended balance at the end of the preceding fiscal year, in the Education Opportunity Aid account is appropriated for the same purpose and [with the same conditions as are applied to the fiscal year 2005 appropriation for this purpose] may also be transferred to the Department of Education's operating budget, subject to the approval of the Director of the Division of Budget and Accounting.

Language Reducing Education Opportunity Aid to Abbott Districts by Amount of Surplus Property Proceeds:

EDU30#31PS:

Notwithstanding any law to the contrary, the allocation of the amount hereinabove appropriated for Education Opportunity Aid to an "Abbott district" shall be reduced by the amount of proceeds received by the district from the sale of district surplus property, which shall be appropriated by the district for regular education operations. Surplus property means that property which is not being replaced by other property under a grant agreement with the New Jersey Schools Construction Corporation.

Language Allocating Funds from Education Opportunity Aid to the New Jersey Symphony to Assist Students in Abbott Districts:

EDU30#31PS:

Of the amount hereinabove appropriated for Education Opportunity Aid, an amount not to exceed \$1,000,000 shall be allocated to the New Jersey Symphony to provide educational services to students in the "Abbott districts" to meet core curriculum content standards as established by law, as shall be determined by the Director of the Division of Budget and Accounting.

Language Allocating Above Average Enrollment Growth Aid:
EDU30#31S:

The amount of aid hereinabove for Above Average Enrollment Growth Aid shall be distributed to non-Abbott school districts, other than non-county vocational school districts with an equalized school tax rate for the 2004-2005 school year of less than \$1.00, whose resident enrollment for the 2004-05 school year was equal to or greater than 100 pupils and whose projected resident enrollment for the 2005-06 school year exceeds its resident enrollment for the 2004-05 school year by at least 2.5 percent, as determined by the commissioner. Each such school district shall receive an amount equal to \$800 multiplied by its projected increase in resident enrollment if its projected increase is less than 7 percent, an amount equal to \$1,600 multiplied by its projected increase in resident enrollment if its projected increase is equal to or greater than 7 percent and less than 10 percent, and an amount equal to \$2,400 multiplied by its projected increase in resident enrollment if its projected increase is equal to or greater than 10 percent. Any amount remaining in this account after distributions made pursuant to these criteria shall be distributed by the commissioner to school districts meeting substantially similar circumstances.

Charter School Aid Language Providing for T&E Gap Funding for Charter School Located in Abbott District:
EDU30#34PS:

Notwithstanding any law to the contrary, amounts appropriated hereinabove for Charter School aid shall be used to distribute aid to any charter school which operates a full-day kindergarten program and which is located in an "Abbott district" in accordance with the formula contained in section 1 of P.L.1999, c.385, except that "KPP" which is defined therein as the amount paid by the district to the charter school for each kindergarten pupil pursuant to section 12 of P.L.1995, c.426 (C.18A:36A-12), shall be the sum of the amount paid by the district and the State to the charter school for each kindergarten pupil; when a charter [school's district of residence] school is located in an "Abbott district," to distribute an amount equal to the difference between the per pupil T&E amount for a given grade level and the program budget of an "Abbott district" when that "Abbott district's" program budget is below the T&E amount; to distribute \$40 for each student enrolled in the charter school; and to distribute aid to charter schools pursuant to the provisions of subsection d. of section 12 of P.L.1995, c.426 (C.18A:36A-12).

Deletion of Language Concerning Nonpublic School Transportation Aid Per Pupil Cap:

EDU30#34PS:

[Notwithstanding the provisions of section 2 of P.L.1981, c.57 (C.18A:39-1a) and any other law or provision to the contrary, the maximum amount of nonpublic school transportation costs per pupil provided for in N.J.S.18A:39-1 shall equal \$771.]

Language Authorizing Reduction in State Aid to School Districts that Improperly Classify Administrative Costs:

EDUTOT:

Notwithstanding any provision of law to the contrary, the Commissioner of Education may reduce the total State Aid amount payable for the 2005-2006 school year for a district in which an independent audit of the 2004-2005 school year conducted pursuant to N.J.S.18A:23-1 identifies any deviation from the Uniform Minimum Chart of Accounts after the recalculation of the district's actual "Total Administrative Costs" pursuant to N.J.A.C.6:23A-2.4.

Language Authorizing State Aid Withholding for School Districts for Failure to Comply with Data Collection Requests:

EDUTOT:

Notwithstanding any other law to the contrary, the Commissioner of Education may withhold State aid payments to a school district that has not submitted in final form the data elements requested for inclusion in a Statewide data warehouse within 60 days of the department's initial request or its request for additional information, whichever is later.

Language Authorizing State Aid Withholding for Travel Expense Policy Violations:

EDUTOTPS:

Notwithstanding any other law to the contrary, the Commissioner of Education may reduce State aid payments to any district by any amounts found to be in violation of restrictions placed on travel expenditures in accordance with regulations adopted by the commissioner.

ENVIRONMENTAL PROTECTION

Language Facilitating Use of General Fund Revenues for Hunters' and Anglers' Fund:

ENV40#42D:

[The] Of the amount hereinabove for the Hunters' and Anglers' License Fund the first \$12,500,000 is payable out of that fund and any amount remaining therein and the unexpended balance at the end of the preceding fiscal year of the receipts in the Hunters' and Anglers' License Fund, together with any receipts in excess of the amount anticipated, are appropriated. If receipts to that fund are less than anticipated, the appropriation from the fund shall be reduced proportionately.

Language Appropriating Potential Additional Federal Funds in Remediation Management and Response Program Classification for Superfund Grants:

ENV40#44D:

In addition to the federal funds amount for the Publicly-Funded Site Remediation program classification and the Remediation Management and Response program classification, such additional sums that may be received from the federal government for the Superfund Grants program are hereby appropriated.

Carryforward Language for Recycling Fund Account for Administration for Recycling Incentive Grants:

ENV40#44D:

The unexpended balance at the end of the preceding fiscal year in the Recycling Fund Account for Administration is appropriated for recycling incentive grants.

Carryforward Language for Solid Waste Utility Regulation Receipts:

ENV40#44D:

Receipts in excess of the amount anticipated from Solid Waste Utility Regulation, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Solid and Hazardous Waste Management program classification for costs incurred to develop an economic competition model, and to oversee the State's recycling efforts and other solid waste program activities.

HEALTH AND SENIOR SERVICES

Language Requiring PAAD Beneficiaries to be Enrolled in Medicare Drug Program:

HEA20#26CRG:

Notwithstanding the provisions of any other laws or regulations to the contrary, in order to maximize prescription drug coverage under Part D of Title XVIII of the Federal Social Security Act, the Pharmaceutical Assistance to the Aged and Disabled (PAAD) Program shall be designated the authorized representative for the purposes of coordinating benefits with the Medicare Drug Program, including enrollment and appeals of coverage determinations. PAAD is authorized to represent program beneficiaries in the pursuit of such coverage. PAAD representation shall not result in any additional financial liability on behalf of such program beneficiaries and shall include, but need not be limited to, the following actions: application for the premium and cost-sharing subsidies on behalf of eligible program beneficiaries; pursuit of appeals, grievances, or coverage determinations; facilitated enrollment in a prescription drug plan or MA-PD plan. If the beneficiary declines enrollment in any Part D plan, the beneficiary shall be barred from all benefits of the PAAD Program.

Language Authorizing State Payment for PAAD and Senior Gold Costs Not Covered by Medicare Part D:

HEA20#26CRG:

Notwithstanding the provisions of any other law or regulation to the contrary, the appropriations hereinabove to the Pharmaceutical Assistance to the Aged and Disabled (PAAD) programs is conditioned upon the Department of Health and Senior Services [having the authority to coordinate] coordinating the benefits of the PAAD programs with the prescription drug benefits of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" (MMA) as the primary payer due to the current federal prohibition against State automatic enrollment of PAAD recipients in the new federal program. The PAAD benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs (as determined by the Commissioner of the Department of Health and Senior Services) associated with enrollment in Medicare Part D for beneficiaries of the PAAD and Senior Gold programs, and for Medicare Part D premium costs for PAAD beneficiaries.

Language Clarifying that PAAD Will Bill Medicare for Medicare Part B Drugs and Supplies on Behalf of Pharmacies:

HEA20#26CRG:

Notwithstanding the provisions of any other law to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program are available to pharmacies that have not submitted an application to enroll as an approved medical supplier in the Medicare program, unless they already are an approved Medicare medical supplier. Pharmacies will not be required to bill Medicare directly for Medicare Part B drugs and supplies, but must agree to allow PAAD to bill Medicare on their behalf by completing and submitting an electronic data interchange (EDI) form to PAAD. Beneficiaries are responsible for the applicable PAAD copayment.

Deletes Language Concerning the Timing of Pharmaceutical Pricing Updates:

HEA20#26CRG:

[Notwithstanding the provisions of any other law or regulation to the contrary, the appropriations hereinabove for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) and Senior Gold Prescription Discount Program accounts, shall be conditioned upon the following provision: the frequency of pricing updates to the reimbursement rates paid for PAAD and Senior Gold Prescription Discount Program prescription drugs shall be decreased from once a week to once a month.]

Language Requiring AIDS Drug Distribution Program (ADDP) Beneficiaries to be Enrolled in Medicare Drug Program:

HEA20#21G:

Notwithstanding the provisions of any other laws or regulations to the contrary, in order to maximize prescription drug coverage under Part D of Title XVIII of the Federal Social Security Act, the AIDS Drug Distribution Program (ADDP) shall be designated the authorized representative for the purposes of coordinating benefits with the Medicare Drug Program, including enrollment and appeals of coverage determinations. ADDP is authorized to represent program beneficiaries in the pursuit of such coverage. ADDP representation shall not result in any additional financial liability on behalf of such program beneficiaries and shall include, but need not be limited to, the following actions: application for the premium and cost-sharing subsidies on behalf of eligible program beneficiaries; pursuit of appeals, grievances, or coverage determinations; facilitated enrollment in a prescription drug plan or MA-PD plan. If the beneficiary declines enrollment in any Part D plan, the beneficiary shall be barred from all benefits of the ADDP program.

Carryforward Language for the Tourette Syndrome Association of New Jersey Account:

HEA20#21G:

The unexpended balance at the end of the preceding fiscal year in the Tourette Syndrome Association of New Jersey account is appropriated.

Language Coordinating AIDS Drug Distribution Program (ADDP) and Medicare Part D Benefits:

HEA20#21G:

Notwithstanding the provisions of any other law or regulation to the contrary, the appropriations hereinabove for the AIDS Drug Distribution Program (ADDP) account is conditioned upon the Department of Health and Senior Services coordinating the benefits of the ADDP program with the prescription drug benefits of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" (MMA) as the primary payer due to the current federal prohibition against State automatic enrollment of ADDP recipients in the new federal program. The ADDP benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs (as determined by the Commissioner of the Department of Health and Senior Services) associated with enrollment in Medicare Part D for beneficiaries of the ADDP program, and for Medicare Part D premium costs for ADDP beneficiaries.

Notwithstanding the provisions of any other law or regulation to the contrary, effective January 1, 2006, no funds appropriated in the AIDS Drug Distribution Program (ADDP) account, shall be available as payment as a ADDP benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under federal Medicare Part D.

Commencing with the start of the fiscal year, and consistent with the requirements of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" (MMA) and the current federal prohibition against State automatic enrollment of AIDS Drug Distribution Program (ADDP) recipients, no funds hereinabove appropriated from the ADDP account shall be expended for any individual enrolled in the ADDP program unless the individual provides all data that may be necessary to enroll the individual in the federal Medicare Part D drug program, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.

Language Permitting Transfer of Amounts within AIDS Services Program Classification:

HEA20#21G:

In order to permit flexibility in the handling of appropriations, amounts may be transferred to and from the various items of appropriation within the AIDS Services program classification in the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Carryforward Language for Stroke Center Account:

HEA20#21G:

The unexpended balance at the end of the preceding fiscal year in the Stroke Center account is appropriated.

Deletion of Language Directing the Department to Establish Guidelines to Develop Formulary for AIDS Drug Distribution Program:

HEA20#21G:

[Notwithstanding any law to the contrary, the Commissioner of the Department of Health and Senior Services shall establish guidelines to develop a formulary for the AIDS Drug Distribution Program subject to the requirements of the federal Ryan White CARE Act and its amendments.]

Cancer Research Allocation Language:

HEA20#21G:

From the amount appropriated hereinabove for cancer research, \$37,000,000 shall be allocated as follows: Cancer Institute of New Jersey, Newark, \$9,000,000; Cancer Institute of New Jersey, South Jersey, \$9,000,000; Robert Wood Johnson University Hospital, New Brunswick, \$9,000,000; The Cancer Center at Hackensack University Medical Center, \$9,000,000; Garden State Cancer Center, \$1,000,000.

Deletion of Language Concerning Second Referral Debt Collection-Hospitals Revenue Item:

HEA20#22G:

Notwithstanding the provisions of any law to the contrary, the amounts hereinabove appropriated for Health Care Subsidy Fund Payments shall be charged to the revenues derived from the \$0.35 increase in the cigarette tax rate imposed pursuant to P.L.2004, c.67[, and to the proceeds of the Second Referral Debt Collection-Hospitals revenue item].

Language Concerning Allocation of Charity Care:

HEA20#22G:

[Notwithstanding any provision of law to the contrary, the appropriation for Health Care Subsidy Fund Payments shall be conditioned upon the following provision: fiscal year 2006 charity care allocations will be based upon the fiscal year 2005 distribution as published by the Department of Health and Senior Services on August 6, 2004. Each hospital that received a 96% or greater subsidy in fiscal year 2005 shall receive the same subsidy amount in fiscal year 2006. The rank ordering of the remaining hospitals shall be maintained, but their subsidy shall be prorated so that the total amount distributed in fiscal year 2006 does not exceed \$532,430,000. In the event that revenues from the tax on cosmetic medical procedures exceed current estimates, the total amount available for Charity Care may be increased by this excess amount, plus the associated federal revenue, not to exceed a total of \$583,400,000, subject to the approval of the Director of the Division of Budget and Accounting.]

Notwithstanding any provision of law to the contrary, the appropriation for Health Care Subsidy Fund Payments shall be conditioned upon the following provision: in fiscal year 2006 Charity Care payments to hospitals shall be in the same amounts as in fiscal year 2005.

Hospital Assistance Grants:

HEA20#22G:

Amounts appropriated hereinabove for Hospital Assistance Grants shall be allocated as follows: St. Joseph's Hospital, Paterson, \$18,000,000; Cooper University Hospital, \$8,000,000; Jersey City Medical Center, \$8,000,000; Newark Beth Israel, \$8,000,000; Bergen Regional Medical Center, \$4,000,000; Our Lady of Lourdes Hospital, \$1,000,000; East Orange General Hospital, \$5,400,000; University Hospital Newark, \$8,000,000; St. Francis Hospital, Trenton, \$1,000,000; Cathedral Healthcare System, \$1,000,000; Capital Health System, \$800,000; and Solaris Hospital System, \$2,000,000.

Deletion of Language Concerning Medical Day Care Rate-Freeze:

HEA20#26G:

[The rates to be paid to Adult and Pediatric Day Health Service providers, effective commencing with the start of the fiscal year, as appropriated hereinabove in the Medical Day Care Services account, shall be computed on the basis of the nursing home per diem data in effect as of July 1, 2004, in accordance with the existing methodology for adult and pediatric day health services.]

Language Conditioning Funds for Global Budget Long Term Care Initiative on Federal Match:

HEA20#26G:

The monies hereinabove appropriated for "global budget" shall only be expended if federal approvals are received for such a program and only if federal Medicaid reimbursement or other federal matching funds are available to support the State appropriation.

Language Requiring PAAD Beneficiaries to be Enrolled in Medicare Drug Program:

HEA20#26G:

Notwithstanding the provisions of any other laws or regulations to the contrary, in order to maximize prescription drug coverage under Part D of Title XVIII of the Federal Social Security Act, the Pharmaceutical Assistance to the Aged and Disabled (PAAD) Program shall be designated the authorized representative for the purposes of coordinating benefits with the Medicare Drug Program, including enrollment and appeals of coverage determinations. PAAD is authorized to represent program beneficiaries in the pursuit of such coverage. PAAD representation shall not result in any additional financial liability on behalf of such program beneficiaries and shall include, but need not be limited to, the following actions: application for the premium and cost-sharing subsidies on behalf of eligible program beneficiaries; pursuit of appeals, grievances, or coverage determinations; facilitated enrollment in a prescription drug plan or MA-PD plan. If the beneficiary declines enrollment in any Part D plan, the beneficiary shall be barred from all benefits of the PAAD Program.

Language Conditioning Appropriation for ElderCare Initiatives Program on Collection of Incorrect Payments for Jersey Assistance for Community Caregiving (JACC) Beneficiaries:

HEA20#26G:

Notwithstanding the provisions of any law to the contrary, the appropriation hereinabove for the ElderCare Initiatives program shall be conditioned upon the following provision: Jersey Assistance for Community Caregiving (JACC) benefits paid incorrectly on behalf of JACC beneficiaries may be recovered from individuals found ineligible.

Language Authorizing State Payment for PAA/D and Senior Gold Costs Not Covered by Medicare Part D:

HEA20#26G:

Notwithstanding the provisions of any other law or regulation to the contrary, the appropriations hereinabove to the Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled (PAA/D) programs is conditioned upon the Department of Health and Senior Services [having the authority to coordinate] coordinating the benefits of the PAA/D programs with the prescription drug benefits of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" (MMA) as the primary payer due to the current federal prohibition against State automatic enrollment of PAA/D recipients in the new federal program. The PAA/D benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs (as determined by the Commissioner of the Department of Health and Senior Services) associated with enrollment in Medicare Part D for beneficiaries of the PAA/D and Senior Gold programs, and for Medicare Part D premium costs for PAA/D beneficiaries.

Language Clarifying that PAA/D and Senior Gold Will Bill Medicare for Medicare Part B Drugs and Supplies on Behalf of Pharmacies:

HEA20#26G:

Notwithstanding the provisions of any other law to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled (PAA/D) programs and the Senior Gold Prescription Discount Program are available to pharmacies that have not submitted an application to enroll as an approved medical supplier in the Medicare program, unless they already are an approved Medicare medical supplier. Pharmacies will not be required to bill Medicare directly for Medicare Part B drugs and supplies, but must agree to allow PAA/D to bill Medicare on their behalf by completing and submitting an electronic data interchange (EDI) form to PAA/D. Beneficiaries are responsible for the applicable PAA/D or Senior Gold Prescription Discount Program copayment.

Deletion of Language Providing for Reimbursement for Special Care Nursing Facility Rates:

HEA20#26G:

[Notwithstanding the provisions of any law or regulation to the contrary, reimbursement for Special Care Nursing Facility (SCNF) Rates, as hereinabove appropriated in the Payments for Medical Assistance Recipients-Nursing Homes account, shall be limited to the rates in effect in fiscal year 2005.]

<p>Deletion of Language Concerning Co-Payment for Medical Day Care Services: HEA20#26G: [Notwithstanding the provisions of any other law or regulation to the contrary, the appropriation hereinabove for Medical Day Care Services shall be conditioned upon the following provision: all Department of Health and Senior Services beneficiaries will be required to provide a \$3.00 copayment for each Medical Day Care Services visit.]</p>
<p>Deletes Language Concerning the Timing of Pharmaceutical Pricing Updates: HEA20#26G: [Notwithstanding the provisions of any other law or regulation to the contrary, the appropriations hereinabove for the Pharmaceutical Assistance to the Aged (PAA), Pharmaceutical Assistance to the Aged and Disabled (PAAD), and Senior Gold accounts shall be conditioned upon the following provision: the frequency of pricing updates to the reimbursement rates paid for PAA, PAAD, and Senior Gold prescription drugs shall be decreased from once a week to once a month.]</p>
<p>HUMAN SERVICES</p>
<p>Carryforward Language for Developmental Center Enhancement Account: HS30#32#7601D: <u>The unexpended balance at the end of the preceding fiscal year in the Developmental Center Enhancement account is appropriated.</u></p>
<p>Language Allocating New Lisbon Developmental Center Funding for Fire and Rescue Squad Services: HS30#32#7650D: <u>Of the amount hereinabove appropriated, the sum of \$21,000 shall be allocated in the amount of \$7,000 each to the Chatsworth fire company, the Lebanon Lakes fire company and the Pemberton Township fire company.</u></p>
<p>Language Allocating Funds from Governor's Literacy Initiative to Commission for the Blind and Visually Impaired: HS30#33#7560D: In addition to the amount hereinabove appropriated, the amount of [\$300,000] <u>\$900,000</u> is transferred from the Governor's Literacy Initiative to the Commission for the Blind and Visually Impaired for increased Braille lessons for blind children, subject to the approval of the Director of the Division of Budget and Accounting.</p>
<p>Language Allocating Funds to Court Appointed Special Advocate Program: HS50#55D: Of the amounts hereinabove appropriated for Child Protective and Permanency Services and Safety and Permanency in the Courts, [\$500,000] <u>\$750,000</u> shall be allocated to the Court Appointed Special Advocate Program.</p>

Language Authorizing Division of Addiction Services to Bill Patient's Insurance Carrier:

HS50#55#7555D:

The Division of Addiction Services is authorized to bill a patient, a patient's insurance carrier, a patient's estate, the person chargeable for a patient's support or the county of residence for institutional, residential and outpatient support of patients treated for alcoholism or drug abuse, or both. Receipts derived from billings or fees and unexpended balances at the end of the preceding fiscal year from these billings or fees are appropriated to the Department of Human Services for the support of the alcohol and drug abuse programs, subject to the approval of the Director of the Division of Budget and Accounting.

Removes Language Requiring Personal Care Services Annual Reports:

HS20#27#7545CRG:

[No funds appropriated for personal care assistant or other personal care services shall be expended for payment after January 1, 2005 to a health care services firm for personal care services, as those terms are defined in P.L.2002, c.126 (C.34:8-45.1) unless the provider agrees to file the following cost reports with the Department of Human Services. The department shall develop annual calendar year cost reports, beginning with the calendar year 2005 report, which shall contain information on costs and revenues in comparable detail as that required of other providers that submit cost reports to the Medicaid program. The reports shall be filed on an annual basis using a format as shall be specified by the department.]

Language Transferring Pilot Re-entry Case Management Services from Community Care (Shift):

HS20#23#7700G:

Of the amounts hereinabove appropriated for Community Care, [\$26,300,000] \$25,500,000 shall be expended consistent with the recommendations in the final report of the Governor's Task Force on Mental Health as follows: \$10,000,000 for Mental Health Screening Centers; \$2,100,000 for Self-Help Centers; \$2,500,000 for psychiatric services; \$5,000,000 for support services for permanent supportive housing; \$1,800,000 for jail diversion; \$1,000,000 for bilingual and culturally competent services; \$1,000,000 for Short-Term Care Facilities; \$600,000 for Community Health Law Project; \$1,500,000 for Special Case Management services[; \$800,000 for Pilot Re-entry Case Management services].

Language Allocating Funds from Community Care for Jail Diversion in Various Counties:

HS20#23#7700G:

Of the amounts hereinabove appropriated for Community Care, \$26,300,000 shall be expended consistent with the recommendations in the final report of the Governor's Task Force on Mental Health as follows: \$10,000,000 for Mental Health Screening Centers; \$2,100,000 for Self-Help Centers; \$2,500,000 for psychiatric services; \$5,000,000 for support services for permanent supportive housing; [~~\$1,800,000~~] ~~\$600,000~~ for jail diversion in Atlantic County; \$600,000 for jail diversion in Essex County; \$600,000 for jail diversion in Union County; \$1,000,000 for bilingual and culturally competent services; \$1,000,000 for Short-Term Care Facilities; \$600,000 for Community Health Law Project; \$1,500,000 for Special Case Management services; \$800,000 for Pilot Re-entry Case Management services.

Language Conditioning Appropriation for Payments for Medical Assistance Recipients-Outpatient Hospital on Termination of Certifications for Certain New or Re-locating Off-Site Hospital-Based Entities:

HS20#24#7540G:

Notwithstanding the provisions of any other law or regulation to the contrary, the appropriation hereinabove for Payments for Medical Assistance Recipients-Outpatient Hospital shall be conditioned upon the following provision: Certifications shall not be granted for new or re-locating off-site hospital-based entities in accordance with N.J.A.C.10:52-1.3 with the exception of providers whose services are deemed necessary to meet special needs by the Division of Medical Assistance and Health Services.

Language Concerning Pharmaceuticals for Dual Eligibles and Medicare Part D Eligibles:

HS20#24#7540G:

Of the amount hereinabove appropriated for Payments for Medical Assistance Recipients-Prescription Drugs, such sums as are necessary are available for payment of Medicare Part D co-payments and for certain pharmaceuticals not included in the Part D provider formularies for those individuals who are dually eligible for Medicaid and Medicare. These funds shall only be available to cover co-payments and non-formulary drugs to pharmacies participating in the federal Medicare Part D program. Payments of pharmaceuticals not included in the Part D formularies may be subject to prior authorization. The Department of Human Services may require proof of appeal or may appeal the Medicare Part D formulary decision on behalf of a dual-eligible client.

Notwithstanding the provision of any other law to the contrary, no funds appropriated in the Payments for Medical Assistance Recipients-Prescription Drugs line item shall be expended for the payment of claims for pharmaceuticals not included in the Part D provider formularies of Medicare Part D eligibles unless participating pharmaceutical manufacturing companies execute contracts with the Department of Human Services providing for the payment of rebates to the State on the same basis as provided for in section 1927 (a) through (c) of the federal Social Security Act, 42 U.S.C. s.1396r-8(a)-(c). All rebates received are appropriated for the Medical Assistance Recipients-Prescription Drugs account.

Deletion of Language Concerning Co-Payment for Medical Assistance

Recipients-Prescription Drugs:

HS20#24#7540G:

[Notwithstanding the provisions of any other law or regulation to the contrary, and subject to the notice provisions of 42 CFR 447.53, the appropriations hereinabove for Payments for Medical Assistance Recipients-Prescription Drugs and Managed Care Initiative shall be conditioned upon the following provision: all Division of Medical Assistance and Health Services beneficiaries, except pregnant women and children, will be required to provide a \$1.00 copayment at the point of sale for each prescription filled.]

Deletion of Language Concerning Co-Payment for Medical Assistance Recipients-Physician Services and Medical Assistance Recipients-Home Health Care:

HS20#24#7540G:

[Notwithstanding the provisions of any other law or regulation to the contrary, and subject to the notice provisions of 42 CFR 447.53, the appropriation hereinabove for Payments for Medical Assistance Recipients-Physician Services and Payments for Medical Assistance Recipients-Home Health Care shall be conditioned upon the following provision: all Division of Medical Assistance and Health Services beneficiaries, except pregnant women and children, will be required to provide a \$3.00 copayment for each physician, chiropractor, and home health care visit.]

Deletes Language Concerning the Timing of Pharmaceutical Pricing Updates:

HS20#24#7540G:

[Notwithstanding the provisions of any other law or regulation to the contrary, the appropriation hereinabove for Payments for Medical Assistance Recipients-Prescription Drugs shall be conditioned upon the following provision: the frequency of pricing updates to the reimbursement rates paid for Medicaid prescription drugs shall be decreased from once a week to once a month.]

Removes Language Requiring Personal Care Services Annual Reports:

HS20#27#7545G:

[No funds appropriated for personal care assistant or other personal care services shall be expended for payment after January 1, 2005 to a health care services firm for personal care services, as those terms are defined in P.L.2002, c.126 (C.34:8-45.1) unless the provider agrees to file the following cost reports with the Department of Human Services. The department shall develop annual calendar year cost reports, beginning with the calendar year 2005 report, which shall contain information on costs and revenues in comparable detail as that required of other providers that submit cost reports to the Medicaid program. The reports shall be filed on an annual basis using a format as shall be specified by the department.]

Language Increasing Cap on Expenditures of Federal Community Care Waiver Funds in Division of Developmental Disabilities:

HS30#32#7601G:

Notwithstanding the provisions of any other law to the contrary, expenditures of federal Community Care Waiver funds received for community-based programs in the Division of Developmental Disabilities are limited to **[\$228,655,000]** \$237,655,000. Federal funding received above this level must be approved by the Director of the Division of Budget and Accounting in accordance with a plan submitted by the Department of Human Services.

<p>Carryforward Language for Developmental Center Enhancement Account: HS30#32#7601G: <u>The unexpended balance at the end of the preceding fiscal year in the Developmental Center Enhancement account is appropriated.</u></p>
<p>Language Increasing Cap on Expenditures of Federal Community Care Waiver Funds in Division of Developmental Disabilities: HS30#32#7601G: Notwithstanding the provisions of any other law to the contrary, expenditures of federal Community Care Waiver funds received for community-based programs in the Division of Developmental Disabilities are limited to [\$228,655,000] <u>\$229,655,000</u>. Federal funding received above this level must be approved by the Director of the Division of Budget and Accounting in accordance with a plan submitted by the Department of Human Services.</p>
<p>Language Requiring Division of Child Behavioral Health Services Families to Apply for Medicaid and/or FamilyCare: HS50#55G: <u>Notwithstanding any provisions of any law or regulation to the contrary, no funds hereinabove appropriated for Treatment Homes and Emergency Behavioral Health Services, Youth Case Managers, Care Management Organizations, Youth Incentive Program, and Mobile Response shall be expended for any individual served by the Division of Child Behavioral Health Services, with the exception of court-ordered placements or to ensure services necessary to prevent risk of harm to the individual or others, unless that individual makes a full and complete application for Medicaid and/or FamilyCare. Individuals receiving services from appropriations covered by the exceptions above shall apply for Medicaid and/or FamilyCare in a timely manner, as shall be defined by the Commissioner of Human Services, after receiving services.</u></p>
<p>Language allowing Cost of Living Adjustment Appropriations Transfers from Administration and Support Services to Other Divisions in Human Services: HS70#76#7500G: <u>Of the amount appropriated hereinabove for Cost of Living Adjustment, amounts may be transferred to other divisions within the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.</u></p>
<p>LABOR AND WORKFORCE DEVELOPMENT</p>
<p>Language Allocating \$400,000 of Sheltered Workshop Transportation Grant Funds to ACCSES NJ/CNA Services: LAB50#54G: <u>Of the amount hereinabove appropriated for Sheltered Workshop Transportation, \$400,000 shall be allocated to ACCSES New Jersey/CNA Services for reimbursement of transportation costs.</u></p>

LAW AND PUBLIC SAFETY

Language Concerning Purchase and Maintenance of MedEvac and Law Enforcement Helicopters:

LPS10#12D:

In addition to the appropriation hereinabove for Purchase and Maintenance of MedEvac and Law Enforcement Helicopters, there is appropriated a sum not to exceed \$2,000,000 for a portion of the cost of purchasing an additional helicopter, subject to the approval of the Director of the Division of Budget and Accounting.

Office of Counter-Terrorism Carryforward Language:

LPS10#19D:

The unexpended balances at the end of the preceding year in the Office of Counter-Terrorism are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Language Requiring Re-entry Case Management Services Appropriation to Follow Recommendations in Governor's Task Force on Mental Health Final Report:

LPS10#18G:

The amounts appropriated hereinabove for Re-entry Case Management Services shall be expended consistent with the recommendations in the final report of the Governor's Task Force on Mental Health.

STATE

Language Concerning Savings from Administrative Efficiencies in the Department of State:

STATOT:

Of the Savings from Administrative Efficiencies, \$250,000 shall be allocated to the Higher Education Student Assistance Authority.

Language Allocating Additional \$5 Million from New Jersey Public Records Preservation Account to General Fund:

STA70#74#2505D:

Notwithstanding the provision of any other law to the contrary, [an amount not to exceed] up to 40% of the receipts deposited in the New Jersey Public Records Preservation account in the Department of the Treasury less \$5,000,000 are appropriated and allocated as grants to counties and municipalities for the management, storage, and preservation of public records[.] based on guidelines promulgated by the Division of Archives and Records Management and approved by the State Treasurer.

Language Allocating Funds from Opportunity Program Grants for Opportunity Program Enhancement Funding:

STA30#36G:

Notwithstanding the provisions of any law or regulation to the contrary,

\$3,000,000 of the amount hereinabove appropriated for Opportunity Program Grants shall be designated as Opportunity Program Enhancement funding. Each college and university participating in the Educational Opportunity Fund Program may allocate its share of Opportunity Program Enhancement funding to fund increases in maximum semester awards and to provide awards for additional students who meet EOF eligibility criteria.

Language Allocating Funds for E3CO, Inc. and New Jersey EcoComplex, Burlington County:

STA30#36#2410G:

Of the sums hereinabove appropriated for Rutgers, The State University, \$180,000 is appropriated for the Masters in Government Accounting Program, \$105,000 is appropriated for the Tomato Technology Transfer Program, \$95,000 is appropriated for the Haskin Shellfish Research Laboratory, \$200,000 is appropriated for the Camden Law School Clinical Legal Programs for the Poor, \$200,000 is appropriated for the Newark Law School Clinical Legal Programs for the Poor, \$740,000 is appropriated for the Civic Square Project-Debt Service, \$75,000 is appropriated for the Walter Rand Institute for Public Affairs, \$700,000 is appropriated for In Lieu of Taxes to New Brunswick, \$500,000 is appropriated for capital projects or maintenance for Division of Intercollegiate Athletic facilities at Rutgers, New Brunswick, \$135,000 for E3CO, Inc. and ~~[\$300,000]~~ \$515,000 is appropriated for the New Jersey EcoComplex, Burlington County. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

Language Allocating Funds for the Gubernatorial Papers Project:

STA30#36#2410G:

Of the sums hereinabove appropriated for Rutgers, The State University, \$180,000 is appropriated for the Masters in Government Accounting Program, \$105,000 is appropriated for the Tomato Technology Transfer Program, \$95,000 is appropriated for the Haskin Shellfish Research Laboratory, \$200,000 is appropriated for the Camden Law School Clinical Legal Programs for the Poor, \$200,000 is appropriated for the Newark Law School Clinical Legal Programs for the Poor, \$740,000 is appropriated for the Civic Square Project-Debt Service, \$75,000 is appropriated for the Walter Rand Institute for Public Affairs, \$700,000 is appropriated for In Lieu of Taxes to New Brunswick, \$500,000 is appropriated for capital projects or maintenance for Division of Intercollegiate Athletic facilities at Rutgers, New Brunswick, \$500,000 for the Gubernatorial Papers Project and \$300,000 is appropriated for the New Jersey EcoComplex, Burlington County. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

Language Appropriating \$18,000,000 for Rutgers-Newark School of Business:

STA30#36#2410G:

Of the sums hereinabove appropriated for Rutgers, The State University, \$180,000 is appropriated for the Masters in Government Accounting Program, \$105,000 is appropriated for the Tomato Technology Transfer Program, \$95,000 is appropriated for the Haskin Shellfish Research Laboratory, \$200,000 is appropriated for the Camden Law School Clinical Legal Programs for the Poor, \$200,000 is appropriated for the Newark Law School Clinical Legal Programs for the Poor, \$740,000 is appropriated for the Civic Square Project-Debt Service, \$75,000 is appropriated for the Walter Rand Institute for Public Affairs, \$700,000 is appropriated for In Lieu of Taxes to New Brunswick, \$500,000 is appropriated for capital projects or maintenance for Division of Intercollegiate Athletic facilities at Rutgers, New Brunswick, \$18,000,000 is appropriated for Rutgers-Newark School of Business, and \$300,000 is appropriated for the New Jersey EcoComplex, Burlington County. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

Language Appropriating Autism Medical Research and Treatment Fund Receipts for Governor's Council for Medical Research and Treatment of Infantile Autism:

STA30#36#2420G:

Receipts deposited in the Autism Medical Research and Treatment Fund are appropriated for the Governor's Council for Medical Research and Treatment of Infantile Autism, subject to the approval of the Director of the Division of Budget and Accounting.

Language Appropriating Funds for Debt Service-Robert Wood Johnson Medical School, Camden and Debt Service-Neuroscience Institute, Newark:

STA30#36#2420G:

Of the sums hereinabove appropriated for the University of Medicine and Dentistry of New Jersey, \$100,000 is appropriated for the Inflammatory Bowel Disease Center, \$800,000 is appropriated for Emergency Medical Service-Camden, \$975,000 is appropriated for the Regional Health Education Center-Physical Plant, \$750,000 is appropriated for the Violence Institute of NJ at UMDNJ, \$525,000 is appropriated for the Regional Health Education Center-Educational Units, \$160,000 is appropriated for The Autism Center of New Jersey Medical School, \$290,000 is appropriated for the New Jersey Area Health Education Program, ~~[\$4,000,000]~~ \$7,800,000 is appropriated for Debt Service-Robert Wood Johnson Medical School, Camden, \$5,000,000 is appropriated for Debt Service-Neuroscience Institute, Newark and \$2,700,000 is appropriated for Debt Service-School of Osteopathic Medicine Academic Center, Stratford. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

Language Reducing Appropriations for Any Senior Public College or University That Increases Tuition More Than 8%:

STA(HIGHER EDUCATIONAL SERVICES):

Notwithstanding any provision of law to the contrary, if any Senior Public College or University adopts an increase in its undergraduate 2005-2006 tuition rate of more than 8% above its undergraduate 2004-2005 tuition rate, including any shifts of costs previously funded from other institutional sources to student fees during the 2005-2006 academic year, as shall be determined by the Director of the Division of Budget and Accounting based upon a report that shall be provided by the New Jersey Commission on Higher Education, the appropriation of State funds to that college or university shall be reduced by 5% for each 1% that the tuition rate increase exceeds 8%.

TRANSPORTATION

Language Appropriating GARVEE Bond Proceeds to DOT for Route 52 Causeway:

TRA60#61C:

Notwithstanding any other provision of law to the contrary, there is appropriated to the Department of Transportation an additional amount of \$175,000,000, subject to the approval of the Director of the Division of Budget and Accounting, for the Route 52 Causeway Replacement Contract A Construction Fund, from the Transportation Trust Fund Authority's Grant Anticipation Revenue Vehicles (GARVEE) bond proceeds.

Deletes Budget Director Approval for New Jersey Motor Vehicle Commission Appropriation Determination:

TRA10#11D:

[Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any other law or regulation to the contrary, the] The amount appropriated for fiscal 2006 to the New Jersey Motor Vehicle Commission is based on proportional revenue collections for that fiscal year pursuant to the statutes listed in subsection a. of section 105[, subject to the approval of the Director of the Division of Budget and Accounting] of P.L.2003, c.13 (C.39:2A-36).

Language Appropriating Federal Funds for GARVEE Bond Debt Service:

TRA60#61FED:

Federal funds received in conjunction with the Route 52 Causeway Replacement Contract A Construction Fund are hereby appropriated to the Transportation Trust Fund Authority to pay debt service and other costs related to the Grant Anticipation Revenue Vehicles (GARVEE).

Language Allocating Funds from Petroleum Overcharge Reimbursement Fund for New Jersey Transit Bus Fleet:

TRA60#62G:

In addition to the amount hereinabove appropriated, there is appropriated out of the Petroleum Overcharge Reimbursement Fund the sum of \$5,000,000 for the purchase of energy-efficient, alternative fuel for New Jersey Transit Corporation's bus fleet.

TREASURY

Language Concerning Savings from Administrative Efficiencies in the Department of the Treasury:

THREADED:

Of the Savings from Administrative Efficiencies, \$1,000,000 shall be allocated to the Office of the Public Defender and \$250,000 shall be allocated to the New Jersey Commerce, Economic Growth and Tourism Commission.

Language Appropriating Interest Income in Clean Energy Fund for BPU Clean Energy Program:

TRE50#52D:

Notwithstanding the provisions of any other law to the contrary, the investment earnings derived from the funds deposited in the Clean Energy Fund shall accrue to the fund and are available to pay the costs of the various programs of the New Jersey Board of Public Utilities Clean Energy Program.

Language Appropriating Receipts from New Jersey Clean Energy Trust Fund for Salary and Operating Costs of Office of Clean Energy:

TRE50#52D:

Notwithstanding the provisions of paragraph (3) of subsection a. of section 12 of the "Electric Discount and Energy Competition Act," P.L.1999, c.23 (C.48:3-60) and any other laws to the contrary, receipts from the New Jersey Clean Energy Trust Fund are appropriated for the actual administrative salary and operating costs, not to exceed \$820,000, for the Office of Clean Energy as requested by the President of the Board of Public Utilities and approved by the Director of the Division of Budget and Accounting.

Language Appropriating Receipts from Nextel Corporation Under Plan Funding Agreements for Reimbursement of Administrative and Procurement Costs Related to Such Agreements:

TRE70#73D:

Notwithstanding any provisions of law, regulation or Executive Order to the contrary, any receipts received from Nextel Corporation in accordance with a Plan Funding Agreement approved by Nextel and the 800 MHZ Transition Administrator for costs of rebanding incurred by State agencies, and any local units of government that have entered into a memorandum of understanding with the Attorney General authorizing the State to receive Nextel funds on behalf of such local unit, pursuant to Federal Communications Commission-ordered reconfiguration of the 800 MHZ band, are appropriated to the Department of the Treasury. Such sums shall be expended or transferred to the various departments and agencies to reimburse administrative and procurement costs in accordance with the Plan Funding Agreement and in consultation with the Attorney General, subject to the approval of the Director of the Division of Budget and Accounting.

Carryforward Language for Stem Cell Research Grant-EDA Account:

TRE50#51G:

The unexpended balance at the end of the preceding year in the Stem Cell Research Grant-EDA account is appropriated for the same purpose.

Increase Language Allocation to New Jersey Small Business Development Centers from New Jersey Commerce, Economic Growth and Tourism Commission Appropriation:

TRE50#51#2041G:

Of the sum hereinabove appropriated for the New Jersey Commerce, Economic Growth and Tourism Commission, not less than \$12,760,000 shall be used for Advertising and Promotion, from which \$30,000 shall be allocated to each of the six regional tourism councils for regional tourism promotion; \$2,853,000 shall be used for Business Retention, Expansion and Attraction, of which ~~[\$700,000]~~ \$800,000 is for New Jersey Small Business Development Centers; \$130,000 shall be used for the New Jersey Israel Commission; and \$1,850,000 shall be used for the Travel and Tourism Cooperative Marketing Program; except that any amount for the Cooperative Marketing Program is available for expenditure only to the extent that an amount equal to 25% of the State funds are expended from funds raised by the Commerce Commission, pursuant to subsection j. of section 9 of P.L.1977, c.225 (C.34:1A-53), through contributions from private tourism industry concerns and non-State public entities as determined by the Director of the Division of Budget and Accounting. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

Language Concerning New Jersey Commission on Science and Technology (Manufacturing Extension Program):

TRE50#51#2042G:

From the amount hereinabove appropriated for Science and Technology Grants, there is allocated \$600,000 for the Manufacturing Extension Program.

Language Carrying Forward Balance in New Jersey Competitiveness Fund Account and Transferring Up To \$1.5 Million to New Jersey Stem Cell Research Institute Account:

TRE70#76G:

The unexpended balance at the end of the preceding fiscal year in the NJ Competitiveness Fund account is appropriated and an amount up to \$1,500,000 shall be transferred to the New Jersey Stem Cell Research Institute account in the Department of Treasury, subject to the approval of the Director of the Division of Budget and Accounting.

Language Concerning Distribution of Enhanced Homestead Property Tax Rebates for Homeowners and Tenants:

TRE70#75PG:

[Notwithstanding the provisions of P.L.1990, c.61 (C.54:4-8.59 et seq.) as amended by P.L.2004, c.40, to the contrary, the amount hereinabove appropriated for the Homestead Property Tax Rebates for Homeowners program and the Homestead Property Tax Rebates for Tenants program shall only be available to seniors with incomes less than \$100,000, and no rebate issued for the tax year 2004 shall exceed \$800 for senior homeowners with incomes less than \$70,000 or \$350 for senior homeowners with incomes in excess of \$70,000 but less than \$100,000, and \$775 for senior tenants.]

[Notwithstanding the provisions of P.L.2004, c.40, or any other law to the contrary, the appropriation for Homestead Property Tax Rebates for Homeowners and Tenants is limited to the amount hereinabove appropriated, provided however, that in the event such amounts are not sufficient, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for payment of such rebates, subject to the approval of the Director of the Division of Budget and Accounting.]

The amounts hereinabove appropriated for the Homestead Property Tax Rebates for Homeowners program and the Homestead Property Tax Rebates for Tenants program shall be available to pay homestead rebates pursuant to the provisions of section 3 of P.L.1990, c.61 (C.54:4-8.59) and section 4 of P.L.1990, c.61 (C.54:4-8.60), respectively, for residents who are 65 years of age or older at the close of the tax year, or who are allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, excluding any cost-of-living adjustment pursuant to subsection h. of section 3 and subsection g. of section 4 of that act. Notwithstanding the provisions of P.L.1990, c.61 (C.54:4-8.59 et seq.), as amended by P.L.2004, c.40, to the contrary, the amounts hereinabove appropriated for the Homestead Property Tax Rebates for Homeowners program and the Homestead Property Tax Rebates for Tenants program shall only be available to pay homestead rebates pursuant to the provisions of that law but not in excess of the following maximum amounts for tax year 2004: (a) \$350 for residents who are not 65 years of age or older at the close of the tax year, and who are not allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, with gross income not in excess of \$125,000 for the taxable year for property taxes paid, (b) \$300 for residents who are not 65 years of age or older at the close of the tax year, and who are not allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, with gross income in excess of \$125,000 but not in excess of \$200,000 for the taxable year for property taxes paid, (c) \$75 for residents who are not 65 years of age or older at the close of the tax year, or who are not allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1 for rent constituting property taxes paid for the tax year 2004. If the amounts hereinabove appropriated are not sufficient, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for payment of such rebates, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove from the Property Tax Relief Fund are appropriated for the Homestead Property Tax Rebates for Homeowners program and the Homestead Property Tax Rebates for Tenants program, notwithstanding the provisions of section 19 of P.L.2004, c.40 (C.54A:9-20), to the contrary.

The amount of any gross income tax revenue that shall be determined by the State Treasurer, before December 31, 2005, as anticipated to be collected during fiscal year 2006 in excess of the amount of gross income tax revenue certified as anticipated upon approval of this act,

Carryforward Language for Highlands Protection Fund and Grants Transfer Authority for Watershed Moratorium Offset Aid Account:

TRE70#75S:

The amounts hereinabove for Highlands Protection Fund appropriations are payable from the receipts of the portion of the realty transfer fee directed to be credited to the Highlands Protection Fund and the unexpended balances at the end of the preceding fiscal year in the Highlands Protection Fund accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. Further, the Department of the Treasury may transfer funds as necessary between the Highlands Protection Fund-Incentive Planning Aid account [and], the Highlands Protection Fund-Regional Master Plan Compliance Aid account, and the Highlands Protection Fund-Watershed Moratorium Offset Aid account, subject to the approval of the Director of the Division of Budget and Accounting.

INTER-DEPARTMENTAL ACCOUNTS

Language Limiting Traditional Plan Expenditures as Agreed to by Certain Additional Bargaining Units and Certain Additional Employees:

IDA70#74#9410D:

Notwithstanding the provisions of any other law to the contrary, the amounts hereinabove appropriated for State Employees' Health Benefits are subject to the condition that: as expeditiously as is administratively feasible to elect health care coverage by the affected groups, as determined by the State Health Benefits Commission, no such amounts shall be used to pay for State share of the cost of the Traditional Plan coverage as agreed to by bargaining units listed below representing employees in the following bargaining units and employees in such units who retire after July 1, 2005: (1) New Jersey State Corrections Association Inc. (NJSCA), affiliated with Fraternal Order of Police Lodge 200; (2) New Jersey Law Enforcement Supervisors Association Inc. (NJLESA), affiliated with Fraternal Order of Police Lodge 185; (3) New Jersey Superior Officers Law Enforcement Association, Inc. (NJSOLEA), affiliated with Fraternal Order of Police Lodge 183; (4) New Jersey Superior Officers Association, Captains, Inc. (NJSOA), affiliated with Fraternal Order of Police Lodge 187; (5) New Jersey Investigators Association Inc. (NJIA), affiliated with Fraternal Order of Police Lodge 174, including employees holding titles covered by this bargaining unit employed at the Juvenile Justice Commission and the State Parole Board; (6) State Troopers Fraternal Association of New Jersey (STFA); (7) State Troopers Non-Commissioned Officers Association of New Jersey (STNCOA) (Trooper Sergeants); [and] (8) State Troopers Superior Officers Association of New Jersey (STSOA); and (9) Nonaligned sworn members of the Division of State Police.

Language Authorizing Transfer of \$60 Million from Departmental Operating Efficiencies and Savings to State Health Benefits Account:

IDA70#74#9410D:

Such additional sums not to exceed \$60,000,000 representing operating efficiencies and other savings may be transferred from the various Executive Branch departmental operating appropriations to the State Employees' Health Benefits account, as determined by the Director of the Division of Budget and Accounting.

Language Concerning Savings from Office of Information Technology for Administrative Efficiencies:

IDA70#74#9410D:

The Director of the Division of Budget and Accounting shall transfer from departmental operating appropriations Statewide that are available for payments for services provided by the Office of Information Technology amounts not to exceed \$1,000,000 which are appropriated for the Employee Benefits program classification.

Carryforward Language for Enhanced 911 County Grants Account:

IDA70#74#9420G:

The unexpended balance at the end of the preceding fiscal year in the Enhanced 911 County Grants account is appropriated for the same purpose.

Language Providing for the Allocation Property Tax Assistance and Community Development Grants:

IDA70#74#9420G:

From the amount hereinabove appropriated for Property Tax Assistance and Community Development Grants, the State Treasurer shall provide State assistance to municipalities, school districts and counties for their local purposes as the State Treasurer shall determine, for the payment of Grants-In-Aid awards to non-governmental entities for health, welfare, educational, or other purposes as the State Treasurer shall determine, and for assistance to departments or agencies of state government or state authority, commissions or public institutions of higher education as the State Treasurer shall determine, subject to the approval of the Director of the Division of Budget and Accounting and review and approval by the Joint Budget Oversight Committee. The committee shall be provided periodically with a list of grantees approved by the director to review and shall approve the list or disapprove the list as provided within 10 working days or the list of grantees shall be deemed approved by the committee. No recipient of State assistance or a grant shall receive more than \$5,000,000 from this appropriation. The amount distributed to a municipality, school district or county from this appropriation may be expended by the recipient notwithstanding any law to the contrary.

GENERAL PROVISIONS

Language Authorizing Appropriations for Repayment of Interest Costs Associated with Interfund Borrowing:

GenProv:

36. Notwithstanding the provision of any other law, the State Treasurer may transfer from any fund in the State Treasurer's custody, deposited with the State Treasurer pursuant to law, sufficient sums to enable payments from any appropriation made herein for any obligations due and owing. Any such transfer shall be restored out of the taxes or other revenue received in the Treasury in support of this act. Except for transfers from the several funds established pursuant to statutes that provide for interest earnings to accrue to those funds, all such transfers shall be without interest. If the statute provides for interest earnings, it shall be calculated at the average rate of earnings during the fiscal year from the State's general investments and such sums as are necessary shall be appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Language Withholding Funding for Erectile Dysfunction Drugs to Registered Sex Offenders:

GenProv:

Notwithstanding any provision of law to the contrary, no funding shall be provided by any program supported in part or in whole by State funding for erectile dysfunction medications for individuals who are registered on New Jersey's Sex Offender Registry.

Language Transferring \$20 Million from New Home Warranty Security Fund for General Fund Revenue:

GenProv:

There is appropriated \$20,000,000 from the New Home Warranty Security Fund for transfer to the General Fund as State revenue.

Language Reappropriating and Permitting Allocation of Funds from Property Tax Assistance and Community Development Grants Account to State-Level Entities:
GenProv:

67. [The unexpended balances at the end of the preceding fiscal year for the Statewide Livable Communities, Social Services Emergency Grants, Statewide Local Domestic Preparedness Equipment Grant Program, Local Library Grants, Cultural Projects, and Property Tax Assistance and Community Development Grants accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.] The unexpended balances at the end of the preceding fiscal year for the Statewide Livable Communities, Social Services Emergency Grants, Statewide Local Domestic Preparedness Equipment Grant Program, Local Library Grants, Cultural Projects, and Property Tax Assistance and Community Development Grants accounts are appropriated subject to the same conditions and limitations imposed pursuant to P.L.2004, c.71, subject to the approval of the Director of the Division of Budget and Accounting, provided however, that the list of recipients of monies appropriated in this section may include a department or agency of state government or state authority, commission or institution of higher education that shall be included on the list that shall be subject to the review and approval of the Joint Budget Oversight Committee.

Administrative Efficiencies Allocation Language:

GenProv:

As a condition to the appropriations made in this act, specifically with regard to the allocation of the Administrative Efficiencies listed hereinabove, except as specifically provided hereinabove, no portion of any reduction in an appropriation or any increased costs to be paid for from an appropriation, shall be allocated or assessed to the following agencies which are housed within the respective departments solely for administrative purposes: the State Agriculture Development Commission in the Department of Agriculture; the Council on Affordable Housing, Historic Trust, Government Records Council, and the State Planning Commission within the Department of Community Affairs; the Parole Board within the Department of Corrections; the Pinelands Commission, Palisades Interstate Park Commission, Mosquito Control Commission, Environmental Infrastructure Trust, and the Highlands Council within the Department of Environmental Protection; the Public Employment Relations Commission, the State Employment and Training Commission, and the State Board of Mediation within the Department of Labor and Workforce Development; the Division of State Police, the Office of Counter-Terrorism, the Juvenile Justice Commission, Election Law Enforcement Commission, the Executive Commission on Ethical Standards, the Victims of Crime Compensation Board, and the Office of Child Advocacy within the Department of Law and Public Safety; the State Commission on Investigation within the State Legislature; the Public Broadcasting Authority, Commission on Higher Education, and the Higher Education Student Assistance Authority within the Department of State; the Transportation Trust Fund Authority, the Motor Vehicle Commission, and the New Jersey Transit Corporation within the Department of Transportation; the Economic Development Authority, Board of Public Utilities, Casino Control Commission, New Jersey Commerce, Economic Growth and Tourism Commission, Office of Administrative Law, Office of Information Technology, Ratepayer Advocate, State Library, Office of the Public Defender, Office of the Inspector General, Office of the Public Advocate, Garden State Preservation Trust, Governor's Council on Alcoholism and Drug Abuse, State Legal Services Office, Motion Picture and Television Development Commission, and the Science and Technology Commission within the Department of the Treasury, or any other authority, commission or board that is statutorily allocated in but not of a department for purposes of complying with Article V, Section IV, paragraph 1 of the State Constitution and is not otherwise under the supervision or direction of that department. The Director of the Division of Budget and Accounting shall identify as soon as practicable following enactment of this act the specific Direct State Services appropriations that will be reduced by the allocation of Administrative Efficiencies for each department affected. Such reductions shall not interfere with the State's obligation to meet constitutional mandates, make debt service payments or make payments pursuant to contracts that were entered into prior to July 1, 2005. By August 1, 2005, each affected department shall file a plan with the Director of the Division of Budget and Accounting reallocating Administrative Efficiencies among the specific Direct State Services appropriations. Such plan shall be subject to the approval of the Director of the Division of Budget and Accounting.

Language Transferring \$5 Million from Second Injury Fund to General Fund:

GenProv:

There is appropriated \$5,000,000 from the Second Injury Fund for transfer to the General Fund as State revenue.

Language Providing for a Study of Consolidation of State Leasing:

GenProv:

The Governor shall cause a study to be undertaken, with the results to be submitted to the Legislature by January 1, 2006, on the advisability of assigning responsibility for all leasing of State property within the Department of the Treasury.

Language Directing the State Treasurer to Review Travel Policies:

GenProv:

The State Treasurer shall undertake a comprehensive review of State Executive Branch department travel policies, rules and regulations, and shall report his findings and recommendations to the Governor concerning implementation of a uniform travel policy designed to make the most efficient use of appropriations made herein without restricting essential travel.

Language Providing for a Study of Human Resources Functions in State Government:

GenProv:

The Governor shall cause a study to be undertaken, with the results to be submitted to the Legislature by January 1, 2006, on the advisability of consolidating all human resources functions of departments of State government in the Department of Personnel or assigning such functions to the various departments.