

[First Reprint]

SENATE, No. 3168

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED SEPTEMBER 24, 2015

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator KEVIN J. O'TOOLE

District 40 (Bergen, Essex, Morris and Passaic)

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

Co-Sponsored by:

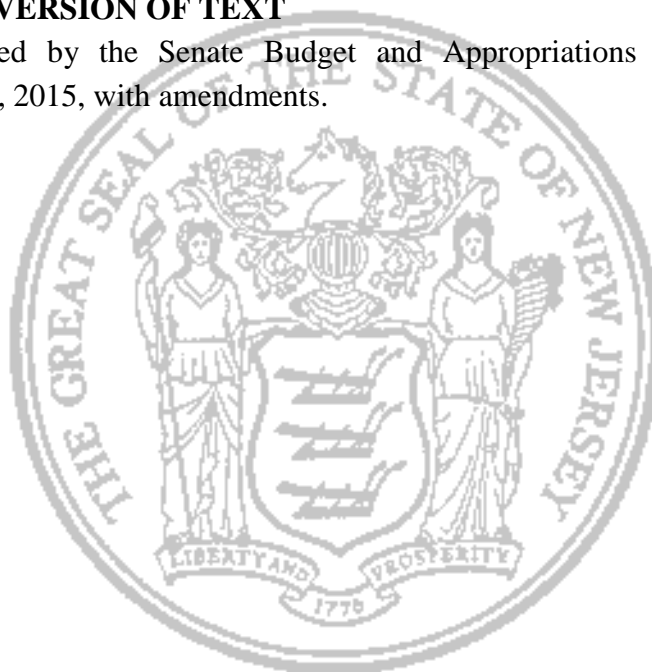
Senator Beck and Assemblyman Fiocchi

SYNOPSIS

Limits increase in annual budget requests of certain county entities.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on December 10, 2015, with amendments.



(Sponsorship Updated As Of: 1/12/2016)

1 AN ACT concerning the annual budget requests of certain county
2 entities, amending N.J.S.2A:158-7 and P.L.2007, c.62, and
3 supplementing various parts of the statutory law.

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

7
8 1. N.J.S.2A:158-7 is amended to read as follows:

9 2A:158-7. All necessary expenses incurred by the prosecutor for
10 each county in the detection, arrest, indictment and conviction of
11 offenders against the laws shall, upon being certified to by the
12 prosecutor and approved, under his hand, by a judge of the Superior
13 Court, be paid by the county treasurer whenever the same shall be
14 approved by the board of chosen freeholders of such county. The
15 amount or amounts to be expended shall not exceed the amount
16 fixed by the board of chosen freeholders in its regular or emergency
17 appropriation, unless such expenditure is specifically authorized by
18 order of the assignment judge of the Superior Court for such
19 county; however, the assignment judge shall consider the financial
20 impact of such an order on the governing body of the county, its
21 residents, the limitations imposed upon the local unit's property tax
22 levy pursuant to ¹subsection b. of¹ section 10 of P.L.2007, c.62
23 (C.40A:4-45.45), and county taxpayers.

24 (cf: P.L.1991, c.91, s.126)

25

26 2. Section 9 of P.L.2007, c.62 (C.40A:4-45.44) is amended to
27 read as follows:

28 9. For the purposes of sections 9 through 13 of P.L.2007,
29 c.62 (C.40A:4-45.44 through C.40A:4-45.47 and C.40A:4-45.3e):

30 "Adjusted tax levy" means an amount not greater than the
31 amount to be raised by taxation of the previous fiscal year, less any
32 waivers from a prior fiscal year required to be deducted by the
33 Local Finance Board pursuant to section 11 of P.L.2007,
34 c.62 (C.40A:4-45.46), that result multiplied by 1.02, to which the
35 sum of exclusions defined in subsection b. of section 10 of
36 P.L.2007, c.62 (C.40A:4-45.45) shall be added.

37 "Amount to be raised by taxation" means the property tax levy
38 set in the annual budget of a local unit.

39 "Local unit" means a municipality, county, fire district, or solid
40 waste collection district, but shall not include a municipality that
41 had a municipal purposes tax rate of \$0.10 or less per \$100 for the
42 previous tax year.

43 "New ratables" means the product of the taxable value of any
44 new construction or improvements times the tax rate of a local unit

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted December 10, 2015.

1 for its previous tax year.

2 “County entity budget authority” means the county tax
3 administrator, county superintendent of election, county board of
4 election, county register of deeds and mortgages, county clerk,
5 county surrogate, county prosecutor, and county sheriff, in their role
6 as the appointing authority of their respective offices.

7 “County entity” means a county board of taxation, office of the
8 county superintendent of election, office of the county board of
9 election, office of the county register of deeds and mortgages, office
10 of the county clerk, office of the county surrogate, office of the
11 county prosecutor, and county sheriff’s department.

12 (cf: P.L.2010, c.44, s.8)

13

14 3. (New section) a. A budget request submitted to the county
15 governing body by a county entity budget authority on behalf of a
16 county entity shall be comprised of two parts: the amount to be
17 raised by property taxation, and the amount to be funded wholly
18 through federal or State funds, fees raised by the county entity, or
19 other sources.

20 b. In the preparation of the portion of its budget request to be
21 raised by property taxation, a county entity budget authority shall
22 limit any increase in that portion of its budget request to 2.0% of
23 the previous year’s budget request, ¹[or the cost of living
24 adjustment, whichever is less,]¹ subject to the ¹[exceptions]
25 exclusions¹ set forth in [law] ¹subsection b. of section 10 of
26 P.L.2007, c.62 (C.40A:4-45.45), except that election expenses shall
27 be exempt from the requirements of this subsection. For purposes
28 of this subsection, “election expenses” shall mean and include all
29 necessary expenses incurred by the superintendent of elections,
30 county clerk, and board of elections for each county related to
31 election costs and the administration, preparation, and
32 implementation of all elections, including all vendor related
33 contract services; voting machine maintenance, repairs, parts and
34 equipment, certification, and technical coding; transportation of
35 voting machines and election supplies; overtime for all staff related
36 to election duty; food services during election; poll workers,
37 machine technicians, and other temporary workers; supplies; office
38 equipment; printing; postage; advertisement costs, upon being
39 certified to by the superintendent of elections, county clerk, and
40 board of elections for each county; but shall not mean or include
41 staff salaries for the office of the superintendent of elections, staff
42 salaries for the county clerk, or staff salaries for the county board of
43 elections¹.

44 ¹c. Nothing in P.L. , c. (C.) (pending before the
45 Legislature as this bill) shall diminish the obligations of a county
46 under a collective bargaining agreement with its employees in force

1 on the effective date of P.L. , c. (C.) (pending before the
2 Legislature as this bill).¹

3

4 4. (New section) A county tax administrator shall prepare the
5 annual budget request for the county board of taxation pursuant to
6 the requirements of section ¹**2** ³ of P.L. , c. (C.) (pending
7 before the Legislature as this bill).

8

9 5. (New section) A county superintendent of election shall
10 prepare the annual budget request for the office of the county
11 superintendent of election pursuant to the requirements of section 3
12 of P.L. , c. (C.) (pending before the Legislature as this
13 bill).

14

15 6. (New section) A county register of deeds and mortgages
16 shall prepare the annual budget request for the office of the county
17 register of deeds and mortgages pursuant to the requirements of
18 section 3 of P.L. , c. (C.) (pending before the Legislature as
19 this bill).

20

21 7. (New section) A county clerk shall prepare the annual
22 budget request for the office of the county clerk pursuant to the
23 requirements of section ¹**2** ³ of P.L. , c. (C.) (pending
24 before the Legislature as this bill).

25

26 8. (New section) A county surrogate shall prepare the annual
27 budget request for the office of the county surrogate pursuant to the
28 requirements of section 3 of P.L. , c. (C.) (pending before
29 the Legislature as this bill).

30

31 9. (New section) A county sheriff shall prepare the annual
32 budget request for the county sheriff's department pursuant to the
33 requirements of section 3 of P.L. , c. (C.) (pending before
34 the Legislature as this bill).

35

36 10. (New section) A county prosecutor shall prepare the annual
37 budget request for the county prosecutor's office pursuant to the
38 requirements of section 3 of P.L. , c. (C.) (pending before
39 the Legislature as this bill).

40

41 11. (New section) A county board of election shall prepare the
42 annual budget request for the office of county board of election
43 pursuant to the requirements of section 3 of P.L. , c. (C.)
44 (pending before the Legislature as this bill).

45

46 12. The Director of the Division of ¹**Taxation** Local
47 Government Services¹ in the Department of ¹**the Treasury**

1 Community Affairs¹, pursuant to the "Administrative Procedure
2 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall promulgate rules
3 and regulations as may be necessary to effectuate the provisions of
4 this act.

5

6 13. This act shall take effect immediately and shall first apply to
7 the county budget year ¹**【next following enactment】** commencing
8 on January 1, 2017¹.