

[First Reprint]

ASSEMBLY, No. 4769

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED NOVEMBER 16, 2015

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

Co-Sponsored by:

Assemblyman Fiocchi

SYNOPSIS

Limits increase in annual budget requests of certain county entities.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on January 7, 2016,
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, c.62
29 (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, c.62
34 (C.40A:4-45.46), that result multiplied by 1.02, to which the sum of
35 exclusions defined in subsection b. of section 10 of P.L.2007, c.62
36 (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
45 for its previous tax year.

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:

¹Assembly AAP committee amendments adopted January 7, 2016.

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

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

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

12
13 3. (New section) a. A budget request submitted to the county
14 governing body by a county entity budget authority on behalf of a
15 county entity shall be comprised of two parts: the amount to be
16 raised by property taxation, and the amount to be funded wholly
17 through federal or State funds, fees raised by the county entity, or
18 other sources.

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

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

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

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

11
12 6. (New section) A county register of deeds and mortgages
13 shall prepare the annual budget request for the office of the county
14 register of deeds and mortgages pursuant to the requirements of
15 section 3 of P.L. , c. (C.) (pending before the Legislature as
16 this bill).

17
18 7. (New section) A county clerk shall prepare the annual
19 budget request for the office of the county clerk pursuant to the
20 requirements of section ¹**[2]** ³ of P.L. , c. (C.) (pending
21 before the Legislature as this bill).

22
23 8. (New section) A county surrogate shall prepare the annual
24 budget request for the office of the county surrogate pursuant to the
25 requirements of section 3 of P.L. , c. (C.) (pending before
26 the Legislature as this bill).

27
28 9. (New section) A county sheriff shall prepare the annual
29 budget request for the county sheriff's department pursuant to the
30 requirements of section 3 of P.L. , c. (C.) (pending before
31 the Legislature as this bill).

32
33 10. (New section) A county prosecutor shall prepare the annual
34 budget request for the county prosecutor's office pursuant to the
35 requirements of section 3 of P.L. , c. (C.) (pending before
36 the Legislature as this bill).

37
38 11. (New section) A county board of election shall prepare the
39 annual budget request for the office of county board of election
40 pursuant to the requirements of section 3 of P.L. , c. (C.)
41 (pending before the Legislature as this bill).

42
43 12. The Director of the Division of ¹**[Taxation]** Local
44 Government Services¹ in the Department of ¹**[the Treasury]**
45 Community Affairs¹, pursuant to the "Administrative Procedure
46 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall promulgate rules

1 and regulations as may be necessary to effectuate the provisions of
2 this act.

3

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