

ASSEMBLY, No. 7

STATE OF NEW JERSEY

INTRODUCED MAY 30, 1996

By Assemblymen ARNONE and AUGUSTINE

1 AN ACT concerning relief of certain mandates on local governments
2 and amending and supplementing various sections of statutory law.

3
4 WHEREAS, Over the past four decades, prior to adoption of the
5 constitutional amendment prohibiting unfunded State mandates on
6 local government, the State routinely and systematically imposed
7 greater and greater numbers of mandates, orders, directives and
8 burdens on local government. This web of mandates and burdens
9 came about as the result of the enactment and adoption of a
10 plethora of unrelated laws and regulations addressing many and
11 diverse issues. While these actions by State government occurred
12 in order to address a variety of public concerns, they all shared a
13 common philosophical underpinning: the mandatory implementation
14 of State policy directives by local government officials.

15 WHEREAS, While the overwhelming majority of these statutes and
16 regulations were established by sincere-minded, and will intentioned
17 public officials in order to address legitimate public concerns, the
18 collective regulatory weight of these mandates on local officials
19 continues to be a matter of deep concern and a subject that cries for
20 legislative relief.

21 WHEREAS, In response to this decades long pattern of seemingly
22 inexorable increases in burdensome mandates from Trenton, local
23 officials repeatedly petition the Legislature for relief. In response
24 to entreaties of local officials, various committees of several
25 Legislatures have determined to continue to address the problem of
26 burdensome mandates on an expedited basis through the enactment
27 of omnibus statutes that repeal or modify many of those mandates;
28 now therefore

29
30 **BE IT ENACTED** by the Senate and General Assembly of the State
31 of New Jersey:

32
33 1. Section 3 of P.L.1941, c.151 (C.4:19-15.3) is amended to read
34 as follows:

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

Matter underlined thus is new matter.

1 3. The person applying for the license and registration tag shall pay
2 the fee fixed or authorized to be fixed in section 12 of this act, and the
3 sum of \$1.00 for a one-year registration tag or \$3.00 for a three-year
4 registration tag for each dog; and for each renewal, the fee for the
5 license and for the registration tag shall be the same as for the original
6 license and tag; and said licenses, registration tags and renewals
7 thereof shall expire no later than June 30 in the year stated on the
8 license; except that this expiration date shall not require a municipality
9 to alter its schedule for administering rabies inoculations to any dog to
10 be licensed and registered; nor shall this expiration date require a
11 municipality to alter its schedule for renewing licenses and registration
12 tags, provided that the registration period precedes June 30. The
13 governing body of a municipality may stagger the expiration of such
14 annual licenses so long as all expirations occur no later than June 30
15 in the calendar year stated on the license.

16 Only one license and registration tag shall be required in any
17 licensing year for any dog owned in New Jersey, and such license and
18 tag shall be accepted by all municipalities as evidence of compliance
19 with this section.

20 Dogs used as guides for blind persons and commonly known as
21 "seeing-eye" dogs, dogs used to assist handicapped persons and
22 commonly known as "service dogs," or dogs used to assist deaf
23 persons and commonly known as "hearing ear" dogs shall be licensed
24 and registered as other dogs hereinabove provided for, except that the
25 owner or keeper of such dog shall not be required to pay any fee
26 therefor.

27 License forms and uniform official metal registration tags designed
28 by the State Department of Health shall be furnished by the
29 municipality and shall be numbered serially and shall bear the year of
30 issuance and the name of the municipality.

31 (cf: P.L.1983, c.485, s.2)

32

33 2. Section 4 of P.L.1982, c.203 (C.4:19-15.3a) is amended to read
34 as follows:

35 4. Subsequent to the effective date of [this act] P.L.1982, c.203,
36 the provisions of any law to the contrary notwithstanding:

37 a. All annual licenses required pursuant to the provisions of section
38 2 of P.L.1941, c.151 (C.4:19-15.2), section 3 of P.L.1941, c.151
39 (C.4:19-15.3) and section 8 of P.L.1941, c.151 (C.4:19-15.8) shall
40 expire no later than June 30 in the calendar year next following
41 issuance; provided that the license and registration tag fee shall be
42 prorated for any license and registration tag which is valid for longer
43 than 12 months. The governing body of a municipality may stagger
44 the expiration of such annual licenses so long as all expirations occur
45 no later than June 30 in the calendar year next following issuance.

46 b. Any 3-year registration tag issued pursuant to the provisions of

1 section 2 of P.L.1941, c.151 (C.4:19-15.2) or section 3 of P.L.1941,
2 c.151 (C.4:19-15.3), which is due to expire January 31 of the year of
3 the effective date of this act, shall be valid until June 30 of that year.

4 Upon renewal of the three-year licenses on June 30 of the calendar
5 year next following issuance, the municipality may assess a fee, in
6 addition to the annual fee, which reflects a prorated portion of the
7 three-year fee for the period January 31 to June 30 preceding renewal.
8 (cf: P.L.1983, c.40, s.2)

9

10 3. R.S.19:15-2 is amended to read as follows:

11 19:15-2. The district boards shall open the polls for such election
12 at seven o'clock in the morning and close them at eight o'clock in the
13 evening, and shall keep them open during the whole day of election
14 between these hours; except that for a school election the polls shall
15 be open between the hours of five and nine P.M. and during any
16 additional time which the school board may designate between the
17 hours of seven A.M. and nine P.M.

18 The board may allow one member thereof at a time to be absent
19 from the polling place and room for a period not exceeding one hour
20 between the hours of one o'clock and five o'clock in the afternoon or
21 for such shorter time as it shall see fit.

22 At no time from the opening of the polls to the completion of the
23 canvass shall there be less than a majority of the board present in the
24 polling room or place, except that during a school election there shall
25 always be at least one member of each district election board present
26 or if more than two district board members are designated to serve at
27 the polling place, at least two members present.

28 Notwithstanding the requirements of this section, in a municipality
29 with a population of 250 persons or less, according to the latest
30 federal decennial census, a polling place may be closed at any time that
31 the district board determines that all of the registered voters eligible
32 to vote at that polling place have cast their ballots, subject to adequate
33 provisions made for newly registered voters in accordance with rules
34 and regulations promulgated by the Secretary of State.

35 (cf: P.L.1996, c.3, s.4)

36

37 4. R.S.26:3-66 is amended to read as follows:

38 26:3-66. No health ordinance or code shall be finally adopted
39 unless it shall have been:

40 a. Given a first reading, which first reading may be by title, at a
41 meeting held at least one week prior to final passage;

42 b. Published, in summary form, in a newspaper published and
43 circulating in the municipality or county for which the local board is
44 organized, and in the case of a municipal board of health, if there be
45 no such newspaper, then in at least one newspaper published and
46 circulating in the county in which the municipality is located, at least

1 two days prior to final passage.

2 The publication shall contain a notice stating the time and place
3 when and where the local board will consider the final passage of the
4 proposed ordinance or code;

5 c. Posted on the bulletin board or other place upon which public
6 notices are customarily posted in the building where the local board
7 regularly meets prior to the meeting for final consideration. Copies of
8 the ordinance or code shall be made available to members of the
9 general public of the county upon request; and

10 d. Upon the opening of the meeting for final consideration of the
11 ordinance or code, given a second reading, which reading may be by
12 title. Thereafter, the ordinance may be passed with or without
13 amendments, or rejected.

14 (cf: P.L.1991, c.36, s.1)

15

16 5. R.S.26:3-67 is amended to read as follows:

17 26:3-67. Before any health ordinance or code shall take effect, a
18 summary of the ordinance or code, or its title, shall be published at
19 least once in a newspaper published and circulating as prescribed in
20 section 26:3-66 of this title.

21 (cf: R.S.26:3-67)

22

23 6. R.S.35:1-2.2 is amended to read as follows:

24 35:1-2.2 Whenever, by law, it is required that there be published
25 by printing and publishing in a newspaper or newspapers, ordinances,
26 resolutions or notices or advertisements of any sort, kind or character
27 by any county, city or other municipality or municipal corporation, or
28 by any municipal board or official board, or body, or office, or
29 officials, or by any person or corporation, such newspaper or
30 newspapers must, in addition to any other qualification now required
31 by law, meet the following qualifications, namely: said newspaper or
32 newspapers shall be entirely printed in the English language, shall be
33 printed and published within the State of New Jersey, shall be a
34 newspaper of general [paid] circulation possessing an average news
35 content of not less than 35%, and shall have been published
36 continuously in the municipality where its publication office is situate
37 for not less than 2 years [and shall have been entered for 2 years as
38 second-class mail matter under the postal laws and regulations of the
39 United States]. In case a newspaper cannot meet these qualifications
40 itself but has acquired another newspaper which meets these
41 qualifications, the acquiring newspaper shall be deemed to meet these
42 qualifications if it is published in the same municipality [and entered in
43 the same post office] as was the acquired newspaper. Continuous
44 publication within the meaning of this section shall not be deemed
45 interrupted by any involuntary suspension of publication for a period
46 not exceeding 6 months resulting from loss, destruction, mechanical

1 or electrical failure of typesetting equipment or printing presses or the
2 unavailability, due to conditions beyond the control of the publisher,
3 of paper or other materials and supplies necessary for operation, or
4 resulting from a labor dispute with a recognized labor union, and any
5 newspaper so affected shall not be disqualified hereunder in the event
6 that publication is resumed within said period of 6 months.

7 For the purposes of this section and for the purpose of qualifying
8 for legal advertisements generally, any newspaper which for not less
9 than 2 years shall have been continuously printed in a building located
10 within two municipalities and which for not less than 2 years shall have
11 continuously maintained its editorial and business offices in said
12 building shall be deemed to have been published continuously in each
13 of said municipalities during that period and its publication office shall
14 be deemed to have been situate in each municipality during that period.

15 In the event any newspaper which shall have been qualified to
16 publish legal advertisements shall move its publication office to any
17 municipality in the same county or in an adjacent county in this State
18 and which shall otherwise continue to meet the qualifications of this
19 section, it shall be qualified to publish legal advertisements which it
20 was qualified to publish prior to moving said publication office for a
21 period of 2 years after the date of the moving of its publication office
22 or such period as said newspaper shall have the highest [paid]
23 circulation of any newspaper within the county or municipality which
24 shall use said newspaper for legal advertisements.

25 (cf: P.L.1979, c.84, s.1)

26

27 7. R.S.39:4-8 is amended to read as follows.

28 39:4-8. a. Except as otherwise provided in this section, no
29 ordinance or resolution concerning, regulating or governing traffic or
30 traffic conditions, adopted or enacted by any board or body having
31 jurisdiction over highways, shall be of any force or effect unless the
32 same is approved by the Commissioner of Transportation, according
33 to law. The commissioner shall not be required to approve any such
34 ordinance, resolution or regulation, unless, after investigation by him,
35 the same shall appear to be in the interest of safety and the expedition
36 of traffic on the public highways.

37 b. In the case of totally self-contained streets under municipal
38 jurisdiction which have no direct connection with any street in any
39 other municipality, or in the case of totally self-contained streets under
40 county jurisdiction which have no direct connection with any street in
41 any other county, the municipality or county may, by ordinance or
42 resolution, as appropriate, without the approval of the Commissioner
43 of Transportation, designate reasonable and safe speed limits, parking
44 restrictions, no passing zones, mid-block crosswalks and crosswalks
45 at intersections, and erect appropriate signs, designate any intersection
46 as a stop or yield intersection, erect traffic signals and erect

1 appropriate signs and place longitudinal pavement markings
2 delineating the separation of traffic flows and the edge of the
3 pavement, provided that the municipal or county engineer shall, under
4 his seal as a licensed professional engineer, certify to the municipal or
5 county governing body, as appropriate, that any designation or
6 erection of signs, signals or placement of markings: (1) has been
7 approved by him after investigation by him of the circumstances, (2)
8 appears to him to be in the interest of safety and the expedition of
9 traffic on the public highways and (3) conforms to the current
10 standards prescribed by the Manual of Uniform Traffic Control
11 Devices for Streets and Highways, as adopted by the Commissioner of
12 Transportation.

13 A certified copy of the adopted ordinance or resolution, as
14 appropriate, shall be transmitted by the clerk of the municipality or
15 county, as appropriate, to the commissioner within 30 days of
16 adoption, together with a copy of the engineer's certification; a
17 statement of the reasons for the engineer's decision; detailed
18 information as to the location of streets, intersections and signs
19 affected by any designation or erection of signs or signals or placement
20 of markings; and traffic count, accident and speed sampling data, when
21 appropriate. The commissioner, at his discretion, may invalidate the
22 provisions of the ordinance or resolution within 90 days of receipt of
23 the certified copy if he reviews it and finds that the provisions of the
24 ordinance or resolution are inconsistent with the Manual of Uniform
25 Traffic Control Devices for Streets or Highways; are inconsistent with
26 accepted engineering standards; are not based on the results of an
27 accurate traffic and engineering survey; or place an undue traffic
28 burden or impact on streets in an adjoining municipality or negatively
29 affect the flow of traffic on the State highway system.

30 Nothing in this subsection shall allow municipalities to designate
31 any intersection with any highway under State or county jurisdiction
32 as a stop or yield intersection or counties to designate any intersection
33 with any highway under State or municipal jurisdiction as a stop or
34 yield intersection.

35 c. Subject to the provisions of R.S.39:4-138, in the case of any
36 street under municipal or county jurisdiction, a municipality or county
37 may, without the approval of the Commissioner of Transportation, do
38 the following:

39 By ordinance or resolution:

- 40 (1) prohibit or restrict general parking;
- 41 (2) designate restricted parking under section 1 of P.L.1977, c.309
42 (C.39:4-197.6);
- 43 (3) designate time limit parking; [and]
- 44 (4) install parking meters; and
- 45 (5) designate mid-block crosswalks and crosswalks at
46 intersections.

1 By ordinance, resolution or regulation:

2 (1) designate loading and unloading zones and taxi stands;

3 (2) approve street closings for periods up to 48 continuous hours;

4 and

5 (3) designate restricted parking under section 1 of P.L.1977, c.202
6 (C.39:4-197.5).

7 Nothing in this subsection shall allow municipalities or counties to
8 establish angle parking or to reinstate or add parking on any street, or
9 approve the closure of streets for more than 48 continuous hours,
10 without the approval of the Commissioner of Transportation.

11 (cf: P.L.1995, c.412, s.1)

12

13 8. (New section) a. (1) Notwithstanding any law, rule or
14 regulation to the contrary, upon the resolution of the governing body
15 of a municipality with a population of 500 or less, according to the
16 latest federal decennial census, and timely filing of that resolution with
17 the Secretary of State, the county clerk, and the county board of
18 elections or the superintendent of elections in counties wherein one
19 has been appointed, in accordance with rules and regulations
20 promulgated by the Secretary of State, any election within the
21 municipality may be conducted solely by mail, subject to adequate
22 provisions made for homeless and newly registered voters as required
23 by rules and regulations promulgated by the Secretary of State.

24 (2) In a municipality that has resolved to conduct an election by
25 mail pursuant to subsection a. of this section, the municipal clerk shall
26 cause a copy of the ballot to be mailed or delivered to each registered
27 voter in the election districts within the municipality in accordance
28 with rules and regulations promulgated by the Secretary of State.

29 (3) In a municipality that has conducted an election by mail
30 pursuant to this subsection, the district boards of registry and election
31 shall count the ballots and ascertain the number of votes cast in the
32 election district commencing at 5:00 PM on the day of the election in
33 the manner provided by law.

34 b. The Secretary of State shall monitor elections conducted by mail
35 pursuant to this section and shall report to the Governor and to the
36 Legislature on or before January 1, 1999, making recommendations as
37 to whether these provisions should be made a part of the permanent
38 law and if so, whether these provisions should be expanded to other
39 local units and larger municipalities.

40 c. The Secretary of State, pursuant to the "Administrative
41 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall
42 promulgate rules and regulations necessary to effectuate the purposes
43 of this section on or before the first day of the seventh month next
44 following enactment.

45 d. This section shall expire on December 31, 1999.

46

1 9. Section 1 of P.L.1977, c.395 (C.40:49-2.1) is amended to read
2 as follows:

3 1. In the case of any ordinance adopted pursuant to the "Municipal
4 Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), or an
5 ordinance adopted by a park, parkway or shade tree commission,
6 including any amendments or supplements thereto, or revisions or
7 codifications thereof, [which is in length, six or more octavo pages of
8 ordinary print,] the governing body of any municipality or commission,
9 as appropriate, may, notwithstanding the provisions of R.S.40:49-2,
10 satisfy the newspaper publication requirements for the introduction
11 and passage of such ordinance in the following manner:

12 a. The publication of a notice citing such proposed ordinance by
13 title, giving a brief summary of the main objectives or provisions of the
14 ordinance, stating that copies are on file for public examination and
15 acquisition at the office of the municipal clerk, and setting forth the
16 time and place for the further consideration of the proposed ordinance;

17 b. The placing on file, in the office of the clerk, three copies of the
18 proposed ordinance, which copies shall be available for public
19 inspection until final action is taken on said ordinance; and

20 c. The publication or arranging for the publication of the proposed
21 ordinance in pamphlet or other similar form, which may be sold by the
22 municipality at a price not to exceed the cost of publication and
23 distribution.

24 If any amendment be adopted to any such proposed ordinance
25 substantially altering the substance of the proposed ordinance, there
26 shall be caused to be published a notice of the title of the ordinance,
27 the introduction and time and place that the amended ordinance will
28 be further considered and a summary of the objectives or provisions
29 of the amendment or amendments, which notice shall be published at
30 least 2 days prior to the time so fixed therefor in accordance with
31 subsection c. of R.S.40:49-2. Copies of the amended ordinance shall
32 be on file and available, for public examination and duplication, in the
33 office of the municipal clerk, until final action is taken on said
34 ordinance. If said ordinance is again amended, the same publication
35 requirements herein set forth for amended ordinances shall be
36 followed.

37 Upon passage of any such ordinance, notice of passage or approval
38 shall be published in accordance with subsection d. of R.S. 0:49-2. A
39 copy of the ordinance and of any summary or summaries published in
40 connection with its adoption pursuant to subsection a. or c. of this
41 section, shall be forthwith transmitted to the tax assessor of the
42 municipality.

43 (cf: P.L.1983, c.513, s.1)

44

45 10. Section 16 of P.L.1975, c.291 (C.40:55D-25) is amended to
46 read as follows:

1 16. a. The planning board shall follow the provisions of this act and
2 shall accordingly exercise its power in regard to:

- 3 (1) The master plan pursuant to article 3;
4 (2) Subdivision control and site plan review pursuant to article 6;
5 (3) The official map pursuant to article 5;
6 (4) The zoning ordinance including conditional uses pursuant to
7 article 8;
8 (5) The capital improvement program pursuant to article 4;
9 (6) Variances and certain building permits in conjunction with
10 subdivision, site plan and conditional use approval pursuant to article
11 7.

12 b. The planning board may:

- 13 (1) Participate in the preparation and review of programs or plans
14 required by State or federal law or regulation;
15 (2) Assemble data on a continuing basis as part of a continuous
16 planning process; and
17 (3) Perform such other advisory duties as are assigned to it by
18 ordinance or resolution of the governing body for the aid and
19 assistance of the governing body or other agencies or officers.

20 c. (1) In a municipality having a population of 10,000 or less, a
21 nine-member planning board, if so provided by ordinance, shall
22 exercise, to the same extent and subject to the same restrictions, all the
23 powers of a board of adjustment; but the Class I and the Class III
24 members shall not participate in the consideration of applications for
25 development which involve relief pursuant to subsection d. of section
26 57 of P.L.1975, c.291 (C.40:55D-70).

27 (2) In any municipality, a nine-member planning board, if so
28 provided by ordinance and approved by voter referendum, shall
29 exercise, to the same extent and subject to the same restrictions, all the
30 powers of a board of adjustment; but the Class I and the Class III
31 members shall not participate in the consideration of applications for
32 development which involve relief pursuant to subsection d. of section
33 57 of P.L.1975, c.291 (C.40:55D-70).

34 d. In a municipality having a population of 2,500 or less, the
35 planning board, if so provided by ordinance, shall exercise, to the same
36 extent and subject to the same restrictions, all of the powers of an
37 historic preservation commission, provided that at least one planning
38 board member meets the qualifications of a Class A member of an
39 historic preservation commission and at least one member meets the
40 qualifications of a Class B member of that commission.

41 (cf: P.L.1994, c.186, s.1)

42

43 11. N.J.S.40A:2-3 is amended to read as follows:

44 40A:2-3. Any local unit, by bond ordinance, may incur
45 indebtedness, borrow money, authorize and issue negotiable
46 obligations for financing:

1 a. any capital improvement or property which it may lawfully make
2 or acquire[, or];

3 b. any purpose for which it is authorized or required by law to
4 make an appropriation, except current expenses and payment of
5 obligations (other than those for temporary financing); or

6 c. the amount of any contribution by a local unit that is a sending
7 municipality under a regional contribution agreement pursuant to
8 section 12 of P.L.1985, c.222 (C.52:27D-312).

9 No local unit shall borrow money or issue its obligations for
10 purposes authorized under this chapter except as provided in this
11 chapter.

12 (cf: N.J.S.40A:2-3)

13
14 12. N.J.S.40A:4-19 is amended to read as follows:

15 40A:4-19. The governing body may and, if any contracts,
16 commitments or payments are to be made prior to the adoption of the
17 budget, shall, by resolution adopted within the first 30 days of the
18 beginning of the fiscal year, make appropriations to provide for the
19 period between the beginning of the fiscal year and the adoption of the
20 budget.

21 The total of the appropriations so made shall not exceed
22 ~~[25%]~~26.25% of the total of the appropriations made for all purposes
23 in the budget for the preceding fiscal year excluding, in both instances,
24 appropriations made for interest and debt redemption charges, capital
25 improvement fund and public assistance.

26 Nothing herein contained shall prevent or relieve the governing
27 body from making appropriations during the last 10 days of the year
28 preceding the beginning of the fiscal year for all interest and debt
29 redemption charges maturing during the fiscal year.

30 (cf: P.L.1991, c.75, s.16)

31
32 13. N.J.S.40A:4-39 is amended to read as follows:

33 40A:4-39. a. In the budget of any local unit, dedicated revenues
34 anticipated during the fiscal year from any dog tax, dog license,
35 revenues collected pursuant to N.J.S.18A:39-1.2, solid fuel license,
36 sinking fund for term bonds, bequest, escheat, federal grant, motor
37 vehicle fine dedicated to road repairs, relocation costs deposited into
38 a revolving relocation assistance fund established pursuant to section
39 2 of P.L.1987, c.98 (C.20:4-4.1a), receipts from franchise assessments
40 levied pursuant to section 4 of P.L.1995, c.173 (C.40A:12A-53),
41 refund payments from a joint insurance fund deposited into a joint
42 insurance revolving fund established pursuant to section 14 of P.L. __,
43 c. (C. __) (pending before the Legislature as this bill) and, subject
44 to the prior written consent of the director, other items of like
45 character when the revenue is not subject to reasonably accurate
46 estimate in advance, may be included in said budget by annexing to

1 said budget a statement in substantially the following form:

2 "The dedicated revenues anticipated during the year from
3 (here insert one or more of the sources above, as the case may
4 be) are hereby anticipated as revenue and are hereby appropriated for
5 the purposes to which said revenue is dedicated by statute or other
6 legal requirement."

7 b. Dedicated revenues included in accordance with this section
8 shall be available for expenditure by the local unit as and when
9 received in cash during the fiscal year. The inclusion of such dedicated
10 revenues shall be subject to the approval of the director, who may
11 require such explanatory statements or data in connection therewith as
12 the director deems advisable for the information and protection of the
13 public.

14 (cf: P.L.1995, c.271, s.2)

15

16 14. (New section) The governing body of any local unit that has
17 established a joint insurance fund may by resolution or ordinance, as
18 appropriate, establish a joint insurance revolving fund into which may
19 be deposited any refunds paid to the local unit by the joint insurance
20 fund to be dedicated for the payment of liabilities to the fund in future
21 years. In no event shall amounts deposited in a joint insurance
22 revolving fund exceed the annual amount contributed by the local unit
23 to the joint insurance fund during the prior year.

24 Moneys appropriated from the joint insurance revolving fund shall
25 be used by the local unit to cover losses attributable to claims being
26 paid by the joint insurance fund in future years which exceed
27 contributions paid into the joint insurance fund by the local unit.

28

29 15. N.J.S.40A:4-78 is amended to read as follows:

30 40A:4-78. a. If the director finds that all requirements of law and
31 of the regulations of the local government board have been met, he
32 shall approve the budget, otherwise he shall refuse to approve it.

33 The director, in refusing to approve a budget, shall not substitute
34 his discretion with respect to the amount of an appropriation when
35 such amount is not made mandatory because of the requirements of
36 law.

37 b. Notwithstanding the provisions of N.J.S.40A:4-10 and
38 N.J.S.40A:4-76 through 40A:4-79, the Local Finance Board is
39 authorized to adopt rules, pursuant to the "Administrative Procedure
40 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to exempt certain
41 municipalities from the requirement that the director approve their
42 annual budgets and to provide instead for a system of local
43 examination and approval of such budgets by municipal officials,
44 provided that:

45 (1) the director finds that such municipalities are fiscally sound and
46 that their fiscal practices are conducted in accordance with law and

1 sound administrative practice;

2 (2) the director shall examine the budgets of such municipalities in
3 accordance with the provisions of N.J.S.40A:4-10 and N.J.S.40A:4-76
4 through 40A:4-79, at least every third year;

5 (3) the governing body and chief financial officer of each such
6 municipality shall each file a certification with the director stating that,
7 with reference to the adopted budget of the municipality, they have:

8 (a) examined the budget in the manner prescribed under
9 N.J.S.40A:4-76;

10 (b) determined that the budget complies with the requirements set
11 forth in N.J.S.40A:4-77; and

12 (c) determined that the budget complies with all other provisions
13 of law, including, but not limited to, the "Local Budget Law,"
14 N.J.S.40A:4-1 et seq., P.L.1976, c.68 (C.40A:4-45.1 et seq.), and the
15 regulations of the Local Finance Board.

16 (4) all budget documents required by law or the regulations
17 adopted by the Local Finance Board shall be filed with the director on
18 a timely basis;

19 (5) other criteria and responsibilities as established by the
20 regulations adopted by the Local Finance Board are met.

21 c. The director shall act to require immediate compliance with the
22 "Local Budget Law," N.J.S.40A:4-1 et seq., if the director finds that
23 any such exemption impairs the fiscal integrity or solvency of any such
24 municipality. Any appeal of a governing body's action in adopting an
25 annual budget shall be made to the director.

26 (cf: N.J.S.40A:4-78)

27

28 16. Section 1 of P.L.1979, c.82 (C.40A:9-154.1) is amended to
29 read as follows:

30 1. The governing body, or the chief executive, or the chief
31 administrative officer, as appropriate to the form of government of any
32 municipality, may appoint adult school crossing guards for terms not
33 exceeding 1 year and revoke such appointments for cause and after
34 proper hearing before the chief of police or other chief law
35 enforcement officer of the municipality. No person shall be appointed
36 as an adult school crossing guard unless he:

37 a. Is a citizen and resident of this State;

38 b. Is sound in body and of good health;

39 c. Is of good moral character; and

40 d. Has not been convicted of any criminal offense involving moral
41 turpitude.

42 An adult school crossing guard [~~shall not~~]may be a member of the
43 police department or force of the municipality and his powers and
44 duties as an adult school crossing guard shall cease at the expiration
45 of the term for which he was appointed. He shall not have the right to
46 bear firearms or the power of arrest unless the crossing guard is also

1 a member of a police department or force.

2 Every adult school crossing guard shall be under the supervision
3 and direction of the chief of police or other chief law enforcement
4 officer of the municipality wherein he is appointed and shall perform
5 his duties only in such municipality. He shall comply with the rules
6 and regulations applicable to the conduct and decorum of the regular
7 police officers of the municipality. Before any adult school crossing
8 guard is appointed the chief of police shall ascertain the eligibility of
9 the applicant and make a report to the governing body, or the chief
10 executive or chief administrative officer, as the case may be.

11 (cf: P.L.1981, c.227, s.1)

12

13 17. Section 2 of P.L.1979, c.82 (C.40A:9-154.2) is amended to
14 read as follows:

15 2. Every adult school crossing guard shall be trained for the proper
16 performance of his duties and responsibilities. Such training shall
17 consist of a minimum of 2 hours of classroom instruction which shall
18 include information on methods of traffic control and the duties and
19 responsibilities of adult school crossing guards and a minimum of 20
20 hours of field training in which the trainee shall be supervised by an
21 experienced adult school crossing guard or a regular police officer.
22 This training requirement may be waived by the chief of police for an
23 adult school crossing guard who is also a police officer.

24 (cf: P.L.1979, c.82, s.2)

25

26 18. Section 3 of P.L.1979, c.82 (C.40A:9-154.3) is amended to
27 read as follows:

28 3. Before being assigned to any post, an adult school crossing
29 guard shall be provided with a uniform which shall identify his function
30 and which shall be distinct from the uniform of a member of the
31 regular police department or force. Such uniform shall include but not
32 be limited to a safety vest, a hat, and breast and hat badges which shall
33 bear an identification number, and the name of the municipality in
34 which he is employed. A police officer appointed as an adult crossing
35 guard shall wear such uniform as directed by the chief of police of the
36 municipality.

37 (cf: P.L.1979, c.82, s.3)

38

39 19. Section 3 of P.L.1971, c.198 (C.40A:11-3) is amended to read
40 as follows:

41 3. a. Any purchase, contract or agreement for the performance of
42 any work or the furnishing or hiring of materials or supplies, the cost
43 or price of which, together with any other sums expended or to be
44 expended for the performance of any work or services in connection
45 with the same immediate program, undertaking, activity or project or
46 the furnishing of similar materials or supplies during the same fiscal

1 year paid with or out of public funds, does not exceed in the fiscal year
2 the total sum of \$7,500.00 or the amount determined pursuant to
3 subsection b. of this section, may be made, negotiated or awarded by
4 a contracting agent when so authorized by resolution of the governing
5 body of the contracting unit without public advertising for bids. Such
6 authorization may be granted for each purchase, contract or agreement
7 or by a general delegation of the power to make, negotiate or award
8 such purchases, contracts or agreements pursuant to this section.

9 Any purchase, contract or agreement made pursuant to this section
10 may be awarded for a period of [12] 24 consecutive months
11 notwithstanding that such [12-month] 24-month period does not
12 coincide with the fiscal year. The Division of Local Government
13 Services shall adopt and promulgate rules and regulations concerning
14 the methods of accounting for all contracts that do not coincide with
15 the fiscal year.

16 b. The Governor, in consultation with the Department of the
17 Treasury, shall, no later than March 1 of each odd-numbered year,
18 adjust the threshold amount set forth in subsection a. of this section,
19 or subsequent to 1985 the threshold amount resulting from any
20 adjustment under this subsection or section 17 of P.L.1985, c.469, in
21 direct proportion to the rise or fall of the Consumer Price Index for all
22 urban consumers in the New York City and the Philadelphia areas as
23 reported by the United States Department of Labor. The Governor
24 shall, no later than June 1 of each odd-numbered year, notify each
25 governing body of the adjustment. The adjustment shall become
26 effective on July 1 of each odd-numbered year.

27 (cf: P.L.1991, c.143, s.1)

28

29 20. Section 15 of P.L.1971, c.198 (C.40A:11-15) is amended to
30 read as follows:

31 15. All purchases, contracts or agreements for the performing of
32 work or the furnishing of materials, supplies or services shall be made
33 for a period not to exceed [12] 24 consecutive months, except that
34 contracts or agreements may be entered into for longer periods of time
35 as follows:

36 (1) Supplying of:

37 (a) [Fuel for heating purposes, for any term not exceeding in the
38 aggregate, two years;] (Deleted by amendment, P.L. , c. .) (now
39 pending before the Legislature as this bill)

40 (b) [Fuel or oil for use of airplanes, automobiles, motor vehicles or
41 equipment for any term not exceeding in the aggregate, two years;]
42 (Deleted by amendment, P.L. , c. .) (now pending before the
43 Legislature as this bill)

44 (c) Thermal energy produced by a cogeneration facility, for use for
45 heating or air conditioning or both, for any term not exceeding 40
46 years, when the contract is approved by the Board of Public Utilities.

- 1 For the purposes of this paragraph, "cogeneration" means the
2 simultaneous production in one facility of electric power and other
3 forms of useful energy such as heating or process steam;
- 4 (2) (Deleted by amendment, P.L.1977, c.53.)
- 5 (3) The collection and disposal of municipal solid waste, the
6 collection and disposition of recyclable material, or the disposal of
7 sewage sludge, for any term not exceeding in the aggregate, five years;
- 8 (4) The collection and recycling of methane gas from a sanitary
9 landfill facility, for any term not exceeding 25 years, when such
10 contract is in conformance with a district solid waste management plan
11 approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.), and with the
12 approval of the Division of Local Government Services in the
13 Department of Community Affairs and the Department of
14 Environmental Protection. The contracting unit shall award the
15 contract to the highest responsible bidder, notwithstanding that the
16 contract price may be in excess of the amount of any necessarily
17 related administrative expenses; except that if the contract requires the
18 contracting unit to expend funds only, the contracting unit shall award
19 the contract to the lowest responsible bidder. The approval by the
20 Division of Local Government Services of public bidding requirements
21 shall not be required for those contracts exempted therefrom pursuant
22 to section 5 of P.L.1971, c.198 (C.40A:11-5);
- 23 (5) Data processing service, for any term of not more than three
24 years;
- 25 (6) Insurance, for any term of not more than three years;
- 26 (7) Leasing or servicing of automobiles, motor vehicles, machinery
27 and equipment of every nature and kind, for a period not to exceed
28 three years; provided, however, such contracts shall be entered into
29 only subject to and in accordance with the rules and regulations
30 promulgated by the Director of the Division of Local Government
31 Services of the Department of Community Affairs;
- 32 (8) The supplying of any product or the rendering of any service
33 by a telephone company which is subject to the jurisdiction of the
34 Board of Public Utilities for a term not exceeding five years;
- 35 (9) Any single project for the construction, reconstruction or
36 rehabilitation of any public building, structure or facility, or any public
37 works project, including the retention of the services of any architect
38 or engineer in connection therewith, for the length of time authorized
39 and necessary for the completion of the actual construction;
- 40 (10) The providing of food services for any term not exceeding
41 three years;
- 42 (11) On-site inspections undertaken by private agencies pursuant
43 to the "State Uniform Construction Code Act," P.L.1975, c.217
44 (C.52:27D-119 et seq.) for any term of not more than three years;
- 45 (12) The performance of work or services or the furnishing of
46 materials or supplies for the purpose of conserving energy in buildings

1 owned by, or operations conducted by, the contracting unit, the entire
2 price of which to be established as a percentage of the resultant
3 savings in energy costs, for a term not to exceed 10 years; provided,
4 however, that such contracts shall be entered into only subject to and
5 in accordance with rules and regulations promulgated by the
6 Department of Environmental Protection establishing a methodology
7 for computing energy cost savings;

8 (13) The performance of work or services or the furnishing of
9 materials or supplies for the purpose of elevator maintenance for any
10 term not exceeding three years;

11 (14) Leasing or servicing of electronic communications equipment
12 for a period not to exceed five years; provided, however, such contract
13 shall be entered into only subject to and in accordance with the rules
14 and regulations promulgated by the Director of the Division of Local
15 Government Services of the Department of Community Affairs;

16 (15) Leasing of motor vehicles, machinery and other equipment
17 primarily used to fight fires, for a term not to exceed seven years,
18 when the contract includes an option to purchase, subject to and in
19 accordance with rules and regulations promulgated by the Director of
20 the Division of Local Government Services of the Department of
21 Community Affairs;

22 (16) The provision of water supply services or the designing,
23 financing, construction, operation, or maintenance, or any combination
24 thereof, of a water supply facility, or any component part or parts
25 thereof, including a water filtration system, for a period not to exceed
26 40 years, when the contract for these services is approved by the
27 Division of Local Government Services in the Department of
28 Community Affairs, the Board of Public Utilities, and the Department
29 of Environmental Protection pursuant to P.L.1985, c.37 (C.58:26-1 et
30 al.), except for those contracts otherwise exempted pursuant to
31 subsection (30), (31), (34) or (35) of this section. For the purposes
32 of this subsection, "water supply services" means any service provided
33 by a water supply facility; "water filtration system" means any
34 equipment, plants, structures, machinery, apparatus, or land, or any
35 combination thereof, acquired, used, constructed, rehabilitated, or
36 operated for the collection, impoundment, storage, improvement,
37 filtration, or other treatment of drinking water for the purposes of
38 purifying and enhancing water quality and insuring its potability prior
39 to the distribution of the drinking water to the general public for
40 human consumption, including plants and works, and other personal
41 property and appurtenances necessary for their use or operation; and
42 "water supply facility" means and refers to the real property and the
43 plants, structures, interconnections between existing water supply
44 facilities, machinery and equipment and other property, real, personal
45 and mixed, acquired, constructed or operated, or to be acquired,
46 constructed or operated, in whole or in part by or on behalf of a

1 political subdivision of the State or any agency thereof, for the
2 purpose of augmenting the natural water resources of the State and
3 making available an increased supply of water for all uses, or of
4 conserving existing water resources, and any and all appurtenances
5 necessary, useful or convenient for the collecting, impounding, storing,
6 improving, treating, filtering, conserving or transmitting of water and
7 for the preservation and protection of these resources and facilities and
8 providing for the conservation and development of future water supply
9 resources;

10 (17) The provision of resource recovery services by a qualified
11 vendor, the disposal of the solid waste delivered for disposal which
12 cannot be processed by a resource recovery facility or the residual ash
13 generated at a resource recovery facility, including hazardous waste
14 and recovered metals and other materials for reuse, or the design,
15 financing, construction, operation or maintenance of a resource
16 recovery facility for a period not to exceed 40 years when the contract
17 is approved by the Division of Local Government Services in the
18 Department of Community Affairs, and the Department of
19 Environmental Protection pursuant to P.L.1985, c.38 (C.13:1E-136 et
20 al.); and when the resource recovery facility is in conformance with a
21 district solid waste management plan approved pursuant to P.L.1970,
22 c.39 (C.13:1E-1 et seq.). For the purposes of this subsection,
23 "resource recovery facility" means a solid waste facility constructed
24 and operated for the incineration of solid waste for energy production
25 and the recovery of metals and other materials for reuse; or a
26 mechanized composting facility, or any other facility constructed or
27 operated for the collection, separation, recycling, and recovery of
28 metals, glass, paper, and other materials for reuse or for energy
29 production; and "residual ash" means the bottom ash, fly ash, or any
30 combination thereof, resulting from the combustion of solid waste at
31 a resource recovery facility;

32 (18) The sale of electricity or thermal energy, or both, produced by
33 a resource recovery facility for a period not to exceed 40 years when
34 the contract is approved by the Board of Public Utilities, and when the
35 resource recovery facility is in conformance with a district solid waste
36 management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et
37 seq.). For the purposes of this subsection, "resource recovery facility"
38 means a solid waste facility constructed and operated for the
39 incineration of solid waste for energy production and the recovery of
40 metals and other materials for reuse; or a mechanized composting
41 facility, or any other facility constructed or operated for the
42 collection, separation, recycling, and recovery of metals, glass, paper,
43 and other materials for reuse or for energy production;

44 (19) The provision of wastewater treatment services or the
45 designing, financing, construction, operation, or maintenance, or any
46 combination thereof, of a wastewater treatment system, or any

1 component part or parts thereof, for a period not to exceed 40 years,
2 when the contract for these services is approved by the Division of
3 Local Government Services in the Department of Community Affairs
4 and the Department of Environmental Protection pursuant to
5 P.L.1985, c.72 (C.58:27-1 et al.), except for those contracts otherwise
6 exempted pursuant to subsection (36) of this section. For the
7 purposes of this subsection, "wastewater treatment services" means
8 any services provided by a wastewater treatment system, and
9 "wastewater treatment system" means equipment, plants, structures,
10 machinery, apparatus, or land, or any combination thereof, acquired,
11 used, constructed, or operated for the storage, collection, reduction,
12 recycling, reclamation, disposal, separation, or other treatment of
13 wastewater or sewage sludge, or for the final disposal of residues
14 resulting from the treatment of wastewater, including, but not limited
15 to, pumping and ventilating stations, facilities, plants and works,
16 connections, outfall sewers, interceptors, trunk lines, and other
17 personal property and appurtenances necessary for their operation;

18 (20) The supplying of materials or services for the purpose of
19 lighting public streets, for a term not to exceed five years, provided
20 that the rates, fares, tariffs or charges for the supplying of electricity
21 for that purpose are approved by the Board of Public Utilities;

22 (21) In the case of a contracting unit which is a county or
23 municipality, the provision of emergency medical services by a hospital
24 to residents of a municipality or county as appropriate for a term not
25 to exceed five years;

26 (22) Towing and storage contracts, awarded pursuant to paragraph
27 u. of subsection (1) of section 5 of P.L.1971, c.198 (C.40A:11-5) for
28 any term not exceeding three years;

29 (23) Fuel for the purpose of generating electricity for a term not to
30 exceed eight years;

31 (24) The purchase of electricity or administrative or dispatching
32 services related to the transmission of such electricity, from a public
33 utility company subject to the jurisdiction of the Board of Public
34 Utilities, a similar regulatory body of another state, or a federal
35 regulatory agency, or from a qualifying small power producing facility
36 or qualifying cogeneration facility, as defined by 16 U.S.C. 796, by a
37 contracting unit engaged in the generation of electricity for retail sale,
38 as of May 24,1991, for a term not to exceed 40 years;

39 (25) Basic life support services, for a period not to exceed five
40 years. For the purposes of this subsection, "basic life support" means
41 a basic level of prehospital care, which includes but need not be limited
42 to patient stabilization, airway clearance, cardiopulmonary
43 resuscitation, hemorrhage control, initial wound care and fracture
44 stabilization;

45 (26) Claims administration services, for any term not to exceed
46 three years;

1 (27) The provision of transportation services to elderly, disabled
2 or indigent persons for any term of not more than three years. For the
3 purposes of this subsection, "elderly persons" means persons who are
4 60 years of age or older. "Disabled persons" means persons of any age
5 who, by reason of illness, injury, age, congenital malfunction, or other
6 permanent or temporary incapacity or disability, are unable, without
7 special facilities or special planning or design to utilize mass
8 transportation facilities and services as effectively as persons who are
9 not so affected. "Indigent persons" means persons of any age whose
10 income does not exceed 100 percent of the poverty level, adjusted for
11 family size, established and adjusted under section 673(2) of subtitle
12 B, the "Community Services Block Grant Act," Pub.L.97-35 (42
13 U.S.C.9902 (2));

14 (28) The supplying of liquid oxygen or other chemicals, for a term
15 not to exceed five years, when the contract includes the installation of
16 tanks or other storage facilities by the supplier, on or near the
17 premises of the contracting unit;

18 (29) The performance of patient care services by contracted
19 medical staff at county hospitals, correction facilities and long term
20 care facilities, for any term of not more than three years;

21 (30) The acquisition of an equitable interest in a water supply
22 facility pursuant to section 2 of P.L.1993, c.381 (C.58:28-2), or an
23 agreement entered into pursuant to the "County and Municipal Water
24 Supply Act," N.J.S.40A:31-1 et seq., if the agreement is entered into
25 no later than January 7, 1995, for any term of not more than forty
26 years;

27 (31) The provision of water supply services or the financing,
28 construction, operation or maintenance or any combination thereof, of
29 a water supply facility or any component part or parts thereof, by a
30 partnership or copartnership established pursuant to a contract
31 authorized under section 2 of P.L.1993, c.381 (C.58:28-2), for a
32 period not to exceed 40 years;

33 (32) Laundry service and the rental, supply and cleaning of
34 uniforms for any term of not more than three years;

35 (33) The supplying of any product or the rendering of any service,
36 including consulting services, by a cemetery management company for
37 the maintenance and preservation of a municipal cemetery operating
38 pursuant to the "New Jersey Cemetery Act," N.J.S.8A:1-1 et seq., for
39 a term not exceeding 15 years;

40 (34) A contract between a public entity and a private firm pursuant
41 to P.L.1995, c.101 (C.58:26-19 et al.) for the provision of water
42 supply services may be entered into for any term which, when all
43 optional extension periods are added, may not exceed 40 years;

44 (35) An agreement for the purchase of a supply of water from a
45 public utility company subject to the jurisdiction of the Board of Public
46 Utilities in accordance with tariffs and schedules of charges made,

1 charged or exacted or contracts filed with the Board of Public
2 Utilities, for any term of not more than 40 years;

3 (36) A contract between a public entity and a private firm or public
4 authority pursuant to P.L.1995, c.216 (C.58:27-19 et al.) for the
5 provision of wastewater treatment services may be entered into for any
6 term of not more than 40 years, including all optional extension
7 periods; and

8 (37) The operation and management of a facility under a license
9 issued or permit approved by the Department of Environmental
10 Protection, including a wastewater treatment system or a water supply
11 or distribution facility, as the case may be, for any term of not more
12 than seven years. For the purposes of this subsection, "wastewater
13 treatment system" refers to facilities operated or maintained for the
14 storage, collection, reduction, disposal, or other treatment of
15 wastewater or sewage sludge, remediation of groundwater
16 contamination, stormwater runoff, or the final disposal of residues
17 resulting from the treatment of wastewater; and "water supply or
18 distribution facility" refers to facilities operated or maintained for
19 augmenting the natural water resources of the State, increasing the
20 supply of water, conserving existing water resources, or distributing
21 water to users.

22 All multiyear leases and contracts entered into pursuant to this
23 section, except contracts for the leasing or servicing of equipment
24 supplied by a telephone company which is subject to the jurisdiction
25 of the Board of Public Utilities, contracts involving the supplying of
26 electricity for the purpose of lighting public streets and contracts for
27 thermal energy authorized pursuant to subsection (1) above,
28 construction contracts authorized pursuant to subsection (9) above,
29 contracts and agreements for the provision of work or the supplying
30 of equipment to promote energy conservation authorized pursuant to
31 subsection (12) above, contracts for water supply services or for a
32 water supply facility, or any component part or parts thereof
33 authorized pursuant to subsection (16), (30), (31), (34), (35) or (37)
34 above, contracts for resource recovery services or a resource recovery
35 facility authorized pursuant to subsection (17) above, contracts for the
36 sale of energy produced by a resource recovery facility authorized
37 pursuant to subsection (18) above, contracts for wastewater treatment
38 services or for a wastewater treatment system or any component part
39 or parts thereof authorized pursuant to subsection (19), (36) or (37)
40 above, and contracts for the purchase of electricity or administrative
41 or dispatching services related to the transmission of such electricity
42 authorized pursuant to subsection (24) above, shall contain a clause
43 making them subject to the availability and appropriation annually of
44 sufficient funds as may be required to meet the extended obligation, or
45 contain an annual cancellation clause.

46 The Division of Local Government Services shall adopt and

1 promulgate rules and regulations concerning the methods of
2 accounting for all contracts that do not coincide with the fiscal year.
3 (cf: P.L.1995, c.371, s.1)

4

5 21. Section 24 of P.L.1985, c.222 (C.52:27D-324) is amended to
6 read as follows:

7 24. The agency shall establish procedures for entering into, and
8 shall enter into, contractual agreements with willing municipalities or
9 developers of inclusionary developments whereby the agency will
10 administer resale controls and rent controls in municipalities where no
11 appropriate administrative agency exists. The contractual agreements
12 shall be for the duration of the controls and shall involve eligibility
13 determinations, determination of initial occupants, the marketing of
14 units, maintenance of eligibility lists for subsequent purchasers or
15 renters, and determination of maximum resale prices or rents. The
16 agency may charge the municipality or inclusionary developer a
17 reasonable per unit fee for entering into such an agreement, or may
18 charge a reasonable fee to a low or moderate income household at the
19 time the home is sold subject to the resale control or both. Agency
20 fees shall be established according to methods or schedules approved
21 by the State Treasurer.

22 Neither the agency nor any other entity entering into an agreement
23 to provide services to a municipality under this section shall require,
24 as a condition of that agreement, that these services be provided for
25 all eligible housing units in the municipality. A municipality, at its
26 discretion, may enter into an agreement for the provision of services
27 for any reasonable portion of its eligible housing units.

28 (cf: P.L.1985, c.222, s.24)

29

30 22. This act shall take effect immediately except that section 8 shall
31 not become operative until promulgation of rules and regulations as
32 provided in that section.

33

34

35

STATEMENT

36

37 This bill is intended to relieve counties and municipalities of certain
38 State mandates in order to effect a cost savings to reduce local taxes.
39 Specifically, sections 1 and 2 of the bill would permit a municipality to
40 stagger the expiration of pet licenses. This would make administration
41 easier since renewals would not occur at the same time.

42 Section 3 of the bill permits small municipalities, with a population
43 of 250 persons or less, according to the latest federal decennial census,
44 to selectively close election polling places as soon as the district board
45 determines that all registered voters eligible to vote at a particular
46 polling place have cast their votes.

1 Sections 4 and 5 of the bill permit ordinances and health codes
2 adopted by a local board of health to be published in summary form,
3 both prior to the public hearing and after adoption, in order to reduce
4 the costs of publication.

5 Section 6 permits the publishing of ordinances and other legal
6 notices in "free" newspapers. R.S.35:1-2.2 currently requires that
7 newspapers qualified for legal advertisements must be of general paid
8 circulation, have an average news content of not less than 35%, have
9 been published in a locale continuously for two years, and be entered
10 for two years as second class mail matter. This section recognizes that
11 in many communities the "free" newspapers are more likely to be read
12 by a greater number of people than newspapers with paid circulation.

13 Section 7 permits a municipality or county to impose parking
14 restrictions, designate no passing zones and mid-block and intersection
15 crosswalks, erect traffic signals, paint road striping and pavement
16 markings, on self-contained streets under municipal or county
17 jurisdiction, as appropriate, without approval of the Commissioner of
18 Transportation. R.S.39:4-8 would be amended to permit a
19 municipality or county to act by ordinance or resolution, as
20 appropriate, to effect the traffic control measure, with a copy of the
21 ordinance or resolution transmitted to the Commissioner of
22 Transportation along with an engineer's certification. The
23 commissioner would have 90 days to review the ordinance or
24 resolution and invalidate it if the provisions (1) are inconsistent with
25 the Manual on Uniform Traffic Control Devices for Streets or
26 Highways; (2) are inconsistent with accepted engineering standards;
27 (3) are not based on the results of an accurate traffic and engineering
28 survey; or (4) place an undue traffic burden or impact on streets in an
29 adjoining municipality or negatively affects the flow of traffic on the
30 State highway system.

31 Section 8 is a temporary section that would permit small
32 municipalities, with a population of 500 persons or less according to
33 the latest federal decennial census, to conduct elections solely by mail,
34 saving the expense of setting-up and monitoring voting machines. By
35 resolution of the governing body filed with the Secretary of State, the
36 county clerk, and the county board of elections or the county
37 superintendent of elections where one has been appointed, a small
38 municipality could choose to conduct its elections, including partisan,
39 nonpartisan, primary and runoff elections, by mail. The Secretary of
40 State would be required to promulgate rules and regulations on or
41 before the first day of the seventh month following enactment and to
42 report to the Governor and the Legislature, on or before January 1,
43 1999, making recommendations as to whether elections conducted
44 solely by mail should be made a part of the permanent law and
45 expanded to other local units. This section would expire on December
46 31, 1999.

1 Section 9 would permit ordinances adopted pursuant to the
2 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), or
3 an ordinance adopted by a park, parkway or shade tree commission to
4 be published by title and summary. Section 1 of P.L.1977, c.395
5 (C.40:49-2.1), currently permits a land use ordinance to be published
6 by title and summary only when it is six or more octavo pages of
7 ordinary print in length.

8 Section 10 would permit a nine member planning board in any
9 municipality to exercise the powers of a zoning board of adjustment
10 if so provided by ordinance, approved by voter referendum. This
11 option is currently available under section 16 of P.L.1975, c.291
12 (C.40:55D-25) to municipalities with a population of 10,000 persons
13 or less.

14 Section 11 allows a local unit to bond for the amount of any
15 contribution that it makes as a sending municipality under a regional
16 contribution agreement pursuant to section 12 of P.L.1985, c.222
17 (C.52:27D-312). This provision is intended to encourage regional
18 contribution agreements and thereby enhance low and moderate
19 income housing stock within the State.

20 Section 12 amends N.J.S.40A:4-19 to increase the permissible
21 amount of temporary county and municipal budgets from 25% of the
22 previous years' total appropriations to 26.25% of those appropriations,
23 representing the proportional part of a 5% cap increase, in years when
24 a county or municipality increases its tax levy or budget, as
25 appropriate. This provision would allow counties and municipalities
26 greater flexibility in the period of time until their annual budget is
27 adopted.

28 Sections 13 and 14 would authorize a local unit to establish a
29 dedicated fund into which may be deposited refunds from a joint
30 insurance fund, which amounts would be retained to protect against a
31 future year when claims payable by the joint insurance fund exceed
32 contributions paid into the joint insurance fund by the local unit.
33 Maintenance of such a revolving fund would allow a local unit to have
34 assets readily available to make additional contributions into the joint
35 insurance fund when they are needed without resorting to raising
36 monies at that time.

37 Section 15 would permit the Local Finance Board to adopt rules
38 establishing a three-year budget review cycle by the Director of the
39 Division of Local Government Services in the Department of
40 Community Affairs, for most municipalities. The governing body and
41 the chief financial officer would be required to certify to the director
42 that the municipality is in compliance with the statutory and regulatory
43 budget procedures. The director would have the power to require
44 immediate compliance with the State budget law from any municipality
45 in which the exemption from annual State review impairs the fiscal
46 integrity or solvency of the municipality.

1 Sections 16 through 18 would permit municipalities to appoint
2 police officers as adult crossing guards. Such appointees would not
3 have to be specially trained in traffic control and, in the discretion of
4 the chief of police, they could wear their normal police uniforms.

5 Sections 19 and 20 amend sections 3 and 15 respectively, of the
6 "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-3 and
7 40A:11-15), to extend the period of normal local public contracts from
8 12 months to 24 months. The additional 12 month contract time is
9 intended to enable local units to bargain for better prices since the
10 contract is for a longer duration.

11 Section 21 would amend section 24 of the "Fair Housing Act,"
12 P.L.1985, c.222 (C.52:27D-324), to clarify that the Affordable
13 Housing Management Service of the Department of Community
14 Affairs, or any other entity that provides certain services to
15 municipalities and developers that are providing affordable housing
16 under that act, including the determination of occupant eligibility, the
17 marketing of units and the determination of maximum resale prices or
18 rents, cannot require an exclusive contract to service all of the eligible
19 housing units of the municipality. Thus, in a municipality with an
20 appropriate administrative agency, the municipality might seek to
21 maximize cost efficiency by servicing a portion of the eligible units
22 itself or contracting with another provider.

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27 Provides relief from certain State mandates on counties and
28 municipalities.