

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 7, 819, 1123, 1127, 1134, 1219** **and SENATE, No. 179**

STATE OF NEW JERSEY

DATED: JUNE 3, 1996

The Assembly Local Government Committee reports favorably an Assembly committee substitute for Assembly, Nos. 7, 819, 1123, 1127, 1134, 1219 and Senate, No. 179.

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

Section 3 of the committee substitute requires the Department of State to investigate the methods, of reducing mandatory election costs in municipalities with populations of 500 persons or less. The department would be required to report its findings to the Governor and to the Legislature in about six months from the date of enactment of this committee substitute.

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

Section 6 permits a municipality or county to impose parking restrictions, designate no passing zones, paint road striping and pavement markings, on self-contained streets under municipal or county jurisdiction, as appropriate, without approval of the Commissioner of Transportation. R.S.39:4-8 would be amended to permit a municipality or county to act by ordinance or resolution, as appropriate, to effect the traffic control measure, with a copy of the ordinance or resolution transmitted to the Commissioner of Transportation along with an engineer's certification. The commissioner would have 90 days to review the ordinance or resolution and invalidate it if the provisions (1) are inconsistent with the Manual on Uniform Traffic Control Devices for Streets or Highways; (2) are inconsistent with accepted engineering standards; (3) are not based on the results of an accurate traffic and engineering

survey; or (4) place an undue traffic burden or impact on streets in an adjoining municipality or negatively affect the flow of traffic on the State highway system.

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

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

Section 9 allows a local unit to bond for the amount of any contribution that it makes as a sending municipality under a regional contribution agreement pursuant to section 12 of P.L.1985, c.222 (C.52:27D-312). This provision is intended to encourage regional contribution agreements and thereby enhance low and moderate income housing stock within the State.

Section 10 amends N.J.S.40A:4-19 to increase the permissible amount of temporary county and municipal budgets from 25% of the previous year's total appropriations to 26.25% of those appropriations, representing the proportional part of a 5% cap increase, in years when a county or municipality increases its tax levy or budget, as appropriate. This provision would allow counties and municipalities greater flexibility in the period of time until their annual budget is adopted.

Sections 11 and 12 would authorize a local unit to establish a dedicated fund into which may be deposited refunds from a joint insurance fund, which amounts would be retained to protect against a future year when claims payable by the joint insurance fund exceed contributions paid into the joint insurance fund by the local unit. Maintenance of such a revolving fund would allow a local unit to have assets readily available to make additional contributions into the joint insurance fund when they are needed without resorting to raising monies at that time.

Section 13 would permit the Local Finance Board to adopt rules establishing a three-year budget review cycle by the Director of the Division of Local Government Services in the Department of Community Affairs, for most municipalities. The governing body and the chief financial officer would be required to certify to the director that the municipality is in compliance with the statutory and regulatory budget procedures. The director would have the power to require immediate compliance with the State budget law from any municipality in which the exemption from annual State review impairs the fiscal

integrity or solvency of the municipality.

Section 14 increases, from \$5 to \$10, the amount for which a tax collector can be preauthorized by resolution of the municipal governing body to process property tax refunds or to process cancellations of refunds or delinquencies.

Sections 15 through 17 would permit municipalities to appoint police officers as adult crossing guards. Such appointees would not have to be specially trained in traffic control and, in the discretion of the chief of police, they could wear their normal police uniforms.

Sections 18 and 19 amend sections 3 and 15 respectively, of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-3 and 40A:11-15), to extend the period of normal local public contracts from 12 months to 24 months, with the exception of those for professional services. The additional 12 month contract time is intended to enable local units to bargain for better prices since the contract is for a longer duration.

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

MINORITY STATEMENT SUBMITTED BY ASSEMBLYWOMAN MYERS

Although the intent of this legislation is commendable, it is unsupportable because it violates Article IV, Section VII, 4 of the New Jersey Constitution, which we are bound to uphold. That section states that legislation may encompass only one object. This bill addresses dog licenses, health ordinances, election law, traffic ordinances, shade tree ordinances, planning board powers, regional contribution agreements, appropriations caps, joint insurance funds, budget approvals, property tax refunds, school crossing guards, contract periods and services to housing units.

The title, which attempts to combine these diverse issues under the statement that they are mandates, is arguable. Section 3, for example, asks the Secretary of State to study election law. This does not repeal or modify any mandate, contrary to the title of the bill.

Additionally, the committee voted on this bill before the amended bill was available to committee members in written form, as required by the Rules (Rule # 75) of the General Assembly. Accordingly, this bill may not be considered for final action (Rule # 84).