

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

STATE OF NEW JERSEY

ADOPTED JUNE 3, 1996

Sponsored by Assemblymen ARNONE, AUGUSTINE,  
Assemblywoman MURPHY, Assemblymen DeCROCE, JONES,  
WEINGARTEN, Senators RICE and GIRGENTI

- 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  
14 implementation of State policy directives by local government  
15 officials, and
- 16 WHEREAS, While the overwhelming majority of these statutes and  
17 regulations were established by sincere-minded, and well  
18 intentioned public officials in order to address legitimate public  
19 concerns, the collective regulatory weight of these mandates on  
20 local officials continues to be a matter of deep concern and a  
21 subject that cries for legislative relief; and.
- 22 WHEREAS, In response to this decades long pattern of seemingly  
23 inexorable increases in burdensome mandates from Trenton, local  
24 officials repeatedly petition the Legislature for relief. In response  
25 to entreaties of local officials, various committees of several  
26 Legislatures have determined to continue to address the problem  
27 of burdensome mandates on an expedited basis through the  
28 enactment of omnibus statutes that repeal or modify many of those  
29 mandates; now, therefore,

**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.**

1       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

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

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

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

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

32       License forms and uniform official metal registration tags designed  
33 by the State Department of Health shall be furnished by the  
34 municipality and shall be numbered serially and shall bear the year of  
35 issuance and the name of the municipality.

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

37  
38       2. Section 4 of P.L.1982, c.203 (C.4:19-15.3a) is amended to read  
39 as follows:

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

42       a. All annual licenses required pursuant to the provisions of  
43 section 2 of P.L.1941, c.151 (C.4:19-15.2), section 3 of P.L.1941,  
44 c.151 (C.4:19-15.3) and section 8 of P.L.1941, c.151 (C.4:19-15.8)  
45 shall expire no later than June 30 in the calendar year next following  
46 issuance; provided that the license and registration tag fee shall be

1 prorated for any license and registration tag which is valid for longer  
2 than 12 months. The governing body of a municipality may stagger  
3 the expiration of such annual licenses so long as all expirations occur  
4 no later than June 30 in the calendar year next following issuance.

5 b. Any 3-year registration tag issued pursuant to the provisions of  
6 section 2 of P.L.1941, c.151 (C.4:19-15.2) or section 3 of P.L.1941,  
7 c.151 (C.4:19-15.3), which is due to expire January 31 of the year of  
8 the effective date of this act, shall be valid until June 30 of that year.

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

14  
15 3. (New section) The Department of State shall investigate the  
16 methods of reducing mandatory election costs in municipalities with  
17 populations of 500 persons or less. The Department of State shall  
18 report its finding to the Governor and to the Legislature on or before  
19 the first day of the seventh month following enactment of this  
20 provision.

21  
22 4. R.S.26:3-66 is amended to read as follows:

23 26:3-66. No health ordinance or code shall be finally adopted  
24 unless it shall have been:

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

27 b. Published, in summary form, in a newspaper published and  
28 circulating in the municipality or county for which the local board is  
29 organized, and in the case of a municipal board of health, if there be  
30 no such newspaper, then in at least one newspaper published and  
31 circulating in the county in which the municipality is located, at least  
32 two days prior to final passage.

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

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

41 d. Upon the opening of the meeting for final consideration of the  
42 ordinance or code, given a second reading, which reading may be by  
43 title. Thereafter, the ordinance may be passed with or without  
44 amendments, or rejected.

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

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

2       26:3-67. Before any health ordinance or code shall take effect, a  
3 summary of the ordinance or code, or its title, shall be published at  
4 least once in a newspaper published and circulating as prescribed in  
5 section 26:3-66 of this title.

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

7

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

9       39:4-8. a. Except as otherwise provided in this section, no  
10 ordinance or resolution concerning, regulating or governing traffic or  
11 traffic conditions, adopted or enacted by any board or body having  
12 jurisdiction over highways, shall be of any force or effect unless the  
13 same is approved by the Commissioner of Transportation, according  
14 to law. The commissioner shall not be required to approve any such  
15 ordinance, resolution or regulation, unless, after investigation by him,  
16 the same shall appear to be in the interest of safety and the expedition  
17 of traffic on the public highways.

18       b. In the case of totally self-contained streets under municipal  
19 jurisdiction which have no direct connection with any street in any  
20 other municipality, or in the case of totally self-contained streets under  
21 county jurisdiction which have no direct connection with any street in  
22 any other county, the municipality or county may, by ordinance or  
23 resolution, as appropriate, without the approval of the Commissioner  
24 of Transportation, designate reasonable and safe speed limits, parking  
25 restrictions, no passing zones, mid-block crosswalks and crosswalks  
26 at intersections, and erect appropriate signs, designate any intersection  
27 as a stop or yield intersection and erect appropriate signs and place  
28 longitudinal pavement markings delineating the separation of traffic  
29 flows and the edge of the pavement, provided that the municipal or  
30 county engineer shall, under his seal as a licensed professional  
31 engineer, certify to the municipal or county governing body, as  
32 appropriate, that any designation or erection of signs or placement of  
33 markings: (1) has been approved by him after investigation by him of  
34 the circumstances, (2) appears to him to be in the interest of safety and  
35 the expedition of traffic on the public highways and (3) conforms to  
36 the current standards prescribed by the Manual of Uniform Traffic  
37 Control Devices for Streets and Highways, as adopted by the  
38 Commissioner of Transportation.

39       A certified copy of the adopted ordinance or resolution, as  
40 appropriate, shall be transmitted by the clerk of the municipality or  
41 county, as appropriate, to the commissioner within 30 days of  
42 adoption, together with a copy of the engineer's certification; a  
43 statement of the reasons for the engineer's decision; detailed  
44 information as to the location of streets, intersections and signs  
45 affected by any designation or erection of signs or placement of  
46 markings; and traffic count, accident and speed sampling data, when

1 appropriate. The commissioner, at his discretion, may invalidate the  
2 provisions of the ordinance or resolution within 90 days of receipt of  
3 the certified copy if he reviews it and finds that the provisions of the  
4 ordinance or resolution are inconsistent with the Manual of Uniform  
5 Traffic Control Devices for Streets or Highways; are inconsistent with  
6 accepted engineering standards; are not based on the results of an  
7 accurate traffic and engineering survey; or place an undue traffic  
8 burden or impact on streets in an adjoining municipality or negatively  
9 affect the flow of traffic on the State highway system.

10 Nothing in this subsection shall allow municipalities to designate  
11 any intersection with any highway under State or county jurisdiction  
12 as a stop or yield intersection or counties to designate any intersection  
13 with any highway under State or municipal jurisdiction as a stop or  
14 yield intersection.

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

19 By ordinance or resolution:

20 (1) prohibit or restrict general parking;

21 (2) designate restricted parking under section 1 of P.L.1977, c.309  
22 (C.39:4-197.6);

23 (3) designate time limit parking;

24 (4) install parking meters.

25 By ordinance, resolution or regulation:

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

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

28 and

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

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

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

36

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

39 1. In the case of any ordinance adopted pursuant to the  
40 "Municipal Land Use Law," P.L.1975, c. 291 (C.40:55D-1 et seq.),  
41 or an ordinance adopted by a park, parkway or shade tree commission,  
42 including any amendments or supplements thereto, or revisions or  
43 codifications thereof, [which is in length, six or more octavo pages of  
44 ordinary print,] the governing body of any municipality or commission,  
45 as appropriate, may, notwithstanding the provisions of R.S.40:49-2,  
46 satisfy the newspaper publication requirements for the introduction

1 and passage of such ordinance in the following manner:

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

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

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

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

27 Upon passage of any such ordinance, notice of passage or approval  
28 shall be published in accordance with subsection d. of R.S. 0:49-2. A  
29 copy of the ordinance and of any summary or summaries published in  
30 connection with its adoption pursuant to subsection a. or c. of this  
31 section, shall be forthwith transmitted to the tax assessor of the  
32 municipality.

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

34

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

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

39 (1) The master plan pursuant to article 3;

40 (2) Subdivision control and site plan review pursuant to article 6;

41 (3) The official map pursuant to article 5;

42 (4) The zoning ordinance including conditional uses pursuant to  
43 article 8;

44 (5) The capital improvement program pursuant to article 4;

45 (6) Variances and certain building permits in conjunction with

1 subdivision, site plan and conditional use approval pursuant to article  
2 7.

3 b. The planning board may:

4 (1) Participate in the preparation and review of programs or plans  
5 required by State or federal law or regulation;

6 (2) Assemble data on a continuing basis as part of a continuous  
7 planning process; and

8 (3) Perform such other advisory duties as are assigned to it by  
9 ordinance or resolution of the governing body for the aid and  
10 assistance of the governing body or other agencies or officers.

11 c. (1) In a municipality having a population of 10,000 or less, a  
12 nine-member planning board, if so provided by ordinance, shall  
13 exercise, to the same extent and subject to the same restrictions, all the  
14 powers of a board of adjustment; but the Class I and the Class III  
15 members shall not participate in the consideration of applications for  
16 development which involve relief pursuant to subsection d. of section  
17 57 of P.L.1975, c.291 (C.40:55D-70).

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

25 d. In a municipality having a population of 2,500 or less, the  
26 planning board, if so provided by ordinance, shall exercise, to the same  
27 extent and subject to the same restrictions, all of the powers of an  
28 historic preservation commission, provided that at least one planning  
29 board member meets the qualifications of a Class A member of an  
30 historic preservation commission and at least one member meets the  
31 qualifications of a Class B member of that commission.

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

33

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

35 40A:2-3. Any local unit, by bond ordinance, may incur  
36 indebtedness, borrow money, authorize and issue negotiable  
37 obligations for financing:

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

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

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

46 No local unit shall borrow money or issue its obligations for

1 purposes authorized under this chapter except as provided in this  
2 chapter.

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

4

5 10. N.J.S.40A:4-19 is amended to read as follows:

6 40A:4-19. The governing body may and, if any contracts,  
7 commitments or payments are to be made prior to the adoption of the  
8 budget, shall, by resolution adopted within the first 30 days of the  
9 beginning of the fiscal year, make appropriations to provide for the  
10 period between the beginning of the fiscal year and the adoption of the  
11 budget.

12 The total of the appropriations so made shall not exceed  
13 ~~[25%]~~26.25% of the total of the appropriations made for all purposes  
14 in the budget for the preceding fiscal year excluding, in both instances,  
15 appropriations made for interest and debt redemption charges, capital  
16 improvement fund and public assistance.

17 Nothing herein contained shall prevent or relieve the governing  
18 body from making appropriations during the last 10 days of the year  
19 preceding the beginning of the fiscal year for all interest and debt  
20 redemption charges maturing during the fiscal year.

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

22

23 11. N.J.S.40A:4-39 is amended to read as follows:

24 40A:4-39. a. In the budget of any local unit, dedicated revenues  
25 anticipated during the fiscal year from any dog tax, dog license,  
26 revenues collected pursuant to N.J.S.18A:39-1.2, solid fuel license,  
27 sinking fund for term bonds, bequest, escheat, federal grant, motor  
28 vehicle fine dedicated to road repairs, relocation costs deposited into  
29 a revolving relocation assistance fund established pursuant to section  
30 2 of P.L.1987, c.98 (C.20:4-4.1a), receipts from franchise assessments  
31 levied pursuant to section 4 of P.L.1995, c.173 (C.40A:12A-53),  
32 refund payments from a joint insurance fund deposited into a joint  
33 insurance revolving fund established pursuant to section 12 of P.L. . . .  
34 c. (C. . . ) (pending before the Legislature as this bill) and, subject  
35 to the prior written consent of the director, other items of like  
36 character when the revenue is not subject to reasonably accurate  
37 estimate in advance, may be included in said budget by annexing to  
38 said budget a statement in substantially the following form:

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

44 b. Dedicated revenues included in accordance with this section  
45 shall be available for expenditure by the local unit as and when  
46 received in cash during the fiscal year. The inclusion of such dedicated

1 revenues shall be subject to the approval of the director, who may  
2 require such explanatory statements or data in connection therewith as  
3 the director deems advisable for the information and protection of the  
4 public.

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

6

7 12. (New section) The governing body of any local unit that has  
8 established a joint insurance fund may by resolution or ordinance, as  
9 appropriate, establish a joint insurance revolving fund into which may  
10 be deposited any refunds paid to the local unit by the joint insurance  
11 fund to be dedicated for the payment of liabilities to the fund in future  
12 years. In no event shall amounts deposited in a joint insurance  
13 revolving fund exceed the annual amount contributed by the local unit  
14 to the joint insurance fund during the prior year.

15 Moneys appropriated from the joint insurance revolving fund shall  
16 be used by the local unit to cover losses attributable to claims being  
17 paid by the joint insurance fund in future years which exceed  
18 contributions paid into the joint insurance fund by the local unit.

19

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

21 40A:4-78. a. If the director finds that all requirements of law and  
22 of the regulations of the local government board have been met, he  
23 shall approve the budget, otherwise he shall refuse to approve it.

24 The director, in refusing to approve a budget, shall not substitute  
25 his discretion with respect to the amount of an appropriation when  
26 such amount is not made mandatory because of the requirements of  
27 law.

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

36 (1) the director finds that such municipalities are fiscally sound and  
37 that their fiscal practices are conducted in accordance with law and  
38 sound administrative practice;

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

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

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

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

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

7       **(4) all budget documents required by law or the regulations**  
8 **adopted by the Local Finance Board shall be filed with the director on**  
9 **a timely basis;**

10       **(5) other criteria and responsibilities as established by the**  
11 **regulations adopted by the Local Finance Board are met.**

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

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

18

19       14. Section 1 of P.L.1983, c.568 (C.40A:5-17.1) is amended to  
20 read as follows:

21       1. a. Notwithstanding the provision of any law to the contrary,  
22 the governing body of a municipality may adopt a resolution  
23 authorizing a municipal employee chosen by the governing body to  
24 process, without further action on the part of the governing body, any  
25 property tax refund of less than~~[\$5.00]~~ \$10.00.

26       b. Notwithstanding subsection a. of this section or any provision  
27 of law to the contrary, the governing body of a municipality may adopt  
28 a resolution authorizing a municipal employee chosen by the governing  
29 body to process, without further action on the part of the governing  
30 body, the cancellation of any property tax refund or delinquency of  
31 less than~~[\$5.00]~~ \$10.00.

32 (cf: P.L.1987, c.82, s.1)

33

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

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

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

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

45       c. Is of good moral character; and

46       d. Has not been convicted of any criminal offense involving moral

1 turpitude.

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

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

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

18

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

21 2. Every adult school crossing guard shall be trained for the  
22 proper performance of his duties and responsibilities. Such training  
23 shall consist of a minimum of 2 hours of classroom instruction which  
24 shall include information on methods of traffic control and the duties  
25 and responsibilities of adult school crossing guards and a minimum of  
26 20 hours of field training in which the trainee shall be supervised by an  
27 experienced adult school crossing guard or a regular police officer.  
28 This training requirement may be waived by the chief of police for an  
29 adult school crossing guard who is also a police officer.

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

31

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

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

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

44

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

1       3. a. Any purchase, contract or agreement for the performance of  
2 any work or the furnishing or hiring of materials or supplies, the cost  
3 or price of which, together with any other sums expended or to be  
4 expended for the performance of any work or services in connection  
5 with the same immediate program, undertaking, activity or project or  
6 the furnishing of similar materials or supplies during the same fiscal  
7 year paid with or out of public funds, does not exceed in the fiscal year  
8 the total sum of \$7,500.00 or the amount determined pursuant to  
9 subsection b. of this section, may be made, negotiated or awarded by  
10 a contracting agent when so authorized by resolution of the governing  
11 body of the contracting unit without public advertising for bids. Such  
12 authorization may be granted for each purchase, contract or agreement  
13 or by a general delegation of the power to make, negotiate or award  
14 such purchases, contracts or agreements pursuant to this section.

15       Any purchase, contract or agreement made pursuant to this section  
16 may be awarded for a period of [12] 24 consecutive months  
17 notwithstanding that such [12-month] 24-month period does not  
18 coincide with the fiscal year, except that contracts for professional  
19 services pursuant to subparagraph (i) of paragraph (a) of subsection  
20 (1) of section 5 of P.L.1971, c.198 (C.40A:11-5) may be awarded for  
21 a period not exceeding 12 consecutive months. The Division of Local  
22 Government Services shall adopt and promulgate rules and regulations  
23 concerning the methods of accounting for all contracts that do not  
24 coincide with the fiscal year.

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

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

37

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

40       15. All purchases, contracts or agreements for the performing of  
41 work or the furnishing of materials, supplies or services shall be made  
42 for a period not to exceed [12] 24 consecutive months, except that  
43 contracts for professional services pursuant to subparagraph (i) of  
44 paragraph (a) of subsection (1) of section 5 of P.L.1971, c.198  
45 (C.40A:11-5) shall be made for a period not to exceed 12 consecutive  
46 months. Contracts or agreements may be entered into for longer

1 periods of time as follows:

2 (1) Supplying of:

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

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

10 (c) Thermal energy produced by a cogeneration facility, for use for  
11 heating or air conditioning or both, for any term not exceeding 40  
12 years, when the contract is approved by the Board of Public Utilities.  
13 For the purposes of this paragraph, "cogeneration" means the  
14 simultaneous production in one facility of electric power and other  
15 forms of useful energy such as heating or process steam;

16 (2) (Deleted by amendment, P.L.1977, c.53.)

17 (3) The collection and disposal of municipal solid waste, the  
18 collection and disposition of recyclable material, or the disposal of  
19 sewage sludge, for any term not exceeding in the aggregate, five years;

20 (4) The collection and recycling of methane gas from a sanitary  
21 landfill facility, for any term not exceeding 25 years, when such  
22 contract is in conformance with a district solid waste management plan  
23 approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.), and with the  
24 approval of the Division of Local Government Services in the  
25 Department of Community Affairs and the Department of  
26 Environmental Protection. The contracting unit shall award the  
27 contract to the highest responsible bidder, notwithstanding that the  
28 contract price may be in excess of the amount of any necessarily  
29 related administrative expenses; except that if the contract requires the  
30 contracting unit to expend funds only, the contracting unit shall award  
31 the contract to the lowest responsible bidder. The approval by the  
32 Division of Local Government Services of public bidding requirements  
33 shall not be required for those contracts exempted therefrom pursuant  
34 to section 5 of P.L.1971, c.198 (C.40A:11-5);

35 (5) Data processing service, for any term of not more than three  
36 years;

37 (6) Insurance, for any term of not more than three years;

38 (7) Leasing or servicing of automobiles, motor vehicles, machinery  
39 and equipment of every nature and kind, for a period not to exceed  
40 three years; provided, however, such contracts shall be entered into  
41 only subject to and in accordance with the rules and regulations  
42 promulgated by the Director of the Division of Local Government  
43 Services of the Department of Community Affairs;

44 (8) The supplying of any product or the rendering of any service  
45 by a telephone company which is subject to the jurisdiction of the  
46 Board of Public Utilities for a term not exceeding five years;

1 (9) Any single project for the construction, reconstruction or  
2 rehabilitation of any public building, structure or facility, or any public  
3 works project, including the retention of the services of any architect  
4 or engineer in connection therewith, for the length of time authorized  
5 and necessary for the completion of the actual construction;

6 (10) The providing of food services for any term not exceeding  
7 three years;

8 (11) On-site inspections undertaken by private agencies pursuant  
9 to the "State Uniform Construction Code Act," P.L.1975, c.217  
10 (C.52:27D-119 et seq.) for any term of not more than three years;

11 (12) The performance of work or services or the furnishing of  
12 materials or supplies for the purpose of conserving energy in buildings  
13 owned by, or operations conducted by, the contracting unit, the entire  
14 price of which to be established as a percentage of the resultant  
15 savings in energy costs, for a term not to exceed 10 years; provided,  
16 however, that such contracts shall be entered into only subject to and  
17 in accordance with rules and regulations promulgated by the  
18 Department of Environmental Protection establishing a methodology  
19 for computing energy cost savings;

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

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

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

34 (16) The provision of water supply services or the designing,  
35 financing, construction, operation, or maintenance, or any combination  
36 thereof, of a water supply facility, or any component part or parts  
37 thereof, including a water filtration system, for a period not to exceed  
38 40 years, when the contract for these services is approved by the  
39 Division of Local Government Services in the Department of  
40 Community Affairs, the Board of Public Utilities, and the Department  
41 of Environmental Protection pursuant to P.L.1985, c.37 (C.58:26-1 et  
42 al.), except for those contracts otherwise exempted pursuant to  
43 subsection (30), (31), (34) or (35) of this section. For the purposes  
44 of this subsection, "water supply services" means any service provided  
45 by a water supply facility; "water filtration system" means any  
46 equipment, plants, structures, machinery, apparatus, or land, or any

1 combination thereof, acquired, used, constructed, rehabilitated, or  
2 operated for the collection, impoundment, storage, improvement,  
3 filtration, or other treatment of drinking water for the purposes of  
4 purifying and enhancing water quality and insuring its potability prior  
5 to the distribution of the drinking water to the general public for  
6 human consumption, including plants and works, and other personal  
7 property and appurtenances necessary for their use or operation; and  
8 "water supply facility" means and refers to the real property and the  
9 plants, structures, interconnections between existing water supply  
10 facilities, machinery and equipment and other property, real, personal  
11 and mixed, acquired, constructed or operated, or to be acquired,  
12 constructed or operated, in whole or in part by or on behalf of a  
13 political subdivision of the State or any agency thereof, for the  
14 purpose of augmenting the natural water resources of the State and  
15 making available an increased supply of water for all uses, or of  
16 conserving existing water resources, and any and all appurtenances  
17 necessary, useful or convenient for the collecting, impounding, storing,  
18 improving, treating, filtering, conserving or transmitting of water and  
19 for the preservation and protection of these resources and facilities and  
20 providing for the conservation and development of future water supply  
21 resources;

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

44 (18) The sale of electricity or thermal energy, or both, produced by  
45 a resource recovery facility for a period not to exceed 40 years when  
46 the contract is approved by the Board of Public Utilities, and when the

1 resource recovery facility is in conformance with a district solid waste  
2 management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et  
3 seq.). For the purposes of this subsection, "resource recovery facility"  
4 means a solid waste facility constructed and operated for the  
5 incineration of solid waste for energy production and the recovery of  
6 metals and other materials for reuse; or a mechanized composting  
7 facility, or any other facility constructed or operated for the  
8 collection, separation, recycling, and recovery of metals, glass, paper,  
9 and other materials for reuse or for energy production;

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

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

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

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

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

43 (24) The purchase of electricity or administrative or dispatching  
44 services related to the transmission of such electricity, from a public  
45 utility company subject to the jurisdiction of the Board of Public  
46 Utilities, a similar regulatory body of another state, or a federal

1 regulatory agency, or from a qualifying small power producing facility  
2 or qualifying cogeneration facility, as defined by 16 U.S.C. 796, by a  
3 contracting unit engaged in the generation of electricity for retail sale,  
4 as of May 24,1991, for a term not to exceed 40 years;

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

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

13 (27) The provision of transportation services to elderly, disabled  
14 or indigent persons for any term of not more than three years. For the  
15 purposes of this subsection, "elderly persons" means persons who are  
16 60 years of age or older. "Disabled persons" means persons of any age  
17 who, by reason of illness, injury, age, congenital malfunction, or other  
18 permanent or temporary incapacity or disability, are unable, without  
19 special facilities or special planning or design to utilize mass  
20 transportation facilities and services as effectively as persons who are  
21 not so affected. "Indigent persons" means persons of any age whose  
22 income does not exceed 100 percent of the poverty level, adjusted for  
23 family size, established and adjusted under section 673(2) of subtitle  
24 B, the "Community Services Block Grant Act," Pub.L.97-35 (42  
25 U.S.C.9902 (2));

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

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

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

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

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

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

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

10 (35) An agreement for the purchase of a supply of water from a  
11 public utility company subject to the jurisdiction of the Board of Public  
12 Utilities in accordance with tariffs and schedules of charges made,  
13 charged or exacted or contracts filed with the Board of Public  
14 Utilities, for any term of not more than 40 years;

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

20 (37) The operation and management of a facility under a license  
21 issued or permit approved by the Department of Environmental  
22 Protection, including a wastewater treatment system or a water supply  
23 or distribution facility, as the case may be, for any term of not more  
24 than seven years. For the purposes of this subsection, "wastewater  
25 treatment system" refers to facilities operated or maintained for the  
26 storage, collection, reduction, disposal, or other treatment of  
27 wastewater or sewage sludge, remediation of groundwater  
28 contamination, stormwater runoff, or the final disposal of residues  
29 resulting from the treatment of wastewater; and "water supply or  
30 distribution facility" refers to facilities operated or maintained for  
31 augmenting the natural water resources of the State, increasing the  
32 supply of water, conserving existing water resources, or distributing  
33 water to users.

34 All multiyear leases and contracts entered into pursuant to this  
35 section, except contracts for the leasing or servicing of equipment  
36 supplied by a telephone company which is subject to the jurisdiction  
37 of the Board of Public Utilities, contracts involving the supplying of  
38 electricity for the purpose of lighting public streets and contracts for  
39 thermal energy authorized pursuant to subsection (1) above,  
40 construction contracts authorized pursuant to subsection (9) above,  
41 contracts and agreements for the provision of work or the supplying  
42 of equipment to promote energy conservation authorized pursuant to  
43 subsection (12) above, contracts for water supply services or for a  
44 water supply facility, or any component part or parts thereof  
45 authorized pursuant to subsection (16), (30), (31), (34), (35) or (37)  
46 above, contracts for resource recovery services or a resource recovery

1 facility authorized pursuant to subsection (17) above, contracts for the  
2 sale of energy produced by a resource recovery facility authorized  
3 pursuant to subsection (18) above, contracts for wastewater treatment  
4 services or for a wastewater treatment system or any component part  
5 or parts thereof authorized pursuant to subsection (19), (36) or (37)  
6 above, and contracts for the purchase of electricity or administrative  
7 or dispatching services related to the transmission of such electricity  
8 authorized pursuant to subsection (24) above, shall contain a clause  
9 making them subject to the availability and appropriation annually of  
10 sufficient funds as may be required to meet the extended obligation, or  
11 contain an annual cancellation clause.

12 The Division of Local Government Services shall adopt and  
13 promulgate rules and regulations concerning the methods of  
14 accounting for all contracts that do not coincide with the fiscal year.  
15 (cf: P.L.1995, c.371, s.1)

16

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

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

34 Neither the agency nor any other entity entering into an agreement  
35 to provide services to a municipality under this section shall require,  
36 as a condition of that agreement, that these services be provided for  
37 all eligible housing units in the municipality. A municipality, at its  
38 discretion, may enter into an agreement for the provision of services  
39 for any reasonable portion of its eligible housing units.

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

41

42 21. This act shall take effect immediately.

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3 Provides relief from certain State mandates on counties and  
4 municipalities.