

ASSEMBLY, No. 1422

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Assemblymen IMPREVEDUTO, ROMANO, Assemblywoman Gill, Assemblymen Wisniewski, Caraballo, Greenwald, Roberts, Doria, Suliga, Assemblywoman Turner, Assemblymen Zisa, Barnes, Garcia, Stanley, Pascrell, Assemblywomen Buono, Friscia, Assemblyman Jones, Assemblywomen Cruz-Perez, Weinberg, Assemblymen Cohen, Gusciora and Steele

1 AN ACT to provide emergency State aid to counties and municipalities  
2 to assist those governments in meeting certain snow plowing and  
3 removal expenses, and making an appropriation therefor.

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

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8 1. This act shall be known and may be cited as the "Emergency  
9 State Aid for Snow Plowing and Removal Act of 1996."

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11 2. As used in this act:

12 "Division" means the Division of Local Government Services in the  
13 Department of Community Affairs;

14 "Expenses" means and includes the full cost of materials, supplies,  
15 and labor, the operation or rental of machinery and equipment, and the  
16 deployment of extraordinary public works personnel, incurred by any  
17 local governmental unit, which are directly and specifically attributable  
18 to snow plowing and removal during the months of January, February  
19 and March, 1996;

20 "Local governmental unit" or "unit" means and includes any county  
21 and every municipality in this State;

22 "Snow plowing and removal" means and includes the plowing,  
23 removal, and shoveling of snow and ice by mechanical and  
24 non-mechanical means, the spreading of sand, and the spreading of salt  
25 and other chemicals for the abatement of ice formation.

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27 3. The funds appropriated by this act shall be apportioned by the  
28 Division of Local Government Services to qualifying local  
29 governmental units for the purposes of assisting those units in meeting  
30 snow plowing and removal expenses incurred during the months of  
31 January, February and March, 1996 according to a formula based on  
32 the proportion of the number of lane miles of public roads, streets and

1 highways under the jurisdiction of each respective local governmental  
2 unit to the total of all such road lane miles in the State; provided,  
3 however, that no local governmental unit shall receive an  
4 apportionment of funds in excess of the expenses incurred by such unit  
5 during the months of January, February and March, 1996. Funds  
6 remaining after apportionment to local units pursuant to this act may  
7 be applied to offset administration expenses of this program.  
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9 4. To perform its apportionment responsibilities pursuant to this  
10 act, the division shall, within 30 days after the effective date hereof,  
11 prepare and distribute appropriate snow expense forms to every local  
12 governmental unit in this State. The forms shall require from the local  
13 governmental units all information the division deems relevant to  
14 perform its apportionment responsibilities hereunder, including, but  
15 not necessarily limited to, the number of lane miles of roads, streets  
16 and highways under the jurisdiction of each respective local  
17 governmental unit, and the itemized expenses incurred by each  
18 government unit for snow plowing and removal during the months of  
19 January, February and March, 1996.  
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21 5. Within 90 days after the effective date of this act, every local  
22 governmental unit shall complete its snow expense form and, with the  
23 certification of the chief financial officer of the government unit as to  
24 its accuracy, shall submit the form to the division. Any local  
25 governmental unit failing to submit a completed, certified snow  
26 expense form within the time specified by this section, or submitting  
27 a form containing any material misstatement of fact or other error or  
28 inaccuracy, shall be ineligible to receive any funds appropriated by this  
29 act; provided, however, that the director of the division may extend  
30 the period for submitting a completed, certified snow expense form for  
31 an additional 30 days for good cause shown by any local governmental  
32 unit.  
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34 6. The division shall, with the assistance of the Department of  
35 Transportation, review the accuracy of all completed, certified snow  
36 expense forms submitted to it pursuant to the provisions of this act;  
37 and shall, within 150 days after the effective date of this act, determine  
38 and certify to the State Treasurer and to the chief financial officer of  
39 each local governmental unit qualifying for any funds appropriated by  
40 this act the amount of State aid allocable to each governmental unit  
41 pursuant to this act; provided, however, that in the event the total  
42 amount of funds to which all qualified local governmental units are  
43 entitled pursuant to the provisions of this act exceeds the amount  
44 appropriated hereunder, the entitlement of each local governmental  
45 unit shall be reduced pro rata and the division shall make its allocation  
46 accordingly. The State Treasurer, upon the certification of the

1 division and upon the warrant of the State Comptroller, shall pay and  
2 distribute to each qualifying local governmental unit the amount  
3 determined and certified.

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5 7. a. Any aid allocated to a local governmental unit pursuant to  
6 this act shall be in addition to all other aid appropriated by that unit for  
7 snow removal purposes.

8 b. The funds received by any local governmental unit pursuant to  
9 this act shall not be subject to the provisions of P.L.1976, c.68  
10 (C.40A:4-45.1 et seq.), with respect to limitations on expenditures by  
11 counties and municipalities.

12 c. Any determination of the division pursuant to this act as to the  
13 amounts of State aid allocable to each local governmental unit shall be  
14 final and conclusive, and no appeal shall be taken therefrom or any  
15 review thereof, except in the case of an arithmetical or typographical  
16 error in the calculation of any allocation or distribution of funds.

17 d. The division shall prepare and submit on or before December 31,  
18 1996, to the Governor and the Legislature a summary report of the  
19 effect of this act in assisting local governmental units in meeting snow  
20 plowing and removal expenses incurred during the months of January,  
21 February and March, 1996. In the preparation of the report, the  
22 division shall be entitled to request and receive from local  
23 governmental units receiving funds pursuant to this act any  
24 information the division deems relevant and necessary.

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26 8. There is hereby appropriated to Division of Local Government  
27 Services in the Department of Community Affairs for the purposes of  
28 this act the sum of \$20,000,000 from the "Surplus Revenue Fund,"  
29 created pursuant to section 1 of P.L.1990, c.44 (C.52:9H-14) and  
30 notwithstanding the provisions of section 5 of P.L.1990, c.44  
31 (52:9H-18).

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33 9. This act shall take effect immediately.

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36 STATEMENT

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38 The purpose of this bill is to establish a special emergency State aid  
39 program to assist counties and municipalities in New Jersey in meeting  
40 the expenses borne by these local governmental units as a result of the  
41 hazardous snows of January, February and March, 1996.

42 This bill would appropriate from the so-called "rainy day" fund  
43 \$20,000,000 to be allocated among the counties and municipalities of  
44 New Jersey on the basis of the number of lane miles of public roads,  
45 streets and highways under the jurisdiction of each respective local  
46 governmental unit. The allocations would be made by the Division of

1 Local Government Services in the Department of Community Affairs,  
2 and would be based upon "snow expense forms" prepared by the  
3 division and completed by the counties and municipalities.

4 This bill specifically provides that funds received by local  
5 governmental units pursuant to this special State aid program shall not  
6 be subject to the provisions of P.L.1976, c.68 (C.40A:4-45.1 et seq.),  
7 the "cap" law.

8 This bill also requires the Division of Local Government Services  
9 to submit a report to the Governor and the Legislature, on or before  
10 December 31, 1996 as to the effect of this act in assisting local  
11 governmental units in meeting snow plowing and removal expenses  
12 incurred during the months of January, February and March, 1996.

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17 Provides State aid to counties and municipalities for certain snow  
18 removal expenses.