

ASSEMBLY, No. 2777

STATE OF NEW JERSEY

INTRODUCED MAY 1, 1997

By Assemblyman ARNONE

1 AN ACT revising certain mandates, requirements and procedures for
2 local governments and school districts and amending,
3 supplementing and repealing various parts of the statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) The Legislature finds and declares:

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

20 While the overwhelming majority of these statutes and regulations
21 was established by sincere-minded and well-intentioned public officials
22 in order to address legitimate public concerns, the collective regulatory
23 weight of these mandates on local officials continues to be a matter of
24 deep concern and a subject that cries for legislative relief.

25 In response to this decades long pattern of seemingly inexorable
26 increases in burdensome mandates from Trenton, local officials
27 repeatedly petition the Legislature for relief. In response to entreaties
28 of local officials, various committees of several Legislatures have
29 determined to continue to address the problem of burdensome
30 mandates on an expedited basis through the enactment of omnibus acts
31 that repeal or modify many of those mandates, resolve administrative
32 ambiguities and encourage more business-like practices. This is the
33 third such omnibus mandate relief act.

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 2. Section 5 of P.L.1970, c.39 (C.13:1E-5) is amended to read as
2 follows:

3 5. a. Unless exempted by the department, no person shall hereafter
4 engage or continue to engage in the collection or disposal of solid
5 waste in this State without first filing a registration statement and
6 obtaining approval thereof from the department. A person engaging
7 in solid waste disposal shall file a separate registration statement and
8 an engineering design for each disposal facility which he operates. The
9 registration statement and engineering design for each disposal facility
10 and approval of same shall be for the duration of the plan.

11 b. The registration statement and the engineering design shall be
12 made on forms provided by the department and shall contain such
13 information as may be prescribed by the department. The State and
14 any of its political subdivisions, public agencies and public authorities
15 shall be deemed a person within the meaning of this act. A registration
16 statement filed by a public entity with the department after the
17 effective date of P.L. _____, c. _____ (C. _____) (now pending
18 before the Legislature as this bill) shall be valid for a period of five
19 years, and the department shall not require an annual update of such
20 a registration statement. The filing fee for the public entity shall be no
21 greater than the fee in effect as of March 1, 1997 for the one-year
22 registration.

23 c. No registration shall be approved by the department when in the
24 opinion of the department such solid waste collection or disposal
25 facility or operation will not meet the standards or criteria set forth in
26 this amendatory and supplementary act or in regulations as may be
27 promulgated under authority of this act or this amendatory and
28 supplementary act. The department may require the amendment of an
29 approved registration when, in its opinion, continued operation of a
30 solid waste facility in accordance with its approved registration would
31 not meet the standards, criteria or regulations described herein.

32 (cf: P.L.1975, c.326, s.6)

33

34 3. N.J.S.18A:6-45 is amended to read as follows:

35 18A:6-45. There is established a body corporate and politic, with
36 corporate succession, to be known as the "New Jersey School Boards
37 Association." All boards of education of the various school districts
38 in this State [shall] may be members of the association.

39 (cf: P.L.1970, c.104, s.1)

40

41 4. N.J.S.18A:6-46 is amended to read as follows:

42 18A:6-46. Each of the district boards of education which chooses
43 to be a member of the association shall select annually one of its
44 members as a delegate to the association.

45 (cf: P.L.1970, c.104, s.2)

1 5. N.J.S.18A:6-50 is amended to read as follows:

2 18A:6-50. For the purpose of defraying the necessary expenses of
3 the association, the various district boards which are members of the
4 association shall pay the necessary expenses incurred by its delegates,
5 and shall appropriate annually such sums for dues as may be assessed
6 by the association at any delegates meeting. The assessment of dues
7 shall be made upon a graduated scale and shall be made only upon
8 two-thirds vote of the delegates present at such delegates meeting,
9 after notice of the taking of such vote shall have been given to each
10 district board in writing at least 60 days before such delegates meeting.
11 However, the dues assessed any board of education shall not be
12 increased for any year by more than 33 1/3 % of the dues assessed that
13 board during the preceding year. Dues shall be payable by the
14 custodian of school moneys of the school district to the treasurer of
15 the association.

16 (cf: P.L.1973, c.120, s.1)

17

18 6. R.S.19:31-2 is amended to read as follows:

19 19:31-2. In all counties having a superintendent of elections, the
20 superintendent of elections is hereby constituted the commissioner of
21 registration and in all other counties the secretary of the county board
22 is hereby constituted the commissioner of registration.

23 The commissioner of registration shall have complete charge of the
24 registration of all eligible voters within their respective counties.

25 The commissioner of registration shall have power to appoint
26 temporarily, and the commissioner of registration in counties of the
27 first class having more than 800,000 inhabitants shall have power to
28 appoint on a permanent, or temporary basis, such number of persons,
29 as in the commissioner's judgment may be necessary in order to carry
30 out the provisions of this Title. All persons appointed by the
31 commissioner of registration in counties of the first class having more
32 than 850,000 inhabitants according to the latest federal decennial
33 census to serve for terms of more than six months in any one year shall
34 be in the career service of the civil service and shall be appointed, and
35 hold their positions, in accordance with the provisions of Title 11A,
36 Civil Service. All persons appointed by the commissioner of
37 registration in counties of the first class having more than 600,000 but
38 less than 850,000 inhabitants according to the latest federal decennial
39 census to serve for terms of more than six months in any one year,
40 other than the chief deputy and chief clerk and confidential secretary
41 and chief custodian, shall be in the career service of the civil service
42 and shall be appointed and hold their positions, in accordance with the
43 provisions of Title 11A, Civil Service. Persons appointed by the
44 commissioner of registration in such counties to serve for terms of six
45 months or less in any one year and persons appointed by the
46 commissioner of registration shall not be subject to any of the

1 provisions of Title 11A, Civil Service, but shall be in the unclassified
2 service.

3 [In each county the commissioner of registration shall submit to the
4 Secretary of State on or before February 15 of each year a plan
5 providing for evening registration for the primary election and on or
6 before July 1 plans providing for evening registration for the general
7 election, which plans shall be subject to approval by the Secretary of
8 State.] Evening registration [shall] may be made available in the office
9 of each commissioner of registration [between the hours of 4 p.m. and
10 9 p.m. on the 29th day preceding the primary and general elections
11 and, in any year in which municipal elections are to be held in any
12 municipality within the county, on the 29th day preceding those
13 municipal elections] in accordance with a plan established by each
14 commissioner.

15 In each county, the commissioner of registration may also establish
16 a plan for out-of-office registration, including door-to-door
17 registration.

18 Nothing in this section shall preclude [the commissioner from
19 providing pursuant to plan evening registration in excess of the
20 requirements of this section, or shall preclude] or in any way limit
21 out-of-office registration conducted by persons or groups other than
22 the commissioner.

23 The commissioner of registration shall provide such printed forms,
24 blanks, supplies and office telephone and transportation equipment and
25 shall prescribe such reasonable rules and regulations not inconsistent
26 with those of the Secretary of State as are necessary in the opinion of
27 the commissioner to carry out the provisions of this Title and any
28 amendments or supplements thereto.

29 Subject to the limitations set forth in chapter 32 of this Title, all
30 necessary expenses incurred, as and when certified and approved by
31 the commissioner of registration shall be paid by the county treasurer
32 of the county.

33 Nothing in the provisions of subtitle 2 of the Title, Municipalities
34 and Counties (R.S.40:16-1 et seq.), shall in anywise be construed to
35 affect, restrict or abridge the powers herein conferred on the
36 commissioners of registration of the several counties.

37 All powers granted to the commissioner in all counties not having
38 superintendents of elections by the provisions of this Title are hereby
39 conferred on the county board in such counties and any and all duties
40 conferred upon the commissioner in all counties not having a
41 superintendent of elections by the provisions of this Title shall only be
42 exercised and performed by such commissioner under the instructions
43 and directions of and subject to the approval of the county board of
44 such counties.

45 (cf: P.L.1994, c.182, s.2)

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

2 26:3-3. The local board in every municipality, other than a
3 township, which is subject to the provisions of subdivision C of this
4 article, shall be composed of not less than five nor more than seven
5 members, except that in a city of the first class the board shall consist
6 of 10 members, and in a city having a population of over 80,000, but
7 not of the first class, the board shall consist of not less than five nor
8 more than 10 members. The governing body of a municipality may
9 appoint a school nurse or the municipal physician to the local board,
10 notwithstanding that the nurse or physician is not a resident of the
11 municipality.

12 The local board may, by ordinance, provide for the appointment of
13 two alternate members. Notwithstanding the provisions of any other
14 law or charter heretofore adopted, the ordinance shall provide the
15 method of appointment of the alternate members. Alternate members
16 shall be designated at the time of appointment by the authority
17 appointing them as "Alternate No. 1" and "Alternate No. 2."

18 The terms of the alternate members shall be for two years, except
19 that the terms of the alternate members first appointed shall be two
20 years for Alternate No. 1 and one year for Alternate No. 2, so that the
21 term of not more than one alternate member shall expire in any one
22 year. A vacancy occurring otherwise than by expiration of term shall
23 be filled by the appointing authority for the unexpired term only.

24 An alternate member shall not be permitted to act on any matter in
25 which he has either directly or indirectly any personal or financial
26 interest. An alternate member may, after public hearing if he requests
27 one, be removed by the governing body for cause.

28 An alternate member may participate in discussions of the
29 proceedings but may not vote except in the absence or disqualification
30 of a regular member. A vote shall not be delayed in order that a
31 regular member may vote instead of an alternate member. In the event
32 that a choice must be made as to which alternate member is to vote,
33 Alternate No. 1 shall vote first.

34 (cf: P.L.1989, c.168, s.1)

35

36 8. R.S.26:3-9 is amended to read as follows:

37 26:3-9. The local board in every township having a population of
38 not more than 20,000 inhabitants [shall] may be composed of the
39 members of the township committee, the township assessor or, if the
40 township has a board of assessors, the township clerk, and one
41 physician or school nurse, to be appointed by the township committee
42 for a term of three years from the time of his appointment and until the
43 successor is appointed. The township committee may appoint, as the
44 physician or school nurse appointment, the township physician or a
45 school nurse to the local board, notwithstanding that the physician or
46 nurse is not a resident of the township. The township committee may

1 by ordinance provide for the appointment of not more than two
2 alternate members. Alternate members shall be designated at the time
3 of appointment as "Alternate No. 1" and "Alternate No 2." The term
4 of the alternate members shall be for two years, except that of the first
5 two alternate members appointed, one shall be appointed for a term of
6 one year so that the term of not more than one alternate member shall
7 expire in any one year. A vacancy occurring otherwise than by
8 expiration of term shall be filled by the appointing authority for the
9 unexpired term only. Alternate members may participate in
10 discussions of the proceedings but may not vote except in the absence
11 or disqualification of a regular member. A vote shall not be delayed
12 in order that a regular member may vote instead of an alternate
13 member. In the event that a choice must be made as to which alternate
14 member is to vote, Alternate No. 1 shall vote.

15 b. Any such township may by ordinance adopt the provisions of
16 subdivision B of this article and thereafter shall be subject to the
17 provisions thereof and shall not be subject to the provisions of this
18 subdivision of this article.

19 (cf: P.L.1986, c.78, s.1)

20

21 9. R.S.26:3-10 is amended to read as follows:

22 26:3-10. The local board in every township having a population of
23 more than twenty thousand inhabitants shall be composed of not less
24 than five nor more than seven members who shall be appointed in such
25 manner and hold their respective offices for such terms, not exceeding
26 four years, as the township committee or other governing body may by
27 ordinance provide, but the terms of not more than three members shall
28 expire in any one year, but any such township may by ordinance adopt
29 the provisions of subdivision B of this article and thereafter shall be
30 subject to the provisions thereof and shall not be subject to the
31 provisions of this subdivision of this article. The township committee
32 may appoint a school nurse or the township physician to the local
33 board, notwithstanding that the nurse or physician is not a resident of
34 the township.

35 (cf: P.L.1953, c.349, s.6)

36

37 10. Section 2 of P.L.1963, c.150 (C.34:11-56.26) is amended to
38 read as follows:

39 2. As used in this act:

40 (1) "Department" means the Department of Labor of the State of
41 New Jersey.

42 (2) "Locality" means any political subdivision of the State,
43 combination of the same or parts thereof, or any geographical area or
44 areas classified, designated and fixed by the commissioner from time
45 to time, provided that in determining the "locality" the commissioner
46 shall be guided by the boundary lines of political subdivisions or parts

1 thereof, or by a consideration of the areas with respect to which it has
2 been the practice of employers of particular crafts or trades to engage
3 in collective bargaining with the representatives of workers in such
4 craft or trade.

5 (3) "Maintenance work" means the repair of existing facilities when
6 the size, type or extent of such facilities is not thereby changed or
7 increased.

8 (4) "Public body" means the State of New Jersey, any of its
9 political subdivisions, any authority created by the Legislature of the
10 State of New Jersey and any instrumentality or agency of the State of
11 New Jersey or of any of its political subdivisions.

12 (5) "Public work" means construction, reconstruction, demolition,
13 alteration, or repair work, or maintenance work, including painting and
14 decorating, done under contract and paid for in whole or in part out
15 of the funds of a public body, except work performed under a
16 rehabilitation program. "Public work" shall also mean construction,
17 reconstruction, demolition, alteration, or repair work, done on any
18 property or premises, whether or not the work is paid for from public
19 funds, if, at the time of the entering into of the contract:

20 (a) Not less than 55% of the property or premises is leased by a
21 public body, or is subject to an agreement to be subsequently leased
22 by the public body; and

23 (b) The portion of the property or premises that is leased or subject
24 to an agreement to be subsequently leased by the public body measures
25 more than 20,000 square feet.

26 (6) "Commissioner" means the Commissioner of Labor or his duly
27 authorized representatives.

28 (7) "Workman" or "worker" includes laborer, mechanic, skilled or
29 semi-skilled, laborer and apprentices or helpers employed by any
30 contractor or subcontractor and engaged in the performance of
31 services directly upon a public work, regardless of whether their work
32 becomes a component part thereof, but does not include material
33 suppliers or their employees who do not perform services at the job
34 site.

35 (8) "Work performed under a rehabilitation program" means work
36 arranged by and at a State institution primarily for teaching and
37 upgrading the skills and employment opportunities of the inmates of
38 such institutions.

39 (9) "Prevailing wage" means the wage rate paid by virtue of
40 collective bargaining agreements by employers employing a majority
41 of workers of that craft or trade subject to said collective bargaining
42 agreements, in the locality in which the public work is done.

43 (10) "Act" means the provisions of P.L.1963, c.150 and the rules
44 and regulations issued hereunder.

45 (11) "Prevailing wage contract threshold amount" means:

46 (a) In the case of any public work paid for in whole or in part out

1 of the funds of a municipality, county or school district in the State of
2 New Jersey or done on property or premises leased or to be leased by
3 the municipality, county or school district, the dollar amount
4 established for the then current calendar year by the commissioner
5 through rules and regulations promulgated pursuant to the
6 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
7 seq.), which amount shall be equal to \$9,850 on July 1, 1994 and
8 which amount shall be adjusted on July 1 every five calendar years
9 thereafter in direct proportion to the rise or fall in the average of the
10 Consumer Price Indices for Urban Wage Earners and Clerical Workers
11 for the New York metropolitan and the Philadelphia metropolitan
12 regions as reported by the United States Department of Labor during
13 the last full calendar year preceding the date upon which the
14 adjustment is made; and

15 (b) In the case of any public work other than a public work
16 described in paragraph (a) of this subsection, an amount equal to
17 \$2,000.

18 (cf: P.L.1995, c.259, s.13)

19

20 11. Section 2 of P.L.1973, c.208 (C.40:8A-2) is amended to read
21 as follows:

22 2. As used in this act, unless the context indicates otherwise:

23 a. "Local unit" means a municipality, county, school district,
24 authority subject to the "Local Authorities Fiscal Control Law,"
25 P.L.1983, c.313 (C.40A:5A-1 et seq.), or a regional authority or
26 district other than an interstate authority or district.

27 b. "Governing body" means the board, commission, council or
28 other body having the control of the finances of a local unit; and in
29 those local units in which an executive officer is authorized by law to
30 participate in such control through powers of recommendation,
31 approval or veto, the term includes such executive officer to the extent
32 of such participation.

33 c. "Chief executive officer" means the mayor of a municipality, the
34 elected county executive of a county, the director of the board of
35 chosen freeholders in a county not having an elected county executive,
36 and the chairman or other presiding officer of any other governing
37 body.

38 d. "Service" means any of the powers, duties and functions
39 exercised or performed by a local unit by or pursuant to law.

40 e. "Contract" means a contract authorized under section 3 of this
41 act.

42 (cf: P.L.1973, c.208, s.2)

43

44 12. Section 3 of P.L.1973, c.208 (C.40:8A-3) is amended to read
45 as follows:

46 3. Any local unit of this State may enter into a contract with any

1 other local unit or units for the joint provision within their several
2 jurisdictions of any service, including services incidental to the primary
3 purposes of the local unit which any party to the agreement is
4 empowered to render within its own jurisdiction. An [autonomous]
5 authority[, board, commission or district] subject to the "Local
6 Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et
7 seq.), established by and within a single local unit and providing
8 service within such local unit or a part thereof may become a party to
9 such contract with the consent of the governing body of the local unit,
10 by resolution thereof adopted in the manner provided in section 4 of
11 this act; and after such consent duly given, such authority[, board,
12 commission or district] may enter into such contract by resolution
13 without need of publication or hearing.

14 (cf: P.L.1995, c.356, s.1)

15

16 13. Section 5 of P.L.1973, c.208 (C.40:8A-5) is amended to read
17 as follows:

18 5. a. The parties to a contract authorized by this act may agree to
19 provide jointly, or through the agency of one more of them on behalf
20 of any or all of them, any service or aspect of a service which any of
21 the parties on whose behalf such services are to be performed may
22 legally perform for itself. Such services shall include, but not be
23 limited to, the areas of general government administration, health,
24 police and fire protection, code enforcement, assessment and
25 collection of taxes, financial administration, environmental services,
26 joint municipal courts, youth, senior citizens, welfare and social
27 services programs. Nothing in this act shall be deemed to amend or
28 repeal any procedures for or powers of approval of any consolidated
29 local service program which any State agency may now exercise
30 pursuant to law.

31 b. In the case of joint agreements for the provision of services by
32 State-certified professionals, such agreements shall provide for the
33 payment of a salary and shall not include tenure rights in the
34 municipality contracting to receive the service.

35 (cf: P.L.1973, c.208, s.5)

36

37 14. Section 2 of P.L.1990, c.33 (C.40:20-35.11a) is amended to
38 read as follows:

39 2. a. When any vacancy occurs on the board of chosen freeholders
40 otherwise than by expiration of term, it shall be filled by election for
41 the unexpired term only at the next general election occurring not less
42 than 60 days after the occurrence of the vacancy, except that no such
43 vacancy shall be filled at the general election which immediately
44 precedes the expiration of the term in which the vacancy occurs. In
45 the event a vacancy eligible to be filled by election hereunder occurs
46 on or before the sixth day preceding the last day for filing petitions for

1 nomination for the primary election, such petitions may be prepared
2 and filed for nomination in that primary election in the manner
3 provided by article 3 of chapter 23 of Title 19 of the Revised Statutes.
4 In the event the vacancy occurs after that sixth day preceding the last
5 day for filing petitions for nomination for the primary election, or if the
6 vacancy occurs on or before the sixth day preceding the last day for
7 filing petitions for nomination for the primary election but no such
8 petition has been filed with respect to a given political party, each
9 political party, or that party respectively, may select a candidate for
10 the office in question in the manner prescribed in subsections a. and b.
11 of R.S.19:13-20 for selecting candidates to fill vacancies among
12 candidates nominated at primary elections. A statement of such
13 selection under R.S.19:13-20 shall be filed with the county clerk not
14 later than the 48th day preceding the date of the general election.

15 Besides the selection of candidates by each political party,
16 candidates may also be nominated by petition in a manner similar to
17 direct nomination by petition for the general election; but if the
18 candidate of any party to fill the vacancy will be chosen at a primary
19 election, such petition shall be filed with the county clerk at least 55
20 days prior to the primary election; and if no candidate of any party will
21 be chosen at a primary election, such petition shall be filed with the
22 county clerk not later than 12 o'clock noon of the day on which the
23 first selection meeting by any party is held under this section to select
24 a nominee to fill the vacancy.

25 The county clerk shall print on the ballots for the territory affected,
26 in the personal choice column, the title of office and leave a proper
27 space under such title of office; and print the title of office and the
28 names of such persons as have been duly nominated, in their proper
29 columns.

30 b. Notwithstanding subsection a. of this section, if at any time after
31 an election for a member of the board of chosen freeholders and before
32 the time fixed for the commencement of the term of the office, the
33 person elected to that office dies, the county committee of the political
34 party of which the person elected was the nominee shall appoint
35 another person to fill the position until the next general election. If the
36 person elected was not the nominee of a political party, on or within
37 30 days after the time fixed for the commencement of the term of
38 office, the governing body shall appoint a successor to fill the office
39 until the next general without regard to party.

40 (cf: P.L.1990, c.33, s.2)

41

42 15. Section 5 of P.L.1990, c.33 (C.40:41A-145.1) is amended to
43 read as follows:

44 5. a. When any vacancy occurs on the board of chosen freeholders
45 otherwise than by expiration of term, it shall be filled by election for
46 the unexpired term only at the next general election occurring not less

1 than 60 days after the occurrence of the vacancy, except that no such
2 vacancy shall be filled at the general election which immediately
3 precedes the expiration of the term in which the vacancy occurs. In
4 the event a vacancy eligible to be filled by election hereunder occurs
5 on or before the sixth day preceding the last day for filing petitions for
6 nomination for the primary election, such petitions may be prepared
7 and filed for nomination in that primary election in the manner
8 provided by article 3 of chapter 23 of Title 19 of the Revised Statutes.
9 In the event the vacancy occurs after that sixth day preceding the last
10 day for filing petitions for nomination for the primary election, or if the
11 vacancy occurs on or before the sixth day preceding the last day for
12 filing petitions for nomination for the primary election but no such
13 petition has been filed with respect to a given political party, each
14 political party, or that party respectively, may select a candidate for
15 the office in question in the manner prescribed in subsections a. and b.
16 of R.S.19:13-20 for selecting candidates to fill vacancies among
17 candidates nominated at primary elections. A statement of such
18 selection under R.S.19:13-20 shall be filed with the county clerk not
19 later than the 48th day preceding the date of the general election.

20 Besides the selection of candidates by each political party,
21 candidates may also be nominated by petition in a manner similar to
22 direct nomination by petition for the general election; but if the
23 candidate of any party to fill the vacancy will be chosen at a primary
24 election, such petition shall be filed with the county clerk at least 55
25 days prior to the primary election; and if no candidate of any party will
26 be chosen at a primary election, such petition shall be filed with the
27 county clerk not later than 12 o'clock noon of the day on which the
28 first selection meeting by any party is held under this section to select
29 a nominee to fill the vacancy.

30 The county clerk shall print on the ballots for the territory affected,
31 in the personal choice column, the title of office and leave a proper
32 space under such title of office; and print the title of office and the
33 names of such persons as have been duly nominated, in their proper
34 columns.

35 b. Notwithstanding subsection a. of this section, if at any time after
36 an election for the office of county executive or for a member of the
37 freeholder board and before the time fixed for the commencement of
38 the term of the office, the person elected to that office dies, the county
39 committee of the political party of which the person elected was the
40 nominee shall appoint another person to fill the position until the next
41 general election. If the person elected was not the nominee of a
42 political party, on or within 30 days after the time fixed for the
43 commencement of the term of office, the governing body shall appoint
44 a successor to fill the office until the next general without regard to
45 party.

46 (cf: P.L.1990, c.33, s.5)

1 16. Section 1 of P.L.1956, c. 176 (C.40:45A-1) is amended to
2 read as follows:

3 1. Notwithstanding any other provision of law, the governing body
4 of a municipality in which any of the members of the governing body
5 are elected for terms commencing January 1 may, by [ordinance]
6 resolution, fix the date and time of its annual organization or
7 reorganization meeting at 12 o'clock noon on January 1, or at some
8 other hour on any day during the first week in January.
9 (cf: P.L.1981, c.79, s.1)

10

11 17. Section 1 of P.L.1983, c.208 (C.40:48-5a) is amended to read
12 as follows:

13 1. The governing body of any municipality may enter into contract
14 with a private agency or firm for the purpose of collecting delinquent
15 finances, costs, surcharges and other penalties that are owed to, or
16 required to be collected by the municipality as a result of any
17 municipal court matter, including, but not limited to parking violation
18 finances [owed to the municipality] and motor vehicle violation fines.
19 Any such contract shall be made and awarded pursuant to the
20 provisions of the "Local Public Contracts Law," P.L.1971, c. 198
21 (C.40A:11-1 et seq.).
22 (cf: P.L.1983, c.208, s.1)

23

24 18. Section 76 of P.L.1975, c.291 (C.40:55D-89) is amended to
25 read as follows:

26 76. Periodic examination. The governing body shall, at least every
27 [six] 10 years, provide for a general reexamination of its master plan
28 and development regulations by the planning board, which shall
29 prepare and adopt by resolution a report on the findings of such
30 reexamination, a copy of which report and resolution, or notice of the
31 availability of such report and resolution, shall be sent to the county
32 planning board and the municipal clerk of each adjoining municipality.
33 The first such reexamination shall have been completed by August 1,
34 1982. The next reexamination shall be completed by August 1, 1988.
35 Thereafter, a reexamination shall be completed at least once every
36 [six] 10 years from the previous reexamination.

37 The reexamination report shall state:

38 a. The major problems and objectives relating to land development
39 in the municipality at the time of the adoption of the last reexamination
40 report.

41 b. The extent to which such problems and objectives have been
42 reduced or have increased subsequent to such date.

43 c. The extent to which there have been significant changes in the
44 assumptions, policies, and objectives forming the basis for the master
45 plan or development regulations as last revised, with particular regard
46 to the density and distribution of population and land uses, housing

1 conditions, circulation, conservation of natural resources, energy
2 conservation, collection, disposition, and recycling of designated
3 recyclable materials, and changes in State, county and municipal
4 policies and objectives.

5 d. The specific changes recommended for the master plan or
6 development regulations, if any, including underlying objectives,
7 policies and standards, or whether a new plan or regulations should be
8 prepared.

9 e. The recommendations of the planning board concerning the
10 incorporation of redevelopment plans adopted pursuant to the "Local
11 Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et
12 al.) into the land use plan element of the municipal master plan, and
13 recommended changes, if any, in the local development regulations
14 necessary to effectuate the redevelopment plans of the municipality.
15 (cf: P.L.1992, c.79, s.50)

16

17 19. Section 3 of P.L.1991, c.54 (C.40:66-10) is amended to read
18 as follows:

19 3. The governing body of any municipality which operated a solid
20 waste collection district as of December 31, 1989, shall [, by
21 ordinance and subject to the approval of the Local Finance Board of
22 the Department of Community Affairs,] determine the amount of
23 money necessary for the support of the solid waste collection district.
24 The amount so determined shall [be assessed on the value of all
25 taxable property within the district and collected as taxes are collected
26 and be controlled and expended by the municipality for the purposes
27 herein specified. The ordinance shall specify that any assessment made
28 pursuant to this section is to be used solely to provide for the support
29 of the solid waste collection district. Any municipality which adopts
30 an ordinance pursuant to this section shall, within 10 days following
31 the adoption of the ordinance, forward a copy to the Division of Local
32 Government Services in the Department of Community Affairs]
33 become part of the municipal budget and subject to approval by the
34 director.

35 (cf: P.L.1991, c.54, s.3)

36

37 20. N.J.S.40A:2-17 is amended to read as follows:

38 40A:2-17. a. Introduction.

39 A bond ordinance shall be introduced in writing at a meeting of the
40 governing body and shall be passed upon first reading, which may be
41 by title.

42 b. Publication, hearing and adoption.

43 The bond ordinance, or a summary thereof, shall be published after
44 first reading, together with notice of the introduction thereof and of
45 the date, which shall be at least 10 days after introduction and first
46 reading, and the time and place of further consideration for final

1 passage, which may be at an adjournment of such meeting or another
2 meeting. If a summary is published, the summary shall contain a clear
3 and concise statement prepared by the clerk of the governing body
4 setting forth the purpose of the ordinance and the time and place when
5 and where a copy of the ordinance can be obtained, without cost, by
6 any member of the general public residing in the local unit.

7 Such publication shall be at least 1 week prior to the date for
8 further consideration. At the time and place so advertised, or at any
9 time and place to which such meeting or further consideration shall
10 from time to time be adjourned, such bond ordinance may be read by
11 its title, if,

12 (1) at least 1 week prior to such date or further consideration,
13 there shall have been posted, on the bulletin board or other place upon
14 which public notices are customarily posted in the principal municipal
15 building of the municipality,

16 (a) a copy of such bond ordinance or summary, and

17 (b) a notice that copies of such bond ordinance will be made
18 available during such week and up to and including the date of such
19 meeting or further consideration to the members of the general public
20 of the municipality who shall request such copies, naming the place at
21 which such copies will be so made available, and

22 (2) such copies of said bond ordinance shall have been made
23 available accordingly, but otherwise such bond ordinance shall be read
24 in full. All persons interested shall then be given an opportunity to be
25 heard.

26 After the duplicate of the supplemental debt statement has been
27 filed in the office of the director, and after such hearing, the governing
28 body may proceed to amend the bond ordinance and thereupon finally
29 adopt or reject it, with or without amendments.

30 If any amendment is adopted substantially altering matters required
31 by this chapter to be contained in the bond ordinance, such amended
32 bond ordinance shall not be finally adopted until at least 1 week
33 thereafter and until the bond ordinance or a summary of it shall have
34 been published once at least 2 days prior to the date for further
35 consideration, together with notice of the date, time and place at
36 which it will be further considered for final adoption. At the time and
37 place so advertised, or at any time and place to which such meeting or
38 further consideration shall from time to time be adjourned, such
39 amended bond ordinance may be read by its title, if,

40 (1) at least 1 week prior to such date or further consideration,
41 there shall have been posted, on the bulletin board or other place upon
42 which public notices are customarily posted in the principal municipal
43 building of the municipality,

44 (a) a copy of such bond ordinance or summary, and

45 (b) a notice that copies of such bond ordinance will be made
46 available during such week and up to and including the date of such

1 meeting or further consideration to the members of the general public
2 of the municipality who shall request such copies, naming the place at
3 which such copies will be so made available, and

4 (2) such copies of said bond ordinance shall have been made
5 available accordingly, but otherwise such bond ordinance shall be read
6 in full. All persons interested shall again be given an opportunity to be
7 heard. After such hearing, the governing body may proceed to reject,
8 finally adopt or further amend such bond ordinance.

9 A bond ordinance shall be finally adopted by the recorded
10 affirmative votes of at least 2/3 of the full membership of the
11 governing body. In a local unit in which the approval of any officer
12 is required to make an ordinance or resolution effective, such bond
13 ordinance shall be so approved, or passed over veto before it shall be
14 published after final adoption.

15 c. Final publication with statement.

16 Every bond ordinance shall be published either in full or in summary
17 form after final adoption, together with a statement in substantially the
18 following form:

19

20

STATEMENT

21

22 The bond ordinance published herewith has been finally adopted
23 and the 20-day period of limitation within which a suit, action or
24 proceeding questioning the validity of such ordinance can be
25 commenced, as provided in the Local Bond Law has begun to run
26 from the date of the first publication of this statement.

27

28

Clerk.

29 (cf: P.L.1963, c.153, s.1)

30

31 21. N.J.S.40A:2-18 is amended to read as follows:

32 40A:2-18. A bond ordinance shall take effect 20 days after the first
33 publication of the ordinance or of a summary thereof after final
34 adoption. A bond ordinance which authorizes obligations to fund,
35 refund, renew, extend or retire obligations issued or authorized
36 pursuant to this chapter, or notes or bonds issued or authorized
37 pursuant to any act of which this chapter is a revision shall not be
38 subject to referendum.

39 (cf: N.J.S.40A:2-18)

40

41 22. N.J.S.40A:4-27 is amended to read as follows:

42 40A:4-27. A local unit may anticipate as a miscellaneous revenue
43 the total amount of all payments due and payable to the local unit
44 during the fiscal year, directly or indirectly as a result of the sale of
45 property by the local unit, when the obligation to make such payment
46 is entered into prior to [February 10 of the calendar fiscal year, or by

1 August 10 of the State fiscal year] the adoption of the budget.

2 (cf: P.L.1994, c.72, s.13)

3 23. N.J.S.40A:4-41 is amended to read as follows:

4 40A:4-41. a. For the purpose of determining the amount of the
5 appropriation for "reserve for uncollected taxes" required to be
6 included in each annual budget where less than 100% of current tax
7 collections may be and are anticipated, anticipated cash receipts shall
8 be as set forth in the budget of the current year, and in accordance
9 with the limitations of statute for anticipated revenue from, surplus
10 appropriated, miscellaneous revenues and receipts from delinquent
11 taxes.

12 b. Receipts from the collection of taxes levied or to be levied in the
13 municipality, or in the case of a county for general county purposes
14 and payable in the fiscal year shall be anticipated in an amount which
15 is not in excess of the percentage of taxes levied and payable during
16 the next preceding fiscal year which was received in cash by the last
17 day of the preceding fiscal year.

18 c. (1) For any municipality in which tax appeal judgments have
19 been awarded to property owners from action of the county tax board
20 pursuant to R.S.54:3-21 et seq., or the State tax court pursuant to
21 R.S.54:48-1 et seq. in the preceding fiscal year, the governing body of
22 the municipality may elect to determine the reserve for uncollected
23 taxes by using the average of the percentages of taxes levied which
24 were received in cash by the last day of each of the three preceding
25 fiscal years. Election of this choice shall be made by resolution,
26 approved by a majority vote of the full membership of the governing
27 body prior to the introduction of the annual budget pursuant to
28 N.J.S.40A:4-5.

29 (2) If the amount of tax reductions resulting from tax appeal
30 judgments of the county tax board pursuant to R.S.54:3-21 et seq., or
31 the State tax court pursuant to R.S.54:48-1 et seq., for the previous
32 fiscal year exceeds 1% of the tax levy for that previous fiscal year, the
33 governing body of the municipality may elect to calculate the current
34 year reserve for uncollected taxes by reducing the certified tax levy of
35 the prior year by the amount of the tax levy adjustments resulting from
36 those judgments. Election of this choice shall be made by resolution,
37 approved by a majority vote of the full membership of the governing
38 body prior to the introduction of the annual budget pursuant to
39 N.J.S.40A:4-5.

40 d. The director may promulgate rules and regulations to permit a
41 three-year average to be used to determine the amount required for the
42 reserve for uncollected taxes for municipalities to which subsection c.
43 of this section is not applicable.

44 (cf: P.L.1997, c.28, s.1)

45

46 24. Section 3 of P.L.1976, c.68 (C.40A:4-45.3) is amended to read

1 as follows:

2 3. In the preparation of its budget a municipality shall limit any
3 increase in said budget to 5% or the index rate, whichever is less, over
4 the previous year's final appropriations subject to the following
5 exceptions:

6 a. (Deleted by amendment, P.L.1990, c.89.)

7 b. Capital expenditures, including appropriations for current capital
8 expenditures, whether in the capital improvement fund or as a
9 component of a line item elsewhere in the budget, provided that any
10 such current capital expenditure would be otherwise bondable under
11 the requirements of N.J.S.40A:2-21 and 40A:2-22;

12 c. (1) An increase based upon emergency temporary appropriations
13 made pursuant to N.J.S.40A:4-20 to meet an urgent situation or event
14 which immediately endangers the health, safety or property of the
15 residents of the municipality, and over which the governing body had
16 no control and for which it could not plan and emergency
17 appropriations made pursuant to N.J.S.40A:4-46. Emergency
18 temporary appropriations and emergency appropriations shall be
19 approved by at least two-thirds of the governing body and by the
20 Director of the Division of Local Government Services, and shall not
21 exceed in the aggregate 3% of the previous year's final current
22 operating appropriations.

23 (2) (Deleted by amendment, P.L.1990, c.89.)

24 The approval procedure in this subsection shall not apply to
25 appropriations adopted for a purpose referred to in subsection d. or j.
26 below;

27 d. All debt service, including that of a Type I school district;

28 e. Upon the approval of the Local Finance Board in the Division
29 of Local Government Services, amounts required for funding a
30 preceding year's deficit;

31 f. Amounts reserved for uncollected taxes;

32 g. (Deleted by amendment, P.L.1990, c.89.)

33 h. Expenditure of amounts derived from new or increased
34 construction, housing, health or fire safety inspection or other service
35 fees imposed by State law, rule or regulation or by local ordinance;

36 i. Any amount approved by any referendum;

37 j. Amounts required to be paid pursuant to (1) any contract with
38 respect to use, service or provision of any project, facility or public
39 improvement for water, sewerage, parking, senior citizen housing or
40 any similar purpose, or payments on account of debt service therefor,
41 between a municipality and any other municipality, county, school or
42 other district, agency, authority, commission, instrumentality, public
43 corporation, body corporate and politic or political subdivision of this
44 State; (2) the provisions of article 9 of P.L.1968, c.404 (C.13:17-60
45 through 13:17-76) by a constituent municipality to the intermunicipal
46 account; (3) any lease of a facility owned by a county improvement

- 1 authority when the lease payment represents the proportionate amount
2 necessary to amortize the debt incurred by the authority in providing
3 the facility which is leased, in whole or in part; and (4) any repayments
4 under a loan agreement entered into in accordance with the provisions
5 of section 5 of P.L.1992, c.89.
- 6 k. (Deleted by amendment, P.L.1987, c.74.)
- 7 l. Appropriations of federal, county, independent authority or State
8 funds, or by grants from private parties or nonprofit organizations for
9 a specific purpose, and amounts received or to be received from such
10 sources in reimbursement for local expenditures. If a municipality
11 provides matching funds in order to receive the federal, county,
12 independent authority or State funds, or the grants from private parties
13 or nonprofit organizations for a specific purpose, the amount of the
14 match which is required by law or agreement to be provided by the
15 municipality shall be excepted;
- 16 m. (Deleted by amendment, P.L.1987, c.74.)
- 17 n. (Deleted by amendment, P.L.1987, c.74.)
- 18 o. (Deleted by amendment, P.L.1990, c.89.)
- 19 p. (Deleted by amendment, P.L.1987, c.74.)
- 20 q. (Deleted by amendment, P.L.1990, c.89.)
- 21 r. Amounts expended to fund a free public library established
22 pursuant to the provisions of R.S.40:54-1 through 40:54-29, inclusive;
- 23 s. (Deleted by amendment, P.L.1990, c.89.)
- 24 t. Amounts expended in preparing and implementing a housing
25 element and fair share plan pursuant to the provisions of P.L.1985,
26 c.222 (C.52:27D-301 et al.) and any amounts received by a
27 municipality under a regional contribution agreement pursuant to
28 section 12 of that act;
- 29 u. Amounts expended to meet the standards established pursuant
30 to the "New Jersey Public Employees' Occupational Safety and Health
31 Act," P.L.1983, c.516 (C.34:6A-25 et seq.);
- 32 v. (Deleted by amendment, P.L.1990, c.89.)
- 33 w. Amounts appropriated for expenditures resulting from the
34 impact of a hazardous waste facility as described in subsection c. of
35 section 32 of P.L.1981, c.279 (C.13:1E-80);
- 36 x. Amounts expended to aid privately owned libraries and reading
37 rooms, pursuant to R.S.40:54-35;
- 38 y. (Deleted by amendment, P.L.1990, c.89.)
- 39 z. (Deleted by amendment, P.L.1990, c.89.)
- 40 aa. Extraordinary expenses, approved by the Local Finance Board,
41 required for the implementation of an interlocal services agreement;
- 42 bb. Any expenditure mandated as a result of a natural disaster, civil
43 disturbance or other emergency that is specifically authorized pursuant
44 to a declaration of an emergency by the President of the United States
45 or by the Governor;
- 46 cc. Expenditures for the cost of services mandated by any order of

1 court, by any federal or State statute, or by administrative rule,
2 directive, order, or other legally binding device issued by a State
3 agency which has identified such cost as mandated expenditures on
4 certification to the Local Finance Board by the State agency;

5 dd. Expenditures of amounts actually realized in the local budget
6 year from the sale of municipal assets if appropriated for non-recurring
7 purposes or otherwise approved by the director;

8 ee. Any local unit which is determined to be experiencing fiscal
9 distress pursuant to the provisions of P.L.1987, c.75
10 (C.52:27D-118.24 et seq.), whether or not a local unit is an "eligible
11 municipality" as defined in section 3 of P.L.1987, c.75
12 (C.52:27D-118.26), and which has available surplus pursuant to the
13 spending limitations imposed by P.L.1976, c.68 (C.40A:4-45.1 et
14 seq.), may appropriate and expend an amount of that surplus approved
15 by the director and the Local Finance Board as an exception to the
16 spending limitation. Any determination approving the appropriation
17 and expenditure of surplus as an exception to the spending limitations
18 shall be based upon:

19 1) the local unit's revenue needs for the current local budget year
20 and its revenue raising capacity;

21 2) the intended actions of the governing body of the local unit to
22 meet the local unit's revenue needs;

23 3) the intended actions of the governing body of the local unit to
24 expand its revenue generating capacity for subsequent local budget
25 years;

26 4) the local unit's ability to demonstrate the source and existence
27 of sufficient surplus as would be prudent to appropriate as an
28 exception to the spending limitations to meet the operating expenses
29 for the local unit's current budget year; and

30 5) the impact of utilization of surplus upon succeeding budgets of
31 the local unit;

32 ff. Amounts expended for the staffing and operation of the
33 municipal court;

34 gg. Amounts appropriated for the cost of administering a joint
35 insurance fund established pursuant to subsection b. of section 1 of
36 P.L.1983, c.372 (C.40A:10-36), but not including appropriations for
37 claims payments by local member units;

38 hh. Amounts appropriated for the cost of implementing an
39 estimated tax billing system and the issuance of tax bills thereunder
40 pursuant to section 3 of P.L.1994, c.72 (C.54:4-66.2);

41 ii. Amounts expended by a municipality under an interlocal
42 services agreement entered into pursuant to P.L.1973, c.208
43 (C.40:8A-1 et seq.) entered into after the effective date of P.L. _____,
44 c. _____ (C. _____) (now pending before the Legislature as this
45 bill) or amounts expended under a joint contract pursuant to the
46 "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et

1 seq.) entered into after the effective date of P.L. _____, c. _____
2 (C. _____) (now pending before the Legislature as this bill).
3 (cf: P.L.1994, c.72, s.6)

4
5 25. Section 4 of P.L.1976, c.68 (C.40A:4-45.4) is amended to read
6 as follows:

7 4. In the preparation of its budget, a county may not increase the
8 county tax levy to be apportioned among its constituent municipalities
9 in excess of 5% or the index rate, whichever is less, of the previous
10 year's county tax levy, subject to the following exceptions:

11 a. The amount of revenue generated by the increase in valuations
12 within the county, based solely on applying the preceding year's county
13 tax rate to the apportionment valuation of new construction or
14 improvements within the county, and such increase shall be levied in
15 direct proportion to said valuation;

16 b. Capital expenditures, including appropriations for current capital
17 expenditures, whether in the capital improvement fund or as a
18 component of a line item elsewhere in the budget, provided that any
19 such current capital expenditures would be otherwise bondable under
20 the requirements of N.J.S.40A:2-21 and 40A:2-22;

21 c. (1) An increase based upon emergency temporary appropriations
22 made pursuant to N.J.S.40A:4-20 to meet an urgent situation or event
23 which immediately endangers the health, safety or property of the
24 residents of the county, and over which the governing body had no
25 control and for which it could not plan and emergency appropriations
26 made pursuant to N.J.S.40A:4-46. Emergency temporary
27 appropriations and emergency appropriations shall be approved by at
28 least two-thirds of the governing body and by the Director of the
29 Division of Local Government Services, and shall not exceed in the
30 aggregate 3% of the previous year's final current operating
31 appropriations.

32 (2) (Deleted by amendment, P.L.1990, c.89.)

33 The approval procedure in this subsection shall not apply to
34 appropriations adopted for a purpose referred to in subsection d. or f.
35 below;

36 d. All debt service;

37 e. (Deleted by amendment, P.L.1990, c.89.)

38 f. Amounts required to be paid pursuant to (1) any contract with
39 respect to use, service or provision of any project, facility or public
40 improvement for water, sewerage, parking, senior citizen housing or
41 any similar purpose, or payments on account of debt service therefor,
42 between a county and any other county, municipality, school or other
43 district, agency, authority, commission, instrumentality, public
44 corporation, body corporate and politic or political subdivision of this
45 State; and (2) any lease of a facility owned by a county improvement
46 authority when the lease payment represents the proportionate amount

- 1 necessary to amortize the debt incurred by the authority in providing
2 the facility which is leased, in whole or in part;
- 3 g. That portion of the county tax levy which represents funding to
4 participate in any federal or State aid program and amounts received
5 or to be received from federal, State or other funds in reimbursement
6 for local expenditures. If a county provides matching funds in order
7 to receive the federal or State or other funds, only the amount of the
8 match which is required by law or agreement to be provided by the
9 county shall be excepted;
- 10 h. (Deleted by amendment, P.L.1987, c.74.)
- 11 i. (Deleted by amendment, P.L.1990, c.89.)
- 12 j. (Deleted by amendment, P.L.1990, c.89.)
- 13 k. (Deleted by amendment, P.L.1990, c.89.)
- 14 l. Amounts expended to meet the standards established pursuant to
15 the "New Jersey Public Employees' Occupational Safety and Health
16 Act," P.L.1983, c.516 (C.34:6A-25 et seq.);
- 17 m. (Deleted by amendment, P.L.1990, c.89.)
- 18 n. (Deleted by amendment, P.L.1990, c.89.)
- 19 o. (Deleted by amendment, P.L.1990, c.89.)
- 20 p. Extraordinary expenses, approved by the Local Finance Board,
21 required for the implementation of an interlocal services agreement;
- 22 q. Any expenditure mandated as a result of a natural disaster, civil
23 disturbance or other emergency that is specifically authorized pursuant
24 to a declaration of an emergency by the President of the United States
25 or by the Governor;
- 26 r. Expenditures for the cost of services mandated by any order of
27 court, by any federal or State statute, or by administrative rule,
28 directive, order, or other legally binding device issued by a State
29 agency which has identified such cost as mandated expenditures on
30 certification to the Local Finance Board by the State agency;
- 31 s. That portion of the county tax levy which represents funding to
32 a county college in excess of the county tax levy required to fund the
33 county college in local budget year 1992;
- 34 t. Amounts appropriated for the cost of administering a joint
35 insurance fund established pursuant to subsection b. of section 1 of
36 P.L.1983, c.372 (C.40A:10-36), but not including appropriations for
37 claims payments by local member units;
- 38 u. Expenditures for the administration of general public assistance
39 pursuant to P.L.1995, c.259 (C.40A:4-6.1 et al.);
- 40 v. Amounts in a separate line item of a county budget that are
41 expended on tick-borne disease vector management activities
42 undertaken pursuant to P.L.1997, c.52 (C.26:2P-7 et al.);
- 43 w. Amounts expended by a municipality under an interlocal
44 services agreement entered into pursuant to P.L.1973, c.208
45 (C.40:8A-1 et seq.) entered into after the effective date of P.L. _____,
46 c. _____ (C. _____) (now pending before the Legislature as this

1 bill) or amounts expended under a joint contract pursuant to the
2 "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et
3 seq.) entered into after the effective date of P.L. _____, c.
4 (C. _____) (now pending before the Legislature as this bill).
5 (cf: P.L.1997, c.52, s.3)

6
7 26. Section 6 of P.L.1990, c.89 (C.40A:4-45.38) is amended to
8 read as follows:

9 6. No transfer of funds authorized by N.J.S.40A:4-58 and
10 N.J.S.40A:4-59 shall be made from an appropriation which is not
11 subject to limitation pursuant to section 3 or 4 of P.L.1976, c.68
12 (C.40A:4-45.3 and 40A:4-45.4), except for transfers between line
13 items for the same item of appropriation, to an appropriation which is
14 subject to either of those limitations. Notwithstanding the provisions
15 of N.J.S.40A:4-58 and N.J.S.40A:4-59 no transfer of funds is
16 authorized between appropriations not subject to limitation pursuant
17 to section 3 or 4 of P.L.1976, c.68 (C.40A:4-45.3 and 40A:4-45.4),
18 except transfers may be made to interest and redemption charges.
19 (cf: P.L.1990, c.89, s.6)

20
21 27. N.J.S.40A:5-16 is amended to read as follows:

22 40A:5-16. The governing body of any local unit shall not pay out
23 any of its moneys

24 a. unless the person claiming or receiving the same shall first
25 present a detailed bill of items or demand, specifying particularly how
26 the bill or demand is made up, with the certification of the party
27 claiming payment that it is correct. The governing body may, by
28 resolution, require an affidavit in lieu of the said certification, and the
29 clerk or disbursing officer of the local unit may take such affidavit
30 without cost, and

31 b. unless it carries a certification of some officer or duly designated
32 employee of the local unit having knowledge of the facts that the
33 goods have been received by, or the services rendered to, the local
34 unit.

35 c. Notwithstanding the provisions of subsection a. of this section
36 and pursuant to rules of the Local Finance Board adopted pursuant to
37 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
38 seq.), a certification of the party claiming payment that it is correct
39 shall not be required when:

40 (1) a claim or demand is less than \$150 and the certification of
41 such party is not readily obtainable by the contracting unit;

42 (2) those specific circumstances when payment to vendors is
43 required in advance of the delivery of certain materials or services that
44 cannot be obtained from any other source at comparable prices; or

45 (3) billing and payment transactions for goods or services are made

1 through a computerized electronic transmission.

2 (cf: N.J.S.40A:5-16)

3

4 28. Section 5 of P.L.1988, c.110 (C.40A:9-140.10) is amended to
5 read as follows:

6 5. Notwithstanding the provisions of any law to the contrary, in
7 every municipality there shall be a chief financial officer appointed by
8 the governing body of the municipality. The term of office shall be
9 four years, which shall run from January 1 in the year in which the
10 chief financial officer is appointed, however, the first 12 months of any
11 initial term shall be a probationary period during which time the chief
12 financial officer may be removed from office for unsatisfactory
13 performance or for any other reason by the governing body. Removal
14 during a probationary period shall be considered a vacancy due to
15 expiration of term. The compensation for the chief financial officer
16 shall be separately set forth in a municipal salary ordinance.

17 If a governing body fails or refuses to comply with this section, and
18 has received an order from the director to do so, the members of a
19 governing body who willfully fail or refuse to comply shall each be
20 subject to a personal penalty of \$25 for each day after the date fixed
21 for final action that failure or refusal to comply continues. The
22 amount of the penalty may be recovered by the director in the name of
23 the State as a personal debt of the member of the governing body, and
24 shall be paid, upon receipt, into the State Treasury.

25 (cf: P.L.1991, c.175, s.8)

26

27 29. N.J.S.40A:9-141 is amended to read as follows:

28 40A:9-141. Notwithstanding any other law the governing body or
29 chief executive, as shall be appropriate to the form of government of
30 the municipality, by ordinance, shall provide for the appointment of a
31 municipal tax collector and the compensation of the tax collector shall
32 be fixed in the manner otherwise provided by law. The governing body
33 may, by [ordinance] resolution, set appropriate hours of operation of
34 the tax collector's office and the work hours of the tax collector,
35 commensurate with the compensation paid to the tax collector, and all
36 personnel assigned to the tax collector's office. The office of
37 municipal tax collector and municipal treasurer, or municipal clerk may
38 be held by the same person.

39 (cf: P.L.1994, c.75, s.1)

40

41 30. N.J.S.40A:9-142 is amended to read as follows:

42 40A:9-142. a. Every municipal tax collector shall hold his office
43 for a term of 4 years from the first day of January next following his
44 appointment. Vacancies other than due to expiration of term shall be
45 filled [by appointment for the unexpired term] in accordance with the
46 provisions of subsection b. of this section.

1 Nothing herein contained shall affect any of the provisions of Title
2 [11 (Civil Service)] 11A, Civil Service, of the [Revised] New Jersey
3 Statutes.

4 b. When a vacancy occurs in the office of the municipal tax
5 collector following the appointment of a certified tax collector to that
6 office, the governing body or chief executive officer, as appropriate,
7 may appoint, for a period not to exceed six months and commencing
8 on the date of the vacancy, a person who does not hold a tax collector
9 certificate to serve as a temporary tax collector. Any person so
10 appointed, with the approval of the director, may be reappointed as
11 temporary tax collector following the termination of the initial
12 temporary appointment for an additional six months. No municipality
13 shall have a temporary tax collector for more than one year.

14 c. If a governing body or chief executive officer, as appropriate,
15 fails or refuses to comply with subsection b. of this section, and has
16 received an order from the director to do so, the officials who willfully
17 fail or refuse to comply each shall be subject to a personal penalty of
18 \$25 for each day after the date fixed for final action that the failure or
19 refusal to comply continues. The amount of the penalty may be
20 recovered by the director in the name of the State as a personal debt
21 of the member of the governing body and upon receipt shall be paid
22 into the State Treasury.

23 (cf: P.L.1979, c.384, s.14)

24
25 31. N.J.S.40A:9-146 is amended to read as follows:

26 40A:9-146. The governing body or chief executive, as shall be
27 appropriate to the form of government of the municipality shall
28 provide for the appointment of a tax assessor and such deputy tax
29 assessors as it may determine necessary. The appointing authority
30 may, by resolution or order as appropriate, set appropriate hours of
31 operation of the tax assessor's office and the work hours of the tax
32 assessor, commensurate with the compensation paid to the tax
33 assessor. The governing body, by ordinance, shall determine the
34 amount of compensation of such assessors.

35 (cf: P.L.1981, c.393, s.1)

36
37 32. N.J.S. 40A:9-148 is amended to read as follows:

38 40A:9-148. Every municipal tax assessor and deputy assessor shall
39 hold his office for a term of 4 years from the first day of July next
40 following his appointment, however, the first 12 months of any initial
41 term shall be a probationary period during which time the municipal
42 tax assessor or deputy assessor, as appropriate, may be removed from
43 office for unsatisfactory performance or for any other reason by the
44 appointing authority. Removal during a probationary period shall be
45 considered a vacancy due to expiration of term.

46 Vacancies other than due to expiration of term shall be filled by

1 appointment for the unexpired term.

2 (cf: P.L.1981, c.393, s.2)

3

4 33. N.J.S.40A:9-165 is amended to read as follows:

5 40A:9-165. The governing body of a municipality, by ordinance,
6 unless otherwise provided by law, shall fix and determine the salaries,
7 wages or compensation to be paid to the officers and employees of the
8 municipality, including the members of the governing body and the
9 mayor or other chief executive, who by law are entitled to salaries,
10 wages, or compensation.

11 Salaries, wages or compensation fixed and determined by ordinance
12 may, from time to time, be increased, decreased or altered by
13 ordinance. No such ordinance shall reduce the salary of, [or deny]
14 without good cause [an increase in salary given to all other municipal
15 officers and employees to], any tax assessor, chief financial officer, tax
16 collector or municipal clerk during the term for which he shall have
17 been appointed. Except with respect to an ordinance or a portion
18 thereof fixing salaries, wages or compensation of elective officials or
19 any managerial, executive or confidential employee as defined in
20 section 3 of the "New Jersey Employer-Employee Relations Act"
21 P.L.1941, c.100 (C.34:13A-3), as amended, the ordinance shall take
22 effect as provided therein. In municipalities wherein the provisions of
23 Title 11 (Civil Service) of the Revised Statutes are in operation, this
24 section shall be subject thereto.

25 Where any such ordinance shall provide for increases in salaries,
26 wages or compensation of elective officials or any managerial,
27 executive or confidential employee, the ordinance or that portion
28 thereof which provides an increase for such elective or appointive
29 officials shall become operative in 20 days after the publication
30 thereof, after final passage, unless within said 20 days, a petition
31 signed by voters of such municipality, equal in number to at least 5%
32 of the registered voters of the municipality, protesting against the
33 passage of such ordinance, be presented to the governing body, in
34 which case such ordinance shall remain inoperative unless and until a
35 proposition for the ratification thereof shall be adopted at an election
36 by a majority of the voters voting on said proposition. The question
37 shall be submitted at the next general election, occurring not less than
38 40 days from the date of the certification of the petition. The
39 submission of the question to the voters shall be governed by the
40 provisions of Title 19 (Elections) of the Revised Statutes, as in the
41 case of public questions to be voted upon in a single municipality.

42 (cf: P.L.1991, c.175, s.14)

43

44 34. Section 37 of P.L.1995, c.259 (C.40A:10-17.1) is amended to
45 read as follows:

46 37. Notwithstanding the provisions of any other law to the

1 contrary, a county or municipality which enters into a contract
2 providing group health care benefits to its employees pursuant to
3 N.J.S.40A:10-16 et seq., may allow any employee who is eligible for
4 coverage as a dependent of the employee's spouse under that plan or
5 another plan, including the State Health Benefits Program established
6 pursuant to P.L.1961, c.49 (C.52:14-17.25 et seq.), offered by the
7 spouse's employer, whether a public or private employer, to waive
8 coverage under the county's or municipality's plan to which the
9 employee is entitled by virtue of employment with the county or
10 municipality. The waiver shall be in such form as the county or
11 municipality shall prescribe and shall be filed with the county or
12 municipality. In consideration of filing such a waiver, a county or
13 municipality may pay to the employee annually an amount, to be
14 established in the sole discretion of the county or municipality, which
15 shall not exceed 50% of the amount saved by the county or
16 municipality because of the employee's waiver of coverage. An
17 employee who waives coverage shall be permitted to resume coverage
18 under the same terms and conditions as apply to initial coverage if the
19 employee ceases to be covered through the employee's spouse for any
20 reason, including, but not limited to, the retirement or death of the
21 spouse or divorce. An employee who resumes coverage shall repay,
22 on a pro rata basis, any amount received which represents an advance
23 payment for a period of time during which coverage is resumed. An
24 employee who wishes to resume coverage shall file a declaration with
25 the county or municipality, in such form as the county or municipality
26 shall prescribe, that the waiver is revoked. The decision of a county
27 or municipality to allow its employees to waive coverage and the
28 amount of consideration to be paid therefor shall not be subject to the
29 collective bargaining process.

30 (cf: P.L.1995, c.259, s.37)

31

32 35. Section 1 of P.L.1992, c.51 (C.40A:10-52) is amended to read
33 as follows:

34 1. The governing body of any municipality, the county wherein the
35 municipality is situate, and the board of education of the local school
36 district, provided that the district is not part of a limited purpose
37 regional school district, an all purpose regional school district or a
38 consolidated school district, may by ordinance or resolution, as the
39 case may be, adopted by a majority of the full membership of the
40 governing [body] bodies and by a majority of the full membership of
41 the board, agree to join together in any combination for the purpose
42 of insuring pursuant to the provisions of: a. Article 1 of chapter 10 of
43 Title 40A of the New Jersey Statutes (N.J.S.40A:10-1 et seq.); b.
44 Article 3 of chapter 10 of Title 40A of the New Jersey Statutes
45 (N.J.S.40A:10-6 et seq.); c. Article 4 of chapter 10 of Title 40A of the
46 New Jersey Statutes (N.J.S.40A:10-12 et seq.); or d. P.L.1983, c.372

1 (C.40A:10-36 et seq.).

2 Notwithstanding the provisions of this section, a board of education
3 shall not join together with a municipality or other local unit as
4 provided in section 1 of P.L.1983, c.372 (C.40A:10-36) for the
5 purpose of providing contributory or non-contributory [group health
6 insurance or] group term life insurance[, or both,] to employees or
7 their dependents or both, as otherwise permitted therein.

8 (cf: P.L.1992, c.51, s.1)

9

10 36. Section 2 of P.L.1992, c.51 (C.40A:10-53) is amended to read
11 as follows:

12 2. In the case of an all purpose regional school district or a
13 consolidated school district, the governing body of one or more of the
14 constituent municipalities, the county wherein the municipality or
15 municipalities are situate, and the board of education of the regional
16 or consolidated school district may by resolution adopted by a majority
17 of the full membership of the governing body of each of the
18 participating constituent municipalities, the governing body of the
19 county, if participating, and a majority of the full membership of the
20 board, agree to join together for the purpose of insuring pursuant to
21 the provisions of: a. Article 1 of chapter 10 of Title 40A of the New
22 Jersey Statutes (N.J.S.40A:10-1 et seq.); b. Article 3 of chapter 10 of
23 Title 40A of the New Jersey Statutes (N.J.S.40A:10-6 et seq.); c.
24 Article 4 of chapter 10 of Title 40A of the New Jersey Statutes
25 (N.J.S.40A:10-12 et seq.); or d. P.L.1983, c.372 (C.40A:10-36 et
26 seq.).

27 Notwithstanding the provisions of this section, a board of education
28 shall not join together with a municipality or other local unit as
29 provided in section 1 of P.L.1983, c.372 (C.40A:10-36) for the
30 purpose of providing contributory or non-contributory [group health
31 insurance or] group term life insurance[, or both,] to employees or
32 their dependents or both, as otherwise permitted therein.

33 (cf: P.L.1995, c.356, s.6)

34

35 37. Section 3 of P.L.1992, c.51 (C.40A:10-54) is amended to read
36 as follows:

37 3. In the case of a limited purpose regional school district, the
38 governing bodies of one or more of the constituent municipalities, the
39 governing body of the county, if participating, and the board of
40 education of the regional district may by ordinance or resolution, as
41 the case may be, adopted by a majority of the full membership of the
42 governing body of each of the participating constituent municipalities
43 and county and a majority of the full membership of the board, agree
44 to join together for the purpose of insuring pursuant to the provisions
45 of: a. Article 1 of chapter 10 of Title 40A of the New Jersey Statutes
46 (N.J.S.40A:10-1 et seq.); b. Article 3 of chapter 10 of Title 40A of the

1 New Jersey Statutes (N.J.S.40A:10-6 et seq.); c. Article 4 of chapter
2 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-12 et seq.);
3 or d. P.L.1983, c.372 (C.40A:10-36 et seq.).

4 Notwithstanding the provisions of this section, a board of education
5 shall not join together with a municipality or other local unit as
6 provided in section 1 of P.L.1983, c.372 (C.40A:10-36) for the
7 purpose of providing contributory or non-contributory [group health
8 insurance or] group term life insurance[, or both,] to employees or
9 their dependents or both, as otherwise permitted therein.

10 (cf: P.L.1992, c.51, s.3)

11

12 38. Section 4 of P.L.1992, c.51 (C.40A:10-55) is amended to read
13 as follows:

14 4. In the case of a limited purpose regional school district, in
15 addition to any contract entered into by a municipality or county
16 pursuant to section 3 of [this act] P.L.1992, c.51 (C.40A:10-54), the
17 governing body of any constituent municipality, the county wherein
18 the municipality is situate, and the board of education of the local
19 school district operating within that municipality may, in accordance
20 with section 1 of [this act] P.L.1992, c.51 (C.40A:10-52), agree to
21 join together for the purpose of insuring pursuant to the provisions of:
22 a. Article 1 of chapter 10 of Title 40A of the New Jersey Statutes
23 (N.J.S.40A:10-1 et seq.); b. Article 3 of chapter 10 of Title 40A of
24 the New Jersey Statutes (N.J.S.40A:10-6 et seq.); c. Article 4 of
25 chapter 10 of Title 40A of the New Jersey Statutes (N.J.S. 40A:10-12
26 et seq.); or d. P.L.1983, c.372 (C.40A:10-36 et seq.).

27 Notwithstanding the provisions of this section, a board of education
28 shall not join together with a municipality or other local unit as
29 provided in section 1 of P.L.1983, c.372 (C.40A:10-36) for the
30 purpose of providing contributory or non-contributory [group health
31 insurance or] group term life insurance[, or both,] to employees or
32 their dependents or both, as otherwise permitted therein.

33 (cf: P.L.1992, c.51, s.4)

34

35 39. Section 5 of P.L.1992, c.51 (C.40A:10-56) is amended to read
36 as follows:

37 5. In the case of a county vocational school district, the governing
38 bodies of one or more of the municipalities in the county, the
39 governing body of the county, if participating, and the board of
40 education of the county vocational school district may by ordinance or
41 resolution, as the case may be, adopted by a majority of the full
42 membership of the governing body of each of the participating
43 municipalities and county, if applicable, and a majority of the full
44 membership of the board, agree to join together for the purpose of
45 insuring pursuant to the provisions of: a. Article 1 of chapter 10 of
46 Title 40A of the New Jersey Statutes (N.J.S.40A:10-1 et seq.); b.

1 Article 3 of chapter 10 of Title 40A of the New Jersey Statutes
2 (N.J.S.40A:10-6 et seq.); or c. Article 4 of chapter 10 of Title 40A of
3 the New Jersey Statutes (N.J.S.40A:10-12 et seq.).

4 (cf: P.L.1992, c.51, s.5)

5

6 40. Section 6 of P.L.1992, c.51 (C.40A:10-57) is amended to read
7 as follows:

8 6. In the case of a county vocational school district, in addition to
9 any contract entered into by a municipality or county pursuant to
10 section 5 of [this act] P.L.1992, c.51 (C.40A:10-56), the governing
11 body of any municipality in the county, the governing body of the
12 county, if participating, and the board of education for the local school
13 district operating within that municipality may, in accordance with
14 section 1 of [this act] P.L.1992, c.51 (C.40A:10-52), agree to join
15 together for the purpose of insuring pursuant to the provisions of: a.
16 Article 1 of chapter 10 of Title 40A of the New Jersey Statutes
17 (N.J.S.40A:10-1 et seq.); b. Article 3 of chapter 10 of Title 40A of the
18 New Jersey Statutes (N.J.S.40A:10-6 et seq.); c. Article 4 of chapter
19 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-12 et seq.);
20 or d. P.L.1983, c.372 (C.40A:10-36 et seq.).

21 Notwithstanding the provisions of this section, a board of education
22 shall not join together with a municipality or other local unit as
23 provided in section 1 of P.L.1983, c.372 (C.40A:10-36) for the
24 purpose of providing contributory or non-contributory [group health
25 insurance or] group term life insurance[, or both,] to employees or
26 their dependents or both, as otherwise permitted therein.

27 (cf: P.L.1992, c.51, s.6)

28

29 41. Section 22 of P.L.1971, c.199 (C.40A:12-22) is amended to
30 read as follows:

31 22. Each municipality and county [shall] may establish and
32 maintain a central registry of all real property in which it has acquired
33 title or a leasehold interest for other than street or highway purposes
34 as of the effective date of this act. This registry [shall] may also
35 include a record of all real property which a county or municipality
36 may hereafter acquire, sell or lease. [It shall be in such form and
37 contain such information as the Division of Local Finance in the
38 Department of Community Affairs shall prescribe within 180 days after
39 the effective date of this act.]

40 The central registry referred to herein, if established and
41 maintained, shall:

42 a. Constitute a public record;

43 b. Be entitled "Municipal Real Property Registry" or "County Real
44 Property Registry" as may be appropriate;

45 c. Be [maintained and] available for inspection in the office of the
46 municipal clerk or clerk of the board of chosen freeholders, as may be

1 appropriate.

2 (cf: P.L.1972, c.126, s.1)

3

4 42. Section 7 of P.L.1995, c.253 (C.46:3C-7) is amended to read
5 as follows:

6 7. A municipality that receives and makes available the lists
7 required under [this act] P.L.1995, c.253 (C.46:3C-1 et seq.) may
8 charge purchasers [by the page for its actual reproduction costs] in
9 accordance with the provisions of section 2 of P.L.1963, c.73
10 (C.47:1A-2).

11 (cf: P.L.1995, c.253, s.7)

12

13 43. Section 36 of P.L.1995, c.259 (C.52:14-17.31a) is amended to
14 read as follows:

15 36. Notwithstanding the provisions of any other law to the
16 contrary, a school district, county or municipality which participates
17 in the State Health Benefits Program, established pursuant to
18 P.L.1961, c.49 (C.52:14-17.25 et seq.), may allow any employee who
19 is eligible for coverage as a dependent of the employee's spouse under
20 that program or under another health benefits plan offered by the
21 spouse's employer, whether a public or private employer, to waive
22 coverage under the State Health Benefits Program to which the
23 employee is entitled by virtue of employment with the school district,
24 county or municipality. The waiver shall be in such form as the
25 Director of the Division of Pensions and Benefits shall prescribe and
26 shall be filed with the division. After such waiver has been filed and
27 for so long as that waiver remains in effect, no premium shall be
28 required to be paid by the school district, county or municipality for
29 the employee or the employee's dependents. Not later than the 180th
30 day after the date on which the waiver is filed, the division shall refund
31 to the school district, county or municipality the amount of any
32 premium previously paid by the county with respect to any period of
33 coverage which followed the filing date. In consideration of filing
34 such a waiver, a school district, county or municipality may pay to the
35 employee annually an amount, to be established in the sole discretion
36 of the school district, county or municipality, which shall not exceed
37 50% of the amount saved by the school district, county or municipality
38 because of the employee's waiver of coverage. An employee who
39 waives coverage shall be permitted to immediately resume coverage if
40 the employee ceases to be covered through the employee's spouse for
41 any reason, including, but not limited to, the retirement or death of the
42 spouse or divorce. An employee who resumes coverage shall repay,
43 on a pro rata basis, any amount received from the school district,
44 county or municipality which represents an advance payment for a
45 period of time during which coverage is resumed. An employee who
46 wishes to resume coverage shall notify the school district, county or

1 municipality in writing and file a declaration with the division, in such
2 form as the director of the division shall prescribe, that the waiver is
3 revoked. The decision of a school district, county or municipality to
4 allow its employees to waive coverage and the amount of
5 consideration to be paid therefor shall not be subject to the collective
6 bargaining process.

7 (cf: P.L.1995, c.259, s.36)

8

9 44. Section 8 of P.L.1975, c.217 (C.52:27D-126) is amended to
10 read as follows:

11 8. a. The appointing authority of any municipality shall appoint a
12 construction official and any necessary subcode officials to administer
13 and enforce the code [and] . The appointing authority may, by
14 resolution or order as appropriate, set appropriate hours of operation
15 of the construction official's office and the work hours of the
16 construction official, commensurate with the compensation paid to the
17 construction official. The appointing authority shall also appoint a
18 construction board of appeals to hear and decide appeals from
19 decisions made by said construction official and subcode officials, in
20 the administration and enforcement of the code. Nothing herein,
21 however, shall prevent a municipality from accepting inspections as to
22 compliance with the code or any subcode thereof made by an
23 inspection authority approved by the State of New Jersey pursuant to
24 law.

25 b. To establish tenure rights or any other right or protection
26 provided by the "State Uniform Construction Code Act" or Title [11]
27 11A, Civil Service, of the [Revised] New Jersey Statutes, [Civil
28 Service,] or any pension law or retirement system, the job title
29 "construction official" shall be equivalent to that job title which, prior
30 to the adoption of the State Uniform Construction Code as provided
31 in section 5 of the "State Uniform Construction Code Act," entailed
32 the chief administrative responsibility to enforce all construction codes
33 which had been adopted by the municipal governing body, the
34 enforcement of which was not the responsibility of an authorized
35 private inspection agency; and the job title "subcode official" shall be
36 equivalent to that job title which, prior to the adoption of the State
37 Uniform Construction Code, entailed subordinate administrative
38 responsibility to enforce one or more of the following construction
39 codes: building, plumbing, electrical or fire code.

40 Any person, in a municipality operating under Title [11] 11A, Civil
41 Service, of the [Revised] New Jersey Statutes, who, prior to the
42 adoption of the State Uniform Construction Code, held the equivalent
43 of the job title "construction" official or "subcode" official, but who no
44 longer holds his position as a result of a determination that his old job
45 title was not equivalent to that of "construction" official or "subcode"
46 official, shall be offered reappointment as a construction official or

1 subcode official, as the case may be, and shall be granted permanent
2 classified status in such position. Tenure shall continue for (1) any
3 construction official or subcode official who is serving under tenure as
4 otherwise provided by law on the effective date of this act or within 1
5 year thereafter, or (2) any person certified pursuant to subsection c. of
6 this section and who subsequently gains such tenure.

7 A construction official or subcode official appointed in a
8 municipality operating under the provisions of Title [11] 11A, Civil
9 Service, of the [Revised] New Jersey Statutes, who, at the time of
10 adoption of the State Uniform Construction Code, January 1, 1977, or
11 prior to January 1, 1981, had permanent classified status or was
12 employed as a construction official or subcode official or in another
13 position in the unclassified service, shall be included in the classified
14 service without civil service examination in his respective title of
15 construction official or subcode official. Any individual employed by
16 a municipality, who, in his employment with the municipality between
17 January 1, 1977 and prior to January 1, 1981, was charged with the
18 chief administrative responsibility to enforce all existing municipal
19 construction codes, shall be deemed as appointed to the position of
20 construction official for the purposes of this act. Any individual
21 employed by a municipality, who, in his employment with the
22 municipality between January 1, 1977 and prior to January 1, 1981,
23 was charged with chief responsibility to enforce the municipal building,
24 plumbing, fire, or electrical code, shall be deemed as appointed to the
25 position of subcode official for the purposes of this act. No person,
26 on or after January 1, 1981, shall be appointed as construction or
27 subcode official in a municipality operating under Title [11] 11A, Civil
28 Service, of the [Revised] New Jersey Statutes without having passed
29 an examination administered by the [Civil Service Commission] Merit
30 System Board certifying the merit and fitness of the person to hold
31 such position; provided that, whenever a noncivil service municipality
32 adopts the provisions of that Title, construction code officials and
33 subcode officials of such municipality appointed prior to the filing of
34 the petition for the adoption of civil service, shall attain permanent
35 status in the classified service without examination. Any construction
36 or subcode official appointed after January 1, 1981 on a provisional
37 basis in a municipality which has adopted the provisions of Title [11]
38 11A, Civil Service, of the [Revised] New Jersey Statutes, may not be
39 removed from office except for just cause after a fair and impartial
40 hearing has been held at the local level, with no further appeal to the
41 [Civil Service Commission] Merit System Board; provided, however,
42 that such a construction or subcode official may be removed to permit
43 the appointment of a person certified for appointment by the [Civil
44 Service Commission] Merit System Board.

45 A construction official or subcode official in a noncivil service
46 municipality shall be appointed for a term of 4 years and shall, upon

1 appointment to a second consecutive term or on or after the
2 commencement of a fifth consecutive year of service, including years
3 of service in an equivalent job title held prior to the adoption of the
4 State Uniform Construction Code, be granted tenure and shall not be
5 removed from office except for just cause after a fair and impartial
6 hearing.

7 A construction or subcode official, to be eligible for appointment
8 in civil service or noncivil service municipalities, shall be certified by
9 the State of New Jersey in accordance with subsection c. of this
10 section and shall have had at least 3 years' experience in construction,
11 design or supervision as a licensed engineer or registered architect; or
12 5 years' experience in construction, design, or supervision as an
13 architect or engineer with a bachelor's degree from an accredited
14 institution of higher education; or 10 years' experience in construction,
15 design or supervision as a journeyman in a trade or as a contractor.
16 A subcode official shall, pursuant to any subcode which he
17 administers, pass upon:

18 (1) matters relative to the mode, manner of construction or
19 materials to be used in the erection or alteration of buildings or
20 structures, except as to any such matter foreclosed by State approval
21 pursuant to this act, and (2) actual execution of the approved plans
22 and the installation of the materials approved by the State. The
23 construction official in each municipality shall be the chief
24 administrator of the "enforcing agency." He shall have the power to
25 overrule a determination of a subcode official based on an
26 interpretation of a substantive provision of the subcode which such
27 subcode official administers, only if the construction official is
28 qualified to act pursuant to this act as a subcode official for such
29 subcode. He may serve as subcode official for any subcode which he
30 is qualified under this act to administer. A subcode official or
31 municipal engineer may serve as a construction official if otherwise
32 qualified under the provisions of this act. The municipal enforcing
33 agency shall require compliance with the provisions of the code, of all
34 rules lawfully adopted and promulgated thereunder and of laws
35 relating to the construction, alteration, repair, removal, demolition and
36 integral equipment and location, occupancy and maintenance of
37 buildings and structures, except as may be otherwise provided for.

38 Two or more municipalities may provide by ordinance, subject to
39 regulations established by the commissioner, for the joint appointment
40 of a construction official and subcode official for the purpose of
41 enforcing the provisions of the code in the same manner.

42 c. No person shall act as a construction official or subcode official
43 for any municipality unless the commissioner determines that said
44 person is so qualified, except for the following:

45 (1) a municipal construction official or subcode official holding
46 office under permanent civil service status, or tenure as otherwise

1 provided by law on the effective date of this act or within 1 year
2 thereafter and (2) a municipal construction official or subcode official
3 holding office without such permanent civil service status or tenure on
4 the effective date of this act or within 1 year thereafter; provided said
5 construction official or subcode official not having such permanent
6 civil service status or tenure shall be certified in accordance with this
7 act within 4 years of the effective date thereof; provided further that
8 a person holding on the effective date of this act a valid plumbing
9 inspector's license from the Department of Health pursuant to Title 26
10 of the Revised Statutes may serve as a plumbing subcode official and
11 a person holding on the effective date of this act a valid electrical
12 inspector's license from the Board of Public Utilities pursuant to Title
13 48 of the Revised Statutes may serve as an electrical subcode official.
14 The commissioner, after consultation with the code advisory board,
15 may authorize the preparation and conducting of oral, written and
16 practical examinations to determine if a person is qualified by this act
17 to be eligible to be a construction official or subcode official or, in the
18 alternative, may accept successful completion of programs of training
19 as proof of qualification within the meaning of this act. Upon a
20 determination of qualification the commissioner shall issue or cause to
21 be issued a certificate to the construction official or subcode official
22 or trainee stating that he is so certified. The commissioner, after
23 consultation with the code advisory board, may establish classes of
24 certification that will recognize the varying complexities of code
25 enforcement in the municipalities within the State. The commissioner
26 shall, after consultation with the code advisory board, provide for
27 educational programs designed to train and assist construction officials
28 and subcode officials in carrying out their responsibilities.

29 Whenever the commissioner is required by the terms of this
30 subsection to consult with the code advisory board and the matter in
31 question concerns plumbing subcode officials, the commissioner shall
32 also consult with the Public Health Council and Commissioner of
33 Health.

34 d. The commissioner, after consultation with the code advisory
35 board, may periodically require that each construction official and
36 subcode official demonstrate a working knowledge of innovations in
37 construction technology and materials, recent changes in and additions
38 to the relevant portions of the State Uniform Construction Code, and
39 current standards of professional ethics and legal responsibility; or, in
40 the alternative, the commissioner, after consultation with the code
41 advisory board, may accept successful completion of appropriate
42 programs of training as proof of such working knowledge.

43 (cf: P.L.1982, c.210, s.1)

44

45 45. Section 11 of P.L.1985, c.222 (C.52:27D-311) is amended to
46 read as follows:

1 11. a. In adopting its housing element, the municipality may
2 provide for its fair share of low and moderate income housing by
3 means of any technique or combination of techniques which provide
4 a realistic opportunity for the provision of the fair share. The housing
5 element shall contain an analysis demonstrating that it will provide
6 such a realistic opportunity, and the municipality shall establish that its
7 land use and other relevant ordinances have been revised to
8 incorporate the provisions for low and moderate income housing. In
9 preparing the housing element, the municipality shall consider the
10 following techniques for providing low and moderate income housing
11 within the municipality, as well as such other techniques as may be
12 published by the council or proposed by the municipality:

13 (1) Rezoning for densities necessary to assure the economic
14 viability of any inclusionary developments, either through mandatory
15 set-asides or density bonuses, as may be necessary to meet all or part
16 of the municipality's fair share;

17 (2) Determination of the total residential zoning necessary to
18 assure that the municipality's fair share is achieved;

19 (3) Determination of measures that the municipality will take to
20 assure that low and moderate income units remain affordable to low
21 and moderate income households for an appropriate period of not less
22 than six years;

23 (4) A plan for infrastructure expansion and rehabilitation if
24 necessary to assure the achievement of the municipality's fair share of
25 low and moderate income housing;

26 (5) Donation or use of municipally owned land or land condemned
27 by the municipality for purposes of providing low and moderate
28 income housing;

29 (6) Tax abatements for purposes of providing low and moderate
30 income housing;

31 (7) Utilization of funds obtained from any State or federal subsidy
32 toward the construction of low and moderate income housing; [and]

33 (8) Utilization of municipally generated funds toward the
34 construction of low and moderate income housing; and

35 (9) The purchase of privately owned residential property at its
36 mortgage value, as set forth in section 85 of P.L. _____, c. _____
37 (C. _____) (now pending before the Legislature as this bill),
38 notwithstanding any regulatory limitation concerning the write-down
39 or buy-down of previously owned units.

40 b. The municipality may provide for a phasing schedule for the
41 achievement of its fair share of low and moderate income housing
42 [which is not inconsistent with section 23 of this act].

43 c. The municipality may propose that a portion of its fair share be
44 met through a regional contribution agreement. The housing element
45 shall demonstrate, however, the manner in which that portion will be
46 provided within the municipality if the regional contribution agreement

1 is not entered into. The municipality shall provide a statement of its
2 reasons for the proposal.

3 d. Nothing in this act shall require a municipality to raise or expend
4 municipal revenues in order to provide low and moderate income
5 housing.

6 e. When a municipality's housing element includes the provision of
7 rental housing units in a community residence for the developmentally
8 disabled, as defined in section 2 of P.L.1977, c.448 (C.30:11B-2),
9 which will be affordable to persons of low and moderate income, and
10 for which adequate measures to retain such affordability pursuant to
11 paragraph (3) of subsection a. of this section are included in the
12 housing element, those housing units shall be fully credited as
13 permitted under the rules of the council towards the fulfillment of the
14 municipality's fair share of low and moderate income housing.

15 (cf: P.L.1995, c.344, s.2)

16

17 46. R.S.54:4-38 is amended to read as follows:

18 54:4-38. [Every] Annually or biennially, at the direction of the
19 governing body, every assessor, at least ten days before filing the
20 complete assessment list and duplicate with the county board of
21 taxation, and before annexing thereto his affidavit as required in
22 section 54:4-36 of this title, shall notify each taxpayer of the current
23 assessment for the annual or biennial year, as appropriate, and
24 preceding year's taxes and give public notice by advertisement in at
25 least one newspaper circulating within his taxing district of a time and
26 place when and where the assessment list may be inspected by any
27 taxpayer for the purpose of enabling the taxpayer to ascertain what
28 assessments have been made against him or his property and to confer
29 informally with the assessor as to the correctness of the assessments,
30 so that any errors may be corrected before the filing of the assessment
31 list and duplicate. Thereafter, the assessor shall notify each taxpayer
32 by mail within 30 days of any change to the assessment. This
33 notification of change of assessment shall contain the prior assessment
34 and the current assessment.

35 (cf: P.L.1991, c.75, s.31)

36

37 47. Section 32 of P.L.1991, c.75 (C.54:4-38.1) is amended to read
38 as follows:

39 32. [Every] Annually or biennially, at the direction of the
40 governing body, every assessor, prior to February 1 of the annual or
41 biennial year, as appropriate, shall notify by mail each taxpayer of the
42 of the current assessment and preceding year's taxes. Thereafter the
43 assessor or county board of taxation shall notify each taxpayer by mail
44 within 30 days of any change to the assessment. This notification of
45 change of assessment shall contain the prior assessment and the
46 current assessment. The director shall establish the form of notice of

1 assessment and change of assessment. Any notice issued by the
2 assessor or county board of taxation shall contain information
3 instructing taxpayers on how to appeal their assessment.

4 (P.L.1991, c.75, s.32)

5
6 48. (New section) The clerk of any county or municipality which
7 has adopted the provisions of Title 11A, Civil Service, of the New
8 Jersey Statutes shall submit the question of rescinding the adoption of
9 that title for all employees except police and firefighters to the voters
10 of the county or municipality, as appropriate, upon the filing of a
11 petition with the clerk requesting the rescission. The petition shall be
12 signed by the registered voters of the county or municipality equal in
13 number to at least 15% of the valid votes cast in the county or
14 municipality at the last preceding general election. Each name shall be
15 printed and signed and the place of residence indicated by street and
16 number or other description sufficient to identify the place. At the
17 bottom of each separate page of the petition there shall be printed an
18 affidavit, which shall be signed by the circulator of that page, that the
19 circulator, and only the circulator, personally circulated the page, that
20 all signatures to the petition appearing on that page were made in the
21 circulator's presence, and that the circulator believes them to be
22 genuine signatures of the persons whose names they purport to be. If
23 a rescission petition is presented to a prospective petition signer by a
24 part print advertisement, paid mailing, or paid solicitor, the petition
25 and any appeal for the signature of such a prospective signer shall
26 disclose prominently (1) the identity of the person paying for the
27 printed or personal solicitation, and (2) that the solicitor is paid.
28 Within 10 days from the date of filing the petition, the clerk shall, in
29 conjunction with and with the cooperation of the commissioner of
30 registration of the appropriate county, complete an examination and
31 ascertain whether or not the petition is signed by the requisite number
32 of qualified voters, shall attach to the petition a certificate showing the
33 result of the examination, and, in the case of a municipal clerk, shall
34 transmit to the county clerk a notice that the question of rescission has
35 been qualified for submission to the voters, including with that notice
36 a copy of the certificate. The question shall be submitted at the next
37 general election, or alternatively in the case of a municipality in which
38 regular municipal elections are held, at the next general election or
39 regular municipal election occurring on or after the 60th day following
40 the date on which the clerk shall have issued the certificate.

41
42 49. (New section) The clerk shall, prior to an election at which the
43 question of rescinding the adoption of the provisions of Title 11A,
44 Civil Service, of the New Jersey Statutes for all employees except
45 police and firefighters to be submitted to the voters, give public notice
46 of that submission. Public notice includes, but is not limited to,

1 publication in the county's or municipality's official newspaper once a
2 week for at least four weeks and posting the notice in five of the most
3 public places in the county or municipality for at least four weeks
4 before the election. The municipal clerk or county clerk, as
5 appropriate, shall cause the question to be printed upon the ballots to
6 be used at the election.

7
8 50. (New section) If a clerk refuses or neglects to comply with the
9 provisions of sections 48 or 49 of P.L. , c. (C.) (now pending
10 before the Legislature as this bill), a registered voter of the county or
11 municipality may apply to a judge of the Superior Court in the county
12 in which the political subdivision is located for an order directing and
13 compelling the submission of the question involved in the petition.
14 The judge shall hear the matter summarily. If the judge finds and
15 determines that the petition is in accordance with law, an appropriate
16 order shall be issued. Any clerk failing to comply with the order of the
17 court, or any public official, officer, agent or employee, interfering
18 with, or preventing, a clerk from satisfying an order, shall be guilty of
19 a crime of the fourth degree.

20
21 51. (New section) If the result of the election conducted pursuant
22 to section 48 of P.L. , c. (C.) (now pending before the
23 Legislature as this bill), is favorable to rescinding the adoption of Title
24 11A, Civil Service, of the New Jersey Statutes for all employees
25 except police and firefighters, the result shall be certified by the
26 governing body of the county or municipality to the Commissioner of
27 the Department of Personnel. The rescission shall take effect one year
28 following the election at which it was approved, and shall apply only
29 to persons hired after the effective date of the rescission. The county
30 or municipality shall continue to operate under the provisions of Title
31 11A, Civil Service, with respect to all personnel hired under those
32 provisions. The rescission shall be complete at the time all of the
33 persons hired under the provisions of Title 11A, Civil Service, have
34 retired or left the employ of the county or municipality, as appropriate.
35 The Commissioner of the Department of Personnel shall promulgate
36 regulations providing for the orderly transition, in any county or
37 municipality which has adopted the rescission, in the personnel system
38 of the county or municipality during that one-year period. If a
39 majority of the votes cast at the election are against rescission, no new
40 election may be held on the same question before the second general
41 election or municipal election, as appropriate, following the election
42 at which that rejection of rescission was voted.

43
44 52. (New section) A county or municipality which rescinds the
45 adoption of the provisions of Title 11A, Civil Service, of the New
46 Jersey Statutes for all employees except police and firefighters shall

1 not be permitted to readopt the provisions of Title 11A, Civil Service,
2 of the New Jersey Statutes for a period of at least five years from the
3 effective date of the rescission.

4
5 53. (New section) Notwithstanding the provisions of the
6 "Pesticide Control Act of 1971," P.L. 1971, c. 176 (C.13:1F-1 et seq.)
7 or any rule or regulation promulgated thereunder to the contrary, the
8 requirements of that act shall not apply to any sanitary or health
9 inspector who applies a pesticide on property or premises for the
10 purpose of determining insect infestation.

11
12 54. (New section) Notwithstanding any rules or regulations to the
13 contrary, no permit shall be required of a county or municipality by the
14 Department of Environmental Protection for the purpose of
15 performing restoration work on any drainage ditch located in the
16 jurisdiction, provided that the restoration activity does not deviate in
17 any manner from the original drainage plans.

18
19 55. (New section) a. There is established in the Department of
20 Community Affairs a "Municipal Consolidation Incentive Aid Fund."

21 b. (1) The Director of the Division of Local Government Services
22 in the Department of Community Affairs shall pay annually from the
23 fund the sum of \$100,000 for 10 years to each consolidated
24 municipality created pursuant to the "Municipal Consolidation Act,"
25 P.L.1977, c.435 (C.40:43-66.35 et seq.).

26 (2) The director shall pay annually from the fund the sum of
27 \$20,000 for five years to each consolidated fire district created
28 pursuant to subsection d. of this section.

29 c. Any contiguous fire districts within the same county may
30 consolidate by filing notice with the Director of the Division of Local
31 Government Services in the Department of Community Affairs, in
32 accordance with rules and regulations promulgated by the director.
33 Any consolidated fire district created pursuant to this section shall be
34 entitled to a payment pursuant to paragraph (2) of subsection b. of this
35 section.

36 d. The Commissioner of Community Affairs shall annually report
37 to the Legislature the number of consolidated municipalities and fire
38 districts pursuant to this section and the funding requirements for the
39 "Municipal Consolidation Aid Fund."

40 e. Any consolidated municipality or consolidated fire district
41 entitled to receive incentive aid under this section may anticipate such
42 aid in its annual budget.

43
44 56. (New section) a. The governing body of any municipality
45 may, by ordinance, create a solid waste district coterminous with the
46 boundaries of the municipality, to be known as the " (name of

1 municipality) Solid Waste District."

2 b. The ordinance shall provide for the appointment of a board of
3 three commissioners by the municipal governing body to serve,
4 without compensation, one-year terms. The board members shall
5 select from among themselves a commissioner to act as president of
6 the board. The municipal clerk or a designee shall act as secretary to
7 the board. Members of the municipal governing body may be
8 appointed to serve as commissioners on the board. The board of
9 commissioners shall be responsible for the collection and disposal of
10 solid waste within the solid waste district.

11 c. (1) The annual budget of a solid waste district created pursuant
12 to this section shall be prepared in conjunction with the municipal
13 budget and shall be subject to review by the municipal governing body.
14 The municipal governing body may make such amendments to the
15 solid waste district budget as it deems appropriate. The solid waste
16 district budget shall be subject to the requirements of the "Local
17 Budget Law," N.J.S.40A:4-1 et seq.

18 (2) The solid waste district shall have no independent bonding
19 authority.

20 (3) Based on the solid waste district budget transmitted to the
21 county board of taxation, the board of taxation shall strike a tax rate
22 for the solid waste district separate from the tax rate of the
23 municipality wherein the district is situate.

24 d. Contracts concerning the solid waste district shall be signed by
25 the president of the board of commissioners after approval by a
26 majority of the full-membership of the board, including the president,
27 and shall be subject to the "Local Public Contracts Law," P.L.1971,
28 c.198 (C.40A:11-1 et seq.). All such contracts also shall be subject to
29 review by the municipal governing body.

30 e. A municipality that has created a solid waste district pursuant to
31 this section may dissolve the district by adoption of an ordinance of
32 dissolution.

33

34 57. (New section) Notwithstanding the provisions of section 3 of
35 P.L.1981, c.56, (C.40A:4-45.4a), N.J.S.40A:4-58 and N.J.S.40A:4-59
36 to the contrary, transfers between salary and wage and other expense
37 line items for a purpose specified in the budget shall be permitted at
38 any time after adoption of the budget in order to facilitate a change in
39 the way a particular service or activity is provided by the local unit,
40 regardless of whether the local unit changes service provisions from
41 employees of the local unit to a contracted service, or from a
42 contracted service to employees of the local unit.

43

44 58. (New section) The governing body of any county may enter
45 into contract with a private agency or firm for the purpose of
46 collecting any delinquent fines owed to the county. Any such contract

1 shall be made pursuant to the provisions of the "Local Public
2 Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

3
4 59. (New section) Notwithstanding the provisions of the "Local
5 Fiscal Affairs Law," N.J.S.40A:5-1 et seq., or any other law, rule, or
6 regulation to the contrary, the Local Finance Board, in consultation
7 with the Commissioner of Education, may adopt rules and regulations
8 permitting local government units and boards of education to contract
9 with third-party disbursement service organizations in order to make
10 payments and execute financial transactions for those purposes and
11 under such conditions as permitted by the Local Finance Board.

12
13 60. (New section) A contracting unit may enter into a contract as
14 a participant in a cooperative pricing system established pursuant to
15 paragraph (5) of section 11 of P.L.1971, c.198 (C.40A:11-11) with a
16 board of education, for materials, supplies or services that are not
17 listed in section 15 of P.L.1971, c.198 (C.40A:11-15) and that are
18 required on a recurring basis from year to year, for any term not
19 exceeding in the aggregate, two years. Such contract may be renewed
20 annually for a period not exceeding three additional years without any
21 further solicitation for bids or bidding upon a finding by the
22 contracting unit that the services are being performed in an effective
23 and efficient manner, or that the materials and supplies continue to
24 meet the original specifications.

25
26 61. (New section) An employee of a participating employer under
27 the Police and Firemen's Retirement System of New Jersey (PFRS)
28 which elects to provide the benefits authorized under this section,
29 who:

30 a. is 47 or more years of age and has 20 or more years of service
31 credit under PFRS;

32 b. files an application to retire within 30 days following the
33 implementation of a consolidation or joint services agreement
34 adversely affecting the employee's employment status; and

35 c. retires under the retirement system on or after the first day of the
36 seventh month following the effective date of a consolidation or joint
37 services agreement entered into by the participating employer,

38 shall receive an additional five years of service credit under PFRS
39 or any lesser number of years of service credit under PFRS as will
40 provide the member, as of the date of retirement, with a total of not
41 more than 30 years of service credit under PFRS. The additional
42 retirement benefit under this section shall be applicable only to the
43 employee's full-time employment with the employer which elects to
44 provide the benefits authorized under this section, and from which
45 employment the employee retires to receive the benefit and the
46 compensation for that employment.

1 62. (New section) A participating employer may elect to provide
2 the benefits under section 61 of P.L. , c. (C.) (now pending
3 before the Legislature as this bill) by adopting a resolution of its
4 governing body and filing a certified copy of the resolution with the
5 Director of the Division of Pensions and Benefits on or before the
6 effective date of any consolidation or joint service agreement. The
7 participating employer shall submit to the director any information
8 necessary to provide the benefits or to determine the liability for them.
9 The division shall prepare and provide to participating employers
10 information on the employees eligible for the benefits under section 61
11 of P.L. , c. (C.) (now pending before the Legislature as this
12 bill), estimates of the full liability to the retirement system and the
13 payments which the employer will have to make on account of the
14 early retirement of employees under that section, and detailed charts,
15 tables and other information necessary for participating employers to
16 do a cost savings analysis of the impact through the tenth fiscal year
17 subsequent to the employer's election.

18

19 63. (New section) The actuaries for PFRS shall determine the
20 liability of the retirement system for the additional service credit or
21 pensions provided under section 61 of P.L. , c. (C.) (now
22 pending before the Legislature as this bill), and for the early retirement
23 of employees in accordance with the tables of actuarial assumptions
24 adopted by the board of trustees of the retirement system. This
25 liability shall be added to the unfunded accrued liability of the
26 participating employer under the retirement system and shall be paid
27 in the same manner and over the remaining time period provided for
28 the participating employer's unfunded accrued liability under section
29 15 of P.L.1944, c.255 (C.43:16A-15), except that in the case of a
30 participating employer adopting the retirement system after July 1,
31 1988, the time period for payment of such liability shall be in
32 accordance with the provisions of section 21 of P.L.1971, c.175
33 (C.43:16A-15.4).

34 The participating employer shall pay the cost of the actuarial work
35 to determine the additional liability of the retirement system for the
36 benefits under section 61 of P.L. , c. (C.) (now pending
37 before the Legislature as this bill), which shall be included in the initial
38 contribution required from the employer.

39

40 64. (New section) An employee who receives a benefit under
41 section 61 of P.L. , c. (C.) (now pending before the
42 Legislature as this bill) shall forfeit all tenure rights.

43

44 65. (New section) Where the needs of a participating employer
45 require the service of an employee who elects to retire and receive a
46 benefit under section 61 of P.L. , c. (C.) (now pending

1 before the Legislature as this bill), the participating employer, with the
2 approval of the governing body of such employer, and with the
3 consent of the employee, may delay the effective retirement date of the
4 employee until the first day of any calendar month after the 12th
5 month following the effective date of the consolidation or joint
6 services agreement adversely affecting the employee.

7 For a member of PFRS whose effective retirement date is delayed
8 under this section and who dies before the retirement becomes
9 effective, the retirement shall be effective as of the first day of the
10 month after the date of death of the member if the member's
11 beneficiary so requests in writing to the board of trustees of the
12 retirement system.

13
14 66. (New section) An employee retiring with a benefit under
15 section 61 of P.L. , c. (C.) (now pending before the
16 Legislature as this bill) who has not repaid the full amount of a loan
17 from PFRS by the effective date of retirement may repay the loan
18 through deductions from the member's retirement benefit payments in
19 the same monthly amount which was deducted from the member's
20 compensation immediately preceding retirement until the balance of
21 the amount borrowed together with interest at the statutory rate is
22 repaid. If the retiree dies before the outstanding balance of the loan
23 and interest is repaid, the remaining amount shall be repaid as provided
24 in section 2 of P.L.1981, c.370 (C.43:16A-16.2).

25
26 67. (New section) Prior to the effective date of any joint services
27 or consolidation agreement which would qualify a participating
28 employer to elect to provide the benefits under section 61 of P.L. ,
29 c. (C.) (now pending before the Legislature as this bill), each
30 participating employer shall meet and consult with the representatives
31 of the bargaining unit or units representing the employees who would
32 be eligible for benefits under that section and the governing body of
33 each participating employer shall formally consider and decide whether
34 or not to adopt the provisions of section 61 of P.L. , c. (C.)
35 (now pending before the Legislature as this bill).

36
37 68. (New section) For the purposes of sections 61 through 67 of
38 P.L. , c. (C.) (now pending before the Legislature as this
39 bill):

40 "Employee" means a policeman employed by a law enforcement unit
41 as defined in section 2 of P.L.1961, c.56 (C.52:17B-67), or a fireman
42 employed by a firefighting unit as defined in paragraph (b) of
43 subsection (2) of section 1 of P.L.1944, c.255 (C.43:16A-1).

44 "Participating employer" means a local unit which enters into a
45 consolidation or joint services agreement with one or more other local
46 units. A county which adopts an early retirement plan that has been

1 reviewed by the Director of the Division of Local Government
2 Services in the Department of Community Affairs in consultation with
3 the Director of the Division of Pensions and Benefits in the
4 Department of Personnel and determined to be fiscally sound in
5 accordance with criteria adopted by those directors, shall be
6 considered a participating employer under this definition, regardless of
7 whether or not it is participating in a consolidation or joint services
8 agreement.

9

10 69. (New section) An employee of a participating employer under
11 the Public Employees' Retirement System (PERS), the Teachers'
12 Pension and Annuity Fund (TPAF) or the Alternate Benefit Program
13 (ABP) pursuant to P.L.1969, c.242 (C.18A:66-167 et seq.), which
14 elects to provide the benefits authorized under this section, who:

15 a. is at least 50 years of age and has at least 25 years of service
16 credit under PERS or TPAF, or service with public employers in this
17 State participating in ABP for which contributions were made by the
18 employee under the program before the effective date of retirement;

19 b. files an application to retire within 30 days of the effective date
20 of a consolidation or joint services agreement entered into by the
21 employer and which adversely affects the employee; and

22 c. retires under the retirement system on or after the first day of the
23 seventh month next following the effective date of a consolidation or
24 joint services agreement entered into by the participating employer and
25 which adversely affects the employee, other than a veteran who retires
26 on a special veteran's retirement,

27 shall receive an additional five years of service credit under PERS
28 or TPAF, or an amount equal to 100% of the employee's base annual
29 salary at the time of retirement from the participating employer for
30 members of ABP. An employee who meets the age and service
31 requirements under this section and retires on a special veteran's
32 retirement shall receive an additional pension under the retirement
33 system in the amount of 5/60 of final year compensation. The
34 additional retirement benefit under this section is applicable only to the
35 full-time employment with the participating employer which elects to
36 provide the benefits authorized under this section and from which the
37 employee retires to receive the benefit and the compensation for that
38 employment.

39

40 70. (New section) For an employee of a county college, or an
41 employer providing paid health benefits to retirees pursuant to section
42 7 of P.L.1964, c.125 (C.52:14-17.38), N.J.S.40A:10-23, or
43 N.J.S.18A:16-19, participating under PERS, TPAF, or ABP, which
44 elects to provide the benefits authorized under section 69 of P.L. ,
45 c. (C.) (now pending before the Legislature as this bill),
46 who:

1 a. is at least 60 years of age and has at least 20, but less than 25,
2 years of service credit under PERS or TPAF, or service with public
3 employers in this State participating in ABP for which contributions
4 were made by the employee under the program before the effective
5 date of retirement;

6 b. files an application to retire within 30 days of the effective date
7 of a consolidation or joint services agreement adversely affecting the
8 employee; and

9 c. retires under the retirement system on or before the first day of
10 the seventh month next following the effective date of a consolidation
11 or joint services agreement adversely affecting the employee,
12 the participating employer shall pay the entire cost for coverage for the
13 retired employee and the employee's dependents, but not including
14 survivors, unless the participating employer is paying the entire cost
15 for coverage for survivors on the effective date of P.L. , c.
16 (C.) (now pending before the Legislature as this bill). For
17 employers participating in the New Jersey State Health Benefits
18 Program (NJSHBP), the payment shall be made in the same manner
19 provided for payment by an employer other than the State of premiums
20 or periodic charges for retired employees under section 7 of P.L.1964,
21 c.125 (C.52:14-17.38). For employers not participating in the
22 NJSHBP, the payment shall be made in the same manner provided for
23 payment of premiums after retirement under N.J.S.40A:10-23 or
24 N.J.S.18A:16-19, or the employer's group health insurance contract or
25 health benefits plan, and the level of benefits to retirees under this
26 section shall be the same as the level of benefits provided to other
27 retirees by that employer.

28

29 71. (New section) A participating employer under PERS, TPAF,
30 or ABP which does not provide paid health benefits to retirees and
31 which elects to provide the benefits authorized under section 69 of
32 P.L. , c. (C.) (now pending before the Legislature as this
33 bill), shall pay to an employee who meets the qualifications of
34 subsections a. and b. of that section an additional pension of \$500 per
35 month in each of the 24 months following the date of retirement.

36

37 72. (New section) For an employee of a participating employer
38 under PERS, TPAF or ABP which elects to provide the benefits under
39 section 69 of P.L. , c. (C.) (now pending before the
40 Legislature as this bill), who:

41 a. is at least 60 years of age and has at least 10, but less than 20,
42 years of service credit under PERS or TPAF, or service with public
43 employers in this State participating in ABP for which contributions
44 were made by the employee under the program before the effective
45 date of retirement;

46 b. files an application to retire within 30 days following the

1 effective date of a consolidation or joint services agreement adversely
2 affecting the employee; and

3 c. retires under the retirement system on or before the first day of
4 the seventh month next following the effective date of a consolidation
5 or joint services agreement adversely affecting the employee,

6 the participating employer shall pay an additional pension of \$500
7 per month in each of the 24 months following the date of retirement.
8

9 73. (New section) A participating employer may elect to provide
10 the benefits under sections 69 through 72 of P.L. , c. (C.)
11 (now pending before the Legislature as this bill), by adopting a
12 resolution of its governing body and filing a certified copy of the
13 resolution with the Director of the Division of Pensions and Benefits
14 in the Department of Personnel prior to the effective date of a
15 consolidation or joint services agreement that would adversely affect
16 employees of the participating employer. With respect to county
17 colleges, the governing body shall be considered the board of trustees.
18 The employer shall submit to the director any information necessary
19 to provide the benefits or to determine the liability for them.
20

21 74. (New section) The actuaries for PERS and TPAF shall
22 determine the liability of the retirement systems for the additional
23 service credit or pensions provided under sections 69 through 73 of
24 P.L. , c. (C.) (now pending before the Legislature as this
25 bill), and for the early retirement of employees in accordance with the
26 tables of actuarial assumptions adopted by the board of trustees of the
27 retirement system. For PERS, this liability shall be added to the
28 unfunded accrued liability of the participating employer under the
29 retirement system and shall be paid in the same manner and over the
30 remaining time period provided for the employer's unfunded accrued
31 liability under sections 24, 68 and 81 of P.L.1954, c.84 (C.43:15A-24,
32 68 and 81).

33 For TPAF, the liability and contribution requirements for each
34 participating employer shall be determined by the actuary of the system
35 in the same manner and over the remaining time period provided for
36 the unfunded accrued liability of the system under N.J.S.18A:66-18.
37 The retirement system shall annually certify to each participating
38 employer the contributions due to the contingent reserve fund for the
39 liability under sections 69 through 73 of P.L. , c. (C.) (now
40 pending before the Legislature as this bill). The contributions certified
41 by the retirement system shall be paid by the participating employer to
42 the retirement system on or before the date prescribed by law for
43 payment of employer contributions for basic retirement benefits. If
44 payment of the full amount of the contribution certified is not made
45 within 30 days after the last date for payment of employer
46 contributions for basic retirement benefits, interest at the rate of 10%

1 per year shall begin to run against the unpaid balance on the first day
2 after the 30th day.

3 The participating employer shall pay the cost of the actuarial work
4 to determine the additional liability of the retirement system for the
5 benefits under sections 69 through 73 of P.L. , c. (C.) (now
6 pending before the Legislature as this bill), which shall be included in
7 the initial contribution required from the participating employer.

8

9 75. (New section) The cost of the cash payments for ABP
10 members under sections 69 through 72 of P.L. , c. (C.)
11 (now pending before the Legislature as this bill) shall be funded by the
12 participating employer from appropriations to that employer for annual
13 operating expenses or from funds otherwise available to the employer
14 for operating expenses.

15

16 76. (New section) An employee who receives a benefit under
17 sections 69 through 72 of P.L. , c. (C.) (now pending
18 before the Legislature as this bill), shall forfeit all tenure rights.

19

20 77. (New section) When the needs of the participating employer
21 require the service of an employee who elects to retire and receive a
22 benefit under sections 69 through 72 of P.L. , c. (C.) (now
23 pending before the Legislature as this bill), the participating employer,
24 with the approval of the governing body of the employer and with the
25 consent of the employee, may delay the effective retirement date of the
26 employee until the first day of the 13th calendar month following the
27 effective date of any consolidation or joint services agreement
28 affecting the employee. With respect to county colleges, the
29 governing body shall be considered the board of trustees. A delay in
30 the effective retirement date of an employee shall not extend the dates
31 set forth in sections 69 through 72 of P.L. , c. (C.) (now
32 pending before the Legislature as this bill), to qualify for benefits
33 under those sections.

34 For a member of PERS or TPAF whose effective retirement date is
35 delayed under this section and who dies before the retirement becomes
36 effective, the retirement shall be effective as of the first day of the
37 month after the date of death of the member if the member's
38 beneficiary requests in writing to the board of trustees of the
39 retirement system that the retirement be effective under the Option
40 settlement selected by the member, or under Option 3 if the member
41 did not select an Option.

42

43 78. (New section) An employee retiring with a benefit under
44 sections 69 through 72 of P.L. , c. (C.) (now pending
45 before the Legislature as this bill), who has not repaid the full amount
46 of a loan from PERS or TPAF by the effective date of retirement may

1 repay the loan through deductions from the member's retirement
2 benefit payments in the same monthly amount which was deducted
3 from the member's compensation immediately preceding retirement
4 until the balance of the amount borrowed together with interest at the
5 statutory rate is repaid. If the retiree dies before the outstanding
6 balance of the loan and interest is repaid, the remaining amount shall
7 be repaid as provided in section 2 of P.L.1981, c.55 (C.43:15A-34.1)
8 or N.J.S.18A:66-35.

9
10 79. (New section) An employee purchasing service credit on or
11 after the effective date of P.L. , c. (C.) (now pending before
12 the Legislature as this bill), to qualify for a benefit under those
13 sections, may purchase a portion of the credit which the employee is
14 eligible to purchase.

15
16 80. (New section) The provisions of sections 69 through 72 of
17 P.L. , c. (C.) (now pending before the Legislature as this
18 bill), shall be applicable to employers and employees participating in
19 a county pension fund created under Chapter 10 of Title 43 of the
20 Revised Statutes, P.L.1943, c.160 (C.43:10-18.1 et seq.), or Article
21 2 of Chapter 66 of Title 18A of the New Jersey Statutes, or in a
22 municipal retirement system created under P.L.1954, c.218
23 (C.43:13-22.3 et seq.) or P.L.1964, c.275 (C.43:13-22.50 et seq.), and
24 shall become operative upon the adoption of the provisions of sections
25 69 through 72 of P.L. , c. (C.) (now pending before the
26 Legislature as this bill), as appropriate, by the employer.

27
28 81. (New section) Each participating employer covered by the
29 provisions of sections 69 through 72 and section 80 of P.L. , c.
30 (C.) (now pending before the Legislature as this bill), shall meet
31 and consult with the representatives of the bargaining unit or units
32 representing the employees who would be eligible for benefits under
33 those sections prior to the effective date of any consolidation or joint
34 services agreement.

35
36 82. (New section) For the purposes of sections 69 through 81 of
37 P.L. , c. (C.) (now pending before the Legislature as this
38 bill):

39 "Employee" means a full-time employee of a county, county
40 college, or a municipality who is eligible to participate in the
41 employer's health benefits plan. It shall not include an employee of a
42 public agency or organization as defined in section 71 of P.L.1954,
43 c.84 (C.43:15A-71).

44 "Final year compensation" means the compensation received in the
45 last 12 months immediately preceding retirement in which
46 compensation is received and upon which contributions are made by

1 the employee to the retirement system.

2 "Participating employer" means a local unit which enters into a
3 consolidation or joint services agreement with one or more other local
4 units. A county which adopts an early retirement plan that has been
5 reviewed by the Director of the Division of Local Government
6 Services in the Department of Community Affairs in consultation with
7 the Director of the Division of Pensions and Benefits in the
8 Department of Personnel and determined to be fiscally sound in
9 accordance with criteria adopted by those directors, shall be
10 considered a participating employer under this definition, regardless of
11 whether or not it is participating in a consolidation or joint services
12 agreement.

13

14 83. (New section) The Commissioner of Community Affairs and
15 the State Board of Education, after consultation with the
16 Administrator of the Office of Telecommunications and Information
17 Systems in the Department of the Treasury, may adopt regulations,
18 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
19 (C.52:14B-1 et seq.), to charge appropriate fees; except that no fee
20 shall be charged to local units of government and school districts.
21 Such rules may authorize any nonprofit corporation organized
22 pursuant to Title 15A of the New Jersey Statutes, whose purposes
23 support the administration of, or personnel engaged in, government or
24 educational services, to utilize any computerized communication
25 networks that may be established by the State for the conduct of
26 government activities for communication with the members of such
27 nonprofit corporations in the conduct of government activities; except
28 that such networks shall not be used to directly lobby State officials
29 with regard to legislation or by organizations that represent employees
30 for the purpose of conducting collective negotiations with public
31 employers.

32

33 84. (New section) Notwithstanding any rules, regulations or
34 guidelines promulgated by the Attorney General, State narcotics action
35 plan reports, commonly referred to as "SNAP" reports, shall be made
36 on a quarterly basis. The Department of Law and Public Safety shall
37 develop and supply to all participating police departments a standard
38 computer software program, which shall include all of the necessary
39 parameters for reporting, so that the SNAP reports may be generated
40 by computer.

41

42 85. (New section) a. Notwithstanding the provisions of the
43 "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.),
44 or of any other law, rule or regulation to the contrary, a municipality
45 may provide for the purchase of privately owned residential property
46 at its mortgage value and include those units toward the fulfillment of

1 its fair share housing obligation pursuant to P.L.1985, c.222
2 (C.52:27D-301 et al.).

3 b. The Commissioner of Community Affairs shall, on or before the
4 first day of the seventh month next following the effective date of
5 P.L. , c. (C.) (now pending before the Legislature as
6 this bill) promulgate rules and regulations pursuant to the provisions
7 of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
8 et seq.) to effectuate the provisions of subsection a. of this section.

9

10 86. (New section) As used in this section, "alternative living
11 arrangement" means a structure in which households live in distinct
12 bedrooms, yet share kitchen and plumbing facilities, central heat and
13 common areas and shall include, but not be limited to, transitional
14 facilities for the homeless, boarding homes regulated by the New
15 Jersey Department of Community Affairs, residential health care
16 facilities regulated by the New Jersey Department of Health and Senior
17 Services, group homes for the developmentally disabled and mentally
18 ill licensed or regulated by the New Jersey Department of Human
19 Services, and congregate living arrangements.

20 Notwithstanding the provisions of any law, rule or regulation to the
21 contrary, municipalities may count each age restricted housing unit or
22 alternative living arrangement situate within the municipality toward
23 the fulfillment of the municipality's fair share housing obligation,
24 whether or not that housing unit has been created by the municipality,
25 as long as the property is exempt from local property taxes. The unit
26 of credit for alternative living arrangements shall be the bedroom. The
27 municipality shall receive credit for one unit against its fair share
28 housing obligation for every bedroom located in an alternative living
29 arrangement that is exempt from local property taxes.

30

31 87. (New section) Notwithstanding any provision of section 2 of
32 P.L.1983, c.312 (C.40A:4-45.19) to the contrary, any municipality
33 that failed to print on a referendum ballot the amount of the cost
34 increase for the proposed PERS to PFRS transfer for police officers
35 may apply to the director for permission to include the 1997 budget
36 year amount of the pension appropriation representing the difference
37 increase due to the switch as an increase in the cap base upon which
38 final appropriations are based.

39

40 88. (New section) a. (1) There is hereby created a Police
41 Paperwork Reduction Task Force. The task force shall have nine
42 members, selected as follows: two representatives of the Attorney
43 General's office and one member of the Division of State Police, to be
44 appointed by the Governor; two representatives of local law
45 enforcement agencies and one municipal court administrator, to be
46 appointed by the President of the Senate; and two representatives of

1 local law enforcement agencies and one municipal court administrator,
2 to be appointed by the Speaker of the General Assembly.

3 (2) The task force shall organize as soon as practicable following
4 the appointment of its members and shall select a chairperson and vice
5 chairperson from among its members, and a secretary, who need not
6 be a member of the task force.

7 b. The task force shall:

8 (1) Review State requirements for the collection, reporting and
9 retention of information by local police officers and police agencies;

10 (2) Determine the approximate cost to local police agencies,
11 including the costs of salaries, materials, equipment and space, of
12 complying with State-mandated information requirements;

13 (3) Determine whether these requirements assist or hinder the
14 cost-effective provision of police services and whether a valid reason
15 exists for the collection, reporting or retention of the information; and

16 (4) Determine the extent to which these requirements can be
17 eliminated or streamlined to reduce unnecessary paperwork and costs
18 of local police agencies.

19 c. Staff and related support services shall be provided to the task
20 force by the Department of Law and Public Safety. The task force
21 shall be entitled to call to its assistance the services of the department
22 as well as the employees of any other State, county or municipal
23 department, board, bureau commission or agency.

24 d. The task force may meet and hold hearings at the place or places
25 it designates during the sessions or recesses of the Legislature. The
26 task force shall issue a final report of its findings and
27 recommendations, including any recommended legislation, to the
28 Governor and the Legislature no later than six months following the
29 original appointment of all members of the task force. The task force
30 shall dissolve on the 60th day following submission of its final report.

31

32 89. This act shall take effect on the first day of the third month
33 next following enactment.

34

35

36

STATEMENT

37

38 This bill revises, reforms and repeals certain mandates, requirements
39 and procedures that are burdensome on counties, municipalities and
40 school districts. The bill also resolves certain administrative
41 ambiguities and encourages more business-like practices on the part of
42 local units in order to effectuate cost savings that will benefit property
43 taxpayers.

1 GENERALLY APPLICABLE REGULATORY REQUIREMENTS

2 Section 2 of the bill amends section 5 of P.L.1970, c.39 (C.13:1E-
3 5) to provide that a registration statement filed with the Department
4 of Environmental Protection by a public entity, engaging in the
5 disposal of solid waste after the effective date of the bill, will be valid
6 for a period of five years. The department would not be permitted to
7 require an annual update of a registration statement by the public
8 entity and the fee for the five-year registration could not exceed the
9 fee in effect for a one-year registration as of March 1, 1997.

10 Section 53 provides that the requirements of the "Pesticide Control
11 Act of 1971," P.L.1971, c.176 (C.13:1F-1 et seq.) shall not apply to
12 any health or sanitary inspector who applies a pesticide on property or
13 premises to determine insect infestation.

14 Section 54 provides that notwithstanding any rules or regulations
15 to the contrary, no permit shall be required of a county or municipality
16 by the Department of Environmental Protection for the purpose of
17 performing restoration work on any drainage ditch located in the
18 jurisdiction, provided that the restoration activity does not deviate in
19 any manner from the original drainage plans.

20

21 MANDATES AFFECTING SCHOOLS

22 Section 3 amends N.J.S.18A:6-45 to permit boards of education to
23 become members of the New Jersey School Boards Association.
24 Current law requires such membership.

25 Sections 4 and 5 amend N.J.S.18A:6-46 and 18A:6-50 respectively
26 to clarify that memberships in the New Jersey School Boards
27 Association will be permissive, not mandatory.

28

29 LAWS AND REGULATIONS AFFECTING PUBLIC CONTRACTS
30 AND CONSOLIDATION, INTERLOCAL AND JOINT
31 AGREEMENTS

32 Section 10 amends section 2 of P.L.1963, c.150 (C.34:11-56.26) to
33 make public work paid for out of county or school district funds
34 subject to the adjusted prevailing wage threshold amount, currently
35 \$9,850, instead of the fixed \$2,000 amount. This amendment would
36 bring counties and school districts on par with the municipal threshold
37 and permit the use of cheaper labor for small public works contracts.

38 Sections 11 and 12 amend sections 2 and 3 of P.L.1973, c.208
39 (C.40:8A-2 and 40:8A-3) to permit any local authority subject to the
40 "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1
41 et seq.), such as a county improvement authority, to enter into an
42 interlocal services contract for the joint provision of services incidental
43 to the primary purposes of the local unit.

44 Section 13 amends section 5 of P.L.1973, c.208 (C.40:8A-5) to
45 provide that, in the case of a joint agreement under the "Interlocal
46 Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.) for the provision

1 of services by State-certified professionals, the agreement shall
2 provide for the payment of a salary, and shall not include tenure rights
3 in the municipality contracting to receive the service.

4 Section 27 amends N.J.S.40A:5-16 to reduce the documentation
5 required when the governing body of any local unit pays out money to
6 a vendor under certain circumstances. A certification from a vendor
7 that a payment amount is correct would no longer be required when:

8 (1) a claim or demand is less than \$150 and the certification of
9 such vendor is not readily obtainable by the contracting unit;

10 (2) those specific circumstances when payment to vendors is
11 required in advance of the delivery of certain materials or services that
12 cannot be obtained from any other source at comparable prices; or

13 (3) billing and payment transactions for goods or services are made
14 through a computerized electronic transmission.

15 Sections 35 through 40 amend sections 1 through 6 of P.L.1992,
16 c.51 (C.40A:10-52 through 40A:10-57) to permit a county to join with
17 municipalities and regional schools districts in various joint life
18 insurance pools.

19 Section 55 establishes in the Department of Community Affairs a
20 "Municipal Consolidation Incentive Aid Fund." The purpose of this
21 fund would be to provide a financial incentive, paid-out over a term of
22 years, for the consolidation of municipalities and the consolidation of
23 fire districts.

24
25 INITIATIVE TO INCREASE EFFICIENCIES THROUGH
26 PRIVATIZATION

27 Section 17 amends section 1 of P.L.1983, c.208 (C.40:48-5a) to
28 permit the governing body of a municipality to contract with a private
29 entity or firm to collect delinquent municipal court fines, costs,
30 surcharges and other penalties, including motor vehicle violation fines,
31 required to be collected by the municipality.

32 Section 58 permits the governing body of any county to enter into
33 a contract with a private agency or firm to collect any delinquent fines
34 owed to the county.

35
36 LOCAL FINANCE AND BUDGET REQUIREMENTS

37 Section 19 amends section 3 of P.L.1991, c.54 (C.40:66-10) to
38 eliminate the current requirement that the Local Finance Board
39 approve the budget of a municipal solid waste collection district.
40 Under this amendment, budget approval is given by the Director of the
41 Division of Local Government Services. This provision will make the
42 solid waste district budget approval process like the budget approval
43 process for new solid waste districts created pursuant to section 56 of
44 this bill.

45 Sections 20 and 21 amend N.J.S.40A:2-17 and 40A:2-18
46 respectively, to permit the publication of a summary of a bond

1 ordinance instead of the entire bond ordinance, as is currently required
2 by law.

3 Section 22 amends N.J.S.40A:4-27 to permit the anticipation in a
4 local budget as a miscellaneous revenue of the total amount of
5 payments payable to a local unit as a result of the sale of property
6 when the obligation to make such a payment is entered into prior to
7 the adoption of the budget. Current law requires that the obligation
8 to pay must be entered into prior to February 10 of the calendar fiscal
9 year, or August 10 of the State fiscal year in order for the amount of
10 the sale to be included as miscellaneous revenue in a local budget.

11 Section 23 amends N.J.S.40A:4-41 to permit the Director of the
12 Division of Local Government Services to promulgate rules and
13 regulations to permit the use of a three-year average to determine the
14 amount of reserve for uncollected taxes that must be included as part
15 of a local budget. Under current law, except for municipalities in
16 which tax appeal judgments have been awarded to property owners or
17 for which the amount of tax reductions resulting from tax appeal
18 judgments for the previous fiscal year exceeds 1% of the tax levy for
19 that previous fiscal year, the minimum reserve for uncollected taxes is
20 required to be calculated based in the amount of uncollected taxes in
21 the previous year.

22 Sections 24 and 25 amend sections 3 and 4 of P.L.1976, c.68
23 (C.40A:4-45.3 and 40A:4-45.4) to include as an exception to the limits
24 of the "cap" law, P.L.1976, c.68 (C.40A:4-45.1 et seq.) the amounts
25 expended by a municipality or a county under an interlocal service
26 agreement entered into, following the enactment of this bill, pursuant
27 to P.L.1973, c.208 (C.40:8A-1 et seq.) or under a joint contract
28 pursuant to the "Consolidated Municipal Service Act," P.L.1952, c.72
29 (C.40:48B-1 et seq.).

30 Section 26 amends section 6 of P.L.1990, c.89 (C.40A:4-45.38) to
31 permit budget transfers during the last two months of the fiscal year
32 of a local unit, even when the transfer is from an appropriation subject
33 to the budget cap so long as the transfer is between line items for the
34 same item of appropriation. Under current law transfers cannot be
35 made from an appropriation under the budget cap.

36 Section 56 permits a municipality to create, by ordinance, a solid
37 waste district, encompassing the entire municipality, for the purpose
38 of segregating charges for the collection and disposal of garbage and
39 other solid waste from the general municipal budget. This provision
40 would be helpful in better informing property taxpayers of situations
41 when solid waste disposal costs over which the municipality has no
42 control, such as county tipping fees, increase.

43 Section 57 provides that, notwithstanding the provisions of section
44 3 of P.L.1981, c.56, (C.40A:4-45.4a), N.J.S.40A:4-58 and
45 N.J.S.40A:4-59 to the contrary, transfers between salary and wage and
46 other expense line items of a purpose specified in the budget are

1 permitted at any time after adoption of the budget in order to facilitate
2 a change in the way a particular service or activity is provided by the
3 local unit, when the local unit changes service provisions from
4 employees of the local unit to a contracted service, or from a
5 contracted service to employees of the local unit.

6 Section 59 provides that, notwithstanding the provisions of the
7 Local Fiscal Affairs Law (N.J.S.40A:5-1 et seq.) or any other law,
8 rule, or regulation to the contrary, the Local Finance Board in
9 consultation with the Commissioner of Education may adopt rules and
10 regulations permitting local government units and boards of education
11 to contract with third-party disbursement service organizations in
12 order to make payments and execute financial transactions for those
13 purposes and under such conditions as permitted by the Local Finance
14 Board.

15 Section 60 permits a local contracting unit to enter into a contract
16 as a participant in a cooperative pricing system with a board of
17 education for materials, supplies or services not listed in section 15 of
18 P.L.1971, c.198 (C.40A:11-15) and that are required on a recurring
19 basis from year to year for up to a two-year term. The agreement can
20 be reviewed annually for up to three years without any further
21 solicitation for bids or bidding upon a finding by the contracting unit
22 that the services are being performed in an effective and efficient
23 manner, or that the materials and supplies continue to meet the original
24 specifications.

25 Sections 61 through 82 permit local units to grant early retirement
26 incentives to employees who are members of PFRS, PERS, TPAF, or
27 the ABP and whose jobs are affected by a consolidation or joint
28 services agreement between local units. In the case of counties, early
29 retirement incentives could be granted, regardless of any consolidation
30 or joint services agreement, upon the adoption of an early retirement
31 plan by the county governing body that is determined to be fiscally
32 sound after review by the Director of the Division of Local
33 Government Services in the Department of Community Affairs in
34 consultation with the Director of the Division of Pensions and Benefits
35 in the Department of Personnel.

36 Section 83 provides that the Commissioner of Community Affairs
37 and the State Board of Education, after consultation with the
38 Administrator of the Office of Telecommunications and Information
39 Systems, are authorized to adopt regulations, pursuant to the
40 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
41 seq.), to charge appropriate fees and authorize not-for-profit
42 organizations, whose purposes support the administration of, or
43 personnel engaged in, respectively, government or education services,
44 to utilize any computerized communication networks that may be
45 established by the State for the conduct of government activities, for
46 communication with the members of such not-for-profit organizations

1 in the conduct of government activities; except that such networks
2 shall not be used to directly lobby State officials with regard to
3 legislation, or by organizations that represent employees for the
4 purpose of conducting collective negotiations with public employers.

5 Section 87 provides that notwithstanding the provisions of
6 P.L.1983, c.312, s.2 (C.40A:4-45.19) to the contrary, any municipality
7 that failed to print on the ballot the amount of the cost increase for the
8 proposed PERS to PFRS transfer for police officers may apply to the
9 director for permission to include the 1997 budget year amount of the
10 pension appropriation representing the difference increase due to the
11 switch as an increase in the cap base upon which final appropriations
12 are based.

13
14 LAWS AND REGULATIONS AFFECTING LOCAL OFFICERS
15 AND EMPLOYEES

16 Sections 7, 8 and 9 amend R.S.26:3-3, 26:3-9 and 26:3-10
17 respectively to permit the governing body of a municipality to appoint
18 a school nurse or the municipal physician to the local Board of Health,
19 notwithstanding that the person is not a resident of the municipality.
20 Current law requires municipal residency for appointment to a Board
21 of Health.

22 Sections 14 and 15 amend sections 2 and 5 of P.L.1990, c.33
23 (C.40:20-35.11a and 40:41A-145.1) to provide that at any time after
24 the election of a member of a county board of chosen freeholders, and
25 the commencement of the term of office of that person, the freeholder-
26 elect dies, the county committee of the political party of which the
27 deceased freeholder-elect was the nominee shall appoint another
28 person to fill the position until the next general election. If the
29 deceased freeholder-elect was not the nominee of a political party, on
30 or within 30 days after the time fixed for the commencement of the
31 term of office, the board of freeholders, without regard to party, shall
32 appoint a successor to fill the position until the next general election.

33 Section 28 amends section 5 of P.L.1988, c.110 (C.40A:9-140.10)
34 to require that the first 12 months of any initial term of a municipal
35 chief financial officer shall be a probationary period during which that
36 person may be removed from office for unsatisfactory performance, or
37 for any other reason by the governing body. This section specifies that
38 the removal of a chief financial officer during this probationary period
39 will be considered a vacancy due to expiration of term. Current law
40 does not provide for a probationary term.

41 Section 29 amends N.J.S.40A:9-141 to provide that the governing
42 body of a municipality may, by resolution, set the hours of operation
43 of the tax collector's office, the tax collector and all personnel assigned
44 to the tax collector's office. Current law requires that this be done by
45 ordinance.

46 Section 30 amends N.J.S.40A:9-142 to permit the appointment of

1 a temporary municipal tax collector for a period of six months from a
2 vacancy in that office. The person appointed as a temporary tax
3 collector would not be required to hold a tax collector certificate.
4 This amendment would make the appointment of a temporary tax
5 collector similar to the appointment of a temporary chief financial
6 officer.

7 Section 31 amends N.J.S.40A:9-146 to permit the governing body
8 or the chief executive, as appropriate to the form of government of the
9 municipality, by resolution or order, to set the hours of operation of
10 the tax assessor's office and the tax assessor, commensurate with the
11 compensation paid to the tax assessor. Current law contains no such
12 provision.

13 Section 32 amends N.J.S.40A:9-148 to require that the first 12
14 months of any initial term of a municipal tax assessor or deputy tax
15 assessor shall be a probationary period during which that person may
16 be removed from office for unsatisfactory performance, or for any
17 other reason by the governing body. This section specifies that the
18 removal of a tax assessor or deputy tax assessor during this
19 probationary period will be considered a vacancy due to expiration of
20 term. Current law does not provide for a probationary term.

21 Section 33 amends N.J.S.40A:9-165 to provide that a tax assessor,
22 chief financial officer, tax collector or municipal clerk shall not be
23 automatically given a pay raise equal to that given to all other
24 municipal employees. Current law provides that such an increase
25 cannot be denied.

26 Section 34 amends section 37 of P.L.1995, c.259 (C.40A:10-17.1)
27 to permit a county employee who receives health benefits as the
28 dependent of his or her spouse, to waive health coverage under the
29 county plan. Such persons may, at the discretion of the county,
30 receive annually a payment from the county that does not exceed 50%
31 of the county's savings because of the employee's waiver of coverage.
32 Municipal employees received this right to waive coverage as a result
33 of the enactment of P.L.1995, c.259.

34 Section 43 amends section 36 of P.L.1995, c.259 (C.52:14-17.31a)
35 to permit a county or school district employee who receives health
36 benefits as the dependent of his or her spouse, to waive health
37 coverage under the county or school district plan. Such persons may,
38 at the discretion of the county or school district, receive annually a
39 payment from the county or school district that does not exceed 50%
40 of the savings by the county or school district because of the
41 employee's waiver of coverage. Municipal employees received this
42 right to waive coverage as a result of the enactment of P.L.1995,
43 c.259.

44 Section 44 amends section 8 of P.L.1975, c.217 (C.52:27D-126) to
45 permit, by resolution or order as appropriate, the appointing authority
46 of a municipality to set the hours of operation of the construction

1 official's office and the construction official, commensurate with the
2 compensation paid to the construction official.

3 Sections 48 through 52 provide that the clerk of any county or
4 municipality operating under the provisions of Title 11A of the New
5 Jersey Statutes shall submit the question of rescinding the adoption of
6 civil service in the county or municipality, except for police officers
7 and firefighters, to the voters thereof at the next general or municipal
8 election, as appropriate, occurring on or after the 60th day following
9 certification by the clerk of a petition requesting the rescission. The
10 petition must be signed by the registered voters of the county or
11 municipality equal in number to at least 15% of the valid votes cast in
12 the county or municipality at the last preceding general election.

13 If the result of the election is favorable to rescinding the adoption
14 of the civil service law for employees other than police officers and
15 firefighters, the result is to be certified by the governing body of the
16 county or municipality to the Commissioner of Personnel. The
17 rescission would take effect one year following the election at which
18 it was approved, and apply only to persons hired after the effective
19 date of the rescission. The rescission shall be complete at the time all
20 persons, other than police officers and firefighters, hired under the
21 provisions of Title 11A, civil service, have retired or left the local
22 government's employ.

23 If a majority of the votes cast at the election are against rescission,
24 no new election may be held on the question before the second general
25 or municipal election following the election. A county or municipality
26 which rescinds the adoption of the civil service law shall not be
27 permitted to readopt that law for a period of at least five years from
28 the effective date of the rescission and shall be permitted to readopt
29 the law only once.

30

31 RECORD KEEPING REFORMS

32 Section 18 amends the requirement in section 76 of P.L.1975, c.291
33 (C.40:55D-89) for general reexamination of a municipality's master
34 plan and development regulations by the planning board from every six
35 years to every 10 years.

36 Section 41 amends section 22 of P.L.1971, c.199 (C.40A:12-22) to
37 make permissive the current statutory requirement that a municipality
38 must establish and maintain a central registry of all real property
39 acquired by it for purposes other than streets or highways.

40 Section 42 amends section 7 of P.L.1995, c.253 (C.46:3C-7)
41 provides that a municipality receiving and making available the lists
42 required under the "New Residential Construction Off-site Conditions
43 Disclosure Act," P.L.1995, c.253 (C.46:3C-1 et seq.) may charge
44 purchasers of the information in the same manner as prices are charged
45 for other public records pursuant to section 2 of P.L.1963, c.73
46 (C.47:1A-2). Under current law, the price charged may reflect the

1 actual reproduction costs. This amendment is intended to promote
2 uniformity of municipal charges for all types of reproduced documents.

3 Section 84 provides that notwithstanding any rules, regulations or
4 guidelines promulgated by the Attorney General, State narcotics action
5 plan reports, commonly referred to as "SNAP" reports, shall be made
6 on a quarterly basis. The Department of Law and Public Safety shall
7 develop and supply to all participating police departments a standard
8 computer software program, which shall include all of the necessary
9 parameters for reporting, so that the SNAP reports may be generated
10 by computer.

11 Section 88 establishes a Police Paperwork Reduction Task Force
12 to study and recommend steps for reducing State requirements for
13 information collection, reporting and retention by local police forces.
14 The task force will have nine members, including two representatives
15 of the Attorney General's office and one member of the Division of
16 State Police, all appointed by the Governor; two representatives of
17 local law enforcement agencies and one municipal court administrator,
18 all appointed by the President of the Senate; and two representatives
19 of local law enforcement agencies and one municipal court
20 administrator, all appointed by the Speaker of the General Assembly.

21 The task force is charged with reviewing information requirements
22 imposed by the State on local police and recommending ways in which
23 these requirements may be reduced or streamlined. The task force is
24 required to report its findings and recommendations to the Governor
25 and the Legislature within six months and will dissolve on the 60th day
26 after submission of its report.

27

28 COAH REFORMS

29 Section 45 amends section 11 of P.L.1985, c.222 (C.52:27D-311)
30 to permit a municipality to purchase privately owned residential
31 property as part of the municipality's housing element under the "Fair
32 Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), for the balance
33 owed on any mortgages to which the property is subject, even though
34 the property may have a fair market value less than the mortgage
35 amounts owed. This provision is intended to permit a rapid increase
36 in the stock of affordable housing in a municipality while saving money
37 that would be required for new construction.

38 Section 85 contains the operative language which would permit a
39 municipality to purchase privately owned residential property as part
40 of the municipality's fair share housing obligation under the "Fair
41 Housing Act," P.L.1985, c.222 (c.52:27D-301 et al.), for the balance
42 owed on any mortgages to which the property is subject, even though
43 the property may have a fair market value less than the mortgage
44 amounts owed. This section also requires the Commissioner of
45 Community Affairs to adopt rules and regulations, within six months
46 following the effective date of this bill, to effectuate the purposes of

1 this section.

2 Section 86 permits a municipality to address any portion of its fair
3 share housing obligation, by counting as affordable housing each age
4 restricted housing unit or alternative living arrangement situate within
5 the municipality, whether or not that housing unit has been created by
6 the municipality, so long as the alternative living arrangement is
7 exempt from local property taxes. The unit of credit for alternative
8 living arrangements is the bedroom. The bill provides that the
9 municipality shall receive credit for one unit against its fair share
10 housing obligation for every bedroom located in an alternative living
11 arrangement that is exempt from local property taxation.

12

13 MISCELLANEOUS REFORMS

14 Section 6 amends R.S.19:31-2 to remove the current requirement
15 of evening voter registration before the primary and general elections,
16 and makes such evening voter registration optional at the discretion of
17 the county commissioner of registration.

18 Section 16 amends section 1 of P.L.1956, c.176 (C.40:45A-1) to
19 provide that the governing body of a municipality in which any of the
20 members are elected for terms beginning on January 1 may by
21 resolution fix the date and time of its annual organization or
22 reorganization meeting. Current law requires this procedure to be
23 done by ordinance.

24 Sections 46 and 47 amend R.S.54:4-38 and section 32 of P.L.1991,
25 c.75 (C.54:4-38.1) to permit biennial notification of a property owner's
26 current assessment and preceding year's real property taxes. Current
27 law requires annual notification. A municipality that chooses biennial
28 notification would still be required to notify a taxpayer of any
29 assessment change within 30 days of such change.

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34 Revises certain mandates, requirements and procedures for local
35 governments and school districts.