

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2777

STATE OF NEW JERSEY

ADOPTED JUNE 9, 1997

Sponsored by Assemblymen ARNONE, AUGUSTINE,
Assemblywoman MURPHY and Assemblyman WEINGARTEN

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAP committee amendments adopted December 18, 1997.

1 repeatedly petition the Legislature for relief. In response to entreaties
2 of local officials, various committees of several Legislatures have
3 determined to continue to address the problem of burdensome
4 mandates on an expedited basis through the enactment of omnibus acts
5 that repeal or modify many of those mandates, resolve administrative
6 ambiguities and encourage more business-like practices. This is the
7 third such omnibus mandate relief act.

8
9 2. N.J.S.11A:2-11 is amended to read as follows:

10 11A:2-11. Powers and duties of the commissioner. In addition to
11 other powers and duties vested in the commissioner by this title or any
12 other law, the commissioner:

13 a. Shall be the principal executive and request officer of the
14 department, allocating the functions and activities of the department
15 among departmental subdivisions as the commissioner may establish;

16 b. May appoint one deputy commissioner, who shall be in the
17 unclassified service, and may appoint other necessary employees. All
18 employees shall be confidential employees for the purposes of the
19 "New Jersey Employer-Employee Relations Act," P.L.1941, c.100
20 (C.34:13A-1 et seq.);

21 c. Shall maintain a management information system necessary to
22 carry out the provisions of this title;

23 d. Shall have the authority to audit payrolls, reports or
24 transactions for conformity with the provisions of this title;

25 e. Shall plan, evaluate, administer and implement personnel
26 programs and policies in State government and political subdivisions
27 operating under this title;

28 f. Shall establish and supervise the selection process and employee
29 performance evaluation procedures;

30 g. Shall develop programs to improve efficiency and effectiveness
31 of the public service, including, but not limited to, employee training,
32 development, assistance and incentives;

33 h. Shall set standards and procedures for review and render the
34 final administrative decision, or may designate an employee of the
35 Department of Personnel to render such final decision, on a written
36 record or after recommendation by an independent reviewer assigned
37 by the commissioner of appeals from classification, salary, layoff rights
38 and in the State service noncontractual grievances;

39 i. May establish pilot programs and other projects for a maximum
40 of one year [outside of] which are contrary to, or not expressly
41 authorized by, the provisions of this title and the rules promulgated
42 thereunder. A pilot program shall not be approved by the
43 commissioner except upon a finding that the program is intended to
44 improve the efficiency and effectiveness of the public service and is
45 consistent with the policies set forth in N.J.S.11A:1-2. Pilot programs
46 may be renewed for a maximum of one year;

1 j. Shall provide for a public employee interchange program
2 pursuant to the "Government Employee Interchange Act of 1967,"
3 P.L.1967, c.77 (C.52:14-6.10 et seq.) and may provide for an
4 employee interchange program between public and private sector
5 employees;

6 k. May establish an internship program;

7 l. Shall assist the Governor in general work force planning,
8 personnel matters and labor relations;

9 m. Shall establish and consult with advisory boards representing
10 political subdivisions, personnel officers, labor organizations and other
11 appropriate groups;

12 n. Shall make an annual report to the Governor and Legislature
13 and all other special or periodic reports as may be required. The
14 annual report shall indicate the number of persons, by title, who, on
15 March 31, June 30, September 30, and December 31 of each year, held
16 appointments to positions in the senior executive service and the
17 number of noncareer employees by title, who, on those same dates,
18 held appointments in positions in the senior executive service;

19 o. Shall have the authority to assess costs for special or other
20 services; and

21 p. Shall recommend rules to the board for the implementation of
22 this title.

23 (cf: N.J.S.11A:2-11)

24
25 3. N.J.S.11A:4-13 is amended to read as follows:

26 11A:4-13. Types of appointment. The commissioner shall provide
27 for the following types of appointment:

28 a. Regular appointments shall be to a title in the competitive
29 division of the career service upon examination and certification or to
30 a title in the noncompetitive division of the career service upon
31 appointment. The appointments shall be permanent after satisfactory
32 completion of a working test period;

33 b. Provisional appointments shall be made only in the competitive
34 division of the career service and only in the absence of a complete
35 certification, if the appointing authority certifies that in each individual
36 case the appointee meets the minimum qualifications for the title at the
37 time of appointment and that failure to make a provisional
38 appointment will seriously impair the work of the appointing authority.
39 In no case shall any provisional appointment exceed a period of 12
40 months;

41 For a period beginning on the effective date of P.L. _____,
42 c. _____ (C. _____) (now pending before the Legislature as this bill)
43 and ending six months thereafter, if an eligible list has not been issued
44 for the title held by the provisional employee prior to the effective date
45 of P.L. _____, c. _____ (C. _____) (now pending before the
46 Legislature as this bill) and within 12 months of the appointment, the

1 provisional employee may receive a regular appointment upon
2 successful completion of a qualifying examination administered by the
3 Department of Personnel;

4 c. Temporary appointments may be made, without regard to the
5 provisions of this chapter, to temporary positions established for a
6 period aggregating not more than six months in a 12-month period as
7 approved by the commissioner. These positions include, but are not
8 limited to, seasonal positions. Positions established as a result of a
9 short-term grant may be established for a maximum of 12 months.
10 Appointees to temporary positions shall meet the minimum
11 qualifications of a title;

12 d. Emergency appointments shall not exceed 30 days and shall
13 only be permitted where nonappointment will result in harm to persons
14 or property;

15 e. Senior executive service appointments shall be made pursuant
16 to N.J.S.11A:3-3; and

17 f. Unclassified appointments shall be made pursuant to
18 N.J.S.11A:3-4 and N.J.S.11A:3-5.
19 (cf: N.J.S.11A:4-13)

20
21 4. N.J.S.11A:4-15 is amended to read as follows:

22 11A:4-15. Working test period. The purpose of the working test
23 period is to permit an appointing authority to determine whether an
24 employee satisfactorily performs the duties of a title. A working test
25 period is part of the examination process which shall be served in the
26 title to which the certification was issued and appointment made. The
27 commissioner shall provide for:

28 a. A working test period following regular appointment of four
29 months, which may be extended to six months at the discretion of the
30 commissioner, except that the working test period for political
31 subdivision employees shall be three months and the working test
32 period for entry level law enforcement, correction officer, [and]
33 firefighter, and such other titles as provided by rule shall be 12
34 months;

35 b. Progress reports to be made by the appointing authority and
36 provided to the employee at such times during the working test period
37 as provided by rules of the board and a final progress report at the end
38 of the entire working test period shall be provided to the employee and
39 the commissioner;

40 c. Termination of an employee at the end of the working test
41 period and termination of an employee for cause during the working
42 test period; and

43 d. The retention of permanent status in the lower title by a
44 promoted employee during the working test period in the higher title
45 and the right to return to such permanent title if the employee does not
46 satisfactorily complete the working test period, but employees

1 removed for cause during a working test period shall not be so
2 returned.

3 (cf: N.J.S.11A:4-15)

4

5 5. N.J.S.11A:4-16 is amended to read as follows:

6 11A:4-16. Transfer, reassignment and lateral title change. The
7 rules of the board shall define and establish the procedures for transfer,
8 reassignment and lateral title change, which may include transfer
9 between State government and a political subdivision and between
10 political subdivisions. Employees shall be granted no less than 30
11 days' notice of transfer, except with employee consent or under
12 emergent circumstances as established by rules of the board. The
13 commissioner shall provide for relocation assistance for State
14 employees who are transferred or reassigned to a new work location
15 due to a phasedown or closing of a State operation, subject to
16 available appropriations. Transfers, reassignments, or lateral title
17 changes shall not be utilized as part of a disciplinary action, except
18 following an opportunity for hearing. Nothing herein shall prohibit
19 transfers, reassignments, or lateral title changes made in good faith.
20 The burden of proof demonstrating lack of good faith shall be on the
21 employee.

22 (cf: N.J.S.11A:4-16)

23

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

26 5. a. Unless exempted by the department, no person shall
27 hereafter engage or continue to engage in the collection or disposal of
28 solid waste in this State without first filing a registration statement and
29 obtaining approval thereof from the department. A person engaging
30 in solid waste disposal shall file a separate registration statement and
31 an engineering design for each disposal facility which he operates. The
32 registration statement and engineering design for each disposal facility
33 and approval of same shall be for the duration of the plan.

34 b. The registration statement and the engineering design shall be
35 made on forms provided by the department and shall contain such
36 information as may be prescribed by the department. The State and
37 any of its political subdivisions, public agencies and public authorities
38 shall be deemed a person within the meaning of this act. A registration
39 statement filed by a public entity with the department after the
40 effective date of P.L. _____, c. _____ (C. _____) (now pending
41 before the Legislature as this bill) shall be valid for a period of five
42 years, and the department shall not require an annual update of such
43 a registration statement. The filing fee for the public entity shall be no
44 greater than the fee in effect as of March 1, 1997 for the one-year
45 registration.

46 c. No registration shall be approved by the department when in the

1 opinion of the department such solid waste collection or disposal
2 facility or operation will not meet the standards or criteria set forth in
3 this amendatory and supplementary act or in regulations as may be
4 promulgated under authority of this act or this amendatory and
5 supplementary act. The department may require the amendment of an
6 approved registration when, in its opinion, continued operation of a
7 solid waste facility in accordance with its approved registration would
8 not meet the standards, criteria or regulations described herein.
9 (cf: P.L.1975, c.326, s.6)]¹

10
11 ¹[7.] 6.¹ N.J.S.18A:6-45 is amended to read as follows:

12 18A:6-45. There is established a body corporate and politic, with
13 corporate succession, to be known as the "New Jersey School Boards
14 Association." All boards of education of the various school districts
15 in this State [shall] may be members of the association.
16 (cf: P.L.1970, c.104, s.1)

17
18 ¹[8.] 7.¹ N.J.S.18A:6-46 is amended to read as follows:

19 18A:6-46. Each of the district boards of education which chooses
20 to be a member of the association shall select annually one of its
21 members as a delegate to the association.
22 (cf: P.L.1970, c.104, s.2)

23
24 ¹[9.] 8.¹ N.J.S.18A:6-50 is amended to read as follows:

25 18A:6-50. For the purpose of defraying the necessary expenses of
26 the association, the various district boards which are members of the
27 association shall pay the necessary expenses incurred by its delegates,
28 and shall appropriate annually such sums for dues as may be assessed
29 by the association at any delegates meeting. The assessment of dues
30 shall be made upon a graduated scale and shall be made only upon
31 two-thirds vote of the delegates present at such delegates meeting,
32 after notice of the taking of such vote shall have been given to each
33 district board in writing at least 60 days before such delegates meeting.
34 However, the dues assessed any board of education shall not be
35 increased for any year by more than 33 1/3 % of the dues assessed that
36 board during the preceding year. Dues shall be payable by the
37 custodian of school moneys of the school district to the treasurer of
38 the association.
39 (cf: P.L.1973, c.120, s.1)

40
41 ¹[10.] 9.¹ R.S.19:31-2 is amended to read as follows:

42 19:31-2. In all counties having a superintendent of elections, the
43 superintendent of elections is hereby constituted the commissioner of
44 registration and in all other counties the secretary of the county board
45 is hereby constituted the commissioner of registration.

46 The commissioner of registration shall have complete charge of the

1 registration of all eligible voters within their respective counties.

2 The commissioner of registration shall have power to appoint
3 temporarily, and the commissioner of registration in counties of the
4 first class having more than 800,000 inhabitants shall have power to
5 appoint on a permanent, or temporary basis, such number of persons,
6 as in the commissioner's judgment may be necessary in order to carry
7 out the provisions of this Title. All persons appointed by the
8 commissioner of registration in counties of the first class having more
9 than 850,000 inhabitants according to the latest federal decennial
10 census to serve for terms of more than six months in any one year shall
11 be in the career service of the civil service and shall be appointed, and
12 hold their positions, in accordance with the provisions of Title 11A,
13 Civil Service. All persons appointed by the commissioner of
14 registration in counties of the first class having more than 600,000 but
15 less than 850,000 inhabitants according to the latest federal decennial
16 census to serve for terms of more than six months in any one year,
17 other than the chief deputy and chief clerk and confidential secretary
18 and chief custodian, shall be in the career service of the civil service
19 and shall be appointed and hold their positions, in accordance with the
20 provisions of Title 11A, Civil Service. Persons appointed by the
21 commissioner of registration in such counties to serve for terms of six
22 months or less in any one year and persons appointed by the
23 commissioner of registration shall not be subject to any of the
24 provisions of Title 11A, Civil Service, but shall be in the unclassified
25 service.

26 [In each county the commissioner of registration shall submit to
27 the Secretary of State on or before February 15 of each year a plan
28 providing for evening registration for the primary election and on or
29 before July 1 plans providing for evening registration for the general
30 election, which plans shall be subject to approval by the Secretary of
31 State.] Evening registration [shall] may be made available in the office
32 of each commissioner of registration [between the hours of 4 p.m. and
33 9 p.m. on the 29th day preceding the primary and general elections
34 and, in any year in which municipal elections are to be held in any
35 municipality within the county, on the 29th day preceding those
36 municipal elections] in accordance with a plan established by each
37 commissioner.

38 In each county, the commissioner of registration may also establish
39 a plan for out-of-office registration, including door-to-door
40 registration.

41 Nothing in this section shall preclude [the commissioner from
42 providing pursuant to plan evening registration in excess of the
43 requirements of this section, or shall preclude] or in any way limit
44 out-of-office registration conducted by persons or groups other than
45 the commissioner.

46 The commissioner of registration shall provide such printed forms,

1 blanks, supplies and office telephone and transportation equipment and
2 shall prescribe such reasonable rules and regulations not inconsistent
3 with those of the Secretary of State as are necessary in the opinion of
4 the commissioner to carry out the provisions of this Title and any
5 amendments or supplements thereto.

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

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

14 All powers granted to the commissioner in all counties not having
15 superintendents of elections by the provisions of this Title are hereby
16 conferred on the county board in such counties and any and all duties
17 conferred upon the commissioner in all counties not having a
18 superintendent of elections by the provisions of this Title shall only be
19 exercised and performed by such commissioner under the instructions
20 and directions of and subject to the approval of the county board of
21 such counties.

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

23

24 ¹[11.] 10.¹ R.S.26:3-3 is amended to read as follows:

25 26:3-3. The local board in every municipality, other than a
26 township, which is subject to the provisions of subdivision C of this
27 article, shall be composed of not less than five nor more than seven
28 members, except that in a city of the first class the board shall consist
29 of 10 members, and in a city having a population of over 80,000, but
30 not of the first class, the board shall consist of not less than five nor
31 more than 10 members. The governing body of a municipality may
32 appoint a school nurse or the municipal physician to the local board,
33 notwithstanding that the nurse or physician is not a resident of the
34 municipality.

35 The local board may, by ordinance, provide for the appointment of
36 two alternate members. Notwithstanding the provisions of any other
37 law or charter heretofore adopted, the ordinance shall provide the
38 method of appointment of the alternate members. Alternate members
39 shall be designated at the time of appointment by the authority
40 appointing them as "Alternate No. 1" and "Alternate No. 2."

41 The terms of the alternate members shall be for two years, except
42 that the terms of the alternate members first appointed shall be two
43 years for Alternate No. 1 and one year for Alternate No. 2, so that the
44 term of not more than one alternate member shall expire in any one
45 year. A vacancy occurring otherwise than by expiration of term shall
46 be filled by the appointing authority for the unexpired term only.

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

5 An alternate member may participate in discussions of the
6 proceedings but may not vote except in the absence or disqualification
7 of a regular member. A vote shall not be delayed in order that a
8 regular member may vote instead of an alternate member. In the event
9 that a choice must be made as to which alternate member is to vote,
10 Alternate No. 1 shall vote first.

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

12
13 ¹[12.] 11.¹ R.S.26:3-9 is amended to read as follows:

14 26:3-9. The local board in every township having a population of
15 not more than 20,000 inhabitants [shall] may be composed of the
16 members of the township committee, the township assessor or, if the
17 township has a board of assessors, the township clerk, and one
18 physician or school nurse, to be appointed by the township committee
19 for a term of three years from the time of his appointment and until the
20 successor is appointed. The township committee may appoint, as the
21 physician or school nurse appointment, the township physician or a
22 school nurse to the local board, notwithstanding that the physician or
23 nurse is not a resident of the township. The township committee may
24 by ordinance provide for the appointment of not more than two
25 alternate members. Alternate members shall be designated at the time
26 of appointment as "Alternate No. 1" and "Alternate No 2." The term
27 of the alternate members shall be for two years, except that of the first
28 two alternate members appointed, one shall be appointed for a term of
29 one year so that the term of not more than one alternate member shall
30 expire in any one year. A vacancy occurring otherwise than by
31 expiration of term shall be filled by the appointing authority for the
32 unexpired term only. Alternate members may participate in
33 discussions of the proceedings but may not vote except in the absence
34 or disqualification of a regular member. A vote shall not be delayed
35 in order that a regular member may vote instead of an alternate
36 member. In the event that a choice must be made as to which alternate
37 member is to vote, Alternate No. 1 shall vote.

38 b. Any such township may by ordinance adopt the provisions of
39 subdivision B of this article and thereafter shall be subject to the
40 provisions thereof and shall not be subject to the provisions of this
41 subdivision of this article.

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

43
44 ¹[13.] 12.¹ R.S.26:3-10 is amended to read as follows:

45 26:3-10. The local board in every township having a population
46 of more than twenty thousand inhabitants shall be composed of not

1 less than five nor more than seven members who shall be appointed in
2 such manner and hold their respective offices for such terms, not
3 exceeding four years, as the township committee or other governing
4 body may by ordinance provide, but the terms of not more than three
5 members shall expire in any one year, but any such township may by
6 ordinance adopt the provisions of subdivision B of this article and
7 thereafter shall be subject to the provisions thereof and shall not be
8 subject to the provisions of this subdivision of this article. The
9 township committee may appoint a school nurse or the township
10 physician to the local board, notwithstanding that the nurse or
11 physician is not a resident of the township.

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

13

14 ¹[14.] 13.¹ Section 2 of P.L.1963, c.150 (C.34:11-56.26) is
15 amended to read as follows:

16 2. As used in this act:

17 (1) "Department" means the Department of Labor of the State of
18 New Jersey. (2) "Locality" means any political subdivision of the
19 State, combination of the same or parts thereof, or any geographical
20 area or areas classified, designated and fixed by the commissioner from
21 time to time, provided that in determining the "locality" the
22 commissioner shall be guided by the boundary lines of political
23 subdivisions or parts thereof, or by a consideration of the areas with
24 respect to which it has been the practice of employers of particular
25 crafts or trades to engage in collective bargaining with the
26 representatives of workers in such craft or trade.

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

30 (4) "Public body" means the State of New Jersey, any of its
31 political subdivisions, any authority created by the Legislature of the
32 State of New Jersey and any instrumentality or agency of the State of
33 New Jersey or of any of its political subdivisions.

34 (5) "Public work" means construction, reconstruction, demolition,
35 alteration, or repair work, or maintenance work, including painting and
36 decorating, done under contract and paid for in whole or in part out
37 of the funds of a public body, except work performed under a
38 rehabilitation program. "Public work" shall also mean construction,
39 reconstruction, demolition, alteration, or repair work, done on any
40 property or premises, whether or not the work is paid for from public
41 funds, if, at the time of the entering into of the contract:

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

45 (b) The portion of the property or premises that is leased or
46 subject to an agreement to be subsequently leased by the public body

1 measures more than 20,000 square feet.

2 (6) "Commissioner" means the Commissioner of Labor or his duly
3 authorized representatives.

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

11 (8) "Work performed under a rehabilitation program" means work
12 arranged by and at a State institution primarily for teaching and
13 upgrading the skills and employment opportunities of the inmates of
14 such institutions.

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

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

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

22 (a) In the case of any public work paid for in whole or in part out
23 of the funds of a [municipality in the State of New Jersey] contracting
24 unit under the "Local Public Contracts Law," P.L.1971, c.198
25 (C.40A:11-1 et seq.) or the "Public School Contracts Law,"
26 N.J.S.18A:18A-1 et seq.), or done on property or premises leased or
27 to be leased by [the municipality] such contracting unit, the dollar
28 amount established for the then current calendar year by the
29 commissioner through rules and regulations promulgated pursuant to
30 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
31 seq.), which amount shall be equal to \$9,850 on July 1, 1994 and
32 which amount shall be adjusted on July 1 every five calendar years
33 thereafter in direct proportion to the rise or fall in the average of the
34 Consumer Price Indices for Urban Wage Earners and Clerical Workers
35 for the New York metropolitan and the Philadelphia metropolitan
36 regions as reported by the United States Department of Labor during
37 the last full calendar year preceding the date upon which the
38 adjustment is made; and

39 (b) In the case of any public work other than a public work
40 described in paragraph (a) of this subsection, an amount equal to
41 \$2,000.

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

43

44 ¹[15.] 14.¹ Section 2 of P.L.1973, c.208 (C.40:8A-2) is amended
45 to read as follows:

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

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

5 b. "Governing body" means the board, commission, council or
6 other body having the control of the finances of a local unit; and in
7 those local units in which an executive officer is authorized by law to
8 participate in such control through powers of recommendation,
9 approval or veto, the term includes such executive officer to the extent
10 of such participation.

11 c. "Chief executive officer" means the mayor of a municipality, the
12 elected county executive of a county, the director of the board of
13 chosen freeholders in a county not having an elected county executive,
14 and the chairman or other presiding officer of any other governing
15 body.

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

18 e. "Contract" means a contract authorized under section 3 of this
19 act.

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

21
22 ¹[16.] 15.¹ Section 3 of P.L.1973, c.208 (C.40:8A-3) is amended
23 to read as follows:

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

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

39
40 ¹[17.] 16.¹ Section 5 of P.L.1973, c.208 (C.40:8A-5) is amended
41 to read as follows:

42 5. a. The parties to a contract authorized by this act may agree to
43 provide jointly, or through the agency of one more of them on behalf
44 of any or all of them, any service or aspect of a service which any of
45 the parties on whose behalf such services are to be performed may
46 legally perform for itself. Such services shall include, but not be

1 limited to, the areas of general government administration, health,
2 police and fire protection, code enforcement, assessment and
3 collection of taxes, financial administration, environmental services,
4 joint municipal courts, youth, senior citizens, welfare and social
5 services programs. Nothing in this act shall be deemed to amend or
6 repeal any procedures for or powers of approval of any consolidated
7 local service program which any State agency may now exercise
8 pursuant to law.

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

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

14

15 ¹[18.] 17.¹ Section 2 of P.L.1990, c.33 (C.40:20-35.11a) is
16 amended to read as follows:

17 2. a. When any vacancy occurs on the board of chosen
18 freeholders otherwise than by expiration of term, it shall be filled by
19 election for the unexpired term only at the next general election
20 occurring not less than 60 days after the occurrence of the vacancy,
21 except that no such vacancy shall be filled at the general election
22 which immediately precedes the expiration of the term in which the
23 vacancy occurs. In the event a vacancy eligible to be filled by election
24 hereunder occurs on or before the sixth day preceding the last day for
25 filing petitions for nomination for the primary election, such petitions
26 may be prepared and filed for nomination in that primary election in
27 the manner provided by article 3 of chapter 23 of Title 19 of the
28 Revised Statutes. In the event the vacancy occurs after that sixth day
29 preceding the last day for filing petitions for nomination for the
30 primary election, or if the vacancy occurs on or before the sixth day
31 preceding the last day for filing petitions for nomination for the
32 primary election but no such petition has been filed with respect to a
33 given political party, each political party, or that party respectively,
34 may select a candidate for the office in question in the manner
35 prescribed in subsections a. and b. of R.S.19:13-20 for selecting
36 candidates to fill vacancies among candidates nominated at primary
37 elections. A statement of such selection under R.S.19:13-20 shall be
38 filed with the county clerk not later than the 48th day preceding the
39 date of the general election.

40 Besides the selection of candidates by each political party,
41 candidates may also be nominated by petition in a manner similar to
42 direct nomination by petition for the general election; but if the
43 candidate of any party to fill the vacancy will be chosen at a primary
44 election, such petition shall be filed with the county clerk at least 55
45 days prior to the primary election; and if no candidate of any party will
46 be chosen at a primary election, such petition shall be filed with the

1 county clerk not later than 12 o'clock noon of the day on which the
2 first selection meeting by any party is held under this section to select
3 a nominee to fill the vacancy.

4 The county clerk shall print on the ballots for the territory affected,
5 in the personal choice column, the title of office and leave a proper
6 space under such title of office; and print the title of office and the
7 names of such persons as have been duly nominated, in their proper
8 columns.

9 b. Notwithstanding subsection a. of this section, if at any time
10 after an election for a member of the board of chosen freeholders and
11 before the time fixed for the commencement of the term of the office,
12 the person elected to that office dies, the county committee of the
13 political party of which the person elected was the nominee shall
14 appoint another person to fill the position until the next general
15 election. If the person elected was not the nominee of a political
16 party, on or within 30 days after the time fixed for the commencement
17 of the term of office, the governing body shall appoint a successor to
18 fill the office until the next general election without regard to party.
19 (cf: P.L.1990, c.33, s.2)

20
21 ¹[19.] 18.¹ Section 5 of P.L.1990, c.33 (C.40:41A-145.1) is
22 amended to read as follows:

23 5. a. When any vacancy occurs on the board of chosen
24 freeholders otherwise than by expiration of term, it shall be filled by
25 election for the unexpired term only at the next general election
26 occurring not less than 60 days after the occurrence of the vacancy,
27 except that no such vacancy shall be filled at the general election
28 which immediately precedes the expiration of the term in which the
29 vacancy occurs. In the event a vacancy eligible to be filled by election
30 hereunder occurs on or before the sixth day preceding the last day for
31 filing petitions for nomination for the primary election, such petitions
32 may be prepared and filed for nomination in that primary election in
33 the manner provided by article 3 of chapter 23 of Title 19 of the
34 Revised Statutes. In the event the vacancy occurs after that sixth day
35 preceding the last day for filing petitions for nomination for the
36 primary election, or if the vacancy occurs on or before the sixth day
37 preceding the last day for filing petitions for nomination for the
38 primary election but no such petition has been filed with respect to a
39 given political party, each political party, or that party respectively,
40 may select a candidate for the office in question in the manner
41 prescribed in subsections a. and b. of R.S.19:13-20 for selecting
42 candidates to fill vacancies among candidates nominated at primary
43 elections. A statement of such selection under R.S.19:13-20 shall be
44 filed with the county clerk not later than the 48th day preceding the
45 date of the general election.

46 Besides the selection of candidates by each political party,

1 candidates may also be nominated by petition in a manner similar to
2 direct nomination by petition for the general election; but if the
3 candidate of any party to fill the vacancy will be chosen at a primary
4 election, such petition shall be filed with the county clerk at least 55
5 days prior to the primary election; and if no candidate of any party will
6 be chosen at a primary election, such petition shall be filed with the
7 county clerk not later than 12 o'clock noon of the day on which the
8 first selection meeting by any party is held under this section to select
9 a nominee to fill the vacancy.

10 The county clerk shall print on the ballots for the territory affected,
11 in the personal choice column, the title of office and leave a proper
12 space under such title of office; and print the title of office and the
13 names of such persons as have been duly nominated, in their proper
14 columns.

15 b. Notwithstanding subsection a. of this section, if at any time
16 after an election for the office of county executive or for a member of
17 the freeholder board and before the time fixed for the commencement
18 of the term of the office, the person elected to that office dies, the
19 county committee of the political party of which the person elected
20 was the nominee shall appoint another person to fill the position until
21 the next general election. If the person elected was not the nominee
22 of a political party, on or within 30 days after the time fixed for the
23 commencement of the term of office, the governing body shall appoint
24 a successor to fill the office until the next general election without
25 regard to party.

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

27

28 ¹[20.] 19.¹ Section 1 of P.L.1956, c.176 (C.40:45A-1) is amended
29 to read as follows:

30 1. Notwithstanding any other provision of law, the governing body
31 of a municipality in which any of the members of the governing body
32 are elected for terms commencing January 1 may, by [ordinance]
33 resolution, fix the date and time of its annual organization or
34 reorganization meeting at 12 o'clock noon on January 1, or at some
35 other hour on any day during the first week in January.

36 (cf: P.L.1981, c.79, s.1)

37

38 ¹[21. Section 1 of P.L.1983, c.208 (C.40:48-5a) is amended to
39 read as follows:

40 1. The governing body of any municipality may enter into contract
41 with a private agency or firm for the purpose of collecting delinquent
42 finances, costs, surcharges and other penalties that are owed to, or
43 required to be collected by the municipality as a result of any
44 municipal court matter, including, but not limited to parking violation
45 finances [owed to the municipality] and motor vehicle violation fines.
46 Any such contract shall be made and awarded pursuant to the

1 provisions of the "Local Public Contracts Law," P.L.1971, c.198
2 (C.40A:11-1 et seq.).
3 (cf: P.L.1983, c.208, s.1)]¹

4
5 ¹[22. Section 76 of P.L.1975, c.291 (C.40:55D-89) is amended to
6 read as follows:

7 76. Periodic examination. The governing body shall, at least every
8 [six] 10 years, provide for a general reexamination of its master plan
9 and development regulations by the planning board, which shall
10 prepare and adopt by resolution a report on the findings of such
11 reexamination, a copy of which report and resolution, or notice of the
12 availability of such report and resolution, shall be sent to the county
13 planning board and the municipal clerk of each adjoining municipality.
14 The first such reexamination shall have been completed by August 1,
15 1982. The next reexamination shall be completed by August 1, 1988.
16 Thereafter, a reexamination shall be completed at least once every
17 [six] 10 years from the previous reexamination.

18 The reexamination report shall state:

19 a. The major problems and objectives relating to land development
20 in the municipality at the time of the adoption of the last reexamination
21 report.

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

24 c. The extent to which there have been significant changes in the
25 assumptions, policies, and objectives forming the basis for the master
26 plan or development regulations as last revised, with particular regard
27 to the density and distribution of population and land uses, housing
28 conditions, circulation, conservation of natural resources, energy
29 conservation, collection, disposition, and recycling of designated
30 recyclable materials, and changes in State, county and municipal
31 policies and objectives.

32 d. The specific changes recommended for the master plan or
33 development regulations, if any, including underlying objectives,
34 policies and standards, or whether a new plan or regulations should be
35 prepared.

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

43
44 ¹[23.] 20.¹ Section 3 of P.L.1991, c.54 (C.40:66-10) is amended
45 to read as follows:

46 3. The governing body of any municipality which operated a solid

1 waste collection district as of December 31, 1989, shall [, by
2 ordinance and subject to the approval of the Local Finance Board of
3 the Department of Community Affairs,] determine the amount of
4 money necessary for the support of the solid waste collection district.
5 The amount so determined shall [be assessed on the value of all
6 taxable property within the district and collected as taxes are collected
7 and be controlled and expended by the municipality for the purposes
8 herein specified. The ordinance shall specify that any assessment made
9 pursuant to this section is to be used solely to provide for the support
10 of the solid waste collection district. Any municipality which adopts
11 an ordinance pursuant to this section shall, within 10 days following
12 the adoption of the ordinance, forward a copy to the Division of Local
13 Government Services in the Department of Community Affairs]
14 become part of the municipal budget and subject to approval by the
15 director.

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

17

18 ¹[24.] 21.¹ N.J.S.40A:2-17 is amended to read as follows:

19 40A:2-17. a. Introduction.

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

23 b. Publication, hearing and adoption.

24 The bond ordinance, or a summary thereof, shall be published after
25 first reading, together with notice of the introduction thereof and of
26 the date, which shall be at least 10 days after introduction and first
27 reading, and the time and place of further consideration for final
28 passage, which may be at an adjournment of such meeting or another
29 meeting. If a summary is published, the summary shall contain a clear
30 and concise statement prepared by the clerk of the governing body
31 setting forth the purpose of the ordinance and the time and place when
32 and where a copy of the ordinance can be obtained, without cost, by
33 any member of the general public residing in the local unit.

34 Such publication shall be at least 1 week prior to the date for
35 further consideration. At the time and place so advertised, or at any
36 time and place to which such meeting or further consideration shall
37 from time to time be adjourned, such bond ordinance may be read by
38 its title, if,

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

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

44 (b) a notice that copies of such bond ordinance will be made
45 available during such week and up to and including the date of such
46 meeting or further consideration to the members of the general public

1 of the municipality who shall request such copies, naming the place at
2 which such copies will be so made available, and

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

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

11 If any amendment is adopted substantially altering matters required
12 by this chapter to be contained in the bond ordinance, such amended
13 bond ordinance shall not be finally adopted until at least 1 week
14 thereafter and until the bond ordinance or a summary of it shall have
15 been published once at least 2 days prior to the date for further
16 consideration, together with notice of the date, time and place at
17 which it will be further considered for final adoption. At the time and
18 place so advertised, or at any time and place to which such meeting or
19 further consideration shall from time to time be adjourned, such
20 amended bond ordinance may be read by its title, if,

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

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

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

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

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

42 c. Final publication with statement.

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

STATEMENT

1
2
3 The bond ordinance published herewith has been finally adopted
4 and the 20-day period of limitation within which a suit, action or
5 proceeding questioning the validity of such ordinance can be
6 commenced, as provided in the Local Bond Law has begun to run
7 from the date of the first publication of this statement.

8
9 _____
Clerk.

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

11 ¹[25.] 22.¹ N.J.S.40A:2-18 is amended to read as follows:

12 40A:2-18. A bond ordinance shall take effect 20 days after the
13 first publication of the ordinance or of a summary thereof after final
14 adoption. A bond ordinance which authorizes obligations to fund,
15 refund, renew, extend or retire obligations issued or authorized
16 pursuant to this chapter, or notes or bonds issued or authorized
17 pursuant to any act of which this chapter is a revision shall not be
18 subject to referendum.

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

20
21 ¹[26.] 23.¹ N.J.S.40A:4-27 is amended to read as follows:

22 40A:4-27. A local unit may anticipate as a miscellaneous revenue
23 the total amount of all payments due and payable to the local unit
24 during the fiscal year, directly or indirectly as a result of the sale of
25 property by the local unit, when the obligation to make such payment
26 is entered into prior to [February 10 of the calendar fiscal year, or by
27 August 10 of the State fiscal year] the adoption of the budget.

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

29
30 ¹[27.] 24.¹ N.J.S.40A:4-41 is amended to read as follows:

31 40A:4-41. a. For the purpose of determining the amount of the
32 appropriation for "reserve for uncollected taxes" required to be
33 included in each annual budget where less than 100% of current tax
34 collections may be and are anticipated, anticipated cash receipts shall
35 be as set forth in the budget of the current year, and in accordance
36 with the limitations of statute for anticipated revenue from, surplus
37 appropriated, miscellaneous revenues and receipts from delinquent
38 taxes.

39 b. Receipts from the collection of taxes levied or to be levied in
40 the municipality, or in the case of a county for general county
41 purposes and payable in the fiscal year shall be anticipated in an
42 amount which is not in excess of the percentage of taxes levied and
43 payable during the next preceding fiscal year which was received in
44 cash by the last day of the preceding fiscal year.

45 c. (1) For any municipality in which tax appeal judgments have
46 been awarded to property owners from action of the county tax board

1 pursuant to R.S.54:3-21 et seq., or the State tax court pursuant to
2 R.S.54:48-1 et seq. in the preceding fiscal year, the governing body of
3 the municipality may elect to determine the reserve for uncollected
4 taxes by using the average of the percentages of taxes levied which
5 were received in cash by the last day of each of the three preceding
6 fiscal years. Election of this choice shall be made by resolution,
7 approved by a majority vote of the full membership of the governing
8 body prior to the introduction of the annual budget pursuant to
9 N.J.S.40A:4-5.

10 (2) If the amount of tax reductions resulting from tax appeal
11 judgments of the county tax board pursuant to R.S.54:3-21 et seq., or
12 the State tax court pursuant to R.S.54:48-1 et seq., for the previous
13 fiscal year exceeds 1% of the tax levy for that previous fiscal year, the
14 governing body of the municipality may elect to calculate the current
15 year reserve for uncollected taxes by reducing the certified tax levy of
16 the prior year by the amount of the tax levy adjustments resulting from
17 those judgments. Election of this choice shall be made by resolution,
18 approved by a majority vote of the full membership of the governing
19 body prior to the introduction of the annual budget pursuant to
20 N.J.S.40A:4-5.

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

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

26

27 ¹[28.] 25.¹ Section 3 of P.L.1976, c.68 (C.40A:4-45.3) is
28 amended to read as follows:

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

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

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

39 c. (1) An increase based upon emergency temporary
40 appropriations made pursuant to N.J.S.40A:4-20 to meet an urgent
41 situation or event which immediately endangers the health, safety or
42 property of the residents of the municipality, and over which the
43 governing body had no control and for which it could not plan and
44 emergency appropriations made pursuant to N.J.S.40A:4-46.
45 Emergency temporary appropriations and emergency appropriations
46 shall be approved by at least two-thirds of the governing body and by

1 the Director of the Division of Local Government Services, and shall
2 not exceed in the aggregate 3% of the previous year's final current
3 operating appropriations.

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

5 The approval procedure in this subsection shall not apply to
6 appropriations adopted for a purpose referred to in subsection d. or j.
7 below;

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

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

12 f. Amounts reserved for uncollected taxes;

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

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

17 i. Any amount approved by any referendum;

18 j. Amounts required to be paid pursuant to (1) any contract with
19 respect to use, service or provision of any project, facility or public
20 improvement for water, sewerage, parking, senior citizen housing or
21 any similar purpose, or payments on account of debt service therefor,
22 between a municipality and any other municipality, county, school or
23 other district, agency, authority, commission, instrumentality, public
24 corporation, body corporate and politic or political subdivision of this
25 State; (2) the provisions of article 9 of P.L.1968, c.404 (C.13:17-60
26 through 13:17-76) by a constituent municipality to the intermunicipal
27 account; (3) any lease of a facility owned by a county improvement
28 authority when the lease payment represents the proportionate amount
29 necessary to amortize the debt incurred by the authority in providing
30 the facility which is leased, in whole or in part; and (4) any repayments
31 under a loan agreement entered into in accordance with the provisions
32 of section 5 of P.L.1992, c.89.

33 k. (Deleted by amendment, P.L.1987, c.74.)

34 l. Appropriations of federal, county, independent authority or
35 State funds, or by grants from private parties or nonprofit
36 organizations for a specific purpose, and amounts received or to be
37 received from such sources in reimbursement for local expenditures.
38 If a municipality provides matching funds in order to receive the
39 federal, county, independent authority or State funds, or the grants
40 from private parties or nonprofit organizations for a specific purpose,
41 the amount of the match which is required by law or agreement to be
42 provided by the municipality shall be excepted;

43 m. (Deleted by amendment, P.L.1987, c.74.)

44 n. (Deleted by amendment, P.L.1987, c.74.)

45 o. (Deleted by amendment, P.L.1990, c.89.)

46 p. (Deleted by amendment, P.L.1987, c.74.)

- 1 q. (Deleted by amendment, P.L.1990, c.89.)
- 2 r. Amounts expended to fund a free public library established
- 3 pursuant to the provisions of R.S.40:54-1 through 40:54-29, inclusive;
- 4 s. (Deleted by amendment, P.L.1990, c.89.)
- 5 t. Amounts expended in preparing and implementing a housing
- 6 element and fair share plan pursuant to the provisions of P.L.1985,
- 7 c.222 (C.52:27D-301 et al.) and any amounts received by a
- 8 municipality under a regional contribution agreement pursuant to
- 9 section 12 of that act;
- 10 u. Amounts expended to meet the standards established pursuant
- 11 to the "New Jersey Public Employees' Occupational Safety and Health
- 12 Act," P.L.1983, c.516 (C.34:6A-25 et seq.);
- 13 v. (Deleted by amendment, P.L.1990, c.89.)
- 14 w. Amounts appropriated for expenditures resulting from the
- 15 impact of a hazardous waste facility as described in subsection c. of
- 16 section 32 of P.L.1981, c.279 (C.13:1E-80);
- 17 x. Amounts expended to aid privately owned libraries and reading
- 18 rooms, pursuant to R.S.40:54-35;
- 19 y. (Deleted by amendment, P.L.1990, c.89.)
- 20 z. (Deleted by amendment, P.L.1990, c.89.)
- 21 aa. Extraordinary expenses, approved by the Local Finance Board,
- 22 required for the implementation of an interlocal services agreement;
- 23 bb. Any expenditure mandated as a result of a natural disaster,
- 24 civil disturbance or other emergency that is specifically authorized
- 25 pursuant to a declaration of an emergency by the President of the
- 26 United States or by the Governor;
- 27 cc. Expenditures for the cost of services mandated by any order
- 28 of court, by any federal or State statute, or by administrative rule,
- 29 directive, order, or other legally binding device issued by a State
- 30 agency which has identified such cost as mandated expenditures on
- 31 certification to the Local Finance Board by the State agency;
- 32 dd. Expenditures of amounts actually realized in the local budget
- 33 year from the sale of municipal assets if appropriated for non-recurring
- 34 purposes or otherwise approved by the director;
- 35 ee. Any local unit which is determined to be experiencing fiscal
- 36 distress pursuant to the provisions of P.L.1987, c.75
- 37 (C.52:27D-118.24 et seq.), whether or not a local unit is an "eligible
- 38 municipality" as defined in section 3 of P.L.1987, c.75
- 39 (C.52:27D-118.26), and which has available surplus pursuant to the
- 40 spending limitations imposed by P.L.1976, c.68 (C.40A:4-45.1 et
- 41 seq.), may appropriate and expend an amount of that surplus approved
- 42 by the director and the Local Finance Board as an exception to the
- 43 spending limitation. Any determination approving the appropriation
- 44 and expenditure of surplus as an exception to the spending limitations
- 45 shall be based upon:
- 46 1) the local unit's revenue needs for the current local budget year

- 1 and its revenue raising capacity;
- 2 2) the intended actions of the governing body of the local unit to
3 meet the local unit's revenue needs;
- 4 3) the intended actions of the governing body of the local unit to
5 expand its revenue generating capacity for subsequent local budget
6 years;
- 7 4) the local unit's ability to demonstrate the source and existence
8 of sufficient surplus as would be prudent to appropriate as an
9 exception to the spending limitations to meet the operating expenses
10 for the local unit's current budget year; and
- 11 5) the impact of utilization of surplus upon succeeding budgets of
12 the local unit;
- 13 ff. Amounts expended for the staffing and operation of the
14 municipal court; gg. Amounts appropriated for the cost of
15 administering a joint insurance fund established pursuant to subsection
16 b. of section 1 of P.L.1983, c.372 (C.40A:10-36), but not including
17 appropriations for claims payments by local member units;
- 18 hh. Amounts appropriated for the cost of implementing an
19 estimated tax billing system and the issuance of tax bills thereunder
20 pursuant to section 3 of P.L.1994, c.72 (C.54:4-66.2);
- 21 ii. Expenditures related to the cost of conducting and
22 implementing a total property tax levy sale pursuant to section 16 of
23 P.L.1997, c.99 (C.54:5-113.5);
- 24 jj. Amounts expended by a municipality under an interlocal
25 services agreement entered into pursuant to P.L.1973, c.208
26 (C.40:8A-1 et seq.) entered into after the effective date of P.L. _____,
27 c. _____ (C. _____) (now pending before the Legislature as this
28 bill) or amounts expended under a joint contract pursuant to the
29 "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et
30 seq.) entered into after the effective date of P.L. _____, c. _____
31 (C. _____) (now pending before the Legislature as this bill).
32 (cf: P.L.1997, c.99, s.9)

33

34 ¹[29.] 26.¹ Section 4 of P.L.1976, c.68 (C.40A:4-45.4) is
35 amended to read as follows:

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

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

45 b. Capital expenditures, including appropriations for current
46 capital expenditures, whether in the capital improvement fund or as a

1 component of a line item elsewhere in the budget, provided that any
2 such current capital expenditures would be otherwise bondable under
3 the requirements of N.J.S.40A:2-21 and 40A:2-22;

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

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

16 The approval procedure in this subsection shall not apply to
17 appropriations adopted for a purpose referred to in subsection d. or f.
18 below;

19 d. All debt service;

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

21 f. Amounts required to be paid pursuant to (1) any contract with
22 respect to use, service or provision of any project, facility or public
23 improvement for water, sewerage, parking, senior citizen housing or
24 any similar purpose, or payments on account of debt service therefor,
25 between a county and any other county, municipality, school or other
26 district, agency, authority, commission, instrumentality, public
27 corporation, body corporate and politic or political subdivision of this
28 State; and (2) any lease of a facility owned by a county improvement
29 authority when the lease payment represents the proportionate amount
30 necessary to amortize the debt incurred by the authority in providing
31 the facility which is leased, in whole or in part;

32 g. That portion of the county tax levy which represents funding to
33 participate in any federal or State aid program and amounts received
34 or to be received from federal, State or other funds in reimbursement
35 for local expenditures. If a county provides matching funds in order
36 to receive the federal or State or other funds, only the amount of the
37 match which is required by law or agreement to be provided by the
38 county shall be excepted;

39 h. (Deleted by amendment, P.L.1987, c.74.)

40 i. (Deleted by amendment, P.L.1990, c.89.)

41 j. (Deleted by amendment, P.L.1990, c.89.)

42 k. (Deleted by amendment, P.L.1990, c.89.)

43 l. Amounts expended to meet the standards established pursuant
44 to the "New Jersey Public Employees' Occupational Safety and Health
45 Act," P.L.1983, c.516 (C.34:6A-25 et seq.);

46 m. (Deleted by amendment, P.L.1990, c.89.)

- 1 n. (Deleted by amendment, P.L.1990, c.89.)
2 o. (Deleted by amendment, P.L.1990, c.89.)
3 p. Extraordinary expenses, approved by the Local Finance Board,
4 required for the implementation of an interlocal services agreement;
5 q. Any expenditure mandated as a result of a natural disaster, civil
6 disturbance or other emergency that is specifically authorized pursuant
7 to a declaration of an emergency by the President of the United States
8 or by the Governor;
9 r. Expenditures for the cost of services mandated by any order of
10 court, by any federal or State statute, or by administrative rule,
11 directive, order, or other legally binding device issued by a State
12 agency which has identified such cost as mandated expenditures on
13 certification to the Local Finance Board by the State agency;
14 s. That portion of the county tax levy which represents funding to
15 a county college in excess of the county tax levy required to fund the
16 county college in local budget year 1992;
17 t. Amounts appropriated for the cost of administering a joint
18 insurance fund established pursuant to subsection b. of section 1 of
19 P.L.1983, c.372 (C.40A:10-36), but not including appropriations for
20 claims payments by local member units;
21 u. Expenditures for the administration of general public assistance
22 pursuant to P.L.1995, c.259 (C.40A:4-6.1 et al.);
23 v. Amounts in a separate line item of a county budget that are
24 expended on tick-borne disease vector management activities
25 undertaken pursuant to P.L.1997, c.52 (C.26:2P-7 et al.);
26 w. Amounts expended by a county under an interlocal services
27 agreement entered into pursuant to P.L.1973, c.208 (C.40:8A-1 et
28 seq.) entered into after the effective date of P.L. _____, c.
29 (C. _____) (now pending before the Legislature as this bill) or
30 amounts expended under a joint contract pursuant to the
31 "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et
32 seq.) entered into after the effective date of P.L. _____, c.
33 (C. _____) (now pending before the Legislature as this bill).
34 (cf: P.L.1997, c.52, s.3)

35
36 ¹[30.] 27.¹ Section 6 of P.L.1990, c.89 (C.40A:4-45.38) is
37 amended to read as follows:

38 6. No transfer of funds authorized by N.J.S.40A:4-58 and
39 N.J.S.40A:4-59 shall be made from an appropriation which is not
40 subject to limitation pursuant to section 3 or 4 of P.L.1976, c.68
41 (C.40A:4-45.3 and 40A:4-45.4), except for transfers between line
42 items for the same item of appropriation, to an appropriation which is
43 subject to either of those limitations. Notwithstanding the provisions
44 of N.J.S.40A:4-58 and N.J.S.40A:4-59 no transfer of funds is
45 authorized between appropriations not subject to limitation pursuant
46 to section 3 or 4 of P.L.1976, c.68 (C.40A:4-45.3 and 40A:4-45.4),

1 except transfers may be made to interest and redemption charges.
2 (cf: P.L.1990, c.89, s.6)

3
4 ¹[31.] 28.¹ N.J.S.40A:5-16 is amended to read as follows:

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

7 a. unless the person claiming or receiving the same shall first
8 present a detailed bill of items or demand, specifying particularly how
9 the bill or demand is made up, with the certification of the party
10 claiming payment that it is correct. The governing body may, by
11 resolution, require an affidavit in lieu of the said certification, and the
12 clerk or disbursing officer of the local unit may take such affidavit
13 without cost, and

14 b. unless it carries a certification of some officer or duly
15 designated employee of the local unit having knowledge of the facts
16 that the goods have been received by, or the services rendered to, the
17 local unit.

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

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

25 (2) payment to vendors is required in advance of the delivery of
26 certain materials or services that cannot be obtained from any other
27 source at comparable prices; or

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

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

31
32 ¹[32. Section 5 of P.L.1988, c.110 (C.40A:9-140.10) is amended
33 to read as follows:

34 5. Notwithstanding the provisions of any law to the contrary, in
35 every municipality there shall be a chief financial officer appointed by
36 the governing body of the municipality. The term of office shall be
37 four years, which shall run from January 1 in the year in which the
38 chief financial officer is appointed; however, the first 12 months of any
39 initial term shall be a probationary period during which time the chief
40 financial officer may be removed from office for unsatisfactory
41 performance or for any other reason by the governing body. Removal
42 during a probationary period shall be considered a vacancy due to
43 expiration of term. The compensation for the chief financial officer
44 shall be separately set forth in a municipal salary ordinance.

45 If a governing body fails or refuses to comply with this section, and
46 has received an order from the director to do so, the members of a

1 governing body who willfully fail or refuse to comply shall each be
2 subject to a personal penalty of \$25 for each day after the date fixed
3 for final action that failure or refusal to comply continues. The
4 amount of the penalty may be recovered by the director in the name of
5 the State as a personal debt of the member of the governing body, and
6 shall be paid, upon receipt, into the State Treasury.

7 (cf: P.L.1991, c.175, s.8)]¹

8

9 ¹[33.] 29.¹ N.J.S.40A:9-141 is amended to read as follows:

10 40A:9-141. Notwithstanding any other law the governing body or
11 chief executive, as shall be appropriate to the form of government of
12 the municipality, by ordinance, shall provide for the appointment of a
13 municipal tax collector and the compensation of the tax collector shall
14 be fixed in the manner otherwise provided by law. The governing
15 body may, by [ordinance] resolution, set appropriate hours of
16 operation of the tax collector's office and the work hours of the tax
17 collector, commensurate with the compensation paid to the tax
18 collector, and all personnel assigned to the tax collector's office. The
19 office of municipal tax collector and municipal treasurer, or municipal
20 clerk may be held by the same person.

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

22

23 ¹[34. N.J.S.40A:9-142 is amended to read as follows:

24 40A:9-142. a. Every municipal tax collector shall hold his office
25 for a term of 4 years from the first day of January next following his
26 appointment. Vacancies other than due to expiration of term shall be
27 filled [by appointment for the unexpired term] in accordance with the
28 provisions of subsection b. of this section.

29 Nothing herein contained shall affect any of the provisions of Title
30 [11 (Civil Service)] 11A, Civil Service, of the [Revised] New Jersey
31 Statutes.

32 b. When a vacancy occurs in the office of the municipal tax
33 collector following the appointment of a certified tax collector to that
34 office, the governing body or chief executive officer, as appropriate,
35 may appoint, for a period not to exceed six months and commencing
36 on the date of the vacancy, a person who does not hold a tax collector
37 certificate to serve as a temporary tax collector. Any person so
38 appointed, with the approval of the director, may be reappointed as
39 temporary tax collector following the termination of the initial
40 temporary appointment for an additional six months. No municipality
41 shall have a temporary tax collector for more than one year.

42 c. If a governing body or chief executive officer, as appropriate,
43 fails or refuses to comply with the requirement to appoint a certified
44 tax collector pursuant to subsection b. of this section, and has received
45 an order from the director to do so, the officials who willfully fail or
46 refuse to comply each shall be subject to a personal penalty of \$25 for

1 each day after the date fixed for final action that the failure or refusal
2 to comply continues. The amount of the penalty may be recovered by
3 the director in the name of the State as a personal debt of the member
4 of the governing body and upon receipt shall be paid into the State
5 Treasury.

6 (cf: P.L.1979, c.384, s.14)]¹

7
8 ¹[35.] 30.¹ N.J.S.40A:9-146 is amended to read as follows:

9 40A:9-146. The governing body or chief executive, as shall be
10 appropriate to the form of government of the municipality shall
11 provide for the appointment of a tax assessor and such deputy tax
12 assessors as it may determine necessary. The appointing authority
13 may, by resolution or order as appropriate, set appropriate hours of
14 operation of the tax assessor's office and the work hours of the tax
15 assessor, commensurate with the compensation paid to the tax
16 assessor. The governing body, by ordinance, shall determine the
17 amount of compensation of such assessors.

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

19
20 ¹[36. N.J.S.40A:9-148 is amended to read as follows:

21 40A:9-148. Every municipal tax assessor and deputy assessor shall
22 hold his office for a term of 4 years from the first day of July next
23 following his appointment; however, the first 12 months of any initial
24 term shall be a probationary period during which time the municipal
25 tax assessor or deputy assessor, as appropriate, may be removed from
26 office for unsatisfactory performance or for any other reason by the
27 appointing authority. Removal during a probationary period shall be
28 considered a vacancy due to expiration of term.

29 Vacancies other than due to expiration of term shall be filled by
30 appointment for the unexpired term.

31 (cf: P.L.1981, c.393, s.2)]¹

32
33 ¹[37. N.J.S.40A:9-165 is amended to read as follows:

34 40A:9-165. The governing body of a municipality, by ordinance,
35 unless otherwise provided by law, shall fix and determine the salaries,
36 wages or compensation to be paid to the officers and employees of the
37 municipality, including the members of the governing body and the
38 mayor or other chief executive, who by law are entitled to salaries,
39 wages, or compensation.

40 Salaries, wages or compensation fixed and determined by
41 ordinance may, from time to time, be increased, decreased or altered
42 by ordinance. No such ordinance shall, without good cause, reduce
43 the salary of [, or deny without good cause an increase in salary given
44 to all other municipal officers and employees to,] any tax assessor,
45 chief financial officer, tax collector or municipal clerk during the term
46 for which he shall have been appointed. Except with respect to an

1 ordinance or a portion thereof fixing salaries, wages or compensation
2 of elective officials or any managerial, executive or confidential
3 employee as defined in section 3 of the "New Jersey
4 Employer-Employee Relations Act" P.L.1941, c.100 (C.34:13A-3), as
5 amended, the ordinance shall take effect as provided therein. In
6 municipalities wherein the provisions of Title 11 (Civil Service) of the
7 Revised Statutes are in operation, this section shall be subject thereto.
8 Where any such ordinance shall provide for increases in salaries, wages
9 or compensation of elective officials or any managerial, executive or
10 confidential employee, the ordinance or that portion thereof which
11 provides an increase for such elective or appointive officials shall
12 become operative in 20 days after the publication thereof, after final
13 passage, unless within said 20 days, a petition signed by voters of such
14 municipality, equal in number to at least 5% of the registered voters
15 of the municipality, protesting against the passage of such ordinance,
16 be presented to the governing body, in which case such ordinance shall
17 remain inoperative unless and until a proposition for the ratification
18 thereof shall be adopted at an election by a majority of the voters
19 voting on said proposition. The question shall be submitted at the next
20 general election, occurring not less than 40 days from the date of the
21 certification of the petition. The submission of the question to the
22 voters shall be governed by the provisions of Title 19 (Elections) of
23 the Revised Statutes, as in the case of public questions to be voted
24 upon in a single municipality.
25 (cf: P.L.1991, c.175, s.14)]¹

26

27 ¹[38.] 31.¹ N.J.S.40A:10-6 is amended to read as follows:

28 40A:10-6. The governing body of any local unit may establish an
29 insurance fund for the following purposes:

30 a. To insure against any loss or damage however caused to any
31 property, motor vehicles, equipment or apparatus owned by it, or
32 owned by or under the control of any of its departments, boards,
33 agencies or commissions;

34 b. To insure against liability resulting from the use or operation of
35 motor vehicles, equipment or apparatus owned by or controlled by it,
36 or owned by or under the control of any of its departments, boards,
37 agencies or commissions;

38 c. To insure against liability for its negligence and that of its
39 officers, employees and servants, whether or not compensated or
40 part-time, who are authorized to perform any act or services, but not
41 including an independent contractor within the limitations of the "New
42 Jersey Tort Claims Act" (N.J.S.59:1-1 et seq.);

43 d. To provide contributory or noncontributory self-funded, or
44 partially self-funded, health insurance to employees or their
45 dependants, or both, in accordance with rules and regulations of the
46 Director of the Division of Local Government Services in the

1 Department of Community Affairs. The establishment and operation
2 of an insurance fund to provide health insurance by a local unit prior
3 to the effective date of P.L. , c. (C.) (now pending before
4 the Legislature as this bill) is hereby validated; however, such
5 insurance funds shall comply with all rules and regulations
6 promulgated by the director pursuant to this subsection.

7 The governing body may appropriate the moneys necessary for the
8 purposes of this section.

9 (cf: N.J.S.40A:10-6)

10
11 ¹[39.] 32.¹ Section 37 of P.L.1995, c.259 (C.40A:10-17.1) is
12 amended to read as follows:

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

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

44
45 ¹[40.] 33.¹ Section 11 of P.L.1992, c.51 (C.40A:10-36.1) is
46 amended to read as follows:

1 11. For the purposes of P.L.1983, c.372 (C.40A:10-36 et seq.),
2 "local unit" shall be deemed to include boards of education which join
3 together with municipalities pursuant to P.L.1992, c.51 (C.40A:10-52
4 et al.)[, except that boards of education, other than boards of
5 education of county vocational school districts, shall not join together
6 with other local units as provided in section 1 of P.L.1983, c.372
7 (C.40A:10-36) for the purpose of providing contributory or
8 non-contributory group health insurance or group term life insurance,
9 or both, to employees or their dependents or both, as otherwise
10 permitted therein].

11 (cf: P.L.1992, c.51, s.11)

12

13 ¹[41.] 34.¹ Section 1 of P.L.1992, c.51 (C.40A:10-52) is amended
14 to read as follows:

15 1. The governing body of any municipality, the county wherein
16 the municipality is situate, and the board of education of the local
17 school district, provided that the district is not part of a limited
18 purpose regional school district, an all purpose regional school district
19 or a consolidated school district, may by ordinance or resolution, as
20 the case may be, adopted by a majority of the full membership of the
21 governing [body] bodies and by a majority of the full membership of
22 the board, agree to join together in any combination for the purpose
23 of insuring pursuant to the provisions of: a. Article 1 of chapter 10 of
24 Title 40A of the New Jersey Statutes (N.J.S.40A:10-1 et seq.); b.
25 Article 3 of chapter 10 of Title 40A of the New Jersey Statutes
26 (N.J.S.40A:10-6 et seq.); c. Article 4 of chapter 10 of Title 40A of the
27 New Jersey Statutes (N.J.S.40A:10-12 et seq.); or d. P.L.1983, c.372
28 (C.40A:10-36 et seq.).

29 Notwithstanding the provisions of this section, a board of
30 education shall not join together with a municipality or other local unit
31 as provided in section 1 of P.L.1983, c.372 (C.40A:10-36) for the
32 purpose of providing contributory or non-contributory [group health
33 insurance or] group term life insurance[, or both,] to employees or
34 their dependents or both, as otherwise permitted therein. (cf:
35 P.L.1992, c.51, s.1)

36

37 ¹[42.] 35.¹ Section 2 of P.L.1992, c.51 (C.40A:10-53) is amended
38 to read as follows:

39 2. In the case of an all purpose regional school district or a
40 consolidated school district, the governing body of one or more of the
41 constituent municipalities, the county wherein the municipality or
42 municipalities are situate, and the board of education of the regional
43 or consolidated school district may by resolution adopted by a majority
44 of the full membership of the governing body of each of the
45 participating constituent municipalities, the governing body of the
46 county, if participating, and a majority of the full membership of the

1 board, agree to join together for the purpose of insuring pursuant to
2 the provisions of: a. Article 1 of chapter 10 of Title 40A of the New
3 Jersey Statutes (N.J.S.40A:10-1 et seq.); b. Article 3 of chapter 10 of
4 Title 40A of the New Jersey Statutes (N.J.S.40A:10-6 et seq.); c.
5 Article 4 of chapter 10 of Title 40A of the New Jersey Statutes
6 (N.J.S.40A:10-12 et seq.); or d. P.L.1983, c.372 (C.40A:10-36 et
7 seq.).

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

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

15

16 ¹[43.] 36.¹ Section 3 of P.L.1992, c.51 (C.40A:10-54) is amended
17 to read as follows:

18 3. In the case of a limited purpose regional school district, the
19 governing bodies of one or more of the constituent municipalities, the
20 governing body of the county, if participating, and the board of
21 education of the regional district may by ordinance or resolution, as
22 the case may be, adopted by a majority of the full membership of the
23 governing body of each of the participating constituent municipalities
24 and county and a majority of the full membership of the board, agree
25 to join together for the purpose of insuring pursuant to the provisions
26 of: a. Article 1 of chapter 10 of Title 40A of the New Jersey Statutes
27 (N.J.S.40A:10-1 et seq.); b. Article 3 of chapter 10 of Title 40A of the
28 New Jersey Statutes (N.J.S.40A:10-6 et seq.); c. Article 4 of chapter
29 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-12 et seq.);
30 or d. P.L.1983, c.372 (C.40A:10-36 et seq.).

31 Notwithstanding the provisions of this section, a board of
32 education shall not join together with a municipality or other local unit
33 as provided in section 1 of P.L.1983, c.372 (C.40A:10-36) for the
34 purpose of providing contributory or non-contributory [group health
35 insurance or] group term life insurance[, or both,] to employees or
36 their dependents or both, as otherwise permitted therein. (cf:
37 P.L.1992, c.51, s.3)

38

39 ¹[44.] 37.¹ Section 4 of P.L.1992, c.51 (C.40A:10-55) is amended
40 to read as follows:

41 4. In the case of a limited purpose regional school district, in
42 addition to any contract entered into by a municipality or county
43 pursuant to section 3 of [this act] P.L.1992, c.51 (C.40A:10-54), the
44 governing body of any constituent municipality, the county wherein
45 the municipality is situate, and the board of education of the local
46 school district operating within that municipality may, in accordance

1 with section 1 of [this act] P.L.1992, c.51 (C.40A:10-52), agree to
2 join together for the purpose of insuring pursuant to the provisions of:
3 a. Article 1 of chapter 10 of Title 40A of the New Jersey Statutes
4 (N.J.S.40A:10-1 et seq.); b. Article 3 of chapter 10 of Title 40A of
5 the New Jersey Statutes (N.J.S.40A:10-6 et seq.); c. Article 4 of
6 chapter 10 of Title 40A of the New Jersey Statutes (N.J.S. 40A:10-12
7 et seq.); or d. P.L.1983, c.372 (C.40A:10-36 et seq.).

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

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

15
16 ¹[45.] ~~38.~~¹ Section 5 of P.L.1992, c.51 (C.40A:10-56) is amended
17 to read as follows:

18 5. In the case of a county vocational school district, the governing
19 bodies of one or more of the municipalities in the county, the
20 governing body of the county, if participating, and the board of
21 education of the county vocational school district may by ordinance or
22 resolution, as the case may be, adopted by a majority of the full
23 membership of the governing body of each of the participating
24 municipalities and county, if applicable, and a majority of the full
25 membership of the board, agree to join together for the purpose of
26 insuring pursuant to the provisions of: a. Article 1 of chapter 10 of
27 Title 40A of the New Jersey Statutes (N.J.S.40A:10-1 et seq.); b.
28 Article 3 of chapter 10 of Title 40A of the New Jersey Statutes
29 (N.J.S.40A:10-6 et seq.); or c. Article 4 of chapter 10 of Title 40A of
30 the New Jersey Statutes (N.J.S.40A:10-12 et seq.).

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

32
33 ¹[46.] ~~39.~~¹ Section 6 of P.L.1992, c.51 (C.40A:10-57) is amended
34 to read as follows:

35 6. In the case of a county vocational school district, in addition to
36 any contract entered into by a municipality or county pursuant to
37 section 5 of [this act] P.L.1992, c.51 (C.40A:10-56), the governing
38 body of any municipality in the county, the governing body of the
39 county, if participating, and the board of education for the local school
40 district operating within that municipality may, in accordance with
41 section 1 of [this act] P.L.1992, c.51 (C.40A:10-52), agree to join
42 together for the purpose of insuring pursuant to the provisions of: a.
43 Article 1 of chapter 10 of Title 40A of the New Jersey Statutes
44 (N.J.S.40A:10-1 et seq.); b. Article 3 of chapter 10 of Title 40A of the
45 New Jersey Statutes (N.J.S.40A:10-6 et seq.); c. Article 4 of chapter
46 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-12 et seq.);

1 or d. P.L.1983, c.372 (C.40A:10-36 et seq.).

2 Notwithstanding the provisions of this section, a board of
3 education shall not join together with a municipality or other local unit
4 as 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. (cf:
8 P.L.1992, c.51, s.6)

9

10 ¹[47.] 40.¹ Section 13 of P.L.1971, c.199 (C.40A:12-13) is
11 amended to read as follows:

12 13. Sales of real property, capital improvements or personal
13 property; exceptions; procedure. Any county or municipality may sell
14 any real property, capital improvement or personal property, or
15 interests therein, not needed for public use, as set forth in the
16 resolution or ordinance authorizing the sale, other than county or
17 municipal lands, real property otherwise dedicated or restricted
18 pursuant to law, and, except as otherwise provided by law, all such
19 sales shall be made by one of the following methods:

20 (a) By open public sale at auction to the highest bidder after
21 advertisement thereof in a newspaper circulating in the municipality or
22 municipalities in which the lands are situated, by two insertions at least
23 once a week during two consecutive weeks, the last publication to be
24 not earlier than seven days prior to such sale. In the case of public
25 sales, the governing body may by resolution fix a minimum price or
26 prices, with or without the reservation of the right to reject all bids
27 where the highest bid is not accepted. Notice of such reservation shall
28 be included in the advertisement of the sale and public notice thereof
29 shall be given at the time of sale. Such resolution may provide,
30 without fixing a minimum price, that upon the completion of the
31 bidding, the highest bid may be accepted or all the bids may be
32 rejected. The invitation to bid may also impose restrictions on the use
33 to be made of such real property, capital improvement or personal
34 property, and any conditions of sale as to buildings or structures, or
35 as to the type, size, or other specifications of buildings or structures
36 to be constructed thereon, or as to demolition, repair, or
37 reconstruction of buildings or structures, and the time within which
38 such conditions shall be operative, or any other conditions of sale, in
39 like manner and to the same extent as by any other vendor. Such
40 conditions shall be included in the advertisement, as well as the nature
41 of the interest retained by the county or municipality. Such
42 restrictions or conditions shall be related to a lawful public purpose
43 and encourage and promote fair and competitive bidding of the county
44 or municipality and shall not, in the case of a municipality, be
45 inconsistent with or impose a special or higher standard than any
46 zoning ordinance or building, plumbing, electrical, or similar code or

1 ordinance then in effect in the municipality.

2 In any case in which a county or municipality intends to retain an
3 estate or interest in any real property, capital improvement or personal
4 property, in the nature of an easement, contingent or reversionary, the
5 invitation to bid and the advertisement required herein shall require
6 each bidder to submit one bid under each Option A and Option B
7 below.

8 (1) Option A shall be for the real property, capital improvement
9 or personal property subject to the conditions or restrictions imposed,
10 or interest or estate retained, which the county or municipality
11 proposes to retain or impose.

12 (2) Option B shall be for the real property, capital improvement
13 or personal property to be sold free of all such restrictions, conditions,
14 interests or estates on the part of the county or municipality.

15 The county or the municipality may elect or reject either or both
16 options and the highest bid for each. Such acceptance or rejection
17 shall be made not later than at the second regular meeting of the
18 governing body following the sale, and, if the governing body shall not
19 so accept such highest bid, or reject all bids, said bids shall be deemed
20 to have been rejected. Any such sale may be adjourned at the time
21 advertised for not more than one week without readvertising.

22 (b) At private sale, when authorized by resolution, in the case of
23 a county, or by ordinance, in the case of a municipality, in the
24 following cases:

25 (1) A sale to any political subdivision, agency, department,
26 commission, board or body corporate and politic of the State of New
27 Jersey or to an interstate agency or body of which the State of New
28 Jersey is a member or to the United States of America or any
29 department or agency thereof.

30 (2) A sale to a person submitting a bid pursuant to subsection (a)
31 of this section, where all bids have been rejected, provided that the
32 terms and price agreed to shall in no event be less than the highest bid
33 rejected, and provided further that the terms and conditions of sale
34 shall remain identical.

35 (3) A sale by any county or municipality, when it has or shall have
36 conveyed its right, title and interest in any real property, capital
37 improvement or personal property not needed for public use, and it
38 was assumed and intended that there should be conveyed a good and
39 sufficient title in fee simple to said real property, capital improvement
40 or personal property, free of all encumbrances and the full
41 consideration has been paid therefor, and it shall thereafter appear that
42 the title conveyed was insufficient or that said county or municipality
43 at the time of said conveyance was not the owner of some estate or
44 interest in said real property, capital improvement or personal property
45 or of some encumbrances thereon, and the county or municipality shall
46 thereafter acquire a good and sufficient title in fee simple, free of all

1 encumbrances of said real property, capital improvement or personal
2 property or shall acquire such outstanding estate or interest therein or
3 outstanding encumbrance thereon and said county or municipality, by
4 resolution of the governing body and without the payment of any
5 additional consideration, has deemed to convey or otherwise transfer
6 to said purchaser, his heirs or assigns, such after-acquired title, or
7 estate or interest in, or encumbrance upon, such real property, capital
8 improvement or personal property to perfect the title or interest
9 previously conveyed.

10 (4) A sale of an easement upon any real property previously
11 conveyed by any county or municipality may be made when the
12 governing body of any county, by resolution, or any municipality, by
13 ordinance, has elected to release the public rights in the nature of
14 easements, in, on, over or under any real property within the county
15 or the municipality, as the case may be, upon such terms as shall be
16 agreed upon with the owner of such lands, if the use of such rights is
17 no longer desirable, necessary or required for public purposes.

18 (5) A sale to the owner of the real property contiguous to the real
19 property being sold; provided that the property being sold is less than
20 the minimum size required for development under the municipal zoning
21 ordinance and is without any capital improvement thereon; except that
22 when there is more than one owner with real property contiguous
23 thereto, said property shall be sold to the highest bidder from among
24 all such owners. Any such sale shall be for not less than the fair
25 market value of said real property. For the purposes of this paragraph,
26 when there is only one owner with real property contiguous to the
27 property being sold, and the property is less than an eighth of the
28 minimum size required for development under the municipal zoning
29 ordinance and is without any capital improvement thereon, the fair
30 market value of that property may be determined by negotiation
31 between the local unit and the owner of the contiguous real property.
32 The negotiated sum shall be subject to approval by resolution of the
33 governing body, but in no case shall that sum be less than one dollar.

34 In the case of any sale of real property hereafter made pursuant to
35 subsection (b) of this section, in no event shall the price agreed upon
36 with the owner be less than the difference between the highest bid
37 accepted for the real property subject to easements (Option A) and the
38 highest bid rejected for the real property not subject to easements
39 (Option B). After the adoption of the resolution or ordinance, and
40 compliance by the owner of said real property with the terms thereof,
41 said real property shall be free, and entirely discharged of and from
42 such rights of the public and of the county or municipality, as the case
43 may be, but no such release shall affect the right of lawful occupancy
44 or use of any such real property by any municipal or private utility to
45 occupy or use any such real property lawfully occupied or used by it.

46 A list of the property so authorized to be sold, pursuant to

1 subsection (b) of this section, together with the minimum prices,
2 respectively, as determined by the governing body, shall be included
3 in the resolution or ordinance authorizing the sale, and said list shall
4 be posted on the bulletin board or other conspicuous space in the
5 building which the governing body usually holds its regular meetings,
6 and advertisement thereof made in a newspaper circulating in the
7 municipality or municipalities in which the real property, capital
8 improvement or personal property is situated, within five days
9 following enactment of said resolution or ordinance. Offers for any or
10 all properties so listed may thereafter be made to the governing body
11 or its designee for a period of 20 days following the advertisement
12 herein required, at not less than said minimum prices, by any
13 prospective purchaser, real estate broker, or other authorized
14 representative. In any such case, the governing body may reconsider
15 its resolution or ordinance, not later than 30 days after its enactment,
16 and advertise the real property, capital improvement, or personal
17 property in question for public sale pursuant to subsection (a) of this
18 section.

19 Any county or municipality selling any real property, capital
20 improvement or personal property pursuant to subsection (b) of this
21 section shall file with the Director of the Division of Local
22 Government Services in the Department of Community Affairs, sworn
23 affidavits verifying the publication of advertisements as required by
24 this subsection.

25 (c) By private sale of a municipality in the following case: A sale
26 to a private developer by a municipality, when acting in accordance
27 with the "Local Redevelopment and Housing Law," P.L.1992, c.79
28 (C.40A:12A-1 et al.).

29 All sales, either public or private, may be made for cash or upon
30 credit. A deposit not exceeding 10% of the minimum price or value of
31 the property to be sold may be required of all bidders. When made
32 upon credit, the county or municipality may accept a purchase-money
33 mortgage, upon terms and conditions which shall be fixed by the
34 resolution of the governing body; provided, however, that such
35 mortgage shall be fully payable within five years from the date of the
36 sale and shall bear interest at a rate equal to that authorized under
37 Title 31 of the Revised Statutes, as amended and supplemented, and
38 the regulations issued pursuant thereto, or the rate last paid by the
39 county or municipality upon any issue of notes pursuant to the "Local
40 Bond Law" (N.J.S.40A:2-1 et seq.), whichever is higher. The
41 governing body may, by resolution, fix the time for closing of title and
42 payment of the consideration.

43 In all sales made pursuant to this section, the governing body of
44 any county or municipality may provide for the payment of a
45 commission to any real estate broker, or authorized representative
46 other than the purchaser actually consummating such sale; provided,

1 however, that no commission shall be paid unless notice of the
2 governing body's intention to pay such a commission shall have been
3 included in the advertisement of sale and the recipient thereof shall
4 have filed an affidavit with the governing body stating that said
5 recipient is not the purchaser. Said commissions shall not exceed, in
6 the aggregate, 5% of the sale price, and be paid, where there has been
7 a public sale, only in the event that the sum of the commission and the
8 highest bid price does not exceed the next highest bid price (exclusive
9 of any real estate broker's commission). As used in this section,
10 "purchaser" shall mean and include any person, corporation, company,
11 association, society, firm, partnership, or other business entity owning
12 or controlling, directly or indirectly, more than 10% of the purchasing
13 entity.

14 (cf: P.L.1992, c.79, s.51)

15

16 ¹[48.] 41.¹ Section 22 of P.L.1971, c.199 (C.40A:12-22) is
17 amended to read as follows:

18 22. Each municipality and county [shall] may establish and
19 maintain a central registry of all real property in which it has acquired
20 title or a leasehold interest for other than street or highway purposes
21 as of the effective date of this act. This registry [shall] may also
22 include a record of all real property which a county or municipality
23 may hereafter acquire, sell or lease. [It shall be in such form and
24 contain such information as the Division of Local Finance in the
25 Department of Community Affairs shall prescribe within 180 days after
26 the effective date of this act.]

27 The central registry referred to herein, if established and
28 maintained, shall:

- 29 a. Constitute a public record;
30 b. Be entitled "Municipal Real Property Registry" or "County Real
31 Property Registry" as may be appropriate;
32 c. Be [maintained and] available for inspection in the office of the
33 municipal clerk or clerk of the board of chosen freeholders, as may be
34 appropriate.

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

36

37 ¹[49.] 42.¹ Section 7 of P.L.1995, c.253 (C.46:3C-7) is amended
38 to read as follows:

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

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

1 ¹[50.] 43.¹ Section 36 of P.L.1995, c.259 (C.52:14-17.31a) is
2 amended to read as follows:

3 36. Notwithstanding the provisions of any other law to the
4 contrary, a school district, county or municipality which participates
5 in the State Health Benefits Program, established pursuant to
6 P.L.1961, c.49 (C.52:14-17.25 et seq.), may allow any employee who
7 is eligible for coverage as a dependent of the employee's spouse under
8 that program or under another health benefits plan offered by the
9 spouse's employer, whether a public or private employer, to waive
10 coverage under the State Health Benefits Program to which the
11 employee is entitled by virtue of employment with the school district,
12 county or municipality. The waiver shall be in such form as the
13 Director of the Division of Pensions and Benefits shall prescribe and
14 shall be filed with the division. After such waiver has been filed and
15 for so long as that waiver remains in effect, no premium shall be
16 required to be paid by the school district, county or municipality for
17 the employee or the employee's dependents. Not later than the 180th
18 day after the date on which the waiver is filed, the division shall refund
19 to the school district, county or municipality the amount of any
20 premium previously paid by the school district, county or municipality
21 with respect to any period of coverage which followed the filing date.
22 In consideration of filing such a waiver, a school district, county or
23 municipality may pay to the employee annually an amount, to be
24 established in the sole discretion of the school district, county or
25 municipality, which shall not exceed 50% of the amount saved by the
26 school district, county or municipality because of the employee's
27 waiver of coverage. An employee who waives coverage shall be
28 permitted to immediately resume coverage if the employee ceases to
29 be covered through the employee's spouse for any reason, including,
30 but not limited to, the retirement or death of the spouse or divorce.
31 An employee who resumes coverage shall repay, on a pro rata basis,
32 any amount received from the school district, county or municipality
33 which represents an advance payment for a period of time during
34 which coverage is resumed. An employee who wishes to resume
35 coverage shall notify the school district, county or municipality in
36 writing and file a declaration with the division, in such form as the
37 director of the division shall prescribe, that the waiver is revoked. The
38 decision of a school district, county or municipality to allow its
39 employees to waive coverage and the amount of consideration to be
40 paid therefor shall not be subject to the collective bargaining process.
41 (cf: P.L.1995, c.259, s.36)

42

43 ¹[51.] 44.¹ Section 8 of P.L.1975, c.217 (C.52:27D-126) is
44 amended to read as follows:

45 8. a. The appointing authority of any municipality shall appoint
46 a construction official and any necessary subcode officials to

1 administer and enforce the code [and]. The appointing authority may,
2 by resolution or order as appropriate, set appropriate hours of
3 operation of the construction official's office and the work hours of the
4 construction official, commensurate with the compensation paid to the
5 construction official. The appointing authority shall also appoint a
6 construction board of appeals to hear and decide appeals from
7 decisions made by said construction official and subcode officials, in
8 the administration and enforcement of the code. Nothing herein,
9 however, shall prevent a municipality from accepting inspections as to
10 compliance with the code or any subcode thereof made by an
11 inspection authority approved by the State of New Jersey pursuant to
12 law.

13 b. To establish tenure rights or any other right or protection
14 provided by the "State Uniform Construction Code Act" or Title [11]
15 11A, Civil Service, of the [Revised] New Jersey Statutes, [Civil
16 Service,] or any pension law or retirement system, the job title
17 "construction official" shall be equivalent to that job title which, prior
18 to the adoption of the State Uniform Construction Code as provided
19 in section 5 of the "State Uniform Construction Code Act," entailed
20 the chief administrative responsibility to enforce all construction codes
21 which had been adopted by the municipal governing body, the
22 enforcement of which was not the responsibility of an authorized
23 private inspection agency; and the job title "subcode official" shall be
24 equivalent to that job title which, prior to the adoption of the State
25 Uniform Construction Code, entailed subordinate administrative
26 responsibility to enforce one or more of the following construction
27 codes: building, plumbing, electrical or fire code.

28 Any person, in a municipality operating under Title [11] 11A, Civil
29 Service, of the [Revised] New Jersey Statutes, who, prior to the
30 adoption of the State Uniform Construction Code, held the equivalent
31 of the job title "construction" official or "subcode" official, but who no
32 longer holds his position as a result of a determination that his old job
33 title was not equivalent to that of "construction" official or "subcode"
34 official, shall be offered reappointment as a construction official or
35 subcode official, as the case may be, and shall be granted permanent
36 classified status in such position. Tenure shall continue for (1) any
37 construction official or subcode official who is serving under tenure as
38 otherwise provided by law on the effective date of this act or within 1
39 year thereafter, or (2) any person certified pursuant to subsection c. of
40 this section and who subsequently gains such tenure.

41 A construction official or subcode official appointed in a
42 municipality operating under the provisions of Title [11] 11A, Civil
43 Service, of the [Revised] New Jersey Statutes, who, at the time of
44 adoption of the State Uniform Construction Code, January 1, 1977, or
45 prior to January 1, 1981, had permanent classified status or was
46 employed as a construction official or subcode official or in another

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

33 A construction official or subcode official in a noncivil service
34 municipality shall be appointed for a term of 4 years and shall, upon
35 appointment to a second consecutive term or on or after the
36 commencement of a fifth consecutive year of service, including years
37 of service in an equivalent job title held prior to the adoption of the
38 State Uniform Construction Code, be granted tenure and shall not be
39 removed from office except for just cause after a fair and impartial
40 hearing.

41 A construction or subcode official, to be eligible for appointment
42 in civil service or noncivil service municipalities, shall be certified by
43 the State of New Jersey in accordance with subsection c. of this
44 section and shall have had at least 3 years' experience in construction,
45 design or supervision as a licensed engineer or registered architect; or
46 5 years' experience in construction, design, or supervision as an

1 architect or engineer with a bachelor's degree from an accredited
2 institution of higher education; or 10 years' experience in construction,
3 design or supervision as a journeyman in a trade or as a contractor.
4 A subcode official shall, pursuant to any subcode which he
5 administers, pass upon:

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

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

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

33 (1) a municipal construction official or subcode official holding
34 office under permanent civil service status, or tenure as otherwise
35 provided by law on the effective date of this act or within 1 year
36 thereafter and (2) a municipal construction official or subcode official
37 holding office without such permanent civil service status or tenure on
38 the effective date of this act or within 1 year thereafter; provided said
39 construction official or subcode official not having such permanent
40 civil service status or tenure shall be certified in accordance with this
41 act within 4 years of the effective date thereof; provided further that
42 a person holding on the effective date of this act a valid plumbing
43 inspector's license from the Department of Health pursuant to Title 26
44 of the Revised Statutes may serve as a plumbing subcode official and
45 a person holding on the effective date of this act a valid electrical
46 inspector's license from the Board of Public Utilities pursuant to Title

1 48 of the Revised Statutes may serve as an electrical subcode official.
2 The commissioner, after consultation with the code advisory board,
3 may authorize the preparation and conducting of oral, written and
4 practical examinations to determine if a person is qualified by this act
5 to be eligible to be a construction official or subcode official or, in the
6 alternative, may accept successful completion of programs of training
7 as proof of qualification within the meaning of this act. Upon a
8 determination of qualification the commissioner shall issue or cause to
9 be issued a certificate to the construction official or subcode official
10 or trainee stating that he is so certified. The commissioner, after
11 consultation with the code advisory board, may establish classes of
12 certification that will recognize the varying complexities of code
13 enforcement in the municipalities within the State. The commissioner
14 shall, after consultation with the code advisory board, provide for
15 educational programs designed to train and assist construction officials
16 and subcode officials in carrying out their responsibilities.

17 Whenever the commissioner is required by the terms of this
18 subsection to consult with the code advisory board and the matter in
19 question concerns plumbing subcode officials, the commissioner shall
20 also consult with the Public Health Council and Commissioner of
21 Health.

22 d. The commissioner, after consultation with the code advisory
23 board, may periodically require that each construction official and
24 subcode official demonstrate a working knowledge of innovations in
25 construction technology and materials, recent changes in and additions
26 to the relevant portions of the State Uniform Construction Code, and
27 current standards of professional ethics and legal responsibility; or, in
28 the alternative, the commissioner, after consultation with the code
29 advisory board, may accept successful completion of appropriate
30 programs of training as proof of such working knowledge.

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

32

33 ¹[52] 45¹. Section 11 of P.L.1985, c.222 (C.52:27D-311) is
34 amended to read as follows:

35 11. a. In adopting its housing element, the municipality may
36 provide for its fair share of low and moderate income housing by
37 means of any technique or combination of techniques which provide
38 a realistic opportunity for the provision of the fair share. The housing
39 element shall contain an analysis demonstrating that it will provide
40 such a realistic opportunity, and the municipality shall establish that its
41 land use and other relevant ordinances have been revised to
42 incorporate the provisions for low and moderate income housing. In
43 preparing the housing element, the municipality shall consider the
44 following techniques for providing low and moderate income housing
45 within the municipality, as well as such other techniques as may be
46 published by the council or proposed by the municipality:

- 1 (1) Rezoning for densities necessary to assure the economic
2 viability of any inclusionary developments, either through mandatory
3 set-asides or density bonuses, as may be necessary to meet all or part
4 of the municipality's fair share;
- 5 (2) Determination of the total residential zoning necessary to
6 assure that the municipality's fair share is achieved;
- 7 (3) Determination of measures that the municipality will take to
8 assure that low and moderate income units remain affordable to low
9 and moderate income households for an appropriate period of not less
10 than six years;
- 11 (4) A plan for infrastructure expansion and rehabilitation if
12 necessary to assure the achievement of the municipality's fair share of
13 low and moderate income housing;
- 14 (5) Donation or use of municipally owned land or land condemned
15 by the municipality for purposes of providing low and moderate
16 income housing;
- 17 (6) Tax abatements for purposes of providing low and moderate
18 income housing;
- 19 (7) Utilization of funds obtained from any State or federal subsidy
20 toward the construction of low and moderate income housing; [and]
- 21 (8) Utilization of municipally generated funds toward the
22 construction of low and moderate income housing; and
- 23 (9) The purchase of privately owned residential property at its
24 mortgage value, as set forth in section ¹[87] 80¹ of P.L. _____,
25 c. _____ (C. _____) (now pending before the Legislature as this bill),
26 notwithstanding any regulatory limitation concerning the write-down
27 or buy-down of previously owned units.
- 28 b. The municipality may provide for a phasing schedule for the
29 achievement of its fair share of low and moderate income housing
30 [which is not inconsistent with section 23 of this act].
- 31 c. The municipality may propose that a portion of its fair share be
32 met through a regional contribution agreement. The housing element
33 shall demonstrate, however, the manner in which that portion will be
34 provided within the municipality if the regional contribution agreement
35 is not entered into. The municipality shall provide a statement of its
36 reasons for the proposal.
- 37 d. Nothing in this act shall require a municipality to raise or
38 expend municipal revenues in order to provide low and moderate
39 income housing.
- 40 e. When a municipality's housing element includes the provision
41 of rental housing units in a community residence for the
42 developmentally disabled, as defined in section 2 of P.L.1977, c.448
43 (C.30:11B-2), which will be affordable to persons of low and
44 moderate income, and for which adequate measures to retain such
45 affordability pursuant to paragraph (3) of subsection a. of this section
46 are included in the housing element, those housing units shall be fully

1 credited as permitted under the rules of the council towards the
2 fulfillment of the municipality's fair share of low and moderate income
3 housing.

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

5
6 ¹[53.] 46.¹ R.S.54:4-38 is amended to read as follows:

7 54:4-38. [Every] Annually or biennially, at the direction of the
8 governing body, every assessor, at least ten days before filing the
9 complete assessment list and duplicate with the county board of
10 taxation, and before annexing thereto his affidavit as required in
11 section 54:4-36 of this title, shall notify each taxpayer of the current
12 assessment for the annual or biennial year, as appropriate, and
13 preceding year's taxes and give public notice by advertisement in at
14 least one newspaper circulating within his taxing district of a time and
15 place when and where the assessment list may be inspected by any
16 taxpayer for the purpose of enabling the taxpayer to ascertain what
17 assessments have been made against him or his property and to confer
18 informally with the assessor as to the correctness of the assessments,
19 so that any errors may be corrected before the filing of the assessment
20 list and duplicate. Thereafter, the assessor shall notify each taxpayer
21 by mail within 30 days of any change to the assessment. This
22 notification of change of assessment shall contain the prior assessment
23 and the current assessment.

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

25
26 ¹[54.] 47.¹ Section 32 of P.L.1991, c.75 (C.54:4-38.1) is amended
27 to read as follows:

28 32. [Every] Annually or biennially, at the direction of the
29 governing body, every assessor, prior to February 1 of the annual or
30 biennial year, as appropriate, shall notify by mail each taxpayer of the
31 of the current assessment and preceding year's taxes. Thereafter the
32 assessor or county board of taxation shall notify each taxpayer by mail
33 within 30 days of any change to the assessment. This notification of
34 change of assessment shall contain the prior assessment and the
35 current assessment. The director shall establish the form of notice of
36 assessment and change of assessment. Any notice issued by the
37 assessor or county board of taxation shall contain information
38 instructing taxpayers on how to appeal their assessment.

39 (cf: P.L.1991, c.75, s.32)

40
41 ¹[55. R.S.54:4-65 is amended to read as follows:

42 54:4-65. a. The Director of the Division of Local Government
43 Services in the Department of Community Affairs shall approve the
44 form and content of property tax bills.

45 b. Each tax bill shall have printed thereon a brief tabulation
46 showing the distribution of the amount raised by taxation in the taxing

1 district, in such form as to disclose the rate per \$100.00 of assessed
2 valuation or the number of cents in each dollar paid by the taxpayer
3 which is to be used for the payment of State school taxes, other State
4 taxes, county taxes, local school expenditures and other local
5 expenditures. The last named item may be further subdivided so as to
6 show the amount for each of the several departments of the municipal
7 government. The distribution information on the tax bill may also
8 disclose as a separate item the portion of taxes related to the collection
9 and disposal of solid waste and recyclables. The Department of
10 Community Affairs, after consultation with representatives of county
11 and municipal officials, shall prepare uniform standards for calculating
12 the portion of taxes related to the collection and disposal of solid
13 waste and recyclables, which shall be used by any municipality which
14 elects to disclose such costs. In lieu of printing such information on
15 the tax bill, any municipality may furnish the tabulation required
16 hereunder and any other pertinent information in a statement
17 accompanying the mailing or delivery of the tax bill. There shall be
18 included on or with the tax bill the delinquent interest rate or rates to
19 be charged and any end of year penalty that is authorized.

20 c. The appropriate tax bill or form mailed with the tax bill shall
21 also contain a statement reporting amounts of State aid and assistance
22 received by the municipality, school districts, special districts and
23 county governments used to offset local tax levies. The director shall
24 provide each tax collector with a certification of the amounts of said
25 State aid and assistance for inclusion in the tax bill.

26 d. The tax bill or form mailed with the tax bill shall include
27 thereon the date upon which each installment is due.

28 (cf: P.L.1997, c.99, s.1)]¹

29
30 ¹48. (New section) Notwithstanding sections 4 and 5 of P.L.1970,
31 c.39 (C.13:1E-4 and C.13:1E-5) and any regulations thereunder, the
32 registration renewal of solid waste collection and disposal vehicles
33 operated by a public entity shall be valid for a five-year period and the
34 registration fee for the public entity shall be no greater than the fee in
35 effect as of March 1, 1997 for the one-year registration.¹

36
37 ¹49. (New section) a. The Legislature declares that it is the
38 public policy of the State of New Jersey and in the public interest to
39 enable counties to reduce tipping fees for disposal in county landfills
40 in order to remain competitive in a deregulated environment. One
41 method of reducing such tipping fees is through the adoption of a
42 county wide tax to offset those tipping fees so that they may be
43 reduced to a competitive level. However, since the imposition of a
44 new tax generally is not favored as a remedy to solid waste disposal
45 problems, it is appropriate that the Legislature study the efficacy of
46 this solution in one county before approving it as a Statewide solution.

1 Therefore, it is in the public interest to allow the governing body of
2 Monmouth county, as a pilot program, to impose a "Solid Waste
3 Disposal Stabilization Tax" and have that governing body report back
4 to the Legislature as to whether the county tax is in the best interests
5 of the county residents.

6 b. The governing body of Monmouth county may, by resolution,
7 establish a "Solid Waste Disposal Stabilization Tax," which shall be
8 assessed and collected in the same manner as the county purposes tax
9 on real property, and which shall appear and be identified as a county
10 surcharge on the property tax bills. Monies collected from this tax
11 shall be used exclusively to reduce tipping fees for the disposal of solid
12 waste in the county landfill within the county budget year.

13 c. On or before December 31, 1999, if the governing body of
14 Monmouth county has approved the tax authorized under subsection
15 b. of this section, it shall file a report with the Governor and the
16 Legislature detailing the effects of the "Solid Waste Disposal
17 Stabilization Tax" on the tipping fees for the county landfill and on the
18 property tax burden of the average county taxpayer.¹

19

20 ¹[56.] 50.¹ (New section) Notwithstanding the provisions of the
21 "Pesticide Control Act of 1971," P.L.971, c.176 (C.13:1F-1 et seq.)
22 or any rule or regulation promulgated thereunder to the contrary, the
23 requirements for pesticide applicator or pesticide operator
24 certification, licensing or record keeping shall not apply to any
25 licensed sanitary or health inspector who applies a pesticide not
26 classified for restricted use, on property or premises for the purpose
27 of determining insect infestation.

28

29 ¹[57.] 51.¹ (New section) Notwithstanding any rules or
30 regulations to the contrary, no permit shall be required of a county or
31 municipality by the Department of Environmental Protection for the
32 purpose of performing restoration work on any manmade drainage
33 ditch located in the jurisdiction, provided that the restoration activity
34 does not deviate in any manner from the original cross sectional area
35 and location. For the purposes of this section, "ditch" means a linear
36 topographic depression with bed and banks of human construction
37 which conveys water to or from a site, but does not include
38 channelized or redirected water courses.

39

40 ¹[58.] 52.¹ (New section) a. There is established in the
41 Department of Community Affairs a "Municipal Consolidation
42 Incentive Aid Fund."

43 b. (1) The Director of the Division of Local Government Services
44 in the Department of Community Affairs shall pay annually from the
45 fund the sum of \$100,000 for 10 years to each consolidated
46 municipality created pursuant to the "Municipal Consolidation Act,"

1 P.L.1977, c.435 (C.40:43-66.35 et seq.).

2 (2) The director shall pay annually from the fund the sum of
3 \$20,000 for five years to each consolidated fire district created
4 pursuant to subsection c. of this section.

5 c. Any contiguous fire districts within the same county may
6 consolidate by filing notice with the Director of the Division of Local
7 Government Services in the Department of Community Affairs, in
8 accordance with rules and regulations promulgated by the director.
9 Any consolidated fire district created pursuant to this section shall be
10 entitled to a payment pursuant to paragraph (2) of subsection b. of this
11 section.

12 d. The Commissioner of Community Affairs shall annually report
13 to the Legislature the number of consolidated municipalities and fire
14 districts pursuant to this section and the funding requirements for the
15 "Municipal Consolidation Incentive Aid Fund."

16 e. Any consolidated municipality or consolidated fire district
17 entitled to receive incentive aid under this section may anticipate such
18 aid in its annual budget.

19

20 ¹[59.] 53.¹ (New section) Notwithstanding the provisions of
21 section 3 of P.L.1981, c.56, (C.40A:4-45.4a), N.J.S.40A:4-58 and
22 N.J.S.40A:4-59 to the contrary, transfers between salary and wage and
23 other expense line items for a purpose specified in the budget shall be
24 permitted at any time after adoption of the budget in order to facilitate
25 a change in the way a particular service or activity is provided by the
26 local unit, regardless of whether the local unit changes service
27 provisions from employees of the local unit to a contracted service, or
28 from a contracted service to employees of the local unit.

29

30 ¹[60.] 54.¹ (New section) The governing body of any county may
31 enter into contract with a private agency or firm for the purpose of
32 collecting any delinquent fines owed to the county. Any such contract
33 shall be made pursuant to the provisions of the "Local Public
34 Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

35

36 ¹[61.] 55.¹ (New section) Notwithstanding the provisions of the
37 "Local Fiscal Affairs Law," N.J.S.40A:5-1 et seq., or any other law,
38 rule, or regulation to the contrary, the Local Finance Board, in
39 consultation with the Commissioner of Education, may adopt rules and
40 regulations permitting local government units and boards of education
41 to contract with third-party disbursement service organizations in
42 order to make payments and execute financial transactions for those
43 purposes and under such conditions as permitted by the Local Finance
44 Board.

1 ¹[62. (New section) A contracting unit may enter into a contract
2 as a participant in a cooperative pricing system established pursuant to
3 paragraph (5) of section 11 of P.L.1971, c.198 (C.40A:11-11) with a
4 board of education, for materials, supplies or services that are not
5 listed in section 15 of P.L.1971, c.198 (C.40A:11-15) and that are
6 required on a recurring basis from year to year, for any term not
7 exceeding in the aggregate, two years. Such contract may be renewed
8 annually for a period not exceeding three additional years without any
9 further solicitation for bids or bidding upon a finding by the
10 contracting unit that the services are being performed in an effective
11 and efficient manner, or that the materials and supplies continue to
12 meet the original specifications.]¹

13

14 ¹[63.] 56.¹ (New section) An employee of a participating
15 employer under the Police and Firemen's Retirement System of New
16 Jersey (PFRS) which elects to provide the benefits authorized under
17 this section, who:

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

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

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

26 shall receive an additional five years of service credit under PFRS
27 or any lesser number of years of service credit under PFRS as will
28 provide the member, as of the date of retirement, with a total of not
29 more than 30 years of service credit under PFRS. The additional
30 retirement benefit under this section shall be applicable only to the
31 employee's full-time employment with the employer which elects to
32 provide the benefits authorized under this section, and from which
33 employment the employee retires to receive the benefit and the
34 compensation for that employment.

35

36 ¹[64] 57.¹ (New section) A participating employer may elect to
37 provide the benefits under section ¹[63] 56.¹ of P.L. , c.

38 (C.) (now pending before the Legislature as this bill) by

39 adopting a resolution of its governing body and filing a certified copy
40 of the resolution with the Director of the Division of Pensions and
41 Benefits on or before the effective date of any consolidation or joint
42 service agreement. The participating employer shall submit to the
43 director any information necessary to provide the benefits or to
44 determine the liability for them. The division shall prepare and provide
45 to participating employers information on the employees eligible for
46 the benefits under section ¹[63] 56.¹ of P.L. , c. (C.) (now

1 pending before the Legislature as this bill), estimates of the full liability
2 to the retirement system and the payments which the employer will
3 have to make on account of the early retirement of employees under
4 that section, and detailed charts, tables and other information
5 necessary for participating employers to do a cost savings analysis of
6 the impact through the tenth fiscal year subsequent to the employer's
7 election.

8
9 ¹[65] 58¹. (New section) The actuaries for PFRS shall determine
10 the liability of the retirement system for the additional service credit
11 or pensions provided under section ¹[63] 56¹ of P.L. , c.
12 (C.) (now pending before the Legislature as this bill), and for
13 the early retirement of employees in accordance with the tables of
14 actuarial assumptions adopted by the board of trustees of the
15 retirement system. This liability shall be added to the unfunded
16 accrued liability of the participating employer under the retirement
17 system and shall be paid in the same manner and over the remaining
18 time period provided for the participating employer's unfunded
19 accrued liability under section 15 of P.L.1944, c.255 (C.43:16A-15),
20 except that in the case of a participating employer adopting the
21 retirement system after July 1, 1988, the time period for payment of
22 such liability shall be in accordance with the provisions of section 21
23 of P.L.1971, c.175 (C.43:16A-15.4).

24 The participating employer shall pay the cost of the actuarial work
25 to determine the additional liability of the retirement system for the
26 benefits under section ¹[63] 56¹ of P.L. , c. (C.) (now
27 pending before the Legislature as this bill), which shall be included in
28 the initial contribution required from the employer.

29
30 ¹[66] 59¹. (New section) An employee who receives a benefit
31 under section ¹[63] 56¹ of P.L. , c. (C.) (now pending
32 before the Legislature as this bill) shall forfeit all tenure rights.

33
34 ¹[67] 60¹. (New section) Where the needs of a participating
35 employer require the service of an employee who elects to retire and
36 receive a benefit under section ¹[63] 56¹ of P.L. , c. (C.)
37 (now pending before the Legislature as this bill), the participating
38 employer, with the approval of the governing body of such employer,
39 and with the consent of the employee, may delay the effective
40 retirement date of the employee until the first day of any calendar
41 month after the 12th month following the effective date of the
42 consolidation or joint services agreement adversely affecting the
43 employee.

44 For a member of PFRS whose effective retirement date is delayed
45 under this section and who dies before the retirement becomes
46 effective, the retirement shall be effective as of the first day of the

1 month after the date of death of the member if the member's
2 beneficiary so requests in writing to the board of trustees of the
3 retirement system.

4
5 ¹[68] 61¹. (New section) An employee retiring with a benefit
6 under section ¹[63] 56¹ of P.L. , c. (C.) (now pending
7 before the Legislature as this bill) who has not repaid the full amount
8 of a loan from PFRS by the effective date of retirement may repay the
9 loan through deductions from the member's retirement benefit
10 payments in the same monthly amount which was deducted from the
11 member's compensation immediately preceding retirement until the
12 balance of the amount borrowed together with interest at the statutory
13 rate is repaid. If the retiree dies before the outstanding balance of the
14 loan and interest is repaid, the remaining amount shall be repaid as
15 provided in section 2 of P.L.1981, c.370 (C.43:16A-16.2).

16
17 ¹[69] 62¹. (New section) Prior to the effective date of any joint
18 services or consolidation agreement which would qualify a
19 participating employer to elect to provide the benefits under section
20 ¹[63] 56¹ of P.L. , c. (C.) (now pending before the
21 Legislature as this bill), each participating employer shall meet and
22 consult with the representatives of the bargaining unit or units
23 representing the employees who would be eligible for benefits under
24 that section and the governing body of each participating employer
25 shall formally consider and decide whether or not to adopt the
26 provisions of section ¹[63] 56¹ of P.L. , c. (C.) (now
27 pending before the Legislature as this bill).

28
29 ¹[70] 63¹. (New section) For the purposes of sections ¹[63] 56¹
30 through ¹[69] 62¹ of P.L. , c. (C.) (now pending before the
31 Legislature as this bill):

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

36 "Participating employer" means a local unit which enters into a
37 consolidation or joint services agreement with one or more other local
38 units. A county which adopts an early retirement plan that has been
39 reviewed by the Director of the Division of Local Government
40 Services in the Department of Community Affairs in consultation with
41 the Director of the Division of Pensions and Benefits in the
42 Department of the Treasury and determined to be fiscally sound in
43 accordance with criteria adopted by those directors, shall be
44 considered a participating employer under this definition, regardless of
45 whether or not it is participating in a consolidation or joint services
46 agreement.

1 ¹[71.] 64.¹ (New section) An employee of a participating
2 employer under the Public Employees' Retirement System (PERS), the
3 Teachers' Pension and Annuity Fund (TPAF) or the Alternate Benefit
4 Program (ABP) pursuant to P.L.1969, c.242 (C.18A:66-167 et seq.),
5 which elects to provide the benefits authorized under this section,
6 who:

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

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

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

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

31

32 ¹[72] 65.¹ (New section) For an employee of a county college, or
33 an employer providing paid health benefits to retirees pursuant to
34 section 7 of P.L.1964, c.125 (C.52:14-17.38), N.J.S.40A:10-23, or
35 section 8 of P.L.1979, c.391 (C.18A:16-19), participating under
36 PERS, TPAF, or ABP, which elects to provide the benefits authorized
37 under section ¹[71] 64.¹ of P.L. , c. (C.) (now pending
38 before the Legislature as this bill), who:

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

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

1 c. retires under the retirement system on or before the first day of
2 the seventh month next following the effective date of a consolidation
3 or joint services agreement adversely affecting the employee,
4 the participating employer shall pay the entire cost for coverage for the
5 retired employee and the employee's dependents, but not including
6 survivors, unless the participating employer is paying the entire cost
7 for coverage for survivors on the effective date of P.L. , c.
8 (C.) (now pending before the Legislature as this bill). For
9 employers participating in the New Jersey State Health Benefits
10 Program (NJSHBP), the payment shall be made in the same manner
11 provided for payment by an employer other than the State of premiums
12 or periodic charges for retired employees under section 7 of P.L.1964,
13 c.125 (C.52:14-17.38). For employers not participating in the
14 NJSHBP, the payment shall be made in the same manner provided for
15 payment of premiums after retirement under N.J.S.40A:10-23 or
16 section 8 of P.L.1979, c.391 (C.18A:16-19), or the employer's group
17 health insurance contract or health benefits plan, and the level of
18 benefits to retirees under this section shall be the same as the level of
19 benefits provided to other retirees by that employer.

20

21 ¹[73] 66¹. (New section) A participating employer under PERS,
22 TPAF, or ABP which does not provide paid health benefits to retirees
23 and which elects to provide the benefits authorized under section ¹[71]
24 64¹ of P.L. , c. (C.) (now pending before the Legislature as
25 this bill), shall pay to an employee who meets the qualifications of
26 subsections a. and b. of that section an additional pension of \$500 per
27 month in each of the 24 months following the date of retirement.

28

29 ¹[74] 67¹. (New section) For an employee of a participating
30 employer under PERS, TPAF or ABP which elects to provide the
31 benefits under section ¹[71] 64¹ of P.L. , c. (C.) (now
32 pending before the Legislature as this bill), who:

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

38 b. files an application to retire within 30 days following the
39 effective date of a consolidation or joint services agreement adversely
40 affecting the employee; and

41 c. retires under the retirement system on or before the first day of
42 the seventh month next following the effective date of a consolidation
43 or joint services agreement adversely affecting the employee,
44 the participating employer shall pay an additional pension of \$500
45 per month in each of the 24 months following the date of retirement.

46

1 ¹[75] 68¹. (New section) A participating employer may elect to
2 provide the benefits under sections ¹[71] 64¹ through ¹[74] 67¹ of P.L.
3 , c. (C.) (now pending before the Legislature as this bill), by
4 adopting a resolution of its governing body and filing a certified copy
5 of the resolution with the Director of the Division of Pensions and
6 Benefits in the Department of the Treasury prior to the effective date
7 of a consolidation or joint services agreement that would adversely
8 affect employees of the participating employer. With respect to
9 county colleges, the governing body shall be considered the board of
10 trustees. The employer shall submit to the director any information
11 necessary to provide the benefits or to determine the liability for them.
12

13 ¹[76] 69¹. (New section) The actuaries for PERS and TPAF shall
14 determine the liability of the retirement systems for the additional
15 service credit or pensions provided under sections ¹[71] 64¹ through
16 ¹[75] 68¹ of P.L. , c. (C.) (now pending before the
17 Legislature as this bill), and for the early retirement of employees in
18 accordance with the tables of actuarial assumptions adopted by the
19 board of trustees of the retirement system. For PERS, this liability
20 shall be added to the unfunded accrued liability of the participating
21 employer under the retirement system and shall be paid in the same
22 manner and over the remaining time period provided for the employer's
23 unfunded accrued liability under sections 24, 68 and 81 of P.L.1954,
24 c.84 (C.43:15A-24, 68 and 81).

25 For TPAF, the liability and contribution requirements for each
26 participating employer shall be determined by the actuary of the system
27 in the same manner and over the remaining time period provided for
28 the unfunded accrued liability of the system under N.J.S.18A:66-18.
29 The retirement system shall annually certify to each participating
30 employer the contributions due to the contingent reserve fund for the
31 liability under sections ¹[71] 64¹ through ¹[75] 68¹ of P.L. , c.
32 (C.) (now pending before the Legislature as this bill). The
33 contributions certified by the retirement system shall be paid by the
34 participating employer to the retirement system on or before the date
35 prescribed by law for payment of employer contributions for basic
36 retirement benefits. If payment of the full amount of the contribution
37 certified is not made within 30 days after the last date for payment of
38 employer contributions for basic retirement benefits, interest at the
39 rate of 10% per year shall begin to run against the unpaid balance on
40 the first day after the 30th day.

41 The participating employer shall pay the cost of the actuarial work
42 to determine the additional liability of the retirement system for the
43 benefits under sections ¹[71] 64¹ through ¹[75] 68¹ of P.L. , c. (C.
44) (now pending before the Legislature as this bill), which shall be
45 included in the initial contribution required from the participating
46 employer.

1 ¹[77] 70¹. (New section) The cost of the cash payments for ABP
2 members under sections ¹[71] 64¹ through ¹[74] 67¹ of P.L. , c. (C.
3) (now pending before the Legislature as this bill) shall be funded
4 by the participating employer from appropriations to that employer for
5 annual operating expenses or from funds otherwise available to the
6 employer for operating expenses.

7
8 ¹[78] 71¹. (New section) An employee who receives a benefit
9 under sections ¹[71] 64¹ through ¹[74] 67¹ of P.L. , c.
10 (C.) (now pending before the Legislature as this bill), shall
11 forfeit all tenure rights.

12
13 ¹[79] 72¹. (New section) When the needs of the participating
14 employer require the service of an employee who elects to retire and
15 receive a benefit under sections ¹[71] 64¹ through ¹[74] 67¹ of P.L. ,
16 c. (C.) (now pending before the Legislature as this bill), the
17 participating employer, with the approval of the governing body of the
18 employer and with the consent of the employee, may delay the
19 effective retirement date of the employee until the first day of the 13th
20 calendar month following the effective date of any consolidation or
21 joint services agreement affecting the employee. With respect to
22 county colleges, the governing body shall be considered the board of
23 trustees. A delay in the effective retirement date of an employee shall
24 not extend the dates set forth in sections ¹[71] 64¹ through ¹[74] 67¹
25 of P.L. , c. (C.) (now pending before the Legislature as this
26 bill), to qualify for benefits under those sections.

27 For a member of PERS or TPAF whose effective retirement date
28 is delayed under this section and who dies before the retirement
29 becomes effective, the retirement shall be effective as of the first day
30 of the month after the date of death of the member if the member's
31 beneficiary requests in writing to the board of trustees of the
32 retirement system that the retirement be effective under the Option
33 settlement selected by the member, or under Option 3 if the member
34 did not select an Option.

35
36 ¹[80] 73¹. (New section) An employee retiring with a benefit
37 under sections ¹[71] 64¹ through ¹[74] 67¹ of P.L. , c.
38 (C.) (now pending before the Legislature as this bill), who has
39 not repaid the full amount of a loan from PERS or TPAF by the
40 effective date of retirement may repay the loan through deductions
41 from the member's retirement benefit payments in the same monthly
42 amount which was deducted from the member's compensation
43 immediately preceding retirement until the balance of the amount
44 borrowed together with interest at the statutory rate is repaid. If the
45 retiree dies before the outstanding balance of the loan and interest is
46 repaid, the remaining amount shall be repaid as provided in section 2

1 of P.L.1981, c.55 (C.43:15A-34.1) or N.J.S.18A:66-35.

2

3 ¹[81.] 74.¹ (New section) An employee purchasing service credit
4 on or after the effective date of P.L. , c. (C.) (now pending
5 before the Legislature as this bill), to qualify for a benefit under those
6 sections, may purchase a portion of the credit which the employee is
7 eligible to purchase.

8

9 ¹[82] 75.¹ (New section) The provisions of sections ¹[71] 64¹
10 through ¹[74] 67¹ of P.L. , c. (C.) (now pending before the
11 Legislature as this bill), shall be applicable to employers and
12 employees participating in a county pension fund created under
13 Chapter 10 of Title 43 of the Revised Statutes, P.L.1943, c.160
14 (C.43:10-18.1 et seq.), or Article 2 of Chapter 66 of Title 18A of the
15 New Jersey Statutes, or in a municipal retirement system created under
16 P.L.1954, c.218 (C.43:13-22.3 et seq.) or P.L.1964, c.275
17 (C.43:13-22.50 et seq.), and shall become operative upon the adoption
18 of the provisions of sections ¹[71] 64¹ through ¹[74] 67¹ of P.L. , c.
19 (C.) (now pending before the Legislature as this bill), as
20 appropriate, by the employer.

21

22 ¹[83] 76.¹ (New section) Each participating employer covered by
23 the provisions of sections ¹[71] 64¹ through ¹[74] 67¹ and section ¹[
24 82] 75¹ of P.L. , c. (C.) (now pending before the
25 Legislature as this bill), shall meet and consult with the representatives
26 of the bargaining unit or units representing the employees who would
27 be eligible for benefits under those sections prior to the effective date
28 of any consolidation or joint services agreement.

29

30 ¹[84] 77.¹ (New section) For the purposes of sections ¹[71] 64¹
31 through ¹[83] 76¹ of P.L. , c. (C.) (now pending before the
32 Legislature as this bill):

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

38 "Final year compensation" means the compensation received in the
39 last 12 months immediately preceding retirement in which
40 compensation is received and upon which contributions are made by
41 the employee to the retirement system.

42 "Participating employer" means a local unit which enters into a
43 consolidation or joint services agreement with one or more other local
44 units. A county which adopts an early retirement plan that has been
45 reviewed by the Director of the Division of Local Government
46 Services in the Department of Community Affairs in consultation with

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

7
8 ¹[85.] 78.¹ (New section) The Commissioner of Community
9 Affairs after consultation with the State Board of Education, and the
10 Administrator of the Office of Telecommunications and Information
11 Systems in the Department of the Treasury, may adopt regulations,
12 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
13 (C.52:14B-1 et seq.), to charge appropriate fees; except that no fee
14 shall be charged to local units of government and school districts, for
15 use of a computerized communication network that may be established
16 by the State for the conduct of government activities. Such
17 regulations may authorize any nonprofit corporation organized
18 pursuant to Title 15A of the New Jersey Statutes, whose purposes
19 support the administration of, or personnel engaged in, government or
20 educational services, to utilize such network for communication with
21 the members of such nonprofit corporations in the conduct of
22 government or organizational activities; except that such networks
23 shall not be used to directly lobby State officials with regard to
24 legislation or by organizations that represent employees for the
25 purpose of conducting collective negotiations with public employers.

26
27 ¹[86.] 79.¹ (New section) Notwithstanding any rules, regulations
28 or guidelines promulgated by the Attorney General, State narcotics
29 action plan reports, commonly referred to as "SNAP" reports, shall be
30 made on a quarterly basis. The Department of Law and Public Safety
31 shall develop and supply to all participating police departments a
32 standard computer software program, which shall include all of the
33 necessary parameters for reporting, so that the SNAP reports may be
34 generated by computer.

35
36 ¹[87.] 80.¹ (New section) a. Notwithstanding the provisions of
37 the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et
38 seq.), or of any other law, rule or regulation to the contrary, a
39 municipality may provide for the purchase of privately owned
40 residential property at its mortgage value and include those units
41 toward the fulfillment of its fair share housing obligation pursuant to
42 P.L.1985, c.222 (C.52:27D-301 et al.).

43 b. The Commissioner of Community Affairs shall, on or before the
44 first day of the seventh month next following the effective date of
45 P.L. , c. (C.) (now pending before the Legislature as
46 this bill) promulgate rules and regulations pursuant to the provisions

1 of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
2 et seq.) to effectuate the provisions of subsection a. of this section.

3
4 ¹[88.] 81.¹ (New section) A municipality may fulfill up to 25
5 percent of any fair share housing obligation assigned pursuant to
6 P.L.1985, c.222 (C.52:27D-301 et al.) through the provision of age-
7 restricted housing units. Any municipality may apply to the council for
8 a waiver from the cap and the council shall grant the waiver if the
9 municipality can demonstrate, to the satisfaction of the council, that
10 the number of units to be provided which are age-restricted is
11 necessary in order to fulfill housing need within the municipality or
12 within the housing region within which the municipality is situated; and
13 provided further that those units are subject to appropriate
14 affordability controls or any other controls which are otherwise
15 imposed by the council pursuant to P.L.1985, c.222.

16 In evaluating any proposal by a municipality to exceed the cap on
17 the provision of age-restricted housing, the council shall consider the
18 municipality's past exclusionary practices, measured by such criteria as
19 jobs to housing ratio; the percentage of low and moderate income
20 households of the age-restricted group in the municipality as compared
21 to the percentage in the housing region; and any other criteria which
22 the council may determine.

23
24 ¹[89.] 82.¹ (New section) Notwithstanding any provision of
25 section 2 of P.L.1983, c.312 (C.40A:4-45.19) to the contrary, any
26 municipality that failed to print on a referendum ballot the amount of
27 the cost increase for the proposed PERS to PFRS transfer for police
28 officers may apply to the director for permission to include the 1997
29 budget year amount of the pension appropriation representing the
30 increase due to the switch as an increase in the cap base upon which
31 final appropriations are based.

32
33 ¹[90.] 83.¹ (New section) a. (1) There is hereby created a Police
34 Paperwork Reduction Task Force. The task force shall have nine
35 members, selected as follows: two representatives of the Attorney
36 General's office and one member of the Division of State Police, to be
37 appointed by the Governor; two representatives of local law
38 enforcement agencies and one municipal court administrator, to be
39 appointed by the President of the Senate; and two representatives of
40 local law enforcement agencies and one municipal court administrator,
41 to be appointed by the Speaker of the General Assembly.

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

46 b. The task force shall:

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

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

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

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

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

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

25 ¹[91.] 84.¹ This act shall take effect on the first day of the third
26 month next following enactment.

27

28

29

30

31 Revises certain mandates, requirements and procedures for local
32 governments and school districts.