

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 local
2 governments and school districts and amending, supplementing and repealing
3 various parts of the statutory law.

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

7
8 1. (New section) The Legislature finds and declares:
9 Over the past four decades, prior to adoption of the constitutional amendment
10 prohibiting unfunded State mandates on local government, the State routinely and
11 systematically imposed greater and greater numbers of mandates, orders,
12 directives and burdens on local government. This web of mandates and burdens
13 came about as the result of the enactment and adoption of a plethora of unrelated
14 laws and regulations addressing many and diverse issues. While these actions by
15 State government occurred in order to address a variety of public concerns, they
16 all shared a common philosophical underpinning: the mandatory implementation
17 of State policy directives by local government officials.

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

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

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

Matter underlined thus is new matter.

1

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

3 11A:2-11. Powers and duties of the commissioner. In addition to other
4 powers and duties vested in the commissioner by this title or any other law, the
5 commissioner:

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

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

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

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

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

19 f. Shall establish and supervise the selection process and employee
20 performance evaluation procedures;

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

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

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

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

41 k. May establish an internship program;

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

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

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

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

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

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

10

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

12 11A:4-13. Types of appointment. The commissioner shall provide for the
13 following types of appointment:

14 a. Regular appointments shall be to a title in the competitive division of the
15 career service upon examination and certification or to a title in the
16 noncompetitive division of the career service upon appointment. The
17 appointments shall be permanent after satisfactory completion of a working test
18 period;

19 b. Provisional appointments shall be made only in the competitive division
20 of the career service and only in the absence of a complete certification, if the
21 appointing authority certifies that in each individual case the appointee meets the
22 minimum qualifications for the title at the time of appointment and that failure to
23 make a provisional appointment will seriously impair the work of the appointing
24 authority. In no case shall any provisional appointment exceed a period of 12
25 months;

26 For a period beginning on the effective date of P.L. _____, c. _____ (C. _____
27 _____) (now pending before the Legislature as this bill) and ending six months
28 thereafter, if an eligible list has not been issued for the title held by the provisional
29 employee prior to the effective date of P.L. _____, c. _____ (C. _____)
30 (now pending before the Legislature as this bill) and within 12 months of the
31 appointment, the provisional employee may receive a regular appointment upon
32 successful completion of a qualifying examination administered by the
33 Department of Personnel;

34 c. Temporary appointments may be made, without regard to the provisions
35 of this chapter, to temporary positions established for a period aggregating not
36 more than six months in a 12-month period as approved by the commissioner.
37 These positions include, but are not limited to, seasonal positions. Positions
38 established as a result of a short-term grant may be established for a maximum of
39 12 months. Appointees to temporary positions shall meet the minimum
40 qualifications of a title;

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

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

45 f. Unclassified appointments shall be made pursuant to N.J.S.11A:3-4 and

1 N.J.S.11A:3-5.

2 (cf: N.J.S.11A:4-13)

3

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

5 11A:4-15. Working test period. The purpose of the working test period is
6 to permit an appointing authority to determine whether an employee satisfactorily
7 performs the duties of a title. A working test period is part of the examination
8 process which shall be served in the title to which the certification was issued and
9 appointment made. The commissioner shall provide for:

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

16 b. Progress reports to be made by the appointing authority and provided to
17 the employee at such times during the working test period as provided by rules
18 of the board and a final progress report at the end of the entire working test
19 period shall be provided to the employee and the commissioner;

20 c. Termination of an employee at the end of the working test period and
21 termination of an employee for cause during the working test period; and

22 d. The retention of permanent status in the lower title by a promoted
23 employee during the working test period in the higher title and the right to return
24 to such permanent title if the employee does not satisfactorily complete the
25 working test period, but employees removed for cause during a working test
26 period shall not be so returned.

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

28

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

30 11A:4-16. Transfer, reassignment and lateral title change. The rules of the
31 board shall define and establish the procedures for transfer, reassignment and
32 lateral title change, which may include transfer between State government and a
33 political subdivision and between political subdivisions. Employees shall be
34 granted no less than 30 days' notice of transfer, except with employee consent or
35 under emergent circumstances as established by rules of the board. The
36 commissioner shall provide for relocation assistance for State employees who are
37 transferred or reassigned to a new work location due to a phasedown or closing
38 of a State operation, subject to available appropriations. Transfers, reassignments,
39 or lateral title changes shall not be utilized as part of a disciplinary action, except
40 following an opportunity for hearing. Nothing herein shall prohibit transfers,
41 reassignments, or lateral title changes made in good faith. The burden of proof
42 demonstrating lack of good faith shall be on the employee.

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

44

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

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

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

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

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

27
28 7. N.J.S.18A:6-45 is amended to read as follows:

29 18A:6-45. There is established a body corporate and politic, with corporate
30 succession, to be known as the "New Jersey School Boards Association." All
31 boards of education of the various school districts in this State [shall] may be
32 members of the association.

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

34
35 8. N.J.S.18A:6-46 is amended to read as follows:

36 18A:6-46. Each of the district boards of education which chooses to be a
37 member of the association shall select annually one of its members as a delegate
38 to the association.

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

40
41 9. N.J.S.18A:6-50 is amended to read as follows:

42 18A:6-50. For the purpose of defraying the necessary expenses of the
43 association, the various district boards which are members of the association shall
44 pay the necessary expenses incurred by its delegates, and shall appropriate
45 annually such sums for dues as may be assessed by the association at any

1 delegates meeting. The assessment of dues shall be made upon a graduated scale
2 and shall be made only upon two-thirds vote of the delegates present at such
3 delegates meeting, after notice of the taking of such vote shall have been given
4 to each district board in writing at least 60 days before such delegates meeting.
5 However, the dues assessed any board of education shall not be increased for any
6 year by more than 33 1/3 % of the dues assessed that board during the preceding
7 year. Dues shall be payable by the custodian of school moneys of the school
8 district to the treasurer of the association.

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

10

11 10. R.S.19:31-2 is amended to read as follows:

12 19:31-2. In all counties having a superintendent of elections, the
13 superintendent of elections is hereby constituted the commissioner of registration
14 and in all other counties the secretary of the county board is hereby constituted
15 the commissioner of registration.

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

18 The commissioner of registration shall have power to appoint temporarily, and
19 the commissioner of registration in counties of the first class having more than
20 800,000 inhabitants shall have power to appoint on a permanent, or temporary
21 basis, such number of persons, as in the commissioner's judgment may be
22 necessary in order to carry out the provisions of this Title. All persons appointed
23 by the commissioner of registration in counties of the first class having more than
24 850,000 inhabitants according to the latest federal decennial census to serve for
25 terms of more than six months in any one year shall be in the career service of the
26 civil service and shall be appointed, and hold their positions, in accordance with
27 the provisions of Title 11A, Civil Service. All persons appointed by the
28 commissioner of registration in counties of the first class having more than
29 600,000 but less than 850,000 inhabitants according to the latest federal decennial
30 census to serve for terms of more than six months in any one year, other than the
31 chief deputy and chief clerk and confidential secretary and chief custodian, shall
32 be in the career service of the civil service and shall be appointed and hold their
33 positions, in accordance with the provisions of Title 11A, Civil Service. Persons
34 appointed by the commissioner of registration in such counties to serve for terms
35 of six months or less in any one year and persons appointed by the commissioner
36 of registration shall not be subject to any of the provisions of Title 11A, Civil
37 Service, but shall be in the unclassified service.

38 [In each county the commissioner of registration shall submit to the Secretary
39 of State on or before February 15 of each year a plan providing for evening
40 registration for the primary election and on or before July 1 plans providing for
41 evening registration for the general election, which plans shall be subject to
42 approval by the Secretary of State.] Evening registration [shall] may be made
43 available in the office of each commissioner of registration [between the hours of
44 4 p.m. and 9 p.m. on the 29th day preceding the primary and general elections
45 and, in any year in which municipal elections are to be held in any municipality

1 within the county, on the 29th day preceding those municipal elections] in
2 accordance with a plan established by each commissioner.

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

5 Nothing in this section shall preclude [the commissioner from providing
6 pursuant to plan evening registration in excess of the requirements of this section,
7 or shall preclude] or in any way limit out-of-office registration conducted by
8 persons or groups other than the commissioner.

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

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

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

21 All powers granted to the commissioner in all counties not having
22 superintendents of elections by the provisions of this Title are hereby conferred
23 on the county board in such counties and any and all duties conferred upon the
24 commissioner in all counties not having a superintendent of elections by the
25 provisions of this Title shall only be exercised and performed by such
26 commissioner under the instructions and directions of and subject to the approval
27 of the county board of such counties.

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

29

30 11. R.S.26:3-3 is amended to read as follows:

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

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

45 The terms of the alternate members shall be for two years, except that the

1 terms of the alternate members first appointed shall be two years for Alternate
2 No. 1 and one year for Alternate No. 2, so that the term of not more than one
3 alternate member shall expire in any one year. A vacancy occurring otherwise
4 than by expiration of term shall be filled by the appointing authority for the
5 unexpired term only.

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

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

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

16

17 12. R.S.26:3-9 is amended to read as follows:

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

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

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

43

44 13. R.S.26:3-10 is amended to read as follows:

45 26:3-10. The local board in every township having a population of more than

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

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

12

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

15 2. As used in this act:

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

17

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

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

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

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

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

40 (b) The portion of the property or premises that is leased or subject to an
41 agreement to be subsequently leased by the public body measures more than
42 20,000 square feet.

43 (6) "Commissioner" means the Commissioner of Labor or his duly authorized
44 representatives.

45 (7) "Workman" or "worker" includes laborer, mechanic, skilled or

1 semi-skilled, laborer and apprentices or helpers employed by any contractor or
2 subcontractor and engaged in the performance of services directly upon a public
3 work, regardless of whether their work becomes a component part thereof, but
4 does not include material suppliers or their employees who do not perform
5 services at the job site.

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

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

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

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

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

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

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

33

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

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

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

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

45 c. "Chief executive officer" means the mayor of a municipality, the elected

1 county executive of a county, the director of the board of chosen freeholders in
2 a county not having an elected county executive, and the chairman or other
3 presiding officer of any other governing body.

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

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

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

8

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

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

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

23

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

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

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

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

41

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

44 2. a. When any vacancy occurs on the board of chosen freeholders otherwise
45 than by expiration of term, it shall be filled by election for the unexpired term

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

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

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

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

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

41

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

44 5. a. When any vacancy occurs on the board of chosen freeholders otherwise
45 than by expiration of term, it shall be filled by election for the unexpired term only

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

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

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

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

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

40

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

43 1. Notwithstanding any other provision of law, the governing body of a
44 municipality in which any of the members of the governing body
45 are elected for terms commencing January 1 may, by [ordinance] resolution, fix

1 the date and time of its annual organization or reorganization meeting at 12
2 o'clock noon on January 1, or at some other hour on any day during the first week
3 in January.

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

5

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

7 1. The governing body of any municipality may enter into contract with a
8 private agency or firm for the purpose of collecting delinquent fin~~es, costs,~~
9 surcharges and other penalties that are owed to, or required to be collected by the
10 municipality as a result of any municipal court matter, including, but not limited
11 to parking violation fines [owed to the municipality] and motor vehicle violation
12 fin~~es.~~ Any such contract shall be made and awarded pursuant to the provisions
13 of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

14 (cf: P.L.1983, c.208, s.1)

15

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

18 76. Periodic examination. The governing body shall, at least every [six] 10
19 years, provide for a general reexamination of its master plan and development
20 regulations by the planning board, which shall prepare and adopt by resolution a
21 report on the findings of such reexamination, a copy of which report and
22 resolution, or notice of the availability of such report and resolution, shall be sent
23 to the county planning board and the municipal clerk of each adjoining
24 municipality. The first such reexamination shall have been completed by August
25 1, 1982. The next reexamination shall be completed by August 1, 1988.
26 Thereafter, a reexamination shall be completed at least once every [six] 10 years
27 from the previous reexamination.

28 The reexamination report shall state:

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

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

33 c. The extent to which there have been significant changes in the assumptions,
34 policies, and objectives forming the basis for the master plan or development
35 regulations as last revised, with particular regard to the density and distribution
36 of population and land uses, housing conditions, circulation, conservation of
37 natural resources, energy conservation, collection, disposition, and recycling of
38 designated recyclable materials, and changes in State, county and municipal
39 policies and objectives.

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

43 e. The recommendations of the planning board concerning the incorporation
44 of redevelopment plans adopted pursuant to the "Local Redevelopment and
45 Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.) into the land use plan

1 element of the municipal master plan, and recommended changes, if any, in the
2 local development regulations necessary to effectuate the redevelopment plans of
3 the municipality.

4 (cf: P.L.1992, c.79, s.50)

5
6 23. Section 3 of P.L.1991, c.54 (C.40:66-10) is amended to read as follows:

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

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

22
23 24. N.J.S.40A:2-17 is amended to read as follows:

24 40A:2-17. a. Introduction.

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

27 b. Publication, hearing and adoption.

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

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

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

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

45 (b) a notice that copies of such bond ordinance will be made available during

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

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

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

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

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

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

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

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

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

40 c. Final publication with statement.

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

STATEMENT

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

7
8 _____
Clerk.

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

11 25. 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 first
13 publication of the ordinance or of a summary thereof after final adoption. A bond
14 ordinance which authorizes obligations to fund, refund, renew, extend or retire
15 obligations issued or authorized pursuant to this chapter, or notes or bonds issued
16 or authorized pursuant to any act of which this chapter is a revision shall not be
17 subject to referendum.

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

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

21 40A:4-27. A local unit may anticipate as a miscellaneous revenue the total
22 amount of all payments due and payable to the local unit during the fiscal year,
23 directly or indirectly as a result of the sale of property by the local unit, when the
24 obligation to make such payment is entered into prior to [February 10 of the
25 calendar fiscal year, or by August 10 of the State fiscal year] the adoption of the
26 budget.

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

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

30 40A:4-41. a. For the purpose of determining the amount of the appropriation
31 for "reserve for uncollected taxes" required to be included in each annual budget
32 where less than 100% of current tax collections may be and are anticipated,
33 anticipated cash receipts shall be as set forth in the budget of the current year, and
34 in accordance with the limitations of statute for anticipated revenue from, surplus
35 appropriated, miscellaneous revenues and receipts from delinquent taxes.

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

41 c. (1) For any municipality in which tax appeal judgments have been awarded
42 to property owners from action of the county tax board pursuant to R.S.54:3-21
43 et seq., or the State tax court pursuant to R.S.54:48-1 et seq. in the preceding
44 fiscal year, the governing body of the municipality may elect to determine the
45 reserve for uncollected taxes by using the average of the percentages of taxes

1 levied which were received in cash by the last day of each of the three preceding
2 fiscal years. Election of this choice shall be made by resolution, approved by a
3 majority vote of the full membership of the governing body prior to the
4 introduction of the annual budget pursuant to N.J.S.40A:4-5.

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

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

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

19
20 28. Section 3 of P.L.1976, c.68 (C.40A:4-45.3) is amended to read as
21 follows:

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

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

26 b. Capital expenditures, including appropriations for current capital
27 expenditures, whether in the capital improvement fund or as a component of a line
28 item elsewhere in the budget, provided that any such current capital expenditure
29 would be otherwise bondable under the requirements of N.J.S.40A:2-21 and
30 40A:2-22;

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

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

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

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

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

- 1 f. Amounts reserved for uncollected taxes;
- 2 g. (Deleted by amendment, P.L.1990, c.89.)
- 3 h. Expenditure of amounts derived from new or increased construction,
4 housing, health or fire safety inspection or other service fees imposed by State
5 law, rule or regulation or by local ordinance;
- 6 i. Any amount approved by any referendum;
- 7 j. Amounts required to be paid pursuant to (1) any contract with respect to
8 use, service or provision of any project, facility or public improvement for water,
9 sewerage, parking, senior citizen housing or any similar purpose, or payments on
10 account of debt service therefor, between a municipality and any other
11 municipality, county, school or other district, agency, authority, commission,
12 instrumentality, public corporation, body corporate and politic or political
13 subdivision of this State; (2) the provisions of article 9 of P.L.1968, c.404
14 (C.13:17-60 through 13:17-76) by a constituent municipality to the intermunicipal
15 account; (3) any lease of a facility owned by a county improvement authority
16 when the lease payment represents the proportionate amount necessary to
17 amortize the debt incurred by the authority in providing the facility which is
18 leased, in whole or in part; and (4) any repayments under a loan agreement
19 entered into in accordance with the provisions of section 5 of P.L.1992, c.89.
- 20 k. (Deleted by amendment, P.L.1987, c.74.)
- 21 l. Appropriations of federal, county, independent authority or State funds, or
22 by grants from private parties or nonprofit organizations for a specific purpose,
23 and amounts received or to be received from such sources in reimbursement for
24 local expenditures. If a municipality provides matching funds in order to receive
25 the federal, county, independent authority or State funds, or the grants from
26 private parties or nonprofit organizations for a specific purpose, the amount of
27 the match which is required by law or agreement to be provided by the
28 municipality shall be excepted;
- 29 m. (Deleted by amendment, P.L.1987, c.74.)
- 30 n. (Deleted by amendment, P.L.1987, c.74.)
- 31 o. (Deleted by amendment, P.L.1990, c.89.)
- 32 p. (Deleted by amendment, P.L.1987, c.74.)
- 33 q. (Deleted by amendment, P.L.1990, c.89.)
- 34 r. Amounts expended to fund a free public library established pursuant to the
35 provisions of R.S.40:54-1 through 40:54-29, inclusive; s. (Deleted by
36 amendment, P.L.1990, c.89.)
- 37 t. Amounts expended in preparing and implementing a housing element and
38 fair share plan pursuant to the provisions of P.L.1985, c.222 (C.52:27D-301 et
39 al.) and any amounts received by a municipality under a regional contribution
40 agreement pursuant to section 12 of that act;
- 41 u. Amounts expended to meet the standards established pursuant to the "New
42 Jersey Public Employees' Occupational Safety and Health Act," P.L.1983, c.516
43 (C.34:6A-25 et seq.);
- 44 v. (Deleted by amendment, P.L.1990, c.89.)
- 45 w. Amounts appropriated for expenditures resulting from the impact of a

- 1 hazardous waste facility as described in subsection c. of section 32 of P.L.1981,
2 c.279 (C.13:1E-80);
- 3 x. Amounts expended to aid privately owned libraries and reading rooms,
4 pursuant to R.S.40:54-35;
- 5 y. (Deleted by amendment, P.L.1990, c.89.)
- 6 z. (Deleted by amendment, P.L.1990, c.89.)
- 7 aa. Extraordinary expenses, approved by the Local Finance Board, required
8 for the implementation of an interlocal services agreement;
- 9 bb. Any expenditure mandated as a result of a natural disaster, civil
10 disturbance or other emergency that is specifically authorized pursuant to a
11 declaration of an emergency by the President of the United States or by the
12 Governor;
- 13 cc. Expenditures for the cost of services mandated by any order of court, by
14 any federal or State statute, or by administrative rule, directive, order, or other
15 legally binding device issued by a State agency which has identified such cost as
16 mandated expenditures on certification to the Local Finance Board by the State
17 agency;
- 18 dd. Expenditures of amounts actually realized in the local budget year from
19 the sale of municipal assets if appropriated for non-recurring purposes or
20 otherwise approved by the director;
- 21 ee. Any local unit which is determined to be experiencing fiscal distress
22 pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.), whether
23 or not a local unit is an "eligible municipality" as defined in section 3 of P.L.1987,
24 c.75 (C.52:27D-118.26), and which has available surplus pursuant to the spending
25 limitations imposed by P.L.1976, c.68 (C.40A:4-45.1 et seq.), may appropriate
26 and expend an amount of that surplus approved by the director and the Local
27 Finance Board as an exception to the spending limitation. Any determination
28 approving the appropriation and expenditure of surplus as an exception to the
29 spending limitations shall be based upon:
- 30 1) the local unit's revenue needs for the current local budget year and its
31 revenue raising capacity;
- 32 2) the intended actions of the governing body of the local unit to meet the
33 local unit's revenue needs;
- 34 3) the intended actions of the governing body of the local unit to expand its
35 revenue generating capacity for subsequent local budget years;
- 36 4) the local unit's ability to demonstrate the source and existence of sufficient
37 surplus as would be prudent to appropriate as an exception to the spending
38 limitations to meet the operating expenses for the local unit's current budget year;
39 and
- 40 5) the impact of utilization of surplus upon succeeding budgets of the local
41 unit;
- 42 ff. Amounts expended for the staffing and operation of the municipal court;
- 43
- 44 gg. Amounts appropriated for the cost of administering a joint insurance fund
45 established pursuant to subsection b. of section 1 of P.L.1983, c.372

1 (C.40A:10-36), but not including appropriations for claims payments by local
2 member units;

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

6 ii. Expenditures related to the cost of conducting and implementing a total
7 property tax levy sale pursuant to section 16 of P.L.1997, c.99 (C.54:5-113.5);

8 jj. Amounts expended by a municipality under an interlocal services
9 agreement entered into pursuant to P.L.1973, c.208 (C.40:8A-1 et seq.) entered
10 into after the effective date of P.L. _____, c. _____ (C. _____) (now pending
11 before the Legislature as this bill) or amounts expended under a joint contract
12 pursuant to the "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-
13 1 et seq.) entered into after the effective date of P.L. _____, c. _____ (C. _____
14) (now pending before the Legislature as this bill) .

15 (cf: P.L.1997, c.99, s.9)

16

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

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

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

27 b. Capital expenditures, including appropriations for current capital
28 expenditures, whether in the capital improvement fund or as a component of a line
29 item elsewhere in the budget, provided that any such current capital expenditures
30 would be otherwise bondable under the requirements of N.J.S.40A:2-21 and
31 40A:2-22;

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

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

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

44 d. All debt service;

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

- 1 f. Amounts required to be paid pursuant to (1) any contract with respect to
2 use, service or provision of any project, facility or public improvement for water,
3 sewerage, parking, senior citizen housing or any similar purpose, or payments on
4 account of debt service therefor, between a county and any other county,
5 municipality, school or other district, agency, authority, commission,
6 instrumentality, public corporation, body corporate and politic or political
7 subdivision of this State; and (2) any lease of a facility owned by a county
8 improvement authority when the lease payment represents the proportionate
9 amount necessary to amortize the debt incurred by the authority in providing the
10 facility which is leased, in whole or in part;
- 11 g. That portion of the county tax levy which represents funding to participate
12 in any federal or State aid program and amounts received or to be received from
13 federal, State or other funds in reimbursement for local expenditures. If a county
14 provides matching funds in order to receive the federal or State or other funds,
15 only the amount of the match which is required by law or agreement to be
16 provided by the county shall be excepted;
- 17 h. (Deleted by amendment, P.L.1987, c.74.)
- 18 i. (Deleted by amendment, P.L.1990, c.89.)
- 19 j. (Deleted by amendment, P.L.1990, c.89.)
- 20 k. (Deleted by amendment, P.L.1990, c.89.)
- 21 l. Amounts expended to meet the standards established pursuant to the "New
22 Jersey Public Employees' Occupational Safety and Health Act," P.L.1983, c.516
23 (C.34:6A-25 et seq.);
- 24 m. (Deleted by amendment, P.L.1990, c.89.)
- 25 n. (Deleted by amendment, P.L.1990, c.89.)
- 26 o. (Deleted by amendment, P.L.1990, c.89.)
- 27 p. Extraordinary expenses, approved by the Local Finance Board, required
28 for the implementation of an interlocal services agreement;
- 29 q. Any expenditure mandated as a result of a natural disaster, civil
30 disturbance or other emergency that is specifically authorized pursuant to a
31 declaration of an emergency by the President of the United States or by the
32 Governor;
- 33 r. Expenditures for the cost of services mandated by any order of court, by
34 any federal or State statute, or by administrative rule, directive, order, or other
35 legally binding device issued by a State agency which has identified such cost as
36 mandated expenditures on certification to the Local Finance Board by the State
37 agency;
- 38 s. That portion of the county tax levy which represents funding to a county
39 college in excess of the county tax levy required to fund the county college in
40 local budget year 1992;
- 41 t. Amounts appropriated for the cost of administering a joint insurance fund
42 established pursuant to subsection b. of section 1 of P.L.1983, c.372
43 (C.40A:10-36), but not including appropriations for claims payments by local
44 member units;
- 45 u. Expenditures for the administration of general public assistance pursuant

1 to P.L.1995, c.259 (C.40A:4-6.1 et al.);

2 v. Amounts in a separate line item of a county budget that are expended on
3 tick-borne disease vector management activities undertaken pursuant to
4 P.L.1997, c.52 (C.26:2P-7 et al.);

5 w. Amounts expended by a county under an interlocal services agreement
6 entered into pursuant to P.L.1973, c.208 (C.40:8A-1 et seq.) entered into after
7 the effective date of P.L. _____, c. _____ (C. _____) (now pending before the
8 Legislature as this bill) or amounts expended under a joint contract pursuant to
9 the "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et seq.)
10 entered into after the effective date of P.L. _____, c. _____ (C. _____) (now
11 pending before the Legislature as this bill).

12 (cf: P.L.1997, c.52, s.3)

13

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

16 6. No transfer of funds authorized by N.J.S.40A:4-58 and N.J.S.40A:4-59
17 shall be made from an appropriation which is not subject to limitation pursuant
18 to section 3 or 4 of P.L.1976, c.68 (C.40A:4-45.3 and 40A:4-45.4), except for
19 transfers between line items for the same item of appropriation, to an
20 appropriation which is subject to either of those limitations. Notwithstanding the
21 provisions of N.J.S.40A:4-58 and N.J.S.40A:4-59 no transfer of funds is
22 authorized between appropriations not subject to limitation pursuant to section
23 3 or 4 of P.L.1976, c.68 (C.40A:4-45.3 and 40A:4-45.4), except transfers may
24 be made to interest and redemption charges.

25 (cf: P.L.1990, c.89, s.6)

26

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

28 40A:5-16. The governing body of any local unit shall not pay out any of its
29 moneys

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

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

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

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

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

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

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

7
8 32. Section 5 of P.L.1988, c.110 (C.40A:9-140.10) is amended to read as
9 follows:

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

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

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

28
29 33. N.J.S.40A:9-141 is amended to read as follows:

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

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

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

43 40A:9-142. a. Every municipal tax collector shall hold his office for a term
44 of 4 years from the first day of January next following his appointment.
45 Vacancies other than due to expiration of term shall be filled [by appointment for

1 the unexpired term] in accordance with the provisions of subsection b. of this
2 section.

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

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

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

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

24

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

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

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

35

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

37 40A:9-148. Every municipal tax assessor and deputy assessor shall hold his
38 office for a term of 4 years from the first day of July next following his
39 appointment; however, the first 12 months of any initial term shall be a
40 probationary period during which time the municipal tax assessor or deputy
41 assessor, as appropriate, may be removed from office for unsatisfactory
42 performance or for any other reason by the appointing authority. Removal during
43 a probationary period shall be considered a vacancy due to expiration of term.
44

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

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

4

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

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

11 Salaries, wages or compensation fixed and determined by ordinance may, from
12 time to time, be increased, decreased or altered by ordinance. No such ordinance
13 shall, without good cause, reduce the salary of [, or deny without good cause an
14 increase in salary given to all other municipal officers and employees to,] any tax
15 assessor, chief financial officer, tax collector or municipal clerk during the term
16 for which he shall have been appointed. Except with respect to an ordinance or
17 a portion thereof fixing salaries, wages or compensation of elective officials or
18 any managerial, executive or confidential employee as defined in section 3 of the
19 "New Jersey Employer-Employee Relations Act" P.L.1941, c.100 (C.34:13A-3),
20 as amended, the ordinance shall take effect as provided therein. In municipalities
21 wherein the provisions of Title 11 (Civil Service) of the Revised Statutes are in
22 operation, this section shall be subject thereto. Where any such ordinance shall
23 provide for increases in salaries, wages or compensation of elective officials or
24 any managerial, executive or confidential employee, the ordinance or that portion
25 thereof which provides an increase for such elective or appointive officials shall
26 become operative in 20 days after the publication thereof, after final passage,
27 unless within said 20 days, a petition signed by voters of such municipality, equal
28 in number to at least 5% of the registered voters of the municipality, protesting
29 against the passage of such ordinance, be presented to the governing body, in
30 which case such ordinance shall remain inoperative unless and until a proposition
31 for the ratification thereof shall be adopted at an election by a majority of the
32 voters voting on said proposition. The question shall be submitted at the next
33 general election, occurring not less than 40 days from the date of the certification
34 of the petition. The submission of the question to the voters shall be governed
35 by the provisions of Title 19 (Elections) of the Revised Statutes, as in the case of
36 public questions to be voted upon in a single municipality.

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

38

39 38. N.J.S.40A:10-6 is amended to read as follows:

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

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

45 b. To insure against liability resulting from the use or operation of motor

1 vehicles, equipment or apparatus owned by or controlled by it, or owned by or
2 under the control of any of its departments, boards, agencies or commissions;

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

8 d. To provide contributory or noncontributory self-funded, or partially self-
9 funded, health insurance to employees or their dependants, or both, in accordance
10 with rules and regulations of the Director of the Division of Local Government
11 Services in the Department of Community Affairs. The establishment and
12 operation of an insurance fund to provide health insurance by a local unit prior to
13 the effective date of P.L. , c. (C.) (now pending before the Legislature
14 as this bill) is hereby validated; however, such insurance funds shall comply with
15 all rules and regulations promulgated by the director pursuant to this subsection.

16 The governing body may appropriate the moneys necessary for the purposes
17 of this section.

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

19

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

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

1 consideration to be paid therefor shall not be subject to the collective bargaining
2 process.

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

4

5 40. Section 11 of P.L.1992, c.51 (C.40A:10-36.1) is amended to read as
6 follows:

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

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

16

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

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

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

36

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

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

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

7 Notwithstanding the provisions of this section, a board of education shall not
8 join together with a municipality or other local unit as provided in section 1 of
9 P.L.1983, c.372 (C.40A:10-36) for the purpose of providing contributory or
10 non-contributory [group health insurance or] group term life insurance[, or both,]
11 to employees or their dependents or both, as otherwise permitted therein.
12 (cf: P.L.1995, c.356, s.6)

13

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

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

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

33

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

35 4. In the case of a limited purpose regional school district, in addition to any
36 contract entered into by a municipality or county pursuant to section 3 of [this
37 act] P.L.1992, c.51 (C.40A:10-54), the governing body of any constituent
38 municipality, the county wherein the municipality is situate, and the board of
39 education of the local school district operating within that municipality may, in
40 accordance with section 1 of [this act] P.L.1992, c.51 (C.40A:10-52), agree to
41 join together for the purpose of insuring pursuant to the provisions of: a. Article
42 1 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-1 et seq.);
43 b. Article 3 of chapter 10 of Title 40A of the New Jersey Statutes
44 (N.J.S.40A:10-6 et seq.); c. Article 4 of chapter 10 of Title 40A of the New

1 Jersey Statutes (N.J.S. 40A:10-12 et seq.); or d. P.L.1983, c.372 (C.40A:10-36
2 et seq.).

3 Notwithstanding the provisions of this section, a board of education shall not
4 join together with a municipality or other local unit as provided in section 1 of
5 P.L.1983, c.372 (C.40A:10-36) for the purpose of providing contributory or
6 non-contributory [group health insurance or] group term life insurance[, or both,]
7 to employees or their dependents or both, as otherwise permitted therein.
8 (cf: P.L.1992, c.51, s.4)

9

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

11 5. In the case of a county vocational school district, the governing bodies of
12 one or more of the municipalities in the county, the governing body of the county,
13 if participating, and the board of education of the county vocational school
14 district may by ordinance or resolution, as the case may be, adopted by a majority
15 of the full membership of the governing body of each of the participating
16 municipalities and county, if applicable, and a majority of the full membership of
17 the board, agree to join together for the purpose of insuring pursuant to the
18 provisions of: a. Article 1 of chapter 10 of Title 40A of the New Jersey Statutes
19 (N.J.S.40A:10-1 et seq.); b. Article 3 of chapter 10 of Title 40A of the New
20 Jersey Statutes (N.J.S.40A:10-6 et seq.); or c. Article 4 of chapter 10 of Title
21 40A of
22 the New Jersey Statutes (N.J.S.40A:10-12 et seq.).
23 (cf: P.L.1992, c.51, s.5)

24

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

26 6. In the case of a county vocational school district, in addition to any
27 contract entered into by a municipality or county pursuant to section 5 of [this
28 act] P.L.1992, c.51 (C.40A:10-56), the governing body of any municipality in the
29 county, the governing body of the county, if participating, and the board of
30 education for the local school district operating within that municipality may, in
31 accordance with section 1 of [this act] P.L.1992, c.51 (C.40A:10-52), agree to
32 join together for the purpose of insuring pursuant to the provisions of: a. Article
33 1 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-1 et seq.);
34 b. Article 3 of chapter 10 of Title 40A of the New Jersey Statutes
35 (N.J.S.40A:10-6 et seq.); c. Article 4 of chapter 10 of Title 40A of the New
36 Jersey Statutes (N.J.S.40A:10-12 et seq.); or d. P.L.1983, c.372 (C.40A:10-36
37 et seq.).

38 Notwithstanding the provisions of this section, a board of education shall not
39 join together with a municipality or other local unit as provided in section 1 of
40 P.L.1983, c.372 (C.40A:10-36) for the purpose of providing contributory or
41 non-contributory [group health insurance or] group term life insurance[, or both,]
42 to employees or their dependents or both, as otherwise permitted therein. (cf:
43 P.L.1992, c.51, s.6)

44

45 47. Section 13 of P.L.1971, c.199 (C.40A:12-13) is amended to read as
46 follows:

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

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

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

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

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

43 The county or the municipality may elect or reject either or both options and
44 the highest bid for each. Such acceptance or rejection shall be made not later than
45 at the second regular meeting of the governing body following the sale, and, if the
46 governing body shall not so accept such highest bid, or reject all bids, said bids

1 shall be deemed to have been rejected. Any such sale may be adjourned at the
2 time advertised for not more than one week without readvertising.

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

5 (1) A sale to any political subdivision, agency, department, commission,
6 board or body corporate and politic of the State of New Jersey or to an interstate
7 agency or body of which the State of New Jersey is a member or to the United
8 States of America or any department or agency thereof.

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

13 (3) A sale by any county or municipality, when it has or shall have conveyed
14 its right, title and interest in any real property, capital improvement or personal
15 property not needed for public use, and it was assumed and intended that there
16 should be conveyed a good and sufficient title in fee simple to said real property,
17 capital improvement or personal property, free of all encumbrances and the full
18 consideration has been paid therefor, and it shall thereafter appear that the title
19 conveyed was insufficient or that said county or municipality at the time of said
20 conveyance was not the owner of some estate or interest in said real property,
21 capital improvement or personal property or of some encumbrances thereon, and
22 the county or municipality shall thereafter acquire a good and sufficient title in fee
23 simple, free of all encumbrances of said real property, capital improvement or
24 personal property or shall acquire such outstanding estate or interest therein or
25 outstanding encumbrance thereon and said county or municipality, by resolution
26 of the governing body and without the payment of any additional consideration,
27 has deemed to convey or otherwise transfer to said purchaser, his heirs or assigns,
28 such after-acquired title, or estate or interest in, or encumbrance upon, such real
29 property, capital improvement or personal property to perfect the title or interest
30 previously conveyed.

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

38 (5) A sale to the owner of the real property contiguous to the real property
39 being sold; provided that the property being sold is less than the minimum size
40 required for development under the municipal zoning ordinance and is without
41 any capital improvement thereon; except that when there is more than one owner
42 with real property contiguous thereto, said property shall be sold to the highest
43 bidder from among all such owners. Any such sale shall be for not less than the
44 fair market value of said real property. For the purposes of this paragraph, when
45 there is only one owner with real property contiguous to the property being sold,
46 and the property is less than an eighth of the minimum size required for

1 development under the municipal zoning ordinance and is without any capital
2 improvement thereon, the fair market value of that property may be determined
3 by negotiation between the local unit and the owner of the contiguous real
4 property. The negotiated sum shall be subject to approval by resolution of the
5 governing body, but in no case shall that sum be less than one dollar.

6 In the case of any sale of real property hereafter made pursuant to subsection
7 (b) of this section, in no event shall the price agreed upon with the owner be less
8 than the difference between the highest bid accepted for the real property subject
9 to easements (Option A) and the highest bid rejected for the real property not
10 subject to easements (Option B). After the adoption of the resolution or
11 ordinance, and compliance by the owner of said real property with the terms
12 thereof, said real property shall be free, and entirely discharged of and from such
13 rights of the public and of the county or municipality, as the case may be, but no
14 such release shall affect the right of lawful occupancy or use of any such real
15 property by any municipal or private utility to occupy or use any such real
16 property lawfully occupied or used by it. A list of the property so authorized to
17 be sold, pursuant to subsection (b) of this section, together with the minimum
18 prices, respectively, as determined by the governing body, shall be included in the
19 resolution or ordinance authorizing the sale, and said list shall be posted on the
20 bulletin board or other conspicuous space in the building which the governing
21 body usually holds its regular meetings, and advertisement thereof made in a
22 newspaper circulating in the municipality or municipalities in which the real
23 property, capital improvement or personal property is situated, within five days
24 following enactment of said resolution or ordinance. Offers for any or all
25 properties so listed may thereafter be made to the governing body or its designee
26 for a period of 20 days following the advertisement herein required, at not less
27 than said minimum prices, by any prospective purchaser, real estate broker, or
28 other authorized representative. In any such case, the governing body may
29 reconsider its resolution or ordinance, not later than 30 days after its enactment,
30 and advertise the real property, capital improvement, or personal property in
31 question for public sale pursuant to subsection (a) of this section.

32 Any county or municipality selling any real property, capital improvement or
33 personal property pursuant to subsection (b) of this section shall file with the
34 Director of the Division of Local Government Services in the Department of
35 Community Affairs, sworn affidavits verifying the publication of advertisements
36 as required by this subsection.

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

40 All sales, either public or private, may be made for cash or upon credit. A
41 deposit not exceeding 10% of the minimum price or value of the property to be
42 sold may be required of all bidders. When made upon credit, the county or
43 municipality may accept a purchase-money mortgage, upon terms and conditions
44 which shall be fixed by the resolution of the governing body; provided, however,
45 that such mortgage shall be fully payable within five years from the date of the
46 sale and shall bear interest at a rate equal to that authorized under Title 31 of the

1 Revised Statutes, as amended and supplemented, and the regulations issued
2 pursuant thereto, or the rate last paid by the county or municipality upon any
3 issue of notes pursuant to the "Local Bond Law" (N.J.S.40A:2-1 et seq.),
4 whichever is higher. The governing body may, by resolution, fix the time for
5 closing of title and payment of the consideration.

6 In all sales made pursuant to this section, the governing body of any county
7 or municipality may provide for the payment of a commission to any real estate
8 broker, or authorized representative other than the purchaser actually
9 consummating such sale; provided, however, that no commission shall be paid
10 unless notice of the governing body's intention to pay such a commission shall
11 have been included in the advertisement of sale and the recipient thereof shall
12 have filed an affidavit with the governing body stating that said recipient is not the
13 purchaser. Said commissions shall not exceed, in the aggregate, 5% of the sale
14 price, and be paid, where there has been a public sale, only in the event that the
15 sum of the commission and the highest bid price does not exceed the next highest
16 bid price (exclusive of any real estate broker's commission). As used in this
17 section, "purchaser" shall mean and include any person, corporation, company,
18 association, society, firm, partnership, or other business entity owning or
19 controlling, directly or indirectly, more than 10% of the purchasing entity.

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

21
22 48. Section 22 of P.L.1971, c.199 (C.40A:12-22) is amended to read as
23 follows:

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

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

33 a. Constitute a public record;

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

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

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

39
40 49. Section 7 of P.L.1995, c.253 (C.46:3C-7) is amended to read as follows:

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

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

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

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

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

37

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

40 8. a. The appointing authority of any municipality shall appoint a
41 construction official and any necessary subcode officials to administer and enforce
42 the code [and] . The appointing authority may, by resolution or order as
43 appropriate, set appropriate hours of operation of the construction official's office
44 and the work hours of the construction official, commensurate with the
45 compensation paid to the construction official. The appointing authority shall
46 also appoint a construction board of appeals to hear and decide appeals from

1 decisions made by said construction official and subcode officials, in the
2 administration and enforcement of the code. Nothing herein, however, shall
3 prevent a municipality from accepting inspections as to compliance with the code
4 or any subcode thereof made by an inspection authority approved by the State of
5 New Jersey pursuant to law.

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

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

31 A construction official or subcode official appointed in a municipality
32 operating under the provisions of Title [11] 11A, Civil Service, of the [Revised]
33 New Jersey Statutes, who, at the time of adoption of the State Uniform
34 Construction Code, January 1, 1977, or prior to January 1, 1981, had permanent
35 classified status or was employed as a construction official or subcode official or
36 in another position in the unclassified service, shall be included in the classified
37 service without civil service examination in his respective title of construction
38 official or subcode official. Any individual employed by a municipality, who, in
39 his employment with the municipality between January 1, 1977 and prior to
40 January 1, 1981, was charged with the chief administrative responsibility to
41 enforce all existing municipal construction codes, shall be deemed as appointed
42 to the position of construction official for the purposes of this act. Any individual
43 employed by a municipality, who, in his employment with the municipality
44 between January 1, 1977 and prior to January 1, 1981, was charged with chief
45 responsibility to enforce the municipal building, plumbing, fire, or electrical code,
46 shall be deemed as appointed to the position of subcode official for the purposes

1 of this act. No person, on or after January 1, 1981, shall be appointed as
2 construction or subcode official in a municipality operating under Title [11] 11A,
3 Civil Service, of the [Revised] New Jersey Statutes without having passed an
4 examination administered by the [Civil Service Commission] Merit System Board
5 certifying the merit and fitness of the person to hold such position; provided that,
6 whenever a noncivil service municipality adopts the provisions of that Title,
7 construction code officials and subcode officials of such municipality appointed
8 prior to the filing of the petition for the adoption of civil service, shall attain
9 permanent status in the classified service without examination. Any construction
10 or subcode official appointed after January 1, 1981 on a provisional basis in a
11 municipality which has adopted the provisions of Title [11] 11A, Civil Service,
12 of the [Revised] New Jersey Statutes, may not be removed from office except for
13 just cause after a fair and impartial hearing has been held at the local level, with
14 no further appeal to the [Civil Service Commission] Merit System Board;
15 provided, however, that such a construction or subcode official may be removed
16 to permit the appointment of a person certified for appointment by the [Civil
17 Service Commission] Merit System Board.

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

24 A construction or subcode official, to be eligible for appointment in civil
25 service or noncivil service municipalities, shall be certified by the State of New
26 Jersey in accordance with subsection c. of this section and shall have had at least
27 3 years' experience in construction, design or supervision as a licensed engineer
28 or registered architect; or 5 years' experience in construction, design, or
29 supervision as an architect or engineer with a bachelor's degree from an
30 accredited institution of higher education; or 10 years' experience in construction,
31 design or supervision as a journeyman in a trade or as a contractor. A subcode
32 official shall, pursuant to any subcode which he administers, pass upon:

33 (1) matters relative to the mode, manner of construction or materials to be
34 used in the erection or alteration of buildings or structures, except as to any such
35 matter foreclosed by State approval pursuant to this act, and (2) actual execution
36 of the approved plans and the installation of the materials approved by the State.
37 The construction official in each municipality shall be the chief administrator of
38 the "enforcing agency." He shall have the power to overrule a determination of
39 a subcode official based on an interpretation of a substantive provision of the
40 subcode which such subcode official administers, only if the construction official
41 is qualified to act pursuant to this act as a subcode official for such subcode. He
42 may serve as subcode official for any subcode which he is qualified under this act
43 to administer. A subcode official or municipal engineer may serve as a
44 construction official if otherwise qualified under the provisions of this act. The
45 municipal enforcing agency shall require compliance with the provisions of the
46 code, of all rules lawfully adopted and promulgated thereunder and of laws

1 relating to the construction, alteration, repair, removal, demolition and integral
2 equipment and location, occupancy and maintenance of buildings and structures,
3 except as may be otherwise provided for.

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

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

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

37 Whenever the commissioner is required by the terms of this subsection to
38 consult with the code advisory board and the matter in question concerns
39 plumbing subcode officials, the commissioner shall also consult with the Public
40 Health Council and Commissioner of Health.

41 d. The commissioner, after consultation with the code advisory board, may
42 periodically require that each construction official and subcode official
43 demonstrate a working knowledge of innovations in construction technology and
44 materials, recent changes in and additions to the relevant portions of the State
45 Uniform Construction Code, and current standards of professional ethics and legal
46 responsibility; or, in the alternative, the commissioner, after consultation with the

1 code advisory board, may accept successful completion of appropriate programs
2 of training as proof of such working knowledge.

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

4

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

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

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

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

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

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

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

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

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

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

36 (9) The purchase of privately owned residential property at its mortgage
37 value, as set forth in section 87 of P.L. _____, c. _____ (C. _____) (now
38 pending before the Legislature as this bill), notwithstanding any regulatory
39 limitation concerning the write-down or buy-down of previously owned units.

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

43 c. The municipality may propose that a portion of its fair share be met
44 through a regional contribution agreement. The housing element shall
45 demonstrate, however, the manner in which that portion will be provided within
46 the municipality if the regional contribution agreement is not entered into. The

1 municipality shall provide a statement of its reasons for the proposal.

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

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

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

13

14 53. R.S.54:4-38 is amended to read as follows:

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

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

31

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

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

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

45

46 55. R.S.54:4-65 is amended to read as follows:

1 54:4-65. a. The Director of the Division of Local Government Services in the
2 Department of Community Affairs shall approve the form and content of property
3 tax bills.

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

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

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

30 (cf: P.L.1997, c.99, s.1)

31
32 56. (New section) Notwithstanding the provisions of the "Pesticide Control
33 Act of 1971," P.L.971, c.176 (C.13:1F-1 et seq.) or any rule or regulation
34 promulgated thereunder to the contrary, the requirements for pesticide applicator
35 or pesticide operator certification, licensing or record keeping shall not apply to
36 any licensed sanitary or health inspector who applies a pesticide not classified for
37 restricted use, on property or premises for the purpose of determining insect
38 infestation.

39
40 57. (New section) Notwithstanding any rules or regulations to the contrary,
41 no permit shall be required of a county or municipality by the Department of
42 Environmental Protection for the purpose of performing restoration work on any
43 manmade drainage ditch located in the jurisdiction, provided that the restoration
44 activity does not deviate in any manner from the original cross sectional area and
45 location. For the purposes of this section, "ditch" means a linear topographic
46 depression with bed and banks of human construction which conveys water to or

1 from a site, but does not include channelized or redirected water courses.

2

3 58. (New section) a. There is established in the Department of Community
4 Affairs a "Municipal Consolidation Incentive Aid Fund."

5 b. (1) The Director of the Division of Local Government Services in the
6 Department of Community Affairs shall pay annually from the fund the sum of
7 \$100,000 for 10 years to each consolidated municipality created pursuant to the
8 "Municipal Consolidation Act," P.L.1977, c.435 (C.40:43-66.35 et seq.).

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

12 c. Any contiguous fire districts within the same county may consolidate by
13 filing notice with the Director of the Division of Local Government Services in
14 the Department of Community Affairs, in accordance with rules and regulations
15 promulgated by the director. Any consolidated fire district created pursuant to
16 this section shall be entitled to a payment pursuant to paragraph (2) of subsection
17 b. of this section.

18 d. The Commissioner of Community Affairs shall annually report to the
19 Legislature the number of consolidated municipalities and fire districts pursuant
20 to this section and the funding requirements for the "Municipal Consolidation
21 Incentive Aid Fund."

22 e. Any consolidated municipality or consolidated fire district entitled to
23 receive incentive aid under this section may anticipate such aid in its annual
24 budget.

25

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

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

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

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

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

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

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

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

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

1 64. (New section) A participating employer may elect to provide the benefits
2 under section 63 of P.L. , c. (C.) (now pending before the Legislature
3 as this bill) by adopting a resolution of its governing body and filing a certified
4 copy of the resolution with the Director of the Division of Pensions and Benefits
5 on or before the effective date of any consolidation or joint service agreement.
6 The participating employer shall submit to the director any information necessary
7 to provide the benefits or to determine the liability for them. The division shall
8 prepare and provide to participating employers information on the employees
9 eligible for the benefits under section 63 of P.L. , c. (C.) (now pending
10 before the Legislature as this bill), estimates of the full liability to the retirement
11 system and the payments which the employer will have to make on account of the
12 early retirement of employees under that section, and detailed charts, tables and
13 other information necessary for participating employers to do a cost savings
14 analysis of the impact through the tenth fiscal year subsequent to the employer's
15 election.

16

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

29 The participating employer shall pay the cost of the actuarial work to
30 determine the additional liability of the retirement system for the benefits under
31 section 63 of P.L. , c. (C.) (now pending before the Legislature as this
32 bill), which shall be included in the initial contribution required from the
33 employer.

34

35 66. (New section) An employee who receives a benefit under section 63 of
36 P.L. , c. (C.) (now pending before the Legislature as this bill) shall
37 forfeit all tenure rights.

38

39 67. (New section) Where the needs of a participating employer require the
40 service of an employee who elects to retire and receive a benefit under section 63
41 of P.L. , c. (C.) (now pending before the Legislature as this bill), the
42 participating employer, with the approval of the governing body of such
43 employer, and with the consent of the employee, may delay the effective
44 retirement date of the employee until the first day of any calendar month after the
45 12th month following the effective date of the consolidation or joint services
46 agreement adversely affecting the employee.

1 For a member of PFRS whose effective retirement date is delayed under this
2 section and who dies before the retirement becomes effective, the retirement shall
3 be effective as of the first day of the month after the date of death of the member
4 if the member's beneficiary so requests in writing to the board of trustees of the
5 retirement system.

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

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

27
28 70. (New section) For the purposes of sections 63 through 69 of P.L. ,
29 c. (C.) (now pending before the Legislature as this bill):

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

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

43
44 71. (New section) An employee of a participating employer under the Public
45 Employees' Retirement System (PERS), the Teachers' Pension and Annuity Fund
46 (TPAF) or the Alternate Benefit Program (ABP) pursuant to P.L.1969, c.242

1 (C.18A:66-167 et seq.), which elects to provide the benefits authorized under this
2 section, who:

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

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

10 c. retires under the retirement system on or after the first day of the seventh
11 month next following the effective date of a consolidation or joint services
12 agreement entered into by the participating employer and which adversely affects
13 the employee, other than a veteran who retires on a special veteran's retirement,
14 shall receive an additional five years of service credit under PERS or TPAF,
15 or an amount equal to 100% of the employee's base annual salary at the time of
16 retirement from the participating employer for members of ABP. An employee
17 who meets the age and service requirements under this section and retires on a
18 special veteran's retirement shall receive an additional pension under the
19 retirement system in the amount of 5/60 of final year compensation. The
20 additional retirement benefit under this section is applicable only to the full-time
21 employment with the participating employer which elects to provide the benefits
22 authorized under this section and from which the employee retires to receive the
23 benefit and the compensation for that employment.

24

25 72. (New section) For an employee of a county college, or an employer
26 providing paid health benefits to retirees pursuant to section 7 of P.L.1964, c.125
27 (C.52:14-17.38), N.J.S.40A:10-23, or section 8 of P.L.1979, c.391
28 (C.18A:16-19), participating under PERS, TPAF, or ABP, which elects to
29 provide the benefits authorized under section 71 of P.L. , c. (C.)
30 (now pending before the Legislature as this bill), who:

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

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

37 c. retires under the retirement system on or before the first day of the seventh
38 month next following the effective date of a consolidation or joint services
39 agreement adversely affecting the employee,
40 the participating employer shall pay the entire cost for coverage for the retired
41 employee and the employee's dependents, but not including survivors, unless the
42 participating employer is paying the entire cost for coverage for survivors on the
43 effective date of P.L. , c. (C.) (now pending before the Legislature as
44 this bill). For employers participating in the New Jersey State Health Benefits
45 Program (NJSHBP), the payment shall be made in the same manner provided for
46 payment by an employer other than the State of premiums or periodic charges for

1 retired employees under section 7 of P.L.1964, c.125 (C.52:14-17.38). For
2 employers not participating in the NJSHBP, the payment shall be made in the
3 same manner provided for payment of premiums after retirement under
4 N.J.S.40A:10-23 or section 8 of P.L.1979, c.391 (C.18A:16-19), or the
5 employer's group health insurance contract or health benefits plan, and the level
6 of benefits to retirees under this section shall be the same as the level of benefits
7 provided to other retirees by that employer.

8

9 73. (New section) A participating employer under PERS, TPAF, or ABP
10 which does not provide paid health benefits to retirees and which elects to provide
11 the benefits authorized under section 71 of P.L. , c. (C.) (now pending
12 before the Legislature as this bill), shall pay to an employee who meets the
13 qualifications of subsections a. and b. of that section an additional pension of
14 \$500 per month in each of the 24 months following the date of retirement.

15

16 74. (New section) For an employee of a participating employer under PERS,
17 TPAF or ABP which elects to provide the benefits under section 71 of P.L. ,
18 c. (C.) (now pending before the Legislature as this bill), who:

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

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

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

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

30

31 75. (New section) A participating employer may elect to provide the benefits
32 under sections 71 through 74 of P.L. , c. (C.) (now pending before the
33 Legislature as this bill), by adopting a resolution of its governing body and filing
34 a certified copy of the resolution with the Director of the Division of Pensions and
35 Benefits in the Department of the Treasury prior to the effective date of a
36 consolidation or joint services agreement that would adversely affect employees
37 of the participating employer. With respect to county colleges, the governing
38 body shall be considered the board of trustees. The employer shall submit to the
39 director any information necessary to provide the benefits or to determine the
40 liability for them.

41

42 76. (New section) The actuaries for PERS and TPAF shall determine the
43 liability of the retirement systems for the additional service credit or pensions
44 provided under sections 71 through 75 of P.L. , c. (C.) (now pending
45 before the Legislature as this bill), and for the early retirement of employees in
46 accordance with the tables of actuarial assumptions adopted by the board of

1 trustees of the retirement system. For PERS, this liability shall be added to the
2 unfunded accrued liability of the participating employer under the retirement
3 system and shall be paid in the same manner and over the remaining time period
4 provided for the employer's unfunded accrued liability under sections 24, 68 and
5 81 of P.L.1954, c.84 (C.43:15A-24, 68 and 81).

6 For TPAF, the liability and contribution requirements for each participating
7 employer shall be determined by the actuary of the system in the same manner and
8 over the remaining time period provided for the unfunded accrued liability of the
9 system under N.J.S.18A:66-18. The retirement system shall annually certify to
10 each participating employer the contributions due to the contingent reserve fund
11 for the liability under sections 71 through 75 of P.L. , c. (C.) (now
12 pending before the Legislature as this bill). The contributions certified by the
13 retirement system shall be paid by the participating employer to the retirement
14 system on or before the date prescribed by law for payment of employer
15 contributions for basic retirement benefits. If payment of the full amount of the
16 contribution certified is not made within 30 days after the last date for payment
17 of employer contributions for basic retirement benefits, interest at the rate of 10%
18 per year shall begin to run against the unpaid balance on the first day after the
19 30th day.

20 The participating employer shall pay the cost of the actuarial work to
21 determine the additional liability of the retirement system for the benefits under
22 sections 71 through 75 of P.L. , c. (C.) (now pending before the
23 Legislature as this bill), which shall be included in the initial contribution required
24 from the participating employer.

25

26 77. (New section) The cost of the cash payments for ABP members under
27 sections 71 through 74 of P.L. , c. (C.) (now pending before the
28 Legislature as this bill) shall be funded by the participating employer from
29 appropriations to that employer for annual operating expenses or from funds
30 otherwise available to the employer for operating expenses.

31

32 78. (New section) An employee who receives a benefit under sections 71
33 through 74 of P.L. , c. (C.) (now pending before the Legislature as this
34 bill), shall forfeit all tenure rights.

35

36 79. (New section) When the needs of the participating employer require the
37 service of an employee who elects to retire and receive a benefit under sections
38 71 through 74 of P.L. , c. (C.) (now pending before the Legislature as
39 this bill), the participating employer, with the approval of the governing body of
40 the employer and with the consent of the employee, may delay the effective
41 retirement date of the employee until the first day of the 13th calendar month
42 following the effective date of any consolidation or joint services agreement
43 affecting the employee. With respect to county colleges, the governing body shall
44 be considered the board of trustees. A delay in the effective retirement date of
45 an employee shall not extend the dates set forth in sections 71 through 74
46 of P.L. , c. (C.) (now pending before the Legislature as this bill), to

1 qualify for benefits under those sections.

2 For a member of PERS or TPAF whose effective retirement date is delayed
3 under this section and who dies before the retirement becomes effective, the
4 retirement shall be effective as of the first day of the month after the date of death
5 of the member if the member's beneficiary requests in writing to the board of
6 trustees of the retirement system that the retirement be effective under the Option
7 settlement selected by the member, or under Option 3 if the member did not select
8 an Option.

9
10 80. (New section) An employee retiring with a benefit under sections 71
11 through 74 of P.L. , c. (C.) (now pending before the Legislature as this
12 bill), who has not repaid the full amount of a loan from PERS or TPAF by the
13 effective date of retirement may repay the loan through deductions from the
14 member's retirement benefit payments in the same monthly amount which was
15 deducted from the member's compensation immediately preceding retirement until
16 the balance of the amount borrowed together with interest at the statutory rate
17 is repaid. If the retiree dies before the outstanding balance of the loan and
18 interest is repaid, the remaining amount shall be repaid as provided in section 2
19 of P.L.1981, c.55 (C.43:15A-34.1) or N.J.S.18A:66-35.

20
21 81. (New section) An employee purchasing service credit on or after the
22 effective date of P.L. , c. (C.) (now pending before the Legislature as
23 this bill), to qualify for a benefit under those sections, may purchase a portion of
24 the credit which the employee is eligible to purchase.

25
26 82. (New section) The provisions of sections 71 through 74 of P.L. , c.
27 (C.) (now pending before the Legislature as this bill), shall be applicable
28 to employers and employees participating in a county pension fund created under
29 Chapter 10 of Title 43 of the Revised Statutes, P.L.1943, c.160 (C.43:10-18.1 et
30 seq.), or Article 2 of Chapter 66 of Title 18A of the New Jersey Statutes, or in
31 a municipal retirement system created under P.L.1954, c.218 (C.43:13-22.3 et
32 seq.) or P.L.1964, c.275 (C.43:13-22.50 et seq.), and shall become operative
33 upon the adoption of the provisions of sections 71 through 74 of P.L. , c.
34 (C.) (now pending before the Legislature as this bill), as appropriate, by the
35 employer.

36
37 83. (New section) Each participating employer covered by the provisions of
38 sections 71 through 74 and section 82 of P.L. , c. (C.) (now pending
39 before the Legislature as this bill), shall meet and consult with the representatives
40 of the bargaining unit or units representing the employees who would be eligible
41 for benefits under those sections prior to the effective date of any consolidation
42 or joint services agreement.

43
44 84. (New section) For the purposes of sections 71 through 83 of P.L. ,
45 c. (C.) (now pending before the Legislature as this bill):
46 "Employee" means a full-time employee of a county, county college, or a

1 municipality who is eligible to participate in the employer's health benefits plan.
2 It shall not include an employee of a public agency or organization as defined in
3 section 71 of P.L.1954, c.84 (C.43:15A-71).

4 "Final year compensation" means the compensation received in the last 12
5 months immediately preceding retirement in which compensation is received and
6 upon which contributions are made by the employee to the retirement system.

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

16

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

33

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

1 all of the necessary parameters for reporting, so that the SNAP reports may be
2 generated by computer.

3

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

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

16

17 88. (New section) A municipality may fulfill up to 25 percent of any fair
18 share housing obligation assigned pursuant to P.L.1985, c.222 (C.52:27D-301 et
19 al.) through the provision of age-restricted housing units. Any municipality may
20 apply to the council for a waiver from the cap and the council shall grant the
21 waiver if the municipality can demonstrate, to the satisfaction of the council, that
22 the number of units to be provided which are age-restricted is necessary in order
23 to fulfill housing need within the municipality or within the housing region within
24 which the municipality is situated; and provided further that those units are
25 subject to appropriate affordability controls or any other controls which are
26 otherwise imposed by the council pursuant to P.L.1985, c.222.

27 In evaluating any proposal by a municipality to exceed the cap on the
28 provision of age-restricted housing, the council shall consider the municipality's
29 past exclusionary practices, measured by such criteria as jobs to housing ratio; the
30 percentage of low and moderate income households of the age-restricted group
31 in the municipality as compared to the percentage in the housing region; and any
32 other criteria which the council may determine.

33

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

41

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

1 appointed by the President of the Senate; and two representatives of local law
2 enforcement agencies and one municipal court administrator, to be appointed by
3 the Speaker of the General Assembly.

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

8 b. The task force shall:

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

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

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

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

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

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

29
30 91. This act shall take effect on the first day of the third month next following
31 enactment.

32
33
34 _____
35
36 Revises certain mandates, requirements and procedures for local governments and
37 school districts.