

SENATE, No. 1343

STATE OF NEW JERSEY

INTRODUCED JUNE 13, 1996

By Senators CONNORS, MATHEUSSEN, Ciesla, Palaia,
Cafiero, Bubba, Singer and Casey

1 **AN ACT** concerning relief of certain mandates on local governments
2 and amending and supplementing various sections of statutory law.
3
4 **WHEREAS**, Over the past four decades, prior to adoption of the
5 constitutional amendment prohibiting unfunded State mandates on
6 local government, the State routinely and systematically imposed
7 greater and greater numbers of mandates, orders, directives and
8 burdens on local government. This web of mandates and burdens
9 came about as the result of the enactment and adoption of a
10 plethora of unrelated laws and regulations addressing many and
11 diverse issues. While these actions by State government occurred
12 in order to address a variety of public concerns, they all shared a
13 common philosophical underpinning: the mandatory implementation
14 of State policy directives by local government officials, and
15 **WHEREAS**, While the overwhelming majority of these statutes and
16 regulations were established by sincere-minded, and well
17 intentioned public officials in order to address legitimate public
18 concerns, the collective regulatory weight of these mandates on
19 local officials continues to be a matter of deep concern and a
20 subject that cries for legislative relief; and.
21 **WHEREAS**, In response to this decades long pattern of seemingly
22 inexorable increases in burdensome mandates from Trenton, local
23 officials repeatedly petition the Legislature for relief. In response
24 to entreaties of local officials, various committees of several
25 Legislatures have determined to continue to address the problem of
26 burdensome mandates on an expedited basis through the enactment
27 of omnibus statutes that repeal or modify many of those mandates;
28 now, therefore,
29
30 **BE IT ENACTED** by the Senate and General Assembly of the State
31 of New Jersey:
32
33 1. Section 3 of P.L.1941, c.151 (C.4:19-15.3) is amended to read

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

Matter underlined **thus** is new matter.

1 as follows:

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

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

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

28 License forms and uniform official metal registration tags designed
29 by the State Department of Health shall be furnished by the
30 municipality and shall be numbered serially and shall bear the year of
31 issuance and the name of the municipality.

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

33

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

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

38 a. All annual licenses required pursuant to the provisions of section
39 2 of P.L.1941, c.151 (C.4:19-15.2), section 3 of P.L.1941, c.151
40 (C.4:19-15.3) and section 8 of P.L.1941, c.151 (C.4:19-15.8) shall
41 expire no later than June 30 in the calendar year next following
42 issuance; provided that the license and registration tag fee shall be
43 prorated for any license and registration tag which is valid for longer
44 than 12 months. The governing body of a municipality may stagger
45 the expiration of such annual licenses so long as all expirations occur
46 no later than June 30 in the calendar year next following issuance.

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

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

10

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

17

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

19 26:3-66. No health ordinance or code shall be finally adopted
20 unless it shall have been:

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

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

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

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

37 d. Upon the opening of the meeting for final consideration of the
38 ordinance or code, given a second reading, which reading may be by
39 title. Thereafter, the ordinance may be passed with or without
40 amendments, or rejected.

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

42

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

44 26:3-67. Before any health ordinance or code shall take effect, a
45 summary of the ordinance or code, or its title, shall be published at
46 least once in a newspaper published and circulating as prescribed in

1 section 26:3-66 of this title.

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

3

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

5 39:4-8. a. Except as otherwise provided in this section, no
6 ordinance or resolution concerning, regulating or governing traffic or
7 traffic conditions, adopted or enacted by any board or body having
8 jurisdiction over highways, shall be of any force or effect unless the
9 same is approved by the Commissioner of Transportation, according
10 to law. The commissioner shall not be required to approve any such
11 ordinance, resolution or regulation, unless, after investigation by him,
12 the same shall appear to be in the interest of safety and the expedition
13 of traffic on the public highways.

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

35 A certified copy of the adopted ordinance or resolution, as
36 appropriate, shall be transmitted by the clerk of the municipality or
37 county, as appropriate, to the commissioner within 30 days of
38 adoption, together with a copy of the engineer's certification; a
39 statement of the reasons for the engineer's decision; detailed
40 information as to the location of streets, intersections and signs
41 affected by any designation or erection of signs or placement of
42 markings; and traffic count, accident and speed sampling data, when
43 appropriate. The commissioner, at his discretion, may invalidate the
44 provisions of the ordinance or resolution within 90 days of receipt of
45 the certified copy if he reviews it and finds that the provisions of the
46 ordinance or resolution are inconsistent with the Manual of Uniform

1 Traffic Control Devices for Streets or Highways; are inconsistent with
2 accepted engineering standards; are not based on the results of an
3 accurate traffic and engineering survey; or place an undue traffic
4 burden or impact on streets in an adjoining municipality or negatively
5 affect the flow of traffic on the State highway system.

6 Nothing in this subsection shall allow municipalities to designate
7 any intersection with any highway under State or county jurisdiction
8 as a stop or yield intersection or counties to designate any intersection
9 with any highway under State or municipal jurisdiction as a stop or
10 yield intersection.

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

15 By ordinance or resolution:

16 (1) prohibit or restrict general parking;
17 (2) designate restricted parking under section 1 of P.L.1977, c.309
18 (C.39:4-197.6);
19 (3) designate time limit parking;
20 (4) install parking meters.

21 By ordinance, resolution or regulation:

22 (1) designate loading and unloading zones and taxi stands;
23 (2) approve street closings for periods up to 48 continuous hours;
24 and
25 (3) designate restricted parking under section 1 of P.L.1977, c.202
26 (C.39:4-197.5).

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

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

32

33 7. R.S.40:49-2 is amended to read as follows:

34 40:49-2. Except as otherwise provided in R.S.40:49-6 and
35 40:49-12, the procedure for the passage of ordinances shall be as
36 follows:

37 a. Every ordinance after being introduced and having passed a first
38 reading, which first reading may be by title, shall be published in its
39 entirety or by title or by title and summary at least once in a newspaper
40 published and circulated in the municipality, if there be one, and if not,
41 in a newspaper printed in the county and circulating in the
42 municipality, together with a notice of the introduction thereof, the
43 time and place when and where it will be further considered for final
44 passage, a clear and concise statement prepared by the clerk of the
45 governing body setting forth the purpose of the ordinance, and the
46 time and place when and where a copy of the ordinance can be

1 obtained without cost by any member of the general public who wants
2 a copy of the ordinance. If there be only one such publication the
3 same shall be at least one week prior to the time fixed for further
4 consideration for final passage. If there be more than one publication,
5 the first shall be at least one week prior to the time fixed for further
6 consideration for final passage.

7 b. At the time and place so stated in such publication, or at any
8 time and place to which the meeting for the further consideration of
9 the ordinance shall from time to time be adjourned, all persons
10 interested shall be given an opportunity to be heard concerning the
11 ordinance. The opportunity to be heard shall include the right to ask
12 pertinent questions concerning the ordinance by any resident of the
13 municipality or any other person affected by the ordinance. Final
14 passage thereof shall be at least 10 days after the first reading.

15 c. Upon the opening of the hearing, the ordinance shall be given a
16 second reading, which reading may be by title, and thereafter, it may
17 be passed with or without amendments, or rejected. Prior to the said
18 second reading, a copy of the ordinance shall be posted on the bulletin
19 board or other place upon which public notices are customarily posted
20 in the principal municipal building of the municipality, and copies of
21 the ordinance shall be made available to members of the general public
22 of the municipality who shall request such copies. If any amendment
23 be adopted, substantially altering the substance of the ordinance, the
24 ordinance as so amended shall not be finally adopted until at least one
25 week thereafter, and the ordinance as amended shall be read at a
26 meeting of the governing body, which reading may be by title, and
27 shall be published in its entirety or by title or by title and summary,
28 together with a notice of the introduction, the time and place when and
29 where a copy of the amended ordinance can be obtained without any
30 cost by any member of the general public who desires a copy, a clear
31 and concise statement prepared by the clerk of the governing body
32 setting forth the purpose of the ordinance, and the time and place
33 when and where the amended ordinance will be further considered for
34 final passage, at least two days prior to the time so fixed. At the time
35 and place so fixed, or at any other meeting to which the further
36 consideration of the amended ordinance may be adjourned, the
37 governing body may proceed to pass the ordinance, as amended, or
38 again amend it in the same manner.

39 d. Upon passage, every ordinance, or the title, or the title and a
40 summary, together with a notice of the date of passage or approval, or
41 both, shall be published at least once in a newspaper circulating in the
42 municipality, if there be one, and if not, in a newspaper printed in the
43 county and circulating in the municipality. No other notice or
44 procedure with respect to the introduction or passage of any ordinance
45 shall be required.

46 Nothing herein shall be construed to affect the provisions of

1 R.S.40:49-7 to 40:49-12 or R.S.40:49-27.

2 For the purposes of this section, "governing body" shall include any
3 municipal or county agency, board or commission authorized by law
4 to adopt ordinances.

5 (cf: P.L.1995, c.259, s.6)

6

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

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

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

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

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

14 (4) The zoning ordinance including conditional uses pursuant to
15 article 8;

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

17 (6) Variances and certain building permits in conjunction with
18 subdivision, site plan and conditional use approval pursuant to article
19 7.

20 b. The planning board may:

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

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

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

28 c. (1) In a municipality having a population of 10,000 or less, a
29 nine-member planning board, if so provided by ordinance, shall
30 exercise, to the same extent and subject to the same restrictions, all the
31 powers of a board of adjustment; but the Class I and the Class III
32 members shall not participate in the consideration of applications for
33 development which involve relief pursuant to subsection d. of section
34 57 of P.L.1975, c.291 (C.40:55D-70).

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

42 d. In a municipality having a population of 2,500 or less, the
43 planning board, if so provided by ordinance, shall exercise, to the same
44 extent and subject to the same restrictions, all of the powers of an
45 historic preservation commission, provided that at least one planning
46 board member meets the qualifications of a Class A member of an

1 historic preservation commission and at least one member meets the
2 qualifications of a Class B member of that commission.

3 e. In any municipality in which the planning board exercises the
4 power of a zoning board of adjustment pursuant to subsection c. of
5 this section, a zoning board of adjustment may be appointed pursuant
6 to law, subject to voter referendum permitting reconstitution of the
7 board. The public question shall be initiated through an ordinance
8 adopted by the governing body.

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

10

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

12 40A:2-3. Any local unit, by bond ordinance, may incur
13 indebtedness, borrow money, authorize and issue negotiable
14 obligations for financing:

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

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

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

23 No local unit shall borrow money or issue its obligations for
24 purposes authorized under this chapter except as provided in this
25 chapter.

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

27

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

29 40A:4-19. The governing body may and, if any contracts,
30 commitments or payments are to be made prior to the adoption of the
31 budget, shall, by resolution adopted within the first 30 days of the
32 beginning of the fiscal year, make appropriations to provide for the
33 period between the beginning of the fiscal year and the adoption of the
34 budget.

35 The total of the appropriations so made shall not exceed
36 [25%]26.25% of the total of the appropriations made for all purposes
37 in the budget for the preceding fiscal year excluding, in both instances,
38 appropriations made for interest and debt redemption charges, capital
39 improvement fund and public assistance.

40 Nothing herein contained shall prevent or relieve the governing
41 body from making appropriations during the last 10 days of the year
42 preceding the beginning of the fiscal year for all interest and debt
43 redemption charges maturing during the fiscal year.

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

45

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

1 40A:4-39. a. In the budget of any local unit, dedicated revenues
2 anticipated during the fiscal year from any dog tax, dog license,
3 revenues collected pursuant to N.J.S.18A:39-1.2, solid fuel license,
4 sinking fund for term bonds, bequest, escheat, federal grant, motor
5 vehicle fine dedicated to road repairs, relocation costs deposited into
6 a revolving relocation assistance fund established pursuant to section
7 2 of P.L.1987, c.98 (C.20:4-4.1a), receipts from franchise assessments
8 levied pursuant to section 4 of P.L.1995, c.173 (C.40A:12A-53),
9 refund payments from a joint insurance fund deposited into a joint
10 insurance revolving fund established pursuant to section 12 of P.L.
11 c. (C.) (pending before the Legislature as this bill) and, subject
12 to the prior written consent of the director, other items of like
13 character when the revenue is not subject to reasonably accurate
14 estimate in advance, may be included in said budget by annexing to
15 said budget a statement in substantially the following form:

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

21 b. Dedicated revenues included in accordance with this section
22 shall be available for expenditure by the local unit as and when
23 received in cash during the fiscal year. The inclusion of such dedicated
24 revenues shall be subject to the approval of the director, who may
25 require such explanatory statements or data in connection therewith as
26 the director deems advisable for the information and protection of the
27 public.

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

29

30 12. (New section) The governing body of any local unit that has
31 established a joint insurance fund may by resolution or ordinance, as
32 appropriate, establish a joint insurance revolving fund into which may
33 be deposited any refunds paid to the local unit by the joint insurance
34 fund to be dedicated for the payment of liabilities to the fund in future
35 years. In no event shall amounts deposited in a joint insurance
36 revolving fund exceed the annual amount contributed by the local unit
37 to the joint insurance fund during the prior year.

38 Moneys appropriated from the joint insurance revolving fund shall
39 be used by the local unit to cover losses attributable to claims being
40 paid by the joint insurance fund in future years which exceed
41 contributions paid into the joint insurance fund by the local unit.

42

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

44 40A:4-78. a. If the director finds that all requirements of law and
45 of the regulations of the local government board have been met, he
46 shall approve the budget, otherwise he shall refuse to approve it.

1 The director, in refusing to approve a budget, shall not substitute
2 his discretion with respect to the amount of an appropriation when
3 such amount is not made mandatory because of the requirements of
4 law.

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

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

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

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

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

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

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

30 (4) all budget documents required by law or the regulations
31 adopted by the Local Finance Board shall be filed with the director on
32 a timely basis;

33 (5) other criteria and responsibilities as established by the
34 regulations adopted by the Local Finance Board are met.

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

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

41

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

44 1. a. Notwithstanding the provision of any law to the contrary, the
45 governing body of a municipality may adopt a resolution authorizing
46 a municipal employee chosen by the governing body to process,

1 without further action on the part of the governing body, any property
2 tax refund of less than[\$5.00] \$10.00.

3 b. Notwithstanding subsection a. of this section or any provision
4 of law to the contrary, the governing body of a municipality may adopt
5 a resolution authorizing a municipal employee chosen by the governing
6 body to process, without further action on the part of the governing
7 body, the cancellation of any property tax refund or delinquency of
8 less than[\$5.00] \$10.00.

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

10

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

13 1. The governing body, or the chief executive, or the chief
14 administrative officer, as appropriate to the form of government of any
15 municipality, may appoint adult school crossing guards for terms not
16 exceeding 1 year and revoke such appointments for cause and after
17 proper hearing before the chief of police or other chief law
18 enforcement officer of the municipality. No person shall be appointed
19 as an adult school crossing guard unless he:

- 20 a. Is a citizen and resident of this State;
21 b. Is sound in body and of good health;
22 c. Is of good moral character; and
23 d. Has not been convicted of any criminal offense involving moral
24 turpitude.

25 An adult school crossing guard [shall not]may be a member of the
26 police department or force of the municipality and his powers and
27 duties as an adult school crossing guard shall cease at the expiration
28 of the term for which he was appointed. He shall not have the right to
29 bear firearms or the power of arrest unless the crossing guard is also
30 a member of a police department or force.

31 Every adult school crossing guard shall be under the supervision
32 and direction of the chief of police or other chief law enforcement
33 officer of the municipality wherein he is appointed and shall perform
34 his duties only in such municipality. He shall comply with the rules
35 and regulations applicable to the conduct and decorum of the regular
36 police officers of the municipality. Before any adult school crossing
37 guard is appointed the chief of police shall ascertain the eligibility of
38 the applicant and make a report to the governing body, or the chief
39 executive or chief administrative officer, as the case may be.

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

41

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

44 2. Every adult school crossing guard shall be trained for the proper
45 performance of his duties and responsibilities. Such training shall
46 consist of a minimum of 2 hours of classroom instruction which shall

1 include information on methods of traffic control and the duties and
2 responsibilities of adult school crossing guards and a minimum of 20
3 hours of field training in which the trainee shall be supervised by an
4 experienced adult school crossing guard or a regular police officer.
5 This training requirement may be waived by the chief of police for an
6 adult school crossing guard who is also a police officer.

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

8

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

11 3. Before being assigned to any post, an adult school crossing
12 guard shall be provided with a uniform which shall identify his function
13 and which shall be distinct from the uniform of a member of the
14 regular police department or force. Such uniform shall include but not
15 be limited to a safety vest, a hat, and breast and hat badges which shall
16 bear an identification number, and the name of the municipality in
17 which he is employed. A police officer appointed as an adult crossing
18 guard shall wear such uniform as directed by the chief of police of the
19 municipality.

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

21

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

24 3. a. Any purchase, contract or agreement for the performance of
25 any work or the furnishing or hiring of materials or supplies, the cost
26 or price of which, together with any other sums expended or to be
27 expended for the performance of any work or services in connection
28 with the same immediate program, undertaking, activity or project or
29 the furnishing of similar materials or supplies during the same fiscal
30 year paid with or out of public funds, does not exceed in the fiscal year
31 the total sum of \$7,500.00 or the amount determined pursuant to
32 subsection b. of this section, may be made, negotiated or awarded by
33 a contracting agent when so authorized by resolution of the governing
34 body of the contracting unit without public advertising for bids. Such
35 authorization may be granted for each purchase, contract or agreement
36 or by a general delegation of the power to make, negotiate or award
37 such purchases, contracts or agreements pursuant to this section.

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

1 coincide with the fiscal year.

2 b. The Governor, in consultation with the Department of the
3 Treasury, shall, no later than March 1 of each odd-numbered year,
4 adjust the threshold amount set forth in subsection a. of this section,
5 or subsequent to 1985 the threshold amount resulting from any
6 adjustment under this subsection or section 17 of P.L.1985, c.469, in
7 direct proportion to the rise or fall of the Consumer Price Index for all
8 urban consumers in the New York City and the Philadelphia areas as
9 reported by the United States Department of Labor. The Governor
10 shall, no later than June 1 of each odd-numbered year, notify each
11 governing body of the adjustment. The adjustment shall become
12 effective on July 1 of each odd-numbered year.

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

14

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

17 15. All purchases, contracts or agreements for the performing of
18 work or the furnishing of materials, supplies or services shall be made
19 for a period not to exceed [12] 24 consecutive months, except that
20 contracts for professional services pursuant to subparagraph (i) of
21 paragraph (a) of subsection (1) of section 5 of P.L.1971, c.198
22 (C.40A:11-5) shall be made for a period not to exceed 12 consecutive
23 months. Contracts or agreements may be entered into for longer
24 periods of time as follows:

25 (1) Supplying of:

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

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

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

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

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

43 (4) The collection and recycling of methane gas from a sanitary
44 landfill facility, for any term not exceeding 25 years, when such
45 contract is in conformance with a district solid waste management plan
46 approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.), and with the

1 approval of the Division of Local Government Services in the
2 Department of Community Affairs and the Department of
3 Environmental Protection. The contracting unit shall award the
4 contract to the highest responsible bidder, notwithstanding that the
5 contract price may be in excess of the amount of any necessarily
6 related administrative expenses; except that if the contract requires the
7 contracting unit to expend funds only, the contracting unit shall award
8 the contract to the lowest responsible bidder. The approval by the
9 Division of Local Government Services of public bidding requirements
10 shall not be required for those contracts exempted therefrom pursuant
11 to section 5 of P.L.1971, c.198 (C.40A:11-5);

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

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

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

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

24 (9) Any single project for the construction, reconstruction or
25 rehabilitation of any public building, structure or facility, or any public
26 works project, including the retention of the services of any architect
27 or engineer in connection therewith, for the length of time authorized
28 and necessary for the completion of the actual construction;

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

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

34 (12) The performance of work or services or the furnishing of
35 materials or supplies for the purpose of conserving energy in buildings
36 owned by, or operations conducted by, the contracting unit, the entire
37 price of which to be established as a percentage of the resultant
38 savings in energy costs, for a term not to exceed 10 years; provided,
39 however, that such contracts shall be entered into only subject to and
40 in accordance with rules and regulations promulgated by the
41 Department of Environmental Protection establishing a methodology
42 for computing energy cost savings;

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

46 (14) Leasing or servicing of electronic communications equipment

1 for a period not to exceed five years; provided, however, such contract
2 shall be entered into only subject to and in accordance with the rules
3 and regulations promulgated by the Director of the Division of Local
4 Government Services of the Department of Community Affairs;

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

11 (16) The provision of water supply services or the designing,
12 financing, construction, operation, or maintenance, or any combination
13 thereof, of a water supply facility, or any component part or parts
14 thereof, including a water filtration system, for a period not to exceed
15 40 years, when the contract for these services is approved by the
16 Division of Local Government Services in the Department of
17 Community Affairs, the Board of Public Utilities, and the Department
18 of Environmental Protection pursuant to P.L.1985, c.37 (C.58:26-1 et
19 al.), except for those contracts otherwise exempted pursuant to
20 subsection (30), (31), (34) or (35) of this section. For the purposes
21 of this subsection, "water supply services" means any service provided
22 by a water supply facility; "water filtration system" means any
23 equipment, plants, structures, machinery, apparatus, or land, or any
24 combination thereof, acquired, used, constructed, rehabilitated, or
25 operated for the collection, impoundment, storage, improvement,
26 filtration, or other treatment of drinking water for the purposes of
27 purifying and enhancing water quality and insuring its potability prior
28 to the distribution of the drinking water to the general public for
29 human consumption, including plants and works, and other personal
30 property and appurtenances necessary for their use or operation; and
31 "water supply facility" means and refers to the real property and the
32 plants, structures, interconnections between existing water supply
33 facilities, machinery and equipment and other property, real, personal
34 and mixed, acquired, constructed or operated, or to be acquired,
35 constructed or operated, in whole or in part by or on behalf of a
36 political subdivision of the State or any agency thereof, for the
37 purpose of augmenting the natural water resources of the State and
38 making available an increased supply of water for all uses, or of
39 conserving existing water resources, and any and all appurtenances
40 necessary, useful or convenient for the collecting, impounding, storing,
41 improving, treating, filtering, conserving or transmitting of water and
42 for the preservation and protection of these resources and facilities and
43 providing for the conservation and development of future water supply
44 resources;

45 (17) The provision of resource recovery services by a qualified
46 vendor, the disposal of the solid waste delivered for disposal which

1 cannot be processed by a resource recovery facility or the residual ash
2 generated at a resource recovery facility, including hazardous waste
3 and recovered metals and other materials for reuse, or the design,
4 financing, construction, operation or maintenance of a resource
5 recovery facility for a period not to exceed 40 years when the contract
6 is approved by the Division of Local Government Services in the
7 Department of Community Affairs, and the Department of
8 Environmental Protection pursuant to P.L.1985, c.38 (C.13:1E-136 et
9 al.); and when the resource recovery facility is in conformance with a
10 district solid waste management plan approved pursuant to P.L.1970,
11 c.39 (C.13:1E-1 et seq.). For the purposes of this subsection,
12 "resource recovery facility" means a solid waste facility constructed
13 and operated for the incineration of solid waste for energy production
14 and the recovery of metals and other materials for reuse; or a
15 mechanized composting facility, or any other facility constructed or
16 operated for the collection, separation, recycling, and recovery of
17 metals, glass, paper, and other materials for reuse or for energy
18 production; and "residual ash" means the bottom ash, fly ash, or any
19 combination thereof, resulting from the combustion of solid waste at
20 a resource recovery facility;

21 (18) The sale of electricity or thermal energy, or both, produced by
22 a resource recovery facility for a period not to exceed 40 years when
23 the contract is approved by the Board of Public Utilities, and when the
24 resource recovery facility is in conformance with a district solid waste
25 management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et
26 seq.). For the purposes of this subsection, "resource recovery facility"
27 means a solid waste facility constructed and operated for the
28 incineration of solid waste for energy production and the recovery of
29 metals and other materials for reuse; or a mechanized composting
30 facility, or any other facility constructed or operated for the
31 collection, separation, recycling, and recovery of metals, glass, paper,
32 and other materials for reuse or for energy production;

33 (19) The provision of wastewater treatment services or the
34 designing, financing, construction, operation, or maintenance, or any
35 combination thereof, of a wastewater treatment system, or any
36 component part or parts thereof, for a period not to exceed 40 years,
37 when the contract for these services is approved by the Division of
38 Local Government Services in the Department of Community Affairs
39 and the Department of Environmental Protection pursuant to
40 P.L.1985, c.72 (C.58:27-1 et al.), except for those contracts otherwise
41 exempted pursuant to subsection (36) of this section. For the
42 purposes of this subsection, "wastewater treatment services" means
43 any services provided by a wastewater treatment system, and
44 "wastewater treatment system" means equipment, plants, structures,
45 machinery, apparatus, or land, or any combination thereof, acquired,
46 used, constructed, or operated for the storage, collection, reduction,

1 recycling, reclamation, disposal, separation, or other treatment of
2 wastewater or sewage sludge, or for the final disposal of residues
3 resulting from the treatment of wastewater, including, but not limited
4 to, pumping and ventilating stations, facilities, plants and works,
5 connections, outfall sewers, interceptors, trunk lines, and other
6 personal property and appurtenances necessary for their operation;

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

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

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

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

20 (24) The purchase of electricity or administrative or dispatching
21 services related to the transmission of such electricity, from a public
22 utility company subject to the jurisdiction of the Board of Public
23 Utilities, a similar regulatory body of another state, or a federal
24 regulatory agency, or from a qualifying small power producing facility
25 or qualifying cogeneration facility, as defined by 16 U.S.C. 796, by a
26 contracting unit engaged in the generation of electricity for retail sale,
27 as of May 24,1991, for a term not to exceed 40 years;

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

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

36 (27) The provision of transportation services to elderly, disabled
37 or indigent persons for any term of not more than three years. For the
38 purposes of this subsection, "elderly persons" means persons who are
39 60 years of age or older. "Disabled persons" means persons of any age
40 who, by reason of illness, injury, age, congenital malfunction, or other
41 permanent or temporary incapacity or disability, are unable, without
42 special facilities or special planning or design to utilize mass
43 transportation facilities and services as effectively as persons who are
44 not so affected. "Indigent persons" means persons of any age whose
45 income does not exceed 100 percent of the poverty level, adjusted for
46 family size, established and adjusted under section 673(2) of subtitle

1 B, the "Community Services Block Grant Act," Pub.L.97-35 (42
2 U.S.C.9902 (2));

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

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

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

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

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

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

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

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

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

43 (37) The operation and management of a facility under a license
44 issued or permit approved by the Department of Environmental
45 Protection, including a wastewater treatment system or a water supply
46 or distribution facility, as the case may be, for any term of not more

1 than seven years. For the purposes of this subsection, "wastewater
2 treatment system" refers to facilities operated or maintained for the
3 storage, collection, reduction, disposal, or other treatment of
4 wastewater or sewage sludge, remediation of groundwater
5 contamination, stormwater runoff, or the final disposal of residues
6 resulting from the treatment of wastewater; and "water supply or
7 distribution facility" refers to facilities operated or maintained for
8 augmenting the natural water resources of the State, increasing the
9 supply of water, conserving existing water resources, or distributing
10 water to users.

11 All multiyear leases and contracts entered into pursuant to this
12 section, except contracts for the leasing or servicing of equipment
13 supplied by a telephone company which is subject to the jurisdiction
14 of the Board of Public Utilities, contracts involving the supplying of
15 electricity for the purpose of lighting public streets and contracts for
16 thermal energy authorized pursuant to subsection (1) above,
17 construction contracts authorized pursuant to subsection (9) above,
18 contracts and agreements for the provision of work or the supplying
19 of equipment to promote energy conservation authorized pursuant to
20 subsection (12) above, contracts for water supply services or for a
21 water supply facility, or any component part or parts thereof
22 authorized pursuant to subsection (16), (30), (31), (34), (35) or (37)
23 above, contracts for resource recovery services or a resource recovery
24 facility authorized pursuant to subsection (17) above, contracts for the
25 sale of energy produced by a resource recovery facility authorized
26 pursuant to subsection (18) above, contracts for wastewater treatment
27 services or for a wastewater treatment system or any component part
28 or parts thereof authorized pursuant to subsection (19), (36) or (37)
29 above, and contracts for the purchase of electricity or administrative
30 or dispatching services related to the transmission of such electricity
31 authorized pursuant to subsection (24) above, shall contain a clause
32 making them subject to the availability and appropriation annually of
33 sufficient funds as may be required to meet the extended obligation, or
34 contain an annual cancellation clause.

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

39

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

42 24. The agency shall establish procedures for entering into, and
43 shall enter into, contractual agreements with willing municipalities or
44 developers of inclusionary developments whereby the agency will
45 administer resale controls and rent controls in municipalities where no
46 appropriate administrative agency exists. The contractual agreements

1 shall be for the duration of the controls and shall involve eligibility
2 determinations, determination of initial occupants, the marketing of
3 units, maintenance of eligibility lists for subsequent purchasers or
4 renters, and determination of maximum resale prices or rents. The
5 agency may charge the municipality or inclusionary developer a
6 reasonable per unit fee for entering into such an agreement, or may
7 charge a reasonable fee to a low or moderate income household at the
8 time the home is sold subject to the resale control or both. Agency
9 fees shall be established according to methods or schedules approved
10 by the State Treasurer.

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

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

18

19 21. Section 15 of P.L.1941, c.151 (C.4:19-15.15) is amended to
20 read as follows:

15. Any person appointed for the purpose by the governing body
of the municipality, shall , either annually or biennially, at the direction
of the governing body, cause a canvass to be made of all dogs owned,
kept or harbored within the limits of their respective municipalities
and shall report, on or before September 1 of [each] the year in which
the census is taken, to the clerk or other person designated to license
dogs in the municipality and to the local board of health, and to the
State Department of Health the result thereof, setting forth in separate
columns the names and addresses of persons owning, keeping or
harboring unlicensed dogs, the number of unlicensed dogs owned, kept
or harbored by each of said persons, together with a complete
description of each of said unlicensed dogs.

33 (cf: P.L.1979, c.442, s.1)

34

35 22. This act shall take effect immediately.

36

STATEMENT

40 This bill is intended to relieve counties and municipalities of certain
41 State mandates in order to effect a cost savings to reduce local taxes.
42 Specifically, sections 1 and 2 of the committee substitute would permit
43 a municipality to stagger the expiration of pet licenses. This would
44 make administration easier since renewals would not occur at the same
45 time.

46 Section 3 of the bill requires the Department of State to investigate

1 the methods, of reducing mandatory election costs in municipalities
2 with populations of 500 persons or less. The department would be
3 required to report its findings to the Governor and to the Legislature
4 in about six months from the date of enactment of this committee
5 substitute.

6 Sections 4 and 5 of the bill permits ordinances and health codes
7 adopted by a local board of health to be published in summary form,
8 both prior to the public hearing and after adoption, in order to reduce
9 the costs of publication.

10 Section 6 permits a municipality or county to impose parking
11 restrictions, designate no passing zones, paint road striping and
12 pavement markings, on self-contained streets under municipal or
13 county jurisdiction, as appropriate, without approval of the
14 Commissioner of Transportation. R.S.39:4-8 would be amended to
15 permit a municipality or county to act by ordinance or resolution, as
16 appropriate, to effect the traffic control measure, with a copy of the
17 ordinance or resolution transmitted to the Commissioner of
18 Transportation along with an engineer's certification. The
19 commissioner would have 90 days to review the ordinance or
20 resolution and invalidate it if the provisions (1) are inconsistent with
21 the Manual on Uniform Traffic Control Devices for Streets or
22 Highways; (2) are inconsistent with accepted engineering standards;
23 (3) are not based on the results of an accurate traffic and engineering
24 survey; or (4) place an undue traffic burden or impact on streets in an
25 adjoining municipality or negatively affect the flow of traffic on the
26 State highway system.

27 Section 7 would permit ordinances to be published by title and
28 summary.

29 Section 8 would permit a nine member planning board in any
30 municipality to exercise the powers of a zoning board of adjustment
31 if so provided by ordinance, subject to voter referendum. This option
32 is currently available under section 16 of P.L.1975, c.291 (C.40:55D-
33 25) to municipalities with a population of 10,000 persons or less. This
34 section also provides a mechanism for separating a combined board.

35 Section 9 allows a local unit to bond for the amount of any
36 contribution that it makes as a sending municipality under a regional
37 contribution agreement pursuant to section 12 of P.L.1985, c.222
38 (C.52:27D-312). This provision is intended to encourage regional
39 contribution agreements and thereby enhance low and moderate
40 income housing stock within the State.

41 Section 10 amends N.J.S.40A:4-19 to increase the permissible
42 amount of temporary county and municipal budgets from 25% of the
43 previous year's total appropriations to 26.25% of those appropriations,
44 representing the proportional part of a 5% cap increase, in years when
45 a county or municipality increases its tax levy or budget, as
46 appropriate. This provision would allow counties and municipalities

1 greater flexibility in the period of time until their annual budget is
2 adopted.

3 Sections 11 and 12 would authorize a local unit to establish a
4 dedicated fund into which may be deposited refunds from a joint
5 insurance fund, which amounts would be retained to protect against a
6 future year when claims payable by the joint insurance fund exceed
7 contributions paid into the joint insurance fund by the local unit.
8 Maintenance of such a revolving fund would allow a local unit to have
9 assets readily available to make additional contributions into the joint
10 insurance fund when they are needed without resorting to raising
11 monies at that time.

12 Section 13 would permit the Local Finance Board to adopt rules
13 establishing a three-year budget review cycle by the Director of the
14 Division of Local Government Services in the Department of
15 Community Affairs, for most municipalities. The governing body and
16 the chief financial officer would be required to certify to the director
17 that the municipality is in compliance with the statutory and regulatory
18 budget procedures. The director would have the power to require
19 immediate compliance with the State budget law from any municipality
20 in which the exemption from annual State review impairs the fiscal
21 integrity or solvency of the municipality.

22 Section 14 increases, from \$5 to \$10, the amount for which a tax
23 collector can be preauthorized by resolution of the municipal
24 governing body to process property tax refunds or to process
25 cancellations of refunds or delinquencies.

26 Sections 15 through 17 would permit municipalities to appoint
27 police officers as adult crossing guards. Such appointees would not
28 have to be specially trained in traffic control and, in the discretion of
29 the chief of police, they could wear their normal police uniforms.

30 Sections 18 and 19 amend sections 3 and 15 respectively, of the
31 "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-3 and
32 40A:11-15), to extend the period of normal local public contracts from
33 12 months to 24 months, with the exception of those for professional
34 services. The additional 12 month contract time is intended to enable
35 local units to bargain for better prices since the contract is for a longer
36 duration.

37 Section 20 would amend section 24 of the "Fair Housing Act,"
38 P.L.1985, c.222 (C.52:27D-324), to clarify that the Affordable
39 Housing Management Service of the Department of Community
40 Affairs, or any other entity that provides certain services to
41 municipalities and developers that are providing affordable housing
42 under that act, including the determination of occupant eligibility, the
43 marketing of units and the determination of maximum resale prices or
44 rents, cannot require an exclusive contract to service all of the eligible
45 housing units of the municipality. Thus, in a municipality with an
46 appropriate administrative agency, the municipality might seek to

1 maximize cost efficiency by servicing a portion of the eligible units
2 itself or contracting with another provider.

3 Section 21 permits the dog census to be conducted either every
4 year or every other year at the direction of the governing body.

5

6

7

8

9 Provides relief from certain State mandates on counties and
10 municipalities.