

SENATE, No. 2205

STATE OF NEW JERSEY

INTRODUCED JUNE 12, 1997

By Senator SCOTT

1 AN ACT revising certain mandates, requirements and procedures for
2 local governments and school districts and amending,
3 supplementing and repealing various parts of the statutory law.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

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

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

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

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

Matter underlined thus is new matter.

- 1 2. N.J.S.11A:2-11 is amended to read as follows:
- 2 11A:2-11. Powers and duties of the commissioner. In addition to
- 3 other powers and duties vested in the commissioner by this title or any
- 4 other law, the commissioner:
- 5 a. Shall be the principal executive and request officer of the
- 6 department, allocating the functions and activities of the department
- 7 among departmental subdivisions as the commissioner may establish;
- 8 b. May appoint one deputy commissioner, who shall be in the
- 9 unclassified service, and may appoint other necessary employees. All
- 10 employees shall be confidential employees for the purposes of the
- 11 "New Jersey Employer-Employee Relations Act," P.L.1941, c.100
- 12 (C. 34:13A-1 et seq.);
- 13 c. Shall maintain a management information system necessary to
- 14 carry out the provisions of this title;
- 15 d. Shall have the authority to audit payrolls, reports or transactions
- 16 for conformity with the provisions of this title;
- 17 e. Shall plan, evaluate, administer and implement personnel
- 18 programs and policies in State government and political subdivisions
- 19 operating under this title;
- 20 f. Shall establish and supervise the selection process and employee
- 21 performance evaluation procedures;
- 22 g. Shall develop programs to improve efficiency and effectiveness
- 23 of the public service, including, but not limited to, employee training,
- 24 development, assistance and incentives;
- 25 h. Shall set standards and procedures for review and render the
- 26 final administrative decision, or may designate an employee of the
- 27 Department of Personnel to render such final decision, on a written
- 28 record or after recommendation by an independent reviewer assigned
- 29 by the commissioner of appeals from classification, salary, layoff rights
- 30 and in the State service noncontractual grievances;
- 31 i. May establish pilot programs and other projects for a maximum
- 32 of one year [outside of] which are contrary to, or not expressly
- 33 authorized by, the provisions of this title and the rules promulgated
- 34 thereunder. A pilot program shall not be approved by the
- 35 commissioner except upon a finding that the program is intended to
- 36 improve the efficiency and effectiveness of the public service and is
- 37 consistent with the policies set forth in N.J.S.11A:1-2. Pilot programs
- 38 may be renewed for a maximum of one year;
- 39 j. Shall provide for a public employee interchange program
- 40 pursuant to the "Government Employee Interchange Act of 1967,"
- 41 P.L.1967, c.77 (C.52:14-6.10 et seq.) and may provide for an
- 42 employee interchange program between public and private sector
- 43 employees;
- 44 k. May establish an internship program;
- 45 l. Shall assist the Governor in general work force planning,
- 46 personnel matters and labor relations;

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

4 n. Shall make an annual report to the Governor and Legislature and
5 all other special or periodic reports as may be required. The annual
6 report shall indicate the number of persons, by title, who, on March
7 31, June 30, September 30, and December 31 of each year, held
8 appointments to positions in the senior executive service and the
9 number of noncareer employees by title, who, on those same dates,
10 held appointments in positions in the senior executive service;

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

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

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

16

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

18 11A:4-13. Types of appointment. The commissioner shall provide
19 for the following types of appointment:

20 a. Regular appointments shall be to a title in the competitive
21 division of the career service upon examination and certification or to
22 a title in the noncompetitive division of the career service upon
23 appointment. The appointments shall be permanent after satisfactory
24 completion of a working test period;

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

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

42 c. Temporary appointments may be made, without regard to the
43 provisions of this chapter, to temporary positions established for a
44 period aggregating not more than six months in a 12-month period as
45 approved by the commissioner. These positions include, but are not
46 limited to, seasonal positions. Positions established as a result of a

1 short-term grant may be established for a maximum of 12 months.
2 Appointees to temporary positions shall meet the minimum
3 qualifications of a title;

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

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

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

12

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

14 11A:4-15. Working test period. The purpose of the working test
15 period is to permit an appointing authority to determine whether an
16 employee satisfactorily performs the duties of a title. A working test
17 period is part of the examination process which shall be served in the
18 title to which the certification was issued and appointment made. The
19 commissioner shall provide for:

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

27 b. Progress reports to be made by the appointing authority and
28 provided to the employee at such times during the working test period
29 as provided by rules of the board and a final progress report at the end
30 of the entire working test period shall be provided to the employee and
31 the commissioner;

32 c. Termination of an employee at the end of the working test
33 period and termination of an employee for cause during the working
34 test period; and

35 d. The retention of permanent status in the lower title by a
36 promoted employee during the working test period in the higher title
37 and the right to return to such permanent title if the employee does not
38 satisfactorily complete the working test period, but employees
39 removed for cause during a working test period shall not be so
40 returned.

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

42

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

44 11A:4-16. Transfer, reassignment and lateral title change. The
45 rules of the board shall define and establish the procedures for transfer,
46 reassignment and lateral title change, which may include transfer

1 between State government and a political subdivision and between
2 political subdivisions. Employees shall be granted no less than 30
3 days' notice of transfer, except with employee consent or under
4 emergent circumstances as established by rules of the board. The
5 commissioner shall provide for relocation assistance for State
6 employees who are transferred or reassigned to a new work location
7 due to a phasedown or closing of a State operation, subject to
8 available appropriations. Transfers, reassignments, or lateral title
9 changes shall not be utilized as part of a disciplinary action, except
10 following an opportunity for hearing. Nothing herein shall prohibit
11 transfers, reassignments, or lateral title changes made in good faith.
12 The burden of proof demonstrating lack of good faith shall be on the
13 employee.

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

15

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

18 5. a. Unless exempted by the department, no person shall hereafter
19 engage or continue to engage in the collection or disposal of solid
20 waste in this State without first filing a registration statement and
21 obtaining approval thereof from the department. A person engaging
22 in solid waste disposal shall file a separate registration statement and
23 an engineering design for each disposal facility which he operates. The
24 registration statement and engineering design for each disposal facility
25 and approval of same shall be for the duration of the plan.

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

37 c. No registration shall be approved by the department when in the
38 opinion of the department such solid waste collection or disposal
39 facility or operation will not meet the standards or criteria set forth in
40 this amendatory and supplementary act or in regulations as may be
41 promulgated under authority of this act or this amendatory and
42 supplementary act. The department may require the amendment of an
43 approved registration when, in its opinion, continued operation of a
44 solid waste facility in accordance with its approved registration would
45 not meet the standards, criteria or regulations described herein.

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

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

2 18A:6-45. There is established a body corporate and politic, with
3 corporate succession, to be known as the "New Jersey School Boards
4 Association." All boards of education of the various school districts
5 in this State [~~shall~~] may be members of the association.

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

7

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

9 18A:6-46. Each of the district boards of education which chooses
10 to be a member of the association shall select annually one of its
11 members as a delegate to the association.

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

13

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

15 18A:6-50. For the purpose of defraying the necessary expenses of
16 the association, the various district boards which are members of the
17 association shall pay the necessary expenses incurred by its delegates,
18 and shall appropriate annually such sums for dues as may be assessed
19 by the association at any delegates meeting. The assessment of dues
20 shall be made upon a graduated scale and shall be made only upon
21 two-thirds vote of the delegates present at such delegates meeting,
22 after notice of the taking of such vote shall have been given to each
23 district board in writing at least 60 days before such delegates meeting.
24 However, the dues assessed any board of education shall not be
25 increased for any year by more than 33 1/3 % of the dues assessed that
26 board during the preceding year. Dues shall be payable by the
27 custodian of school moneys of the school district to the treasurer of
28 the association.

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

30

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

32 19:31-2. In all counties having a superintendent of elections, the
33 superintendent of elections is hereby constituted the commissioner of
34 registration and in all other counties the secretary of the county board
35 is hereby constituted the commissioner of registration.

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

38 The commissioner of registration shall have power to appoint
39 temporarily, and the commissioner of registration in counties of the
40 first class having more than 800,000 inhabitants shall have power to
41 appoint on a permanent, or temporary basis, such number of persons,
42 as in the commissioner's judgment may be necessary in order to carry
43 out the provisions of this Title. All persons appointed by the
44 commissioner of registration in counties of the first class having more
45 than 850,000 inhabitants according to the latest federal decennial
46 census to serve for terms of more than six months in any one year shall

1 be in the career service of the civil service and shall be appointed, and
2 hold their positions, in accordance with the provisions of Title 11A,
3 Civil Service. All persons appointed by the commissioner of
4 registration in counties of the first class having more than 600,000 but
5 less than 850,000 inhabitants according to the latest federal decennial
6 census to serve for terms of more than six months in any one year,
7 other than the chief deputy and chief clerk and confidential secretary
8 and chief custodian, shall be in the career service of the civil service
9 and shall be appointed and hold their positions, in accordance with the
10 provisions of Title 11A, Civil Service. Persons appointed by the
11 commissioner of registration in such counties to serve for terms of six
12 months or less in any one year and persons appointed by the
13 commissioner of registration shall not be subject to any of the
14 provisions of Title 11A, Civil Service, but shall be in the unclassified
15 service.

16 [In each county the commissioner of registration shall submit to the
17 Secretary of State on or before February 15 of each year a plan
18 providing for evening registration for the primary election and on or
19 before July 1 plans providing for evening registration for the general
20 election, which plans shall be subject to approval by the Secretary of
21 State.] Evening registration [shall] may be made available in the office
22 of each commissioner of registration [between the hours of 4 p.m. and
23 9 p.m. on the 29th day preceding the primary and general elections
24 and, in any year in which municipal elections are to be held in any
25 municipality within the county, on the 29th day preceding those
26 municipal elections] in accordance with a plan established by each
27 commissioner.

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

31 Nothing in this section shall preclude [the commissioner from
32 providing pursuant to plan evening registration in excess of the
33 requirements of this section, or shall preclude] or in any way limit
34 out-of-office registration conducted by persons or groups other than
35 the commissioner.

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

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

46 Nothing in the provisions of subtitle 2 of the Title, Municipalities

1 and Counties (R.S.40:16-1 et seq.), shall in anywise be construed to
2 affect, restrict or abridge the powers herein conferred on the
3 commissioners of registration of the several counties.

4 All powers granted to the commissioner in all counties not having
5 superintendents of elections by the provisions of this Title are hereby
6 conferred on the county board in such counties and any and all duties
7 conferred upon the commissioner in all counties not having a
8 superintendent of elections by the provisions of this Title shall only be
9 exercised and performed by such commissioner under the instructions
10 and directions of and subject to the approval of the county board of
11 such counties.

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

13

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

15 26:3-3. The local board in every municipality, other than a
16 township, which is subject to the provisions of subdivision C of this
17 article, shall be composed of not less than five nor more than seven
18 members, except that in a city of the first class the board shall consist
19 of 10 members, and in a city having a population of over 80,000, but
20 not of the first class, the board shall consist of not less than five nor
21 more than 10 members. The governing body of a municipality may
22 appoint a school nurse or the municipal physician to the local board,
23 notwithstanding that the nurse or physician is not a resident of the
24 municipality.

25 The local board may, by ordinance, provide for the appointment of
26 two alternate members. Notwithstanding the provisions of any other
27 law or charter heretofore adopted, the ordinance shall provide the
28 method of appointment of the alternate members. Alternate members
29 shall be designated at the time of appointment by the authority
30 appointing them as "Alternate No. 1" and "Alternate No. 2."

31 The terms of the alternate members shall be for two years, except
32 that the terms of the alternate members first appointed shall be two
33 years for Alternate No. 1 and one year for Alternate No. 2, so that the
34 term of not more than one alternate member shall expire in any one
35 year. A vacancy occurring otherwise than by expiration of term shall
36 be filled by the appointing authority for the unexpired term only.

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

41 An alternate member may participate in discussions of the
42 proceedings but may not vote except in the absence or disqualification
43 of a regular member. A vote shall not be delayed in order that a
44 regular member may vote instead of an alternate member. In the event

1 that a choice must be made as to which alternate member is to vote,
2 Alternate No. 1 shall vote first.
3 (cf: P.L.1989, c.168, s.1)

4
5 12. R.S.26:3-9 is amended to read as follows:

6 26:3-9. The local board in every township having a population of
7 not more than 20,000 inhabitants [shall] may be composed of the
8 members of the township committee, the township assessor or, if the
9 township has a board of assessors, the township clerk, and one
10 physician or school nurse, to be appointed by the township committee
11 for a term of three years from the time of his appointment and until the
12 successor is appointed. The township committee may appoint, as the
13 physician or school nurse appointment, the township physician or a
14 school nurse to the local board, notwithstanding that the physician or
15 nurse is not a resident of the township. The township committee may
16 by ordinance provide for the appointment of not more than two
17 alternate members. Alternate members shall be designated at the time
18 of appointment as "Alternate No. 1" and "Alternate No 2." The term
19 of the alternate members shall be for two years, except that of the first
20 two alternate members appointed, one shall be appointed for a term of
21 one year so that the term of not more than one alternate member shall
22 expire in any one year. A vacancy occurring otherwise than by
23 expiration of term shall be filled by the appointing authority for the
24 unexpired term only. Alternate members may participate in
25 discussions of the proceedings but may not vote except in the absence
26 or disqualification of a regular member. A vote shall not be delayed
27 in order that a regular member may vote instead of an alternate
28 member. In the event that a choice must be made as to which alternate
29 member is to vote, Alternate No. 1 shall vote.

30 b. Any such township may by ordinance adopt the provisions of
31 subdivision B of this article and thereafter shall be subject to the
32 provisions thereof and shall not be subject to the provisions of this
33 subdivision of this article.

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

35

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

37 26:3-10. The local board in every township having a population of
38 more than twenty thousand inhabitants shall be composed of not less
39 than five nor more than seven members who shall be appointed in such
40 manner and hold their respective offices for such terms, not exceeding
41 four years, as the township committee or other governing body may by
42 ordinance provide, but the terms of not more than three members shall
43 expire in any one year, but any such township may by ordinance adopt
44 the provisions of subdivision B of this article and thereafter shall be
45 subject to the provisions thereof and shall not be subject to the
46 provisions of this subdivision of this article. The township committee

1 may appoint a school nurse or the township physician to the local
2 board, notwithstanding that the nurse or physician is not a resident of
3 the township.

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

5

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

8 2. As used in this act:

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

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

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

23 (4) "Public body" means the State of New Jersey, any of its
24 political subdivisions, any authority created by the Legislature of the
25 State of New Jersey and any instrumentality or agency of the State of
26 New Jersey or of any of its political subdivisions.

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

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

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

41 (6) "Commissioner" means the Commissioner of Labor or his duly
42 authorized representatives.

43 (7) "Workman" or "worker" includes laborer, mechanic, skilled or
44 semi-skilled, laborer and apprentices or helpers employed by any
45 contractor or subcontractor and engaged in the performance of
46 services directly upon a public work, regardless of whether their work

1 becomes a component part thereof, but does not include material
2 suppliers or their employees who do not perform services at the job
3 site.

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

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

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

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

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

32 (b) In the case of any public work other than a public work
33 described in paragraph (a) of this subsection, an amount equal to
34 \$2,000.

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

36

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

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

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

44 b. "Governing body" means the board, commission, council or
45 other body having the control of the finances of a local unit; and in
46 those local units in which an executive officer is authorized by law to

1 participate in such control through powers of recommendation,
2 approval or veto, the term includes such executive officer to the extent
3 of such participation.

4 c. "Chief executive officer" means the mayor of a municipality, the
5 elected county executive of a county, the director of the board of
6 chosen freeholders in a county not having an elected county executive,
7 and the chairman or other presiding officer of any other governing
8 body.

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

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

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

14

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

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

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

32

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

35 5. a. The parties to a contract authorized by this act may agree to
36 provide jointly, or through the agency of one more of them on behalf
37 of any or all of them, any service or aspect of a service which any of
38 the parties on whose behalf such services are to be performed may
39 legally perform for itself. Such services shall include, but not be
40 limited to, the areas of general government administration, health,
41 police and fire protection, code enforcement, assessment and
42 collection of taxes, financial administration, environmental services,
43 joint municipal courts, youth, senior citizens, welfare and social
44 services programs. Nothing in this act shall be deemed to amend or
45 repeal any procedures for or powers of approval of any consolidated

1 local service program which any State agency may now exercise
2 pursuant to law.

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

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

8

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

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

33 Besides the selection of candidates by each political party,
34 candidates may also be nominated by petition in a manner similar to
35 direct nomination by petition for the general election; but if the
36 candidate of any party to fill the vacancy will be chosen at a primary
37 election, such petition shall be filed with the county clerk at least 55
38 days prior to the primary election; and if no candidate of any party will
39 be chosen at a primary election, such petition shall be filed with the
40 county clerk not later than 12 o'clock noon of the day on which the
41 first selection meeting by any party is held under this section to select
42 a nominee to fill the vacancy.

43 The county clerk shall print on the ballots for the territory affected,
44 in the personal choice column, the title of office and leave a proper
45 space under such title of office; and print the title of office and the

1 names of such persons as have been duly nominated, in their proper
2 columns.

3 b. Notwithstanding subsection a. of this section, if at any time after
4 an election for a member of the board of chosen freeholders and before
5 the time fixed for the commencement of the term of the office, the
6 person elected to that office dies, the county committee of the political
7 party of which the person elected was the nominee shall appoint
8 another person to fill the position until the next general election. If the
9 person elected was not the nominee of a political party, on or within
10 30 days after the time fixed for the commencement of the term of
11 office, the governing body shall appoint a successor to fill the office
12 until the next general election without regard to party.

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

14

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

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

39 Besides the selection of candidates by each political party,
40 candidates may also be nominated by petition in a manner similar to
41 direct nomination by petition for the general election; but if the
42 candidate of any party to fill the vacancy will be chosen at a primary
43 election, such petition shall be filed with the county clerk at least 55
44 days prior to the primary election; and if no candidate of any party
45 will be chosen at a primary election, such petition shall be filed with
46 the county clerk not later than 12 o'clock noon of the day on which the

1 first selection meeting by any party is held under this section to select
2 a nominee to fill the vacancy.

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

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

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

20

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

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

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

30

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

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

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

43

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

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

12 The reexamination report shall state:

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

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

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

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

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

37

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

40 3. The governing body of any municipality which operated a solid
41 waste collection district as of December 31, 1989, shall [, by
42 ordinance and subject to the approval of the Local Finance Board of
43 the Department of Community Affairs,] determine the amount of
44 money necessary for the support of the solid waste collection district.
45 The amount so determined shall [be assessed on the value of all
46 taxable property within the district and collected as taxes are collected

1 and be controlled and expended by the municipality for the purposes
2 herein specified. The ordinance shall specify that any assessment made
3 pursuant to this section is to be used solely to provide for the support
4 of the solid waste collection district. Any municipality which adopts
5 an ordinance pursuant to this section shall, within 10 days following
6 the adoption of the ordinance, forward a copy to the Division of Local
7 Government Services in the Department of Community Affairs]
8 become part of the municipal budget and subject to approval by the
9 director.

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

11

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

13 40A:2-17. a. Introduction.

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

17 b. Publication, hearing and adoption.

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

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

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

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

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

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

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

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

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

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

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

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

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

36 c. Final publication with statement.

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

40

41

STATEMENT

42

43 The bond ordinance published herewith has been finally adopted
44 and the 20-day period of limitation within which a suit, action or
45 proceeding questioning the validity of such ordinance can be
46 commenced, as provided in the Local Bond Law has begun to run

1 from the date of the first publication of this statement.

2

3

4

Clerk.

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

6

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

8 40A:2-18. A bond ordinance shall take effect 20 days after the first
9 publication of the ordinance or of a summary thereof after final
10 adoption. A bond ordinance which authorizes obligations to fund,
11 refund, renew, extend or retire obligations issued or authorized
12 pursuant to this chapter, or notes or bonds issued or authorized
13 pursuant to any act of which this chapter is a revision shall not be
14 subject to referendum.

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

16

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

18 40A:4-27. A local unit may anticipate as a miscellaneous revenue
19 the total amount of all payments due and payable to the local unit
20 during the fiscal year, directly or indirectly as a result of the sale of
21 property by the local unit, when the obligation to make such payment
22 is entered into prior to [February 10 of the calendar fiscal year, or by
23 August 10 of the State fiscal year] the adoption of the budget.

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

25

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

27 40A:4-41. a. For the purpose of determining the amount of the
28 appropriation for "reserve for uncollected taxes" required to be
29 included in each annual budget where less than 100% of current tax
30 collections may be and are anticipated, anticipated cash receipts shall
31 be as set forth in the budget of the current year, and in accordance
32 with the limitations of statute for anticipated revenue from, surplus
33 appropriated, miscellaneous revenues and receipts from delinquent
34 taxes.

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

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

1 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,
3 approved by a majority vote of the full membership of the governing
4 body prior to the introduction of the annual budget pursuant to
5 N.J.S.40A:4-5.

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

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

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

22

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

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

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

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

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

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

- 1 The approval procedure in this subsection shall not apply to
2 appropriations adopted for a purpose referred to in subsection d. or j.
3 below;
- 4 d. All debt service, including that of a Type I school district;
- 5 e. Upon the approval of the Local Finance Board in the Division
6 of Local Government Services, amounts required for funding a
7 preceding year's deficit;
- 8 f. Amounts reserved for uncollected taxes;
- 9 g. (Deleted by amendment, P.L.1990, c.89.)
- 10 h. Expenditure of amounts derived from new or increased
11 construction, housing, health or fire safety inspection or other service
12 fees imposed by State law, rule or regulation or by local ordinance;
- 13 i. Any amount approved by any referendum;
- 14 j. Amounts required to be paid pursuant to (1) any contract with
15 respect to use, service or provision of any project, facility or public
16 improvement for water, sewerage, parking, senior citizen housing or
17 any similar purpose, or payments on account of debt service therefor,
18 between a municipality and any other municipality, county, school or
19 other district, agency, authority, commission, instrumentality, public
20 corporation, body corporate and politic or political subdivision of this
21 State; (2) the provisions of article 9 of P.L.1968, c.404 (C.13:17-60
22 through 13:17-76) by a constituent municipality to the intermunicipal
23 account; (3) any lease of a facility owned by a county improvement
24 authority when the lease payment represents the proportionate amount
25 necessary to amortize the debt incurred by the authority in providing
26 the facility which is leased, in whole or in part; and (4) any repayments
27 under a loan agreement entered into in accordance with the provisions
28 of section 5 of P.L.1992, c.89.
- 29 k. (Deleted by amendment, P.L.1987, c.74.)
- 30 l. Appropriations of federal, county, independent authority or State
31 funds, or by grants from private parties or nonprofit organizations for
32 a specific purpose, and amounts received or to be received from such
33 sources in reimbursement for local expenditures. If a municipality
34 provides matching funds in order to receive the federal, county,
35 independent authority or State funds, or the grants from private parties
36 or nonprofit organizations for a specific purpose, the amount of the
37 match which is required by law or agreement to be provided by the
38 municipality shall be excepted;
- 39 m. (Deleted by amendment, P.L.1987, c.74.)
- 40 n. (Deleted by amendment, P.L.1987, c.74.)
- 41 o. (Deleted by amendment, P.L.1990, c.89.)
- 42 p. (Deleted by amendment, P.L.1987, c.74.)
- 43 q. (Deleted by amendment, P.L.1990, c.89.)
- 44 r. Amounts expended to fund a free public library established
45 pursuant to the provisions of R.S.40:54-1 through 40:54-29, inclusive;
- 46 s. (Deleted by amendment, P.L.1990, c.89.)

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

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

31

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

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

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

43 b. Capital expenditures, including appropriations for current capital
44 expenditures, whether in the capital improvement fund or as a
45 component of a line item elsewhere in the budget, provided that any
46 such current capital expenditures would be otherwise bondable under

- 1 the requirements of N.J.S.40A:2-21 and 40A:2-22;
- 2 c. (1) An increase based upon emergency temporary appropriations
3 made pursuant to N.J.S.40A:4-20 to meet an urgent situation or event
4 which immediately endangers the health, safety or property of the
5 residents of the county, and over which the governing body had no
6 control and for which it could not plan and emergency appropriations
7 made pursuant to N.J.S.40A:4-46. Emergency temporary
8 appropriations and emergency appropriations shall be approved by at
9 least two-thirds of the governing body and by the Director of the
10 Division of Local Government Services, and shall not exceed in the
11 aggregate 3% of the previous year's final current operating
12 appropriations.
- 13 (2) (Deleted by amendment, P.L.1990, c.89.)
- 14 The approval procedure in this subsection shall not apply to
15 appropriations adopted for a purpose referred to in subsection d. or f.
16 below;
- 17 d. All debt service;
- 18 e. (Deleted by amendment, P.L.1990, c.89.)
- 19 f. Amounts required to be paid pursuant to (1) any contract with
20 respect to use, service or provision of any project, facility or public
21 improvement for water, sewerage, parking, senior citizen housing or
22 any similar purpose, or payments on account of debt service therefor,
23 between a county and any other county, municipality, school or other
24 district, agency, authority, commission, instrumentality, public
25 corporation, body corporate and politic or political subdivision of this
26 State; and (2) any lease of a facility owned by a county improvement
27 authority when the lease payment represents the proportionate amount
28 necessary to amortize the debt incurred by the authority in providing
29 the facility which is leased, in whole or in part;
- 30 g. That portion of the county tax levy which represents funding to
31 participate in any federal or State aid program and amounts received
32 or to be received from federal, State or other funds in reimbursement
33 for local expenditures. If a county provides matching funds in order
34 to receive the federal or State or other funds, only the amount of the
35 match which is required by law or agreement to be provided by the
36 county shall be excepted;
- 37 h. (Deleted by amendment, P.L.1987, c.74.)
- 38 i. (Deleted by amendment, P.L.1990, c.89.)
- 39 j. (Deleted by amendment, P.L.1990, c.89.)
- 40 k. (Deleted by amendment, P.L.1990, c.89.)
- 41 l. Amounts expended to meet the standards established pursuant to
42 the "New Jersey Public Employees' Occupational Safety and Health
43 Act," P.L.1983, c.516 (C.34:6A-25 et seq.);
- 44 m. (Deleted by amendment, P.L.1990, c.89.)
- 45 n. (Deleted by amendment, P.L.1990, c.89.)
- 46 o. (Deleted by amendment, P.L.1990, c.89.)

- 1 p. Extraordinary expenses, approved by the Local Finance Board,
2 required for the implementation of an interlocal services agreement;
- 3 q. Any expenditure mandated as a result of a natural disaster, civil
4 disturbance or other emergency that is specifically authorized pursuant
5 to a declaration of an emergency by the President of the United States
6 or by the Governor;
- 7 r. Expenditures for the cost of services mandated by any order of
8 court, by any federal or State statute, or by administrative rule,
9 directive, order, or other legally binding device issued by a State
10 agency which has identified such cost as mandated expenditures on
11 certification to the Local Finance Board by the State agency;
- 12 s. That portion of the county tax levy which represents funding to
13 a county college in excess of the county tax levy required to fund the
14 county college in local budget year 1992;
- 15 t. Amounts appropriated for the cost of administering a joint
16 insurance fund established pursuant to subsection b. of section 1 of
17 P.L.1983, c.372 (C.40A:10-36), but not including appropriations for
18 claims payments by local member units;
- 19 u. Expenditures for the administration of general public assistance
20 pursuant to P.L.1995, c.259 (C.40A:4-6.1 et al.);
- 21 v. Amounts in a separate line item of a county budget that are
22 expended on tick-borne disease vector management activities
23 undertaken pursuant to P.L.1997, c.52 (C.26:2P-7 et al.);
- 24 w. Amounts expended by a county under an interlocal services
25 agreement entered into pursuant to P.L.1973, c.208 (C.40:8A-1 et
26 seq.) entered into after the effective date of P.L. , c. (C.)
27 (now pending before the Legislature as this bill) or amounts expended
28 under a joint contract pursuant to the "Consolidated Municipal Service
29 Act," P.L.1952, c.72 (C.40:48B-1 et seq.) entered into after the
30 effective date of P.L. , c. (C.) (now pending before the
31 Legislature as this bill).
32 (cf: P.L.1997, c.52, s.3)
- 33
- 34 30. Section 6 of P.L.1990, c.89 (C.40A:4-45.38) is amended to
35 read as follows:
- 36 6. No transfer of funds authorized by N.J.S.40A:4-58 and
37 N.J.S.40A:4-59 shall be made from an appropriation which is not
38 subject to limitation pursuant to section 3 or 4 of P.L.1976, c.68
39 (C.40A:4-45.3 and 40A:4-45.4), except for transfers between line
40 items for the same item of appropriation, to an appropriation which is
41 subject to either of those limitations. Notwithstanding the provisions
42 of N.J.S.40A:4-58 and N.J.S.40A:4-59 no transfer of funds is
43 authorized between appropriations not subject to limitation pursuant
44 to section 3 or 4 of P.L.1976, c.68 (C.40A:4-45.3 and 40A:4-45.4),
45 except transfers may be made to interest and redemption charges.
46 (cf: P.L.1990, c.89, s.6)

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

2 40A:5-16. The governing body of any local unit shall not pay out
3 any of its moneys

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

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

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

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

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

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

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

28

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

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

42 If a governing body fails or refuses to comply with this section, and
43 has received an order from the director to do so, the members of a
44 governing body who willfully fail or refuse to comply shall each be
45 subject to a personal penalty of \$25 for each day after the date fixed
46 for final action that failure or refusal to comply continues. The

1 amount of the penalty may be recovered by the director in the name of
2 the State as a personal debt of the member of the governing body, and
3 shall be paid, upon receipt, into the State Treasury.

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

5

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

7 40A:9-141. Notwithstanding any other law the governing body or
8 chief executive, as shall be appropriate to the form of government of
9 the municipality, by ordinance, shall provide for the appointment of a
10 municipal tax collector and the compensation of the tax collector shall
11 be fixed in the manner otherwise provided by law. The governing body
12 may, by [ordinance] resolution, set appropriate hours of operation of
13 the tax collector's office and the work hours of the tax collector,
14 commensurate with the compensation paid to the tax collector, and all
15 personnel assigned to the tax collector's office. The office of
16 municipal tax collector and municipal treasurer, or municipal clerk may
17 be held by the same person.

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

19

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

21 40A:9-142. a. Every municipal tax collector shall hold his office
22 for a term of 4 years from the first day of January next following his
23 appointment. Vacancies other than due to expiration of term shall be
24 filled [by appointment for the unexpired term] in accordance with the
25 provisions of subsection b. of this section.

26 Nothing herein contained shall affect any of the provisions of Title
27 [11 (Civil Service)] 11A, Civil Service, of the [Revised] New Jersey
28 Statutes.

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

39 c. If a governing body or chief executive officer, as appropriate,
40 fails or refuses to comply with the requirement to appoint a certified
41 tax collector pursuant to subsection b. of this section, and has received
42 an order from the director to do so, the officials who willfully fail or
43 refuse to comply each shall be subject to a personal penalty of \$25 for
44 each day after the date fixed for final action that the failure or refusal
45 to comply continues. The amount of the penalty may be recovered by
46 the director in the name of the State as a personal debt of the member

1 of the governing body and upon receipt shall be paid into the State
2 Treasury.

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

4

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

6 40A:9-146. The governing body or chief executive, as shall be
7 appropriate to the form of government of the municipality shall
8 provide for the appointment of a tax assessor and such deputy tax
9 assessors as it may determine necessary. The appointing authority
10 may, by resolution or order as appropriate, set appropriate hours of
11 operation of the tax assessor's office and the work hours of the tax
12 assessor, commensurate with the compensation paid to the tax
13 assessor. The governing body, by ordinance, shall determine the
14 amount of compensation of such assessors.

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

16

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

18 40A:9-148. Every municipal tax assessor and deputy assessor shall
19 hold his office for a term of 4 years from the first day of July next
20 following his appointment; however, the first 12 months of any initial
21 term shall be a probationary period during which time the municipal
22 tax assessor or deputy assessor, as appropriate, may be removed from
23 office for unsatisfactory performance or for any other reason by the
24 appointing authority. Removal during a probationary period shall be
25 considered a vacancy due to expiration of term.

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

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

29

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

31 40A:9-165. The governing body of a municipality, by ordinance,
32 unless otherwise provided by law, shall fix and determine the salaries,
33 wages or compensation to be paid to the officers and employees of the
34 municipality, including the members of the governing body and the
35 mayor or other chief executive, who by law are entitled to salaries,
36 wages, or compensation.

37 Salaries, wages or compensation fixed and determined by ordinance
38 may, from time to time, be increased, decreased or altered by
39 ordinance. No such ordinance shall, without good cause, reduce the
40 salary of [, or deny without good cause an increase in salary given to
41 all other municipal officers and employees to,] any tax assessor, chief
42 financial officer, tax collector or municipal clerk during the term for
43 which he shall have been appointed. Except with respect to an
44 ordinance or a portion thereof fixing salaries, wages or compensation
45 of elective officials or any managerial, executive or confidential
46 employee as defined in section 3 of the "New Jersey

1 Employer-Employee Relations Act" P.L.1941, c.100 (C.34:13A-3), as
2 amended, the ordinance shall take effect as provided therein. In
3 municipalities wherein the provisions of Title 11 (Civil Service) of the
4 Revised Statutes are in operation, this section shall be subject thereto.

5 Where any such ordinance shall provide for increases in salaries,
6 wages or compensation of elective officials or any managerial,
7 executive or confidential employee, the ordinance or that portion
8 thereof which provides an increase for such elective or appointive
9 officials shall become operative in 20 days after the publication
10 thereof, after final passage, unless within said 20 days, a petition
11 signed by voters of such municipality, equal in number to at least 5%
12 of the registered voters of the municipality, protesting against the
13 passage of such ordinance, be presented to the governing body, in
14 which case such ordinance shall remain inoperative unless and until a
15 proposition for the ratification thereof shall be adopted at an election
16 by a majority of the voters voting on said proposition. The question
17 shall be submitted at the next general election, occurring not less than
18 40 days from the date of the certification of the petition. The
19 submission of the question to the voters shall be governed by the
20 provisions of Title 19 (Elections) of the Revised Statutes, as in the
21 case of public questions to be voted upon in a single municipality.
22 (cf: P.L.1991, c.175, s.14)

23

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

25 40A:10-6. The governing body of any local unit may establish an
26 insurance fund for the following purposes:

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

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

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

40 d. To provide contributory or noncontributory self-funded, or
41 partially self-funded, health insurance to employees or their
42 dependants, or both, in accordance with rules and regulations of the
43 Director of the Division of Local Government Services in the
44 Department of Community Affairs. The establishment and operation
45 of an insurance fund to provide health insurance by a local unit prior
46 to the effective date of P.L. , c. (C.) (now pending before

1 the Legislature as this bill) is hereby validated; however, such
2 insurance funds shall comply with all rules and regulations
3 promulgated by the director pursuant to this subsection.

4 The governing body may appropriate the moneys necessary for the
5 purposes of this section.

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

7
8 39. Section 37 of P.L.1995, c.259 (C.40A:10-17.1) is amended to
9 read as follows:

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

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

41
42 40. Section 11 of P.L.1992, c.51 (C.40A:10-36.1) is amended to
43 read as follows:

44 11. For the purposes of P.L.1983, c.372 (C.40A:10-36 et seq.),
45 "local unit" shall be deemed to include boards of education which join

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

10

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

13 1. The governing body of any municipality, the county wherein the
14 municipality is situate, and the board of education of the local school
15 district, provided that the district is not part of a limited purpose
16 regional school district, an all purpose regional school district or a
17 consolidated school district, may by ordinance or resolution, as the
18 case may be, adopted by a majority of the full membership of the
19 governing [body] bodies and by a majority of the full membership of
20 the board, agree to join together in any combination for the purpose
21 of insuring pursuant to the provisions of: a. Article 1 of chapter 10 of
22 Title 40A of the New Jersey Statutes (N.J.S.40A:10-1 et seq.); b.
23 Article 3 of chapter 10 of Title 40A of the New Jersey Statutes
24 (N.J.S.40A:10-6 et seq.); c. Article 4 of chapter 10 of Title 40A of the
25 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
28 shall not join together with a municipality or other local unit as
29 provided in section 1 of P.L.1983, c.372 (C.40A:10-36) for the
30 purpose of providing contributory or non-contributory [group health
31 insurance or] group term life insurance[, or both,] to employees or
32 their dependents or both, as otherwise permitted therein.
33 (cf: P.L.1992, c.51, s.1)

34

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

37 2. In the case of an all purpose regional school district or a
38 consolidated school district, the governing body of one or more of the
39 constituent municipalities, the county wherein the municipality or
40 municipalities are situate, and the board of education of the regional
41 or consolidated school district may by resolution adopted by a majority
42 of the full membership of the governing body of each of the
43 participating constituent municipalities, the governing body of the
44 county, if participating, and a majority of the full membership of the
45 board, agree to join together for the purpose of insuring pursuant to
46 the provisions of: a. Article 1 of chapter 10 of Title 40A of the New

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

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

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

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

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

36

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

39 4. In the case of a limited purpose regional school district, in
40 addition to any contract entered into by a municipality or county
41 pursuant to section 3 of [this act] P.L.1992, c.51 (C.40A:10-54), the
42 governing body of any constituent municipality, the county wherein
43 the municipality is situate, and the board of education of the local
44 school district operating within that municipality may, in accordance
45 with section 1 of [this act] P.L.1992, c.51 (C.40A:10-52), agree to
46 join together for the purpose of insuring pursuant to the provisions of:

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

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

13

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

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

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

30

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

33 6. In the case of a county vocational school district, in addition to
34 any contract entered into by a municipality or county pursuant to
35 section 5 of [this act] P.L.1992, c.51 (C.40A:10-56), the governing
36 body of any municipality in the county, the governing body of the
37 county, if participating, and the board of education for the local school
38 district operating within that municipality may, in accordance with
39 section 1 of [this act] P.L.1992, c.51 (C.40A:10-52), agree to join
40 together for the purpose of insuring pursuant to the provisions of: a.
41 Article 1 of chapter 10 of Title 40A of the New Jersey Statutes
42 (N.J.S.40A:10-1 et seq.); b. Article 3 of chapter 10 of Title 40A of the
43 New Jersey Statutes (N.J.S.40A:10-6 et seq.); c. Article 4 of chapter
44 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-12 et seq.);
45 or d. P.L.1983, c.372 (C.40A:10-36 et seq.).

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

8
9 47. Section 13 of P.L.1971, c.199 (C.40A:12-13) is amended to
10 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 A list of the property so authorized to be sold, pursuant to
46 subsection (b) of this section, together with the minimum prices,

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

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

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

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

42 In all sales made pursuant to this section, the governing body of any
43 county or municipality may provide for the payment of a commission
44 to any real estate broker, or authorized representative other than the
45 purchaser actually consummating such sale; provided, however, that
46 no commission shall be paid unless notice of the governing body's

1 intention to pay such a commission shall have been included in the
2 advertisement of sale and the recipient thereof shall have filed an
3 affidavit with the governing body stating that said recipient is not the
4 purchaser. Said commissions shall not exceed, in the aggregate, 5%
5 of the sale price, and be paid, where there has been a public sale, only
6 in the event that the sum of the commission and the highest bid price
7 does not exceed the next highest bid price (exclusive of any real estate
8 broker's commission). As used in this section, "purchaser" shall mean
9 and include any person, corporation, company, association, society,
10 firm, partnership, or other business entity owning or controlling,
11 directly or indirectly, more than 10% of the purchasing entity.
12 (cf: P.L.1992, c.79, s.51)

13

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

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

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

27 a. Constitute a public record;

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

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

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

34

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

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

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

43

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

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

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

39

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

42 8. a. The appointing authority of any municipality shall appoint a
43 construction official and any necessary subcode officials to administer
44 and enforce the code [and] . The appointing authority may, by
45 resolution or order as appropriate, set appropriate hours of operation
46 of the construction official's office and the work hours of the

1 construction official, commensurate with the compensation paid to the
2 construction official. The appointing authority shall also appoint a
3 construction board of appeals to hear and decide appeals from
4 decisions made by said construction official and subcode officials, in
5 the administration and enforcement of the code. Nothing herein,
6 however, shall prevent a municipality from accepting inspections as to
7 compliance with the code or any subcode thereof made by an
8 inspection authority approved by the State of New Jersey pursuant to
9 law.

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

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

38 A construction official or subcode official appointed in a
39 municipality operating under the provisions of Title [11] 11A, Civil
40 Service, of the [Revised] New Jersey Statutes, who, at the time of
41 adoption of the State Uniform Construction Code, January 1, 1977, or
42 prior to January 1, 1981, had permanent classified status or was
43 employed as a construction official or subcode official or in another
44 position in the unclassified service, shall be included in the classified
45 service without civil service examination in his respective title of
46 construction official or subcode official. Any individual employed by

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

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

38 A construction or subcode official, to be eligible for appointment
39 in civil service or noncivil service municipalities, shall be certified by
40 the State of New Jersey in accordance with subsection c. of this
41 section and shall have had at least 3 years' experience in construction,
42 design or supervision as a licensed engineer or registered architect; or
43 5 years' experience in construction, design, or supervision as an
44 architect or engineer with a bachelor's degree from an accredited
45 institution of higher education; or 10 years' experience in construction,
46 design or supervision as a journeyman in a trade or as a contractor.

1 A subcode official shall, pursuant to any subcode which he
2 administers, pass upon:

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

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

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

30 (1) a municipal construction official or subcode official holding
31 office under permanent civil service status, or tenure as otherwise
32 provided by law on the effective date of this act or within 1 year
33 thereafter and (2) a municipal construction official or subcode official
34 holding office without such permanent civil service status or tenure on
35 the effective date of this act or within 1 year thereafter; provided said
36 construction official or subcode official not having such permanent
37 civil service status or tenure shall be certified in accordance with this
38 act within 4 years of the effective date thereof; provided further that
39 a person holding on the effective date of this act a valid plumbing
40 inspector's license from the Department of Health pursuant to Title 26
41 of the Revised Statutes may serve as a plumbing subcode official and
42 a person holding on the effective date of this act a valid electrical
43 inspector's license from the Board of Public Utilities pursuant to Title
44 48 of the Revised Statutes may serve as an electrical subcode official.
45 The commissioner, after consultation with the code advisory board,
46 may authorize the preparation and conducting of oral, written and

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

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

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

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

29

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

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

44 (1) Rezoning for densities necessary to assure the economic
45 viability of any inclusionary developments, either through mandatory

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

1 municipality's fair share of low and moderate income housing.
2 (cf: P.L.1995, c.344, s.2)

3

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

5 54:4-38. [Every] Annually or biennially, at the direction of the
6 governing body, every assessor, at least ten days before filing the
7 complete assessment list and duplicate with the county board of
8 taxation, and before annexing thereto his affidavit as required in
9 section 54:4-36 of this title, shall notify each taxpayer of the current
10 assessment for the annual or biennial year, as appropriate, and
11 preceding year's taxes and give public notice by advertisement in at
12 least one newspaper circulating within his taxing district of a time and
13 place when and where the assessment list may be inspected by any
14 taxpayer for the purpose of enabling the taxpayer to ascertain what
15 assessments have been made against him or his property and to confer
16 informally with the assessor as to the correctness of the assessments,
17 so that any errors may be corrected before the filing of the assessment
18 list and duplicate. Thereafter, the assessor shall notify each taxpayer
19 by mail within 30 days of any change to the assessment. This
20 notification of change of assessment shall contain the prior assessment
21 and the current assessment.

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

23

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

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

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

38

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

40 54:4-65. a. The Director of the Division of Local Government
41 Services in the Department of Community Affairs shall approve the
42 form and content of property tax bills.

43 b. Each tax bill shall have printed thereon a brief tabulation
44 showing the distribution of the amount raised by taxation in the taxing
45 district, in such form as to disclose the rate per \$100.00 of assessed
46 valuation or the number of cents in each dollar paid by the taxpayer

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

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

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

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

27

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

36

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

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

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

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

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

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

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

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

35
36 60. (New section) The governing body of any county may enter
37 into contract with a private agency or firm for the purpose of
38 collecting any delinquent fines owed to the county. Any such contract
39 shall be made pursuant to the provisions of the "Local Public
40 Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

41
42 61. (New section) Notwithstanding the provisions of the "Local
43 Fiscal Affairs Law," N.J.S.40A:5-1 et seq., or any other law, rule, or
44 regulation to the contrary, the Local Finance Board, in consultation
45 with the Commissioner of Education, may adopt rules and regulations
46 permitting local government units and boards of education to contract

1 with third-party disbursement service organizations in order to make
2 payments and execute financial transactions for those purposes and
3 under such conditions as permitted by the Local Finance Board.

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

17
18 63. (New section) An employee of a participating employer
19 under the Police and Firemen's Retirement System of New Jersey
20 (PFRS) which elects to provide the benefits authorized under this
21 section, who:

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

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

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

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

39
40 64. (New section) A participating employer may elect to provide
41 the benefits under section 63 of P.L. , c. (C.) (now
42 pending before the Legislature as this bill) by adopting a resolution of
43 its governing body and filing a certified copy of the resolution with the
44 Director of the Division of Pensions and Benefits on or before the
45 effective date of any consolidation or joint service agreement. The
46 participating employer shall submit to the director any information

1 necessary to provide the benefits or to determine the liability for them.
2 The division shall prepare and provide to participating employers
3 information on the employees eligible for the benefits under section 63
4 of P.L. , c. (C.) (now pending before the Legislature as this
5 bill), estimates of the full liability to the retirement system and the
6 payments which the employer will have to make on account of the
7 early retirement of employees under that section, and detailed charts,
8 tables and other information necessary for participating employers to
9 do a cost savings analysis of the impact through the tenth fiscal year
10 subsequent to the employer's election.

11

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

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

32

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

36

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

46 For a member of PFRS whose effective retirement date is delayed

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

18

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

29

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

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

37 "Participating employer" means a local unit which enters into a
38 consolidation or joint services agreement with one or more other local
39 units. A county which adopts an early retirement plan that has been
40 reviewed by the Director of the Division of Local Government
41 Services in the Department of Community Affairs in consultation with
42 the Director of the Division of Pensions and Benefits in the
43 Department of the Treasury and determined to be fiscally sound in
44 accordance with criteria adopted by those directors, shall be
45 considered a participating employer under this definition, regardless of

1 whether or not it is participating in a consolidation or joint services
2 agreement.

3

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

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

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

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

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

33

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

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

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

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

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

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

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

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

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

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

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

15
16 76. (New section) The actuaries for PERS and TPAF shall
17 determine the liability of the retirement systems for the additional
18 service credit or pensions provided under sections 71 through 75 of
19 P.L. , c. (C.) (now pending before the Legislature as this
20 bill), and for the early retirement of employees in accordance with the
21 tables of actuarial assumptions adopted by the board of trustees of the
22 retirement system. For PERS, this liability shall be added to the
23 unfunded accrued liability of the participating employer under the
24 retirement system and shall be paid in the same manner and over the
25 remaining time period provided for the employer's unfunded accrued
26 liability under sections 24, 68 and 81 of P.L.1954, c.84 (C.43:15A-24,
27 68 and 81).

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

44 The participating employer shall pay the cost of the actuarial work
45 to determine the additional liability of the retirement system for the
46 benefits under sections 71 through 75 of P.L. , c. (C.) (now

1 pending before the Legislature as this bill), which shall be included in
2 the initial contribution required from the participating employer.

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

10
11 78. (New section) An employee who receives a benefit under
12 sections 71 through 74 of P.L. , c. (C.) (now pending
13 before the Legislature as this bill), shall forfeit all tenure rights.

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

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

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

1 balance of the loan and interest is repaid, the remaining amount shall
2 be repaid as provided in section 2 of P.L.1981, c.55 (C.43:15A-34.1)
3 or N.J.S.18A:66-35.

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

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

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

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

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

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

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

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

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

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

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

44 b. The Commissioner of Community Affairs shall, on or before the
45 first day of the seventh month next following the effective date of
46 P.L. , c. (C.) (now pending before the Legislature as

1 this bill) promulgate rules and regulations pursuant to the provisions
2 of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
3 et seq.) to effectuate the provisions of subsection a. of this section.
4

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

17 In evaluating any proposal by a municipality to exceed the cap on
18 the provision of age-restricted housing, the council shall consider the
19 municipality's past exclusionary practices, measured by such criteria as
20 jobs to housing ratio; the percentage of low and moderate income
21 households of the age-restricted group in the municipality as compared
22 to the percentage in the housing region; and any other criteria which
23 the council may determine.
24

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

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

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

1 b. The task force shall:

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

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

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

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

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

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

26 91. This act shall take effect on the first day of the third month
27 next following enactment.
28

29

30

31 STATEMENT

32

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

39

40 GENERALLY APPLICABLE REGULATORY REQUIREMENTS

41 Section 6 of the bill amends section 5 of P.L.1970, c.39 (C.13:1E-
42 5) to provide that a registration statement filed with the Department
43 of Environmental Protection by a public entity, engaging in the
44 disposal of solid waste after the effective date of the bill, will be valid
45 for a period of five years. The department would not be permitted to
46 require an annual update of a registration statement by the public
entity and the fee for the five-year registration could not exceed the

1 fee in effect for a one-year registration as of March 1, 1997.

2 Section 56 provides that the requirements for pesticide applicator
3 or pesticide operator certification, licensing or record keeping of the
4 "Pesticide Control Act of 1971," P.L.1971, c.176 (C.13:1F-1 et seq.)
5 shall not apply to any licensed health or sanitary inspector who applies
6 a pesticide not classified for restricted use, on property or premises to
7 determine insect infestation.

8 Section 57 provides that notwithstanding any rules or regulations
9 to the contrary, no permit shall be required of a county or municipality
10 by the Department of Environmental Protection for the purpose of
11 performing restoration work on any manmade drainage ditch located
12 in the jurisdiction, provided that the restoration activity does not
13 deviate in any manner from the original cross sectional area and
14 location. For the purposes of this section, "ditch" is defined as a linear
15 topographic depression with bed and banks of human construction
16 which conveys water to or from a site, but does not include
17 channelized or redirected water courses.

18

19 MANDATES AFFECTING SCHOOLS

20 Section 7 amends N.J.S.18A:6-45 to permit boards of education to
21 become members of the New Jersey School Boards Association.
22 Current law requires such membership.

23 Sections 8 and 9 amend N.J.S.18A:6-46 and 18A:6-50 respectively
24 to clarify that memberships in the New Jersey School Boards
25 Association will be permissive, not mandatory.

26

27 LAWS AND REGULATIONS AFFECTING SALES OF PUBLIC 28 PROPERTY, PUBLIC CONTRACTS, AND AGREEMENTS FOR 29 CONSOLIDATION, INTERLOCAL AND JOINT SERVICES

30 Section 14 amends section 2 of P.L.1963, c.150 (C.34:11-56.26)
31 to make public work paid for out of the funds of any local contracting
32 unit under the "Local Public Contracts Law," P.L.1971, c.198
33 (C.40A:11-1 et seq.), or the "Public School Contracts Law,"
34 N.J.S.18A:18A-1 et seq., subject to the adjusted prevailing wage
35 threshold amount, currently \$9,850, instead of the fixed \$2,000
36 amount. This amendment would bring counties and school districts
37 and local authorities on par with the municipal threshold and permit
38 the use of less expensive labor for small public works contracts.

39 Sections 15 and 16 amend sections 2 and 3 of P.L.1973, c.208
40 (C.40:8A-2 and 40:8A-3) to permit any local authority subject to the
41 "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1
42 et seq.), such as a county improvement authority, to enter into an
43 interlocal services contract for the joint provision of services incidental
44 to the primary purposes of the local unit.

45 Section 17 amends section 5 of P.L.1973, c.208 (C.40:8A-5) to
46 provide that, in the case of a joint agreement under the "Interlocal

1 Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.) for the provision
2 of services by State-certified professionals, the agreement shall
3 provide for the payment of a salary, and shall not include tenure rights
4 in the municipality contracting to receive the service.

5 Section 47 amends section 13 of P.L.1971, c.199 (C.40A:12-13)
6 to facilitate the sale, by a local unit of very small parcels of land not
7 needed for a public purpose, being less than an eighth of the minimum
8 size required for development under the municipal zoning ordinance
9 and without any capital improvement, to contiguous owners. Such
10 sales would be facilitated by permitting the fair market value of the
11 parcel to be determined by negotiation between the local unit and the
12 owner of the contiguous real property. The negotiated sum would be
13 subject to approval by resolution of the governing body, but in no case
14 could that sum be less than one dollar. This provision would enable
15 local units to return to the tax rolls small pieces of property that are
16 not being used for a public purpose.

17 Section 31 amends N.J.S.40A:5-16 to reduce the documentation
18 required when the governing body of any local unit pays out money to
19 a vendor under certain circumstances. A certification from a vendor
20 that a payment amount is correct would no longer be required when:

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

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

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

28 Sections 40 and 41 through 46 amend section 11 of P.L.1992, c.51
29 (C.40A:10-36.1) and sections 1 through 6 of P.L.1992, c.51
30 (C.40A:10-52 through 40A:10-57) to permit a county to join with
31 municipalities and school districts in various joint loss and liability,
32 workers' compensation and health insurance pools.

33 Section 58 establishes in the Department of Community Affairs a
34 "Municipal Consolidation Incentive Aid Fund." The purpose of this
35 fund would be to provide a financial incentive, paid-out over a term of
36 years, for the consolidation of municipalities and the consolidation of
37 fire districts.

38

39 INITIATIVE TO INCREASE EFFICIENCIES THROUGH
40 PRIVATIZATION

41 Section 21 amends section 1 of P.L.1983, c.208 (C.40:48-5a) to
42 permit the governing body of a municipality to contract with a private
43 entity or firm to collect delinquent municipal court fines, costs,
44 surcharges and other penalties, including motor vehicle violation fines,
45 required to be collected by the municipality.

46 Section 60 permits the governing body of any county to enter into

1 a contract with a private agency or firm to collect any delinquent fines
2 owed to the county.

3

4 LOCAL FINANCE AND BUDGET REQUIREMENTS

5 Section 55 amends R.S.54:4-65 to permit municipalities to disclose
6 on their tax bills as separate items the portion of property taxes related
7 to the collection and disposal of solid waste and recyclables. The
8 Department of Community Affairs, after consultation with
9 representatives of county and municipal officials, is required to prepare
10 uniform standards for calculating the portion of taxes related to the
11 collection and disposal of solid waste and recyclables, which shall be
12 used by any municipality which elects to disclose such costs.

13 Section 23 amends section 3 of P.L.1991, c.54 (C.40:66-10) to
14 eliminate the current requirement that the Local Finance Board
15 approve the budget of a municipal solid waste collection district.
16 Under this amendment, budget approval is given by the Director of the
17 Division of Local Government Services.

18 Sections 24 and 25 amend N.J.S.40A:2-17 and 40A:2-18
19 respectively, to permit the publication of a summary of a bond
20 ordinance instead of the entire bond ordinance, as is currently required
21 by law.

22 Section 26 amends N.J.S.40A:4-27 to permit the anticipation in a
23 local budget as a miscellaneous revenue of the total amount of
24 payments payable to a local unit as a result of the sale of property
25 when the obligation to make such a payment is entered into prior to
26 the adoption of the budget. Current law requires that the obligation
27 to pay must be entered into prior to February 10 of the calendar fiscal
28 year, or August 10 of the State fiscal year in order for the amount of
29 the sale to be included as miscellaneous revenue in a local budget.

30 Section 27 amends N.J.S.40A:4-41 to permit the Director of the
31 Division of Local Government Services to promulgate rules and
32 regulations to permit the use of a three-year average to determine the
33 amount of reserve for uncollected taxes that must be included as part
34 of a local budget. Under current law, except for municipalities in
35 which tax appeal judgments have been awarded to property owners or
36 for which the amount of tax reductions resulting from tax appeal
37 judgments for the previous fiscal year exceeds 1% of the tax levy for
38 that previous fiscal year, the minimum reserve for uncollected taxes is
39 required to be calculated based on the amount of uncollected taxes in
40 the previous year.

41 Sections 28 and 29 amend sections 3 and 4 of P.L.1976, c.68
42 (C.40A:4-45.3 and 40A:4-45.4) to include as an exception to the limits
43 of the "cap" law, P.L.1976, c.68 (C.40A:4-45.1 et seq.) the amounts
44 expended by a municipality or a county under an interlocal service
45 agreement entered into, following the enactment of this bill, pursuant
46 to P.L.1973, c.208 (C.40:8A-1 et seq.) or under a joint contract

1 pursuant to the "Consolidated Municipal Service Act," P.L.1952, c.72
2 (C.40:48B-1 et seq.).

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

9 Section 59 provides that, notwithstanding the provisions of section
10 3 of P.L.1981, c.56, (C.40A:4-45.4a), N.J.S.40A:4-58 and
11 N.J.S.40A:4-59 to the contrary, transfers between salary and wage and
12 other expense line items for a purpose specified in the budget are
13 permitted at any time after adoption of the budget in order to facilitate
14 a change in the way a particular service or activity is provided by the
15 local unit, when the local unit changes service provisions from
16 employees of the local unit to a contracted service, or from a
17 contracted service to employees of the local unit.

18 Section 61 provides that, notwithstanding the provisions of the
19 Local Fiscal Affairs Law (N.J.S.40A:5-1 et seq.) or any other law,
20 rule, or regulation to the contrary, the Local Finance Board in
21 consultation with the Commissioner of Education may adopt rules and
22 regulations permitting local government units and boards of education
23 to contract with third-party disbursement service organizations in
24 order to make payments and execute financial transactions for those
25 purposes and under such conditions as permitted by the Local Finance
26 Board.

27 Section 62 permits a local contracting unit to enter into a contract
28 as a participant in a cooperative pricing system with a board of
29 education for materials, supplies or services not listed in section 15 of
30 P.L.1971, c.198 (C.40A:11-15) and that are required on a recurring
31 basis from year to year for up to a two-year term. The agreement can
32 be reviewed annually for up to three years without any further
33 solicitation for bids or bidding upon a finding by the contracting unit
34 that the services are being performed in an effective and efficient
35 manner, or that the materials and supplies continue to meet the original
36 specifications.

37 Sections 63 through 84 permit local units to grant early retirement
38 incentives to employees who are members of PFRS, PERS, TPAF, or
39 the ABP and whose jobs are affected by a consolidation or joint
40 services agreement between local units. In the case of counties, early
41 retirement incentives could be granted, regardless of any consolidation
42 or joint services agreement, upon the adoption of an early retirement
43 plan by the county governing body that is determined to be fiscally
44 sound after review by the Director of the Division of Local
45 Government Services in the Department of Community Affairs in
46 consultation with the Director of the Division of Pensions and Benefits

1 in the Department of the Treasury.

2 Section 85 authorizes the Commissioner of Community Affairs,
3 after consultation with the State Board of Education and the
4 Administrator of the Office of Telecommunications and Information
5 Systems, to adopt regulations, pursuant to the "Administrative
6 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to charge
7 appropriate fees and authorize not-for-profit organizations, whose
8 purposes support the administration of, or personnel engaged in,
9 respectively, government or education services, to utilize any
10 computerized communication networks that may be established by the
11 State for the conduct of government or organizational activities, for
12 communication with the members of such not-for-profit organizations
13 in the conduct of such activities; except that such networks shall not
14 be used to directly lobby State officials with regard to legislation, or
15 by organizations that represent employees for the purpose of
16 conducting collective negotiations with public employers.

17 Section 89 provides that notwithstanding the provisions of
18 P.L.1983, c.312, s.2 (C.40A:4-45.19) to the contrary, any municipality
19 that failed to print on the ballot the amount of the cost increase for the
20 proposed PERS to PFRS transfer for police officers may apply to the
21 director for permission to include the 1997 budget year amount of the
22 pension appropriation representing the increase due to the switch as
23 an increase in the cap base upon which final appropriations are based.

24

25 LAWS AND REGULATIONS AFFECTING LOCAL OFFICERS
26 AND EMPLOYEES

27 Sections 2 through 5 amend N.J.S.11A:2-11, N.J.S.11A:4-13,
28 N.J.S.11A:4-15 and N.J.S.11A:4-16 respectively, to expand the
29 powers of the Department of Personnel to assist local units in
30 managing their public employees. Section 2 permits the department to
31 establish pilot programs in local units intended to improve the
32 efficiency and effectiveness of public service within that local unit.
33 Section 3 specifically allows a six month window for the regular
34 appointment of certain provisional employees, after examination, when
35 an eligible list has not been issued for the title held by the provisional
36 employee prior to the effective date of this bill. Section 4 permits the
37 department to expand working test periods to such civil service titles
38 as it may determine by rule so that local units can better evaluate a
39 new employee before the appointment becomes permanent. Section
40 5 clarifies that the Merit System Board may establish rules and
41 procedures governing transfers, reassignments and lateral title changes
42 between State government and political subdivisions and between
43 political subdivisions.

44 Sections 11, 12 and 13 amend R.S.26:3-3, 26:3-9 and 26:3-10
45 respectively to permit the governing body of a municipality to appoint
46 a school nurse or the municipal physician to the local Board of Health,

1 notwithstanding that the person is not a resident of the municipality.
2 Current law requires municipal residency for appointment to a Board
3 of Health.

4 Sections 18 and 19 amend sections 2 and 5 of P.L.1990, c.33
5 (C.40:20-35.11a and 40:41A-145.1) to provide that if at any time after
6 the election of a member of a county board of chosen freeholders, and
7 the commencement of the term of office of that person, the freeholder-
8 elect dies, the county committee of the political party of which the
9 deceased freeholder-elect was the nominee shall appoint another
10 person to fill the position until the next general election. If the
11 deceased freeholder-elect was not the nominee of a political party, on
12 or within 30 days after the time fixed for the commencement of the
13 term of office, the board of freeholders, without regard to party, shall
14 appoint a successor to fill the position until the next general election.

15 Section 32 amends section 5 of P.L.1988, c.110 (C.40A:9-140.10)
16 to require that the first 12 months of any initial term of a municipal
17 chief financial officer shall be a probationary period during which that
18 person may be removed from office for unsatisfactory performance, or
19 for any other reason by the governing body. This section specifies that
20 the removal of a chief financial officer during this probationary period
21 will be considered a vacancy due to expiration of term. Current law
22 does not provide for a probationary term.

23 Section 33 amends N.J.S.40A:9-141 to provide that the governing
24 body of a municipality may, by resolution, set the hours of operation
25 of the tax collector's office, the tax collector and all personnel assigned
26 to the tax collector's office. Current law requires that this be done by
27 ordinance.

28 Section 34 amends N.J.S.40A:9-142 to permit the appointment of
29 a temporary municipal tax collector for a period of six months from a
30 vacancy in that office. The person appointed as a temporary tax
31 collector would not be required to hold a tax collector certificate.
32 This amendment would make the appointment of a temporary tax
33 collector similar to the appointment of a temporary chief financial
34 officer.

35 Section 35 amends N.J.S.40A:9-146 to permit the governing body
36 or the chief executive, as appropriate to the form of government of the
37 municipality, by resolution or order, to set the hours of operation of
38 the tax assessor's office and the tax assessor, commensurate with the
39 compensation paid to the tax assessor. Current law contains no such
40 provision.

41 Section 36 amends N.J.S.40A:9-148 to require that the first 12
42 months of any initial term of a municipal tax assessor or deputy tax
43 assessor shall be a probationary period during which that person may
44 be removed from office for unsatisfactory performance, or for any
45 other reason by the governing body. This section specifies that the
46 removal of a tax assessor or deputy tax assessor during this

1 probationary period will be considered a vacancy due to expiration of
2 term. Current law does not provide for a probationary term.

3 Section 37 amends N.J.S.40A:9-165 to provide that a tax assessor,
4 chief financial officer, tax collector or municipal clerk shall not be
5 automatically given a pay raise equal to that given to all other
6 municipal employees. Current law provides that such an increase
7 cannot be denied.

8 Section 39 amends section 37 of P.L.1995, c.259 (C.40A:10-17.1)
9 to permit a county employee who receives health benefits as the
10 dependent of his or her spouse, to waive health coverage under the
11 county plan. Such persons may, at the discretion of the county,
12 receive annually a payment from the county that does not exceed 50%
13 of the county's savings because of the employee's waiver of coverage.
14 Municipal employees received this right to waive coverage as a result
15 of the enactment of P.L.1995, c.259.

16 Section 50 amends section 36 of P.L.1995, c.259 (C.52:14-17.31a)
17 to permit a county or school district employee who receives health
18 benefits as the dependent of his or her spouse, to waive health
19 coverage under the county or school district plan. Such persons may,
20 at the discretion of the county or school district, receive annually a
21 payment from the county or school district that does not exceed 50%
22 of the savings by the county or school district because of the
23 employee's waiver of coverage. Municipal employees received this
24 right to waive coverage as a result of the enactment of P.L.1995,
25 c.259.

26 Section 51 amends section 8 of P.L.1975, c.217 (C.52:27D-126) to
27 permit, by resolution or order as appropriate, the appointing authority
28 of a municipality to set the hours of operation of the construction
29 official's office and the construction official, commensurate with the
30 compensation paid to the construction official.

31

32 RECORD KEEPING REFORMS

33 Section 22 amends section 76 of P.L.1975, c.291 (C.40:55D-89)
34 to change the period for general reexamination of a municipality's
35 master plan and development regulations by the planning board from
36 every six years to every 10 years.

37 Section 48 amends section 22 of P.L.1971, c.199 (C.40A:12-22)
38 to make permissive the current statutory requirement that a
39 municipality must establish and maintain a central registry of all real
40 property acquired by it for purposes other than streets or highways.

41 Section 49 amends section 7 of P.L.1995, c.253 (C.46:3C-7) to
42 provide that a municipality receiving and making available the lists
43 required under the "New Residential Construction Off-site Conditions
44 Disclosure Act," P.L.1995, c.253 (C.46:3C-1 et seq.) may charge
45 purchasers of the information in the same manner as prices are charged
46 for other public records pursuant to section 2 of P.L.1963, c.73

1 (C.47:1A-2). Under current law, the price charged may reflect the
2 actual reproduction costs. This amendment is intended to promote
3 uniformity of municipal charges for all types of reproduced documents.

4 Section 86 provides that notwithstanding any rules, regulations or
5 guidelines promulgated by the Attorney General, State narcotics action
6 plan reports, commonly referred to as "SNAP" reports, shall be made
7 on a quarterly basis. The Department of Law and Public Safety shall
8 develop and supply to all participating police departments a standard
9 computer software program, which shall include all of the necessary
10 parameters for reporting, so that the SNAP reports may be generated
11 by computer.

12 Section 90 establishes a Police Paperwork Reduction Task Force
13 to study and recommend steps for reducing State requirements for
14 information collection, reporting and retention by local police forces.
15 The task force will have nine members, including two representatives
16 of the Attorney General's office and one member of the Division of
17 State Police, all appointed by the Governor; two representatives of
18 local law enforcement agencies and one municipal court administrator,
19 all appointed by the President of the Senate; and two representatives
20 of local law enforcement agencies and one municipal court
21 administrator, all appointed by the Speaker of the General Assembly.

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

28

29 COAH REFORMS

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

39 Section 87 contains the operative language which would permit a
40 municipality to purchase privately owned residential property as part
41 of the municipality's fair share housing obligation under the "Fair
42 Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), for the balance
43 owed on any mortgages to which the property is subject, even though
44 the property may have a fair market value less than the mortgage
45 amounts owed. This section also requires the Commissioner of
46 Community Affairs to adopt rules and regulations, within six months

1 following the effective date of this bill, to effectuate the purposes of
2 this section.

3 Section 88 concerns the number of units of housing which a
4 municipality may set aside for age-restricted housing in fulfilling its
5 fair share housing obligation. Currently, under rules and regulations
6 adopted pursuant to the "Fair Housing Act," the Council on
7 Affordable Housing has established a 25 percent cap on the number of
8 units which a municipality may set aside for age-restricted housing in
9 fulfilling its fair share housing obligation. For municipalities with a
10 large number of senior citizens and which anticipate growth in this
11 population given current demographic trends, the 25 percent limit is
12 overly constraining and in fact could inhibit municipalities in
13 accommodating long-term housing need. The language in this section
14 would establish the 25 percent cap legislatively and grant the council
15 the discretion to approve municipal fair share housing plans which
16 exceed the cap, so long as the municipality can demonstrate to the
17 satisfaction of the council that the number of units proposed will fulfill
18 housing need in the municipality or the housing region. This section
19 sets forth criteria which the council shall use in evaluating and
20 approving such requests.

21

22 MISCELLANEOUS REFORMS

23 Section 10 amends R.S.19:31-2 to remove the current requirement
24 of evening voter registration before the primary and general elections,
25 and makes such evening voter registration optional at the discretion of
26 the county commissioner of registration.

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

33 Section 38 amends N.J.S.40A:10-6 to permit local units to establish
34 insurance funds for the provision of contributory or non-contributory
35 self-funded, or partially self-funded, health insurance for employees or
36 their dependants, or both. Current law only permits local units to
37 enter into contracts for health insurance and so it is not clear that local
38 units can be self insured for health insurance without specific statutory
39 authority. This provision also validates self insurance funds operating
40 prior to the effective date of this bill.

41 Sections 53 and 54 amend R.S.54:4-38 and section 32 of P.L.1991,
42 c.75 (C.54:4-38.1) to permit biennial notification of a property owner's
43 current assessment and preceding year's real property taxes. Current
44 law requires annual notification. A municipality that chooses biennial
45 notification would still be required to notify a taxpayer of any
46 assessment change within 30 days of such change.

1

2

3 Revises certain mandates, requirements and procedures for local
4 governments and school districts.