

40A:5-16.3

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40A:5-16.3 (Local government--advance payment allowed for certain joint activities)

LAWS OF: 1985 CHAPTER: 419

BILL NO: S2648

Sponsor(s): Connors and others

Date Introduced: January 28, 1985

Committee: Assembly: Municipal Government  
Senate: County and Municipal Government

Amended during passage: No Substituted for A3152 (not attached since identical to S2698).

Date of Passage: Assembly: December 12, 1985  
Senate: May 2, 1985

Date of Approval: January 13, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes  
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: ~~No~~ Yes

Following were printed:

Reports: No

Hearings: No

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SENATE, No. 2648

STATE OF NEW JERSEY

INTRODUCED JANUARY 28, 1985

By Senators CONNORS, HAGEDORN, BUBBA and HAINES

Referred to Committee on County and Municipal Government

AN ACT concerning local fiscal affairs, and supplementing chapter 5  
of Title 40A of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Notwithstanding the provision of N. J. S. 40A:5-16 the govern-  
2 ing body of any local unit participating in a statutorily authorized  
3 joint, inter-local or other cooperative activity may, by resolution,  
4 provide for and authorize payment in advance of estimated ad-  
5 ministrative or direct service costs to the local unit or other party  
6 providing administrative services or otherwise acting on behalf  
7 of or for the group.

1 2. This act shall take effect immediately.

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STATEMENT

This bill permits the advance payment of moneys by a local unit of government in situations where a local unit of government is participating in a statutorily authorized joint, inter-local or other cooperative activity. The advance payment is limited to expenses related to joint activities, and each local unit is not authorized to make payment for its own activity.

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ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

**SENATE, No. 2648**

**STATE OF NEW JERSEY**

DATED: DECEMBER 5, 1985

Senate Bill No. 2648 authorizes the advance payment of estimated administrative or direct service costs incurred by a local governmental unit or other party providing administrative services, or otherwise acting on behalf of statutorily-authorized joint, interlocal or other cooperative activity.

As a general rule, the "Local Fiscal Affairs Law" (N. J. S. 40A :5-1 et seq.) currently prohibits payments by local units unless the request is preceded by an itemization certified by the person requesting payment (or by an itemization with affidavit), and unless the request also carries the certification of an appropriate official of the local unit (N. J. S. 40A :5-16).

Current law does, however, provide for certain exceptions to this rule. For example, N. J. S. 40A :5-16.1 permits advance payments for expenses for authorized official travel.

Senate Bill No. 2648 supplements chapter 5 of Title 40A of the New Jersey Statutes to provide that the governing body of any local unit participating in a statutorily-authorized joint, interlocal or other cooperative activity may, by resolution, provide for and authorize payment in advance of estimated administrative or direct service costs to the local unit or other party providing administrative services or otherwise acting on behalf of, or for, the group.

The sponsor's statement emphasizes that advance payment may only be made for expenses related to joint activities; each local unit is not authorized to make advance payment for its own activity.

The committee reported the bill favorably.

SENATE COUNTY AND MUNICIPAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**SENATE, No. 2648**

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**STATE OF NEW JERSEY**

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DATED: FEBRUARY 25, 1985

Senate Bill No. 2648 would supplement chapter 5 of Title 40A of the New Jersey Statutes to provide that the governing body of any local unit participating in a statutorily-authorized joint, interlocal or other cooperative activity may, by resolution, provide for, and authorize, payment in advance of estimated administrative or direct service costs to the local unit or other party providing administrative services or otherwise acting on behalf of, or for, the group.

The sponsor's statement emphasizes that advance payment may only be made for expenses related to joint activities: each local unit is not authorized to make advance payment for its own activity.

The Governor exercised his line-item veto power to reduce the appropriation to \$50 million, noting that the additional \$20 million was intended for a water treatment project which is not included in the Statewide Water Supply Master Plan, a use which is not authorized by the Water Supply Bond Act.

S-2377, sponsored by State Senator Paul J. Contillo, D-Bergen, which would allow a municipality that votes against Sunday shopping in a county where Sunday shopping is approved in the future to submit the question to the voters of the municipality.

S-2642, sponsored by State Senator William C. Haines, R-Burlington, which amends the State Seed Law to provide that sellers of apple and peach trees be held liable for the trueness of variety, root stock or interstem. The period of liability would be eight years from date of delivery for apple trees and four years from date of delivery for peach trees. The requirements reflect the amount of time necessary for a tree to mature to the point where the buyer can determine if the tree is producing as originally represented.

S-2648, sponsored by State Senator Leonard T. Connors, Jr., R-Ocean, which authorizes advance payment of monies by a local unit of government which is participating in a statutorily authorized joint, inter-local or other cooperative activity.

S-2739, sponsored by State Senator C. Louis Bassano, R-Union, which appropriates \$70,000 to Union Township, Union County, to establish a pilot program on police officer stress management and health maintenance.

S-2797, sponsored by State Senator Gerald Cardinale, R-Bergen, which requires municipalities to except from vacation the rights of affected public utilities when municipalities vacate public streets.