

40A:4-45.3

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40A:4-45.3

(Libraries &
reading rooms--
private--municipal
cap exceptions)

LAWS OF: 1988

CHAPTER: 66

Bill No: S434

Sponsor(s): Haines

Date Introduced: Pre-filed

Committee: Assembly: Municipal Government

Senate: Education

Amended during passage: No

Date of Passage: Assembly: June 9, 1988

Senate: February 22, 1988

Date of Approval: July 19, 1988

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

Following were printed:

Reports: No

Hearings: No

P.L. 1988, CHAPTER 66, *approved July 19, 1988*

1988 Senate No. 434

AN ACT concerning the amounts of money expended by municipalities to aid certain privately owned libraries and reading rooms and amending P.L. 1976, c. 68.

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

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

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

a. The amount of revenue generated by the increase in valuations, based solely on applying the preceding year's general tax rate of the municipality to the assessed value of new construction or improvements, or by payments in lieu of taxes made by a tax-exempt public entity to the extent that the payment received for any single property exceeds the amount of property taxes received on that property in the year immediately preceding the acquisition of that property by the public entity, or, in the case of State property subject to the provisions of P.L. 1977, c. 272 (C. 54:4-2.2a et seq.), to the extent that the total State payment exceeds the amount received in the 1982 budget year;

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

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

Matter underlined thus is new matter.

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

(2) An increase based upon special emergency appropriation made pursuant to N.J.S. 40A:4-53, N.J.S. 40A:4-54, section 1 of P.L. 1961, c. 22 (C. 40A:4-55.1) or section 1 of P.L. 1968, c. 194 (C. 40A:4-55.13). Special emergency appropriations shall be approved by at least two-thirds of the governing body and the Director of the Division of Local Government Services. Neither approval procedure in paragraph (1) or (2) of this subsection shall apply to appropriations adopted for a purpose referred to in subsection d. or j. below;

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

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

f. Amounts reserved for uncollected taxes;

g. Expenditures mandated after the effective date of this act pursuant to State or federal law;

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

i. Any amount approved by any referendum or any amount expended to conduct a special election required by law to be held at a time other than the time of a general election or regular municipal election, as appropriate;

j. Amounts required to be paid pursuant to (1) any contract with respect to use, service or provision of any project, facility

or public improvement for water, sewer, parking, senior citizen housing or any similar purpose, or payments on account of debt service therefor, between a municipality and any other municipality, county, school or other district, agency, authority, commission, instrumentality, public corporation, body corporate and politic or political subdivision of this State (2) the provisions of article 9 of P.L. 1968, c. 404 (C.13:17-60 through 13:17-76) by a constituent municipality to the intermunicipal account; and (3) any lease of a facility owned by a county improvement authority when the lease payment represents the proportionate amount necessary to amortize the debt incurred by the authority in providing the facility which is leased, in whole or in part;

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

l. Programs funded wholly or in part by federal or State funds and amounts received or to be received from federal, State or other funds in reimbursement for local expenditures If a municipality provides matching funds in order to receive the federal or State funds, only the amount of the match which is required by law to be provided by the municipality shall be excepted;

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

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

o. Any decrease in amounts received pursuant to any federal general purposes aid program from the amounts received in local budget year 1982, after deducting from the decrease any amount of new or increased federal or State general purposes aid explicitly provided for the purpose of replacing the decrease in federal aid;

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

q. Expenditures of amounts to fund the purchase of vehicles used solely for police purposes by the municipal police department and all equipment installed in or on the vehicles;

r. Amounts expended to fund a free public library established pursuant to the provisions of R.S. 40:54-1 through 40:54-29, inclusive;

s. Any additional expenditures for the testing of water supplies pursuant to P.L. 1983, c. 443 (C. 58:12A-12 et seq.) or any expenditures necessary to comply with an order or permit issued by the Department of Environmental Protection for the construction, improvement, repair or rehabilitation of public

water supply systems pursuant to P.L. 1981, c. 262 (C. 58:1A-1 et seq.);

t. Amounts expended in preparing and implementing a housing element and fair share plan pursuant to the provisions of P.L. 1985, c. 222 (C. 52:27D-301 et al.) and any amounts received by a municipality under a regional contribution agreement pursuant to section 12 of that act;

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

v. Amounts appropriated for the cost of providing insurance coverage for the municipality, its departments, boards, agencies, commissions, officers and employees, which exceed the amount appropriated therefor, in the 1985 local budget; [or]

w. Amounts appropriated for expenditures resulting from the impact of a hazardous waste facility as described in subsection c. of section 32 of P.L. 1981, c. 279 (C. 13:1E-80)[.]; or

x. Amounts expended to aid privately owned libraries and reading rooms, pursuant to R.S. 40:54-35.

(cf: P.L. 1987, c 74, s.2)

2. This act shall take effect immediately.

EDUCATION Municipalities

Adds expenditures to aid privately owned libraries and reading rooms to the list of municipal cap exceptions.

1 t. Amounts expended in preparing and implementing a housing
 2 element and fair share plan pursuant to the provisions of P.L.
 3 1985, c. 222 (C. 52:27D-301 et al.) and any amounts received by
 4 a municipality under a regional contribution agreement pursuant
 5 to section 12 of that act;

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 7 pursuant to the "New Jersey Public Employees' Occupational
 8 Safety and Health Act," P.L. 1983, c. 516 (C. 34 :6A-25 et seq.);

9 v. Amounts appropriated for the cost of providing insurance
 10 coverage for the municipality, its departments, boards,
 11 agencies, commissions, officers and employees, which exceed
 12 the amount appropriated therefor, in the 1985 local budget; [or]

13 w. Amounts appropriated for expenditures resulting from the
 14 impact of a hazardous waste facility as described in subsection
 15 c. of section 32 of P.L. 1981, c. 279 (C. 13 :1E-80)[.]; or

16 [r.] x. Amounts expended to aid privately owned libraries and
 17 reading rooms, pursuant to R.S. 40:54-35.

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20 *Sponsor's* STATEMENT

21 This bill exempts funds provided to privately owned libraries
 22 and reading rooms from the municipal budget cap (P.L. 1976, c.
 23 68; C. 40A:4-45.3).

24 P.L. 1985, c. 82 provides a cap exemption for free public
 25 libraries (C. 40A:4-45.3q). This bill extends that exemption to
 26 "association libraries," which also are eligible to receive public
 27 funds pursuant to R.S. 40:54-35. Under that statute, a
 28 municipality is authorized to appropriate funds to a privately
 29 owned library or reading room located in that municipality or an
 30 adjoining municipality provided that the library or reading room
 31 is kept open for the free use of the public during hours approved
 32 by the governing body of the municipality.

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34 EDUCATION
 35 Municipalities

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37 Adds expenditures to aid privately owned libraries and reading
 38 rooms to the list of municipal cap exceptions.

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40 (1988)

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 434

STATE OF NEW JERSEY

DATED: MAY 16, 1988

The Assembly Municipal Government Committee favorably reports Senate Bill No. 434.

This bill excepts funds provided to privately owned libraries and reading rooms from the municipal budget "cap" (P.L. 1976, c. 68; C. 40A:4-45.3).

The current municipal "cap" law provides an exception for funds appropriated for free public libraries (C. 40A:4-45.3). This bill extends that exception to "association libraries," which also are eligible to receive public funds pursuant R.S. 40:54-35. Under that statute, a municipality is authorized to appropriate funds to a privately owned library or reading room located in that municipality or an adjoining municipality, provided that the library or reading room is kept open for the free use of the public during hours approved by the governing body of the municipality.

This bill was pre-filed for introduction in the 1988 session pending technical review. Technical review has been completed and all technical corrections have been made.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 434

STATE OF NEW JERSEY

DATED: JANUARY 21, 1988

The Senate Education Committee favorably reports this bill without committee amendments.

This bill exempts funds provided to privately owned libraries and reading rooms from the municipal budget cap (P.L.1976, c.68; C.40A:4-45.3).

P.L. 1985, c.82 provided a cap exemption for free public libraries (C.40A:4-45.3q). This bill extends that exemption to "association libraries," which also are eligible to receive public funds pursuant R.S.40:54-35. Under that statute, a municipality is authorized to appropriate funds to a privately owned library or reading room located in that municipality or an adjoining municipality provided that the library or reading room is kept open for the free use of the public during hours approved by the governing body of the municipality.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported the bill includes the changes required by technical review which has been performed.