

40A:4-45.3

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40A:4-45.3

(Police vehicles and equipment
-purchase exempt from "cap" law)

LAWS OF: 1985

CHAPTER: 22

Bill No: A951

Sponsor(s): Marsella and others

Date Introduced: January 30, 1984

Committee: Assembly: Municipal Government

Senate: County and Municipal Government

Amended during passage: No ///

Date of Passage: Assembly: May 14, 1984

Senate: Dec. 13, 1984

Date of Approval: January 25, 1985

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

Sponsors' Statement:

This bill exempts from the "cap" law, amounts spent by a municipality to purchase police vehicles and equipment to purchase police vehicles and equipment for police vehicles.

ASSEMBLY, No. 951

STATE OF NEW JERSEY

INTRODUCED JANUARY 30, 1984

By Assemblymen MARSELLA, RILEY, FLYNN, MAZUR,
SCHWARTZ, PANKOK, THOMPSON, PATERNITI,
CHARLES, GORMAN, BRYANT, SCHUBER, PALAIA,
BENNETT, NAPLES, Assemblywoman WALKER and Assem-
blyman OTLOWSKI

AN ACT concerning limitations imposed upon increases in municipal
final appropriations, and amending P. L. 1976, c. 68.

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

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

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

7 a. The amount of revenue generated by the increase in its valua-
8 tions based solely on applying the preceding year's general tax rate
9 of the municipality to the assessed value of new construction or
10 improvements;

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

16 c. An increase based upon: (1) emergency temporary appropria-
17 tions made pursuant to N. J. S. 40A:4-20 to meet an urgent situa-
18 tion or event which immediately endangers the health, safety or
19 property of the residents of the municipality, and over which the

**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 printed in italics thus is new matter.

20 governing body had no control and for which it could not plan; (2)
21 emergency appropriations made pursuant to N. J. S. 40A:4-46 and
22 special emergency appropriations made pursuant to N. J. S.
23 40A:4-53; or (3) special emergency appropriations made pursuant
24 to N. J. S. 40A:4-54, section 1 of P. L. 1961, c. 22 (C. 40A:4-55.1)
25 or section 1 of P. L. 1968, c. 194 (C. 40A:4-55.13). Emergency
26 temporary appropriations, special emergency appropriations and
27 emergency appropriations under (1) and (2) above shall be
28 approved by at least two-thirds of the governing body and by the
29 Director of the Division of Local Government Services, and shall
30 not exceed in the aggregate 3% of the previous year's final current
31 operating appropriations. Special emergency appropriations under
32 (3) above shall be approved by at least two-thirds of the governing
33 body, and shall not exceed in the aggregate 3% of the previous
34 year's final current operating appropriations. Neither procedure
35 shall apply to appropriations adopted for a purpose referred to in
36 subsection d. or j. below;

- 37 d. All debt service, including that of a Type I school district;
38 e. Amounts required for funding a preceding year's deficit;
39 f. Amounts reserved for uncollected taxes;
40 g. Expenditures mandated after the effective date of this act
41 pursuant to State or federal law;
42 h. Expenditure of amounts derived from new or increased service
43 fees imposed by ordinance, or derived from the sale of municipal
44 assets;
45 i. When approved by referendum;
46 j. Amounts required to be paid pursuant to any contract with
47 respect to use, service or provision of any project, facility or
48 public improvement for water, sewer, solid waste, parking, senior
49 citizen housing or any similar purpose, or payments on account of
50 debt service therefor, between a municipality and any other
51 municipality, county, school or other district, agency, authority,
52 commission, instrumentality, public corporation, body corporate
53 and politic or political subdivision of this State. With respect to
54 the amounts required to be paid for senior citizen housing in the
55 above cited political subdivisions or bodies, the exceptions shall
56 be subject to the review and approval of the Local Finance Board;
57 k. Amounts required to be paid by any constituent municipality
58 of the Hackensack Meadowlands District established pursuant to
59 article 2 of the "Hackensack Meadowlands Reclamation and
60 Development Act" (P. L. 1968, c. 404; C. 13:17-4), to the inter-
61 municipal account established pursuant to article 9 of said act
62 (C. 13:17-60 through 13:17-76);

63 1. Programs funded wholly or in part by federal or State funds
 64 and amounts received or to be received from federal, State or other
 65 funds in reimbursement for local expenditures;

66 m. Amounts appropriated to fund any increase in public utility,
 67 fuel oil, gasoline or heating oil charges which exceeds by more than
 68 10% the amount produced by subtracting from the amount appro-
 69 priated in the previous year for these purposes that amount which
 70 was excepted pursuant to this subsection in that previous year;

71 n. Increased revenue from payments in lieu of taxes on any prop-
 72 erty owned by a tax-exempt public entity, to the extent that the pay-
 73 ment received for any single property exceeds the amount of real
 74 property taxes received on that property in the year immediately
 75 prior to acquisition by the public entity, or, in the case of State
 76 property subject to P. L. 1977, c. 272 (C. 54:4-2.2a et seq.), to the
 77 extent that the total State payment exceeds the amount of the pay-
 78 ment received in the 1982 budget year;

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

85 p. Amounts expended for the conduct of a special election re-
 86 quired by law to be held at a time other than the time of the general
 87 election or the time of a regular municipal election; *or*

88 *q. Expenditures of amounts to fund the purchase of vehicles*
 89 *used by the municipal police department and all equipment installed*
 90 *in or on the vehicles.*

1 2. This act shall take effect immediately.

STATEMENT

This bill exempts from the "cap" law, amounts spent by a munici-
 cipality to purchase police vehicles and equipment for police
 vehicles.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 951

STATE OF NEW JERSEY

DATED: APRIL 24, 1984

Assembly Bill No. 951 amends section 3 of P. L. 1976, c. 68 (C. 40A:4-4.53) to except amounts spent by municipalities to purchase police vehicles and equipment for police vehicles from the "cap" law.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 951

STATE OF NEW JERSEY

DATED: OCTOBER 18, 1984

Assembly Bill No. 951 would amend section 3 of P. L. 1976, c. 68 (C. 40A:4-45.3) to establish an exemption from the limitations on final municipal appropriations for expenditures to fund the purchase of vehicles used by municipal police departments and all equipment installed in or on those vehicles.



OFFICE OF THE GOVERNOR

NEWS RELEASE

CN-001

Contact: PAUL WOLCOTT
609-292-8956

TRENTON, N.J. 08625

Release: FRIDAY, JAN. 25, 1980

Governor Thomas H. Kean has signed the following bills:

A-951, sponsored by Assemblyman Anthony S. Marsella, D-Gloucester, which provides an exemption from the municipal budget cap for the purchase of police vehicles and related equipment. The bill notes that police cars cannot be purchased with the proceeds of bonds, which are exempt from the cap, because they have a life expectancy of less than five years.

S-9, sponsored by State Senator Lee B. Laskin, R-Camden, which creates an exemption from the payment of the realty transfer fee for real property transferred between former spouses, when the deed is recorded within 90 days of the divorce decree.

S-905, sponsored by State Senator John F. Russo, D-Ocean, which requires a fiduciary who expends money for living expenses on behalf of a senior citizen in a nursing home to notify the individual, the individual's next of kin, the nursing home and others interested in the individual's welfare, of the impending exhaustion of the individual's funds. The notification must be in writing and must be made at least 90 days before the funds are actually exhausted,

S-1105, sponsored by State Senator Leonard T. Connors, Jr., R-Ocean, which allows two or more municipalities to enter into joint purchasing agreements for fire equipment, and enter into joint purchasing agreements for volunteer first aid, emergency, rescue and ambulance squads.

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