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LAW/KR

P.L.2013, CHAPTER 271, *approved January 17, 2014*  
Assembly, No. 3764 (*First Reprint*)

1 AN ACT concerning the use of snow removal reserve funds and  
2 amending P.L.2001, c.138.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 1 of P.L.2001, c.138 (C.40A:4-62.1) is amended to  
8 read as follows:

9 1. a. (1) A local unit may, by resolution, establish a <sup>1</sup>**["snow**  
10 **removal] storm recovery**<sup>1</sup> reserve. Unexpended balances budgeted  
11 annually for <sup>1</sup>**["snow removal] storm recovery**<sup>1</sup> may be lapsed into  
12 the reserve. Upon passage of a resolution of the governing body,  
13 funds in the reserve may be used for any purpose related to <sup>1</sup>**["snow**  
14 **and ice removal] storm recovery, including, but not limited to,**  
15 snow, ice, and debris removal,<sup>1</sup> by the local unit after current  
16 budget appropriations for that purpose have been expended. <sup>1</sup>Any  
17 reimbursement of these expenditures shall be deposited back into  
18 the reserve.<sup>1</sup>

19 (2) Following the declaration of an emergency by the President  
20 of the United States or the Governor, a local unit may, by  
21 resolution, authorize the use of funds in the reserve <sup>1</sup>**["for the**  
22 removal of debris, including, but not limited to, the clearance of  
23 dead and dying trees, stumps, roots, obnoxious growths, filth,  
24 garbage, trash, building wreckage, damaged or destroyed building  
25 contents, sand, mud, silt, and gravel] for any purpose necessary to  
26 protect the safety, security, health, and welfare, of its citizens from  
27 the damage caused by the declared emergency. Any reimbursement  
28 of these expenditures shall be deposited back into the reserve<sup>1</sup>.

29 (3) Unexpended balances budgeted annually for <sup>1</sup>**["the clearance**  
30 of dead and dying trees, stumps, roots, obnoxious growths, filth,  
31 garbage, trash, building wreckage, damaged or destroyed building  
32 contents, sand, mud, silt, or gravel] expenses relating to storm  
33 recovery may be lapsed into the reserve<sup>1</sup>.

34 b. The Local Finance Board is authorized to adopt rules and  
35 regulations, pursuant to the "Administrative Procedure Act,"  
36 P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the  
37 purposes of this section.

38 (cf: P.L.2001, c.138, s.1)

39

40 2. This act shall take effect immediately.

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SCU committee amendments adopted December 12, 2013.

**A3764 [1R]**

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Permits counties and municipalities to use snow removal reserve funds for clearance of debris following declaration of emergency by President or Governor.

# ASSEMBLY, No. 3764

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 7, 2013

**Sponsored by:**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**Assemblyman UPENDRA J. CHIVUKULA**

**District 17 (Middlesex and Somerset)**

**Co-Sponsored by:**

**Assemblywoman Handlin, Assemblymen Schaer and Coughlin**

**SYNOPSIS**

Permits counties and municipalities to use snow removal reserve funds for clearance of debris following declaration of emergency by President or Governor.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/22/2013)**

1 AN ACT concerning the use of snow removal reserve funds and  
2 amending P.L.2001, c.138.

3

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

6

7 1. Section 1 of P.L.2001, c.138 (C.40A:4-62.1) is amended to  
8 read as follows:

9 1. a. (1) A local unit may, by resolution, establish a snow  
10 removal reserve. Unexpended balances budgeted annually for snow  
11 removal may be lapsed into the reserve. Upon passage of a  
12 resolution of the governing body, funds in the reserve may be used  
13 for any purpose related to snow and ice removal by the local unit  
14 after current budget appropriations for that purpose have been  
15 expended.

16 (2) Following the declaration of an emergency by the President  
17 of the United States or the Governor, a local unit may, by  
18 resolution, authorize the use of funds in the reserve for the removal  
19 of debris, including, but not limited to, the clearance of dead and  
20 dying trees, stumps, roots, obnoxious growths, filth, garbage, trash,  
21 building wreckage, damaged or destroyed building contents, sand,  
22 mud, silt, and gravel.

23 (3) Unexpended balances budgeted annually for the clearance of  
24 dead and dying trees, stumps, roots, obnoxious growths, filth,  
25 garbage, trash, building wreckage, damaged or destroyed building  
26 contents, sand, mud, silt, or gravel may be lapsed into the reserve.

27 b. The Local Finance Board is authorized to adopt rules and  
28 regulations, pursuant to the "Administrative Procedure Act,"  
29 P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the  
30 purposes of this section.

31 (cf: P.L.2001, c.138, s.1)

32

33 2. This act shall take effect immediately.

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#### STATEMENT

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38 This bill would authorize counties and municipalities, following  
39 the declaration of emergency by the President of the United States  
40 or the Governor, to adopt a resolution permitting the use of snow  
41 removal reserve funds for the clearance of debris. As classified by  
42 the bill, debris includes, but is not limited to dead and dying trees,  
43 stumps, roots, garbage, trash, building wreckage, sand, mud, silt,  
44 and gravel. Counties and municipalities would also be allowed to

**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.

1 lapse unexpended funds annually budgeted for these purposes to  
2 lapse into the snow removal reserve.

3 Since 2001, counties and municipalities have been permitted, by  
4 resolution, to establish snow-removal reserves, so that unused  
5 monies budgeted annually for snow and ice removal during low-  
6 demand years may be “banked” by those local units for use in  
7 budget years when weather conditions are more serious. This  
8 legislation would grant counties and municipalities the ability to  
9 maintain a cache of funds that could support local government clean  
10 up efforts following other types of disasters, such as hurricanes and  
11 floods.

ASSEMBLY HOMELAND SECURITY AND STATE  
PREPAREDNESS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3764**

**STATE OF NEW JERSEY**

DATED: MARCH 14, 2013

The Assembly Homeland Security and State Preparedness Committee reports favorably Assembly Bill No. 3764.

Assembly Bill No. 3764 authorizes counties and municipalities, following the declaration of emergency by the President of the United States or the Governor, to adopt a resolution permitting the use of snow removal reserve funds for the clearance of debris. Counties and municipalities are to be allowed to lapse unexpended funds annually budgeted for these purposes to lapse into the snow removal reserve.

Since 2001, counties and municipalities have been permitted, by resolution, to establish snow-removal reserves, so that unused monies budgeted annually for snow and ice removal during low-demand years may be “banked” by those local units for use in budget years when weather conditions are more serious. This legislation would grant counties and municipalities the ability to maintain a cache of funds that could support local government clean up efforts following other types of disasters, such as hurricanes and floods.



# SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3764**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 12, 2013

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Assembly Bill No. 3764.

As amended by the committee, this bill would expand the purpose and the use of snow removal reserves established by counties and municipalities. Since 2001, counties and municipalities have been permitted, by resolution, to establish snow-removal reserves, so that unused monies budgeted annually for snow and ice removal during low-demand years may be “banked” by those local units for use in budget years when weather conditions are more serious.

As amended by the committee, this bill would grant counties and municipalities the ability to maintain, through the establishment of a “storm recovery” reserve, a cache of funds that could support local government debris clean up efforts following other types of disasters, such as hurricanes and floods, as well as the removal of snow and ice following winter storms.

The amended bill would permit counties and municipalities, by resolution, to establish a storm recovery reserve to be used for any purpose related to storm recovery, including but not limited to snow, ice, and debris removal, by the county or municipality, as appropriate, after current budget appropriations for that purpose have been expended. The amended bill requires that any reimbursement of those expenditures must be deposited back into the storm recovery reserve.

The amended bill would also authorize counties and municipalities, following the declaration of emergency by the President of the United States or the Governor, to adopt a resolution permitting the use of storm recovery reserve funds for any purpose necessary to protect the safety, security, health, and welfare, of its citizens from the damage caused by the declared emergency. Any reimbursement of those expenditures must be deposited back into the storm recovery reserve.

Finally, the amended bill permits counties and municipalities to lapse into the reserve unexpended balances budgeted annually for expenses related to storm recovery.

This bill is identical to Senate Bill No. 3052, as amended by the committee on this date.

COMMITTEE AMENDMENTS

The committee amended the bill to:

revise paragraph (1) of subsection a. of section 1 to redesignate snow removal reserves as “storm recovery” reserves and to allow those reserve funds to be used for storm recovery purposes, including but not limited to snow, ice, and debris removal, and to require that any reimbursement of those expenditures must be deposited back into the reserve;

revise paragraph (2) of subsection a. of section 1 to permit counties and municipalities, by resolution, to use storm recovery reserve funds following the declaration of an emergency by the President of the United States or the Governor for any purpose necessary to protect the safety, security, health, and welfare, of its citizens from the damage caused by the declared emergency, and to require that any reimbursement of those expenditures must be deposited back into the reserve; and

revise paragraph (3) of subsection a. of section 1 to permit unexpended balances budgeted annually by counties and municipalities for expenses relating to storm recovery to be lapsed into the reserve.

# SENATE, No. 3052

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED NOVEMBER 14, 2013

**Sponsored by:**

**Senator JEFF VAN DREW**

**District 1 (Atlantic, Cape May and Cumberland)**

**SYNOPSIS**

Permits counties and municipalities to use snow removal reserve funds for clearance of debris following declaration of emergency by President or Governor.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the use of snow removal reserve funds and  
2 amending P.L.2001, c.138

3

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

6

7 1. Section 1 of P.L.2001, c.138 (C.40A:4-62.1) is amended to  
8 read as follows:

9 1. a. (1) A local unit may, by resolution, establish a snow  
10 removal reserve. Unexpended balances budgeted annually for snow  
11 removal may be lapsed into the reserve. Upon passage of a  
12 resolution of the governing body, funds in the reserve may be used  
13 for any purpose related to snow and ice removal by the local unit  
14 after current budget appropriations for that purpose have been  
15 expended.

16 (2) Following the declaration of an emergency by the President  
17 of the United States or the Governor, a local unit may, by  
18 resolution, authorize the use funds in the reserve for the removal of  
19 debris, including, but not limited to the clearance of dead and dying  
20 trees, stumps, roots, obnoxious growths, filth, garbage, trash,  
21 building wreckage, damaged or destroyed building contents, sand  
22 mud, slit, and gravel.

23 (3) Unexpended balances budgeted annually for the clearance of  
24 dead and dying trees, stumps, roots, obnoxious growths, filth,  
25 garbage, trash, building wreckage, damaged or destroyed building  
26 contents, sand, mud, silt, or gravel may be lapsed into the reserve.

27 b. The Local Finance Board is authorized to adopt rules and  
28 regulations, pursuant to the "Administrative Procedure Act,"  
29 P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the  
30 purposes of this section.

31 (cf: P.L.2001, c.138, s.1)

32

33 2. This act shall take effect immediately.

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#### STATEMENT

37

38 This bill would authorize counties and municipalities, following  
39 the declaration of an emergency by the President of the United  
40 States or the Governor, to adopt a resolution permitting the use of  
41 snow removal reserve funds for the clearance of debris. As  
42 classified by the bill, debris includes, but is not limited to, dead and  
43 dying trees, sumps, roots, garbage, trash, building wreckage, sand,  
44 mud, silt, and gravel. Counties and municipalities would also be

**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.

**S3052 VAN DREW**

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1 allowed to lapse unexpended funds annually budgeted for these  
2 purposes to lapse into the snow removal reserve.

3 Since 2001, counties and municipalities have been permitted, by  
4 resolution, to establish snow-removal reserves, so that unused  
5 monies budgeted annually for snow and ice removal during low-  
6 demand years may be “banked” by those local units for use in  
7 budget years when weather conditions are more serious. This  
8 legislation would grant counties and municipalities the ability to  
9 maintain a cache of funds that could support local government  
10 clean-up efforts following other types of disasters, such as  
11 hurricanes and floods.

# SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

## STATEMENT TO

### **SENATE, No. 3052**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 12, 2013

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate Bill No. 3052.

As amended by the committee, this bill would expand the purpose and the use of snow removal reserves established by counties and municipalities. Since 2001, counties and municipalities have been permitted, by resolution, to establish snow-removal reserves, so that unused monies budgeted annually for snow and ice removal during low-demand years may be “banked” by those local units for use in budget years when weather conditions are more serious.

As amended by the committee, this bill would grant counties and municipalities the ability to maintain, through the establishment of a “storm recovery” reserve, a cache of funds that could support local government debris clean up efforts following other types of disasters, such as hurricanes and floods, as well as the removal of snow and ice following winter storms.

The amended bill would permit counties and municipalities, by resolution, to establish a storm recovery reserve to be used for any purpose related to storm recovery, including but not limited to snow, ice, and debris removal, by the county or municipality, as appropriate, after current budget appropriations for that purpose have been expended. The amended bill requires that any reimbursement of those expenditures must be deposited back into the storm recovery reserve.

The amended bill would also authorize counties and municipalities, following the declaration of emergency by the President of the United States or the Governor, to adopt a resolution permitting the use of storm recovery reserve funds for any purpose necessary to protect the safety, security, health, and welfare, of its citizens from the damage caused by the declared emergency. Any reimbursement of those expenditures must be deposited back into the storm recovery reserve.

Finally, the amended bill permits counties and municipalities to lapse into the reserve unexpended balances budgeted annually for expenses related to storm recovery.

This bill is identical to Assembly Bill No. 3764, as amended by the committee on this date.

COMMITTEE AMENDMENTS

The committee amended the bill to:

revise paragraph (1) of subsection a. of section 1 to redesignate snow removal reserves as “storm removal” reserves and to allow those reserve funds to be used for storm recovery purposes, including but not limited to snow, ice, and debris removal, and to require that any reimbursement of those expenditures must be deposited back into the reserve;

revise paragraph (2) of subsection a. of section 1 to permit counties and municipalities, by resolution, to use storm removal reserve funds following the declaration of an emergency by the President of the United States or the Governor for any purpose necessary to protect the safety, security, health, and welfare, of its citizens from the damage caused by the declared emergency, and to require that any reimbursement of those expenditures must be deposited back into the reserve; and

revise paragraph (3) of subsection a. of section 1 to permit unexpended balances budgeted annually by counties and municipalities for expenses relating to storm recovery to be lapsed into the reserve.