

40:56-83

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2004 **CHAPTER:** 180

NJSA: 40:56-83 (Special improvement districts—financing arrangements)

BILL NO: S1723 (Substituted for A3174)

SPONSOR(S): Asselta and others

DATE INTRODUCED: June 21, 2004

COMMITTEE: **ASSEMBLY:**
SENATE: Community and Urban Affairs

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** November 15, 2004

SENATE: October 25, 2004

DATE OF APPROVAL: December 22, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) Original version of bill enacted

S1723

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A3174

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 2004, CHAPTER 180, *approved December 22, 2004*

Senate, No. 1723

1 **AN ACT** concerning special improvement districts and amending
2 P.L.1984, c.151.

3

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

6

7 1. Section 17 of P.L.1984, c.151 (C.40:56-83) is amended to read
8 as follows:

9 17. a. In addition to the powers otherwise conferred pursuant to
10 this amendatory and supplementary act, a district management
11 corporation may exercise those of the powers listed herein as may be
12 conferred upon it by ordinance. A district management corporation
13 incorporated pursuant to Title 15A of the New Jersey Statutes shall
14 exercise its powers in a manner consistent with that title.

15 b. The district management corporation shall have all powers
16 necessary and requisite to effectuate its purposes, including, but not
17 limited to, the power to:

18 (1) Adopt bylaws for the regulation of its affairs and the conduct of
19 its business and to prescribe rules, regulations, and policies in
20 connection with the performance of its functions and duties;

21 (2) Employ such persons as may be required, and fix and pay their
22 compensation from funds available to the corporation;

23 (3) Apply for, accept, administer and comply with the requirements
24 respecting an appropriation of funds or a gift, grant or donation of
25 property or money;

26 (4) Make and execute agreements which may be necessary or
27 convenient to the exercise of the powers and functions of the
28 corporation, including contracts with any person, firm, corporation,
29 governmental agency or other entity;

30 (5) Administer and manage its own funds and accounts and pay its
31 own obligations;

32 (6) Borrow money from private lenders [for periods not to exceed
33 180 days] and from governmental entities [for that or longer periods];

34 (7) Fund the improvement of the exterior appearance of properties
35 in the district through grants or loans;

36 (8) Fund the rehabilitation of properties in the district;

37 (9) Accept, purchase, rehabilitate, sell, lease or manage property in
38 the district;

39 (10) Enforce the conditions of any loan, grant, sale or lease made
40 by the corporation;

41 (11) Provide security, sanitation and other services to the district,

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 supplemental to those provided normally by the municipality;

2 (12) Undertake improvements designed to increase the safety or
3 attractiveness of the district to businesses which may wish to locate
4 there or to visitors to the district, including, but not limited to, litter
5 cleanup and control, landscaping, parking areas and facilities,
6 recreational and rest areas and facilities, and those improvements
7 generally permitted for pedestrian malls under section 2 of P.L.1972,
8 c.134 (C.40:56-66), pursuant to pertinent regulations of the
9 governing body;

10 (13) Publicize the district and the businesses included within the
11 district boundaries;

12 (14) Recruit new businesses to fill vacancies in, and to balance the
13 business mix of, the district;

14 (15) Organize special events in the district;

15 (16) Provide special parking arrangements for the district;

16 (17) Provide temporary decorative lighting in the district.

17 (cf: P.L.1984, c.151, s.17)

18

19 2. This act shall take effect immediately.

20

21

22 STATEMENT

23

24 This bill would allow special improvement districts (SIDs) to
25 borrow money from private lenders, such as banks, for unlimited
26 periods of time. Previously, SIDs could only borrow money from
27 private lenders for 180 days. This change will provide SIDs with a
28 further source of funding for downtown improvements, and more
29 latitude to implement programs that revitalize downtown business
30 areas.

31

32

33

34

35 _____
36 Permits special improvement districts to enter into certain financing
arrangements with private lenders.

SENATE, No. 1723

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED JUNE 21, 2004

Sponsored by:

Senator NICHOLAS ASSELTA

District 1 (Cape May, Atlantic and Cumberland)

Senator JOSEPH V. DORIA, JR.

District 31 (Hudson)

Assemblyman JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman ANTHONY CHIAPPONE

District 31 (Hudson)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Co-Sponsored by:

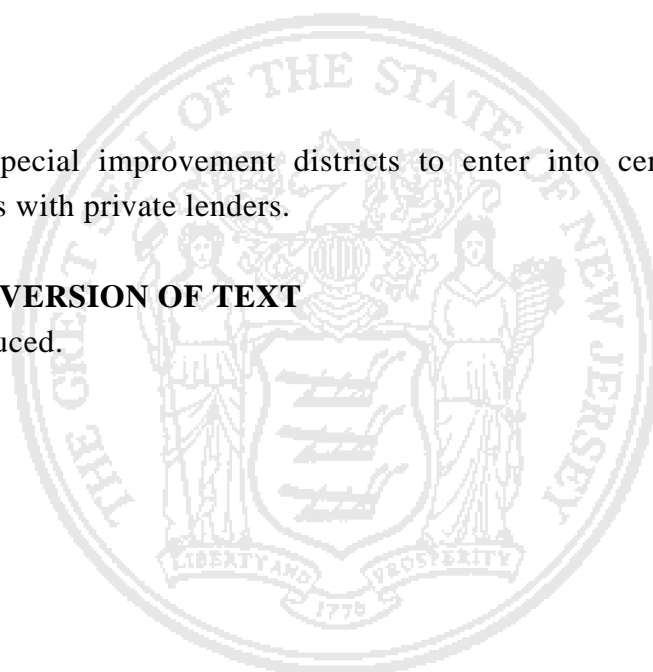
Assemblyman Conaway

SYNOPSIS

Permits special improvement districts to enter into certain financing arrangements with private lenders.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/16/2004)

1 AN ACT concerning special improvement districts and amending
2 P.L.1984, c.151.

3

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

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7 1. Section 17 of P.L.1984, c.151 (C.40:56-83) is amended to read
8 as follows:

9 17. a. In addition to the powers otherwise conferred pursuant to
10 this amendatory and supplementary act, a district management
11 corporation may exercise those of the powers listed herein as may be
12 conferred upon it by ordinance. A district management corporation
13 incorporated pursuant to Title 15A of the New Jersey Statutes shall
14 exercise its powers in a manner consistent with that title.

15 b. The district management corporation shall have all powers
16 necessary and requisite to effectuate its purposes, including, but not
17 limited to, the power to:

18 (1) Adopt bylaws for the regulation of its affairs and the conduct of
19 its business and to prescribe rules, regulations, and policies in
20 connection with the performance of its functions and duties;

21 (2) Employ such persons as may be required, and fix and pay their
22 compensation from funds available to the corporation;

23 (3) Apply for, accept, administer and comply with the requirements
24 respecting an appropriation of funds or a gift, grant or donation of
25 property or money;

26 (4) Make and execute agreements which may be necessary or
27 convenient to the exercise of the powers and functions of the
28 corporation, including contracts with any person, firm, corporation,
29 governmental agency or other entity;

30 (5) Administer and manage its own funds and accounts and pay its
31 own obligations;

32 (6) Borrow money from private lenders [for periods not to exceed
33 180 days] and from governmental entities [for that or longer periods];

34 (7) Fund the improvement of the exterior appearance of properties
35 in the district through grants or loans;

36 (8) Fund the rehabilitation of properties in the district;

37 (9) Accept, purchase, rehabilitate, sell, lease or manage property in
38 the district;

39 (10) Enforce the conditions of any loan, grant, sale or lease made
40 by the corporation;

41 (11) Provide security, sanitation and other services to the district,
42 supplemental to those provided normally by the municipality;

43 (12) Undertake improvements designed to increase the safety or

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 attractiveness of the district to businesses which may wish to locate
2 there or to visitors to the district, including, but not limited to, litter
3 cleanup and control, landscaping, parking areas and facilities,
4 recreational and rest areas and facilities, and those improvements
5 generally permitted for pedestrian malls under section 2 of P.L.1972,
6 c.134 (C.40:56-66), pursuant to pertinent regulations of the
7 governing body;

8 (13) Publicize the district and the businesses included within the
9 district boundaries;

10 (14) Recruit new businesses to fill vacancies in, and to balance the
11 business mix of, the district;

12 (15) Organize special events in the district;

13 (16) Provide special parking arrangements for the district;

14 (17) Provide temporary decorative lighting in the district.

15 (cf: P.L.1984, c.151, s.17)

16

17 2. This act shall take effect immediately.

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20

STATEMENT

21

22 This bill would allow special improvement districts (SIDs) to
23 borrow money from private lenders, such as banks, for unlimited
24 periods of time. Previously, SIDs could only borrow money from
25 private lenders for 180 days. This change will provide SIDs with a
26 further source of funding for downtown improvements, and more
27 latitude to implement programs that revitalize downtown business
28 areas.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1723

STATE OF NEW JERSEY

DATED: OCTOBER 14, 2004

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 1723.

This bill would allow special improvement districts (SIDs) to borrow money from private lenders, such as banks, under long-term financing contracts. Under current law, SIDs may borrow money from private lenders, but for a period of time not to exceed 180 days. This change will provide SIDs with a further source of funding for downtown improvements, and more latitude to implement programs that revitalize downtown business areas.

ASSEMBLY, No. 3174

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED SEPTEMBER 13, 2004

Sponsored by:

Assemblyman JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman ANTHONY CHIAPPONE

District 31 (Hudson)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblyman JOSEPH VAS

District 19 (Middlesex)

Co-Sponsored by:

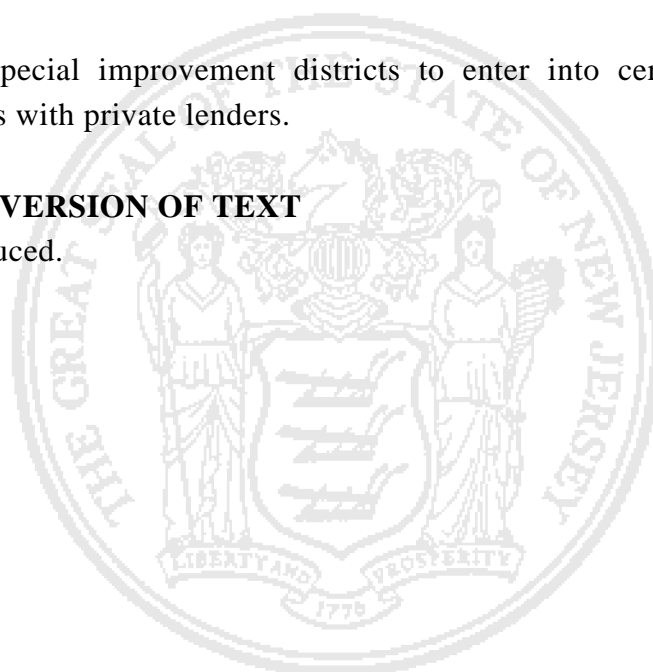
Assemblyman Conaway

SYNOPSIS

Permits special improvement districts to enter into certain financing arrangements with private lenders.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/16/2004)

1 AN ACT concerning special improvement districts and amending
2 P.L.1984, c.151.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
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12 conferred upon it by ordinance. A district management corporation
13 incorporated pursuant to Title 15A of the New Jersey Statutes shall
14 exercise its powers in a manner consistent with that title.

15 b. The district management corporation shall have all powers
16 necessary and requisite to effectuate its purposes, including, but not
17 limited to, the power to:

18 (1) Adopt bylaws for the regulation of its affairs and the conduct of
19 its business and to prescribe rules, regulations, and policies in
20 connection with the performance of its functions and duties;

21 (2) Employ such persons as may be required, and fix and pay their
22 compensation from funds available to the corporation;

23 (3) Apply for, accept, administer and comply with the requirements
24 respecting an appropriation of funds or a gift, grant or donation of
25 property or money;

26 (4) Make and execute agreements which may be necessary or
27 convenient to the exercise of the powers and functions of the
28 corporation, including contracts with any person, firm, corporation,
29 governmental agency or other entity;

30 (5) Administer and manage its own funds and accounts and pay its
31 own obligations;

32 (6) Borrow money from private lenders [for periods not to exceed
33 180 days] and from governmental entities [for that or longer periods];

34 (7) Fund the improvement of the exterior appearance of properties
35 in the district through grants or loans;

36 (8) Fund the rehabilitation of properties in the district;

37 (9) Accept, purchase, rehabilitate, sell, lease or manage property in
38 the district;

39 (10) Enforce the conditions of any loan, grant, sale or lease made
40 by the corporation;

41 (11) Provide security, sanitation and other services to the district,
42 supplemental to those provided normally by the municipality;

43 (12) Undertake improvements designed to increase the safety or

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 attractiveness of the district to businesses which may wish to locate
2 there or to visitors to the district, including, but not limited to, litter
3 cleanup and control, landscaping, parking areas and facilities,
4 recreational and rest areas and facilities, and those improvements
5 generally permitted for pedestrian malls under section 2 of P.L.1972,
6 c.134 (C.40:56-66), pursuant to pertinent regulations of the
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9 district boundaries;

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11 business mix of, the district;

12 (15) Organize special events in the district;

13 (16) Provide special parking arrangements for the district;

14 (17) Provide temporary decorative lighting in the district.

15 (cf: P.L.1984, c.151, s.17)

16

17 2. This act shall take effect immediately.

18

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20

STATEMENT

21

22 This bill would allow special improvement districts (SIDs) to
23 borrow money from private lenders, such as banks, for unlimited
24 periods of time. Previously, SIDs could only borrow money from
25 private lenders for 180 days. This change will provide SIDs with a
26 further source of funding for downtown improvements, and more
27 latitude to implement programs that revitalize downtown business
28 areas.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3174

STATE OF NEW JERSEY

DATED: OCTOBER 4, 2004

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No. 3174.

This bill would allow special improvement districts (SIDs) to borrow money from private lenders, such as banks, under long-term financing contracts. Under current statutes, SIDs may only borrow money from private lenders for 180 days while they are permitted to borrow from governmental entities under long-term agreements. This change will provide SIDs with a further source of funding for downtown improvements, and more latitude to implement programs that revitalize downtown business areas.

17:16K-16

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2004 **CHAPTER:** 182

NJSA: 17:16K-16 (Requires ownership label or notice on ATMs)

BILL NO: A758

SPONSOR(S): Cohen and others

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Financial Institutions and Insurance

SENATE: Commerce

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** November 15, 2004

SENATE: October 25, 2004

DATE OF APPROVAL: December 22, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) 1st reprint enacted

[SPONSOR'S STATEMENT:](#) (begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or

<mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

P.L. 2004, CHAPTER 182, *approved December 22, 2004*
Assembly, No. 758 (*First Reprint*)

1 AN ACT concerning automated teller machines.

2

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

5

6 1. As used in this act:

7 "Automated teller machine" means any electronic information
8 processing device located in the State of New Jersey which accepts or
9 dispenses cash in connection with a credit or deposit account.

10 "Operator" means any State or federally chartered bank, savings
11 bank, savings and loan association, credit union, or other entity, which
12 owns or operates an automated teller machine.

13

14 2. Every automated teller machine located in this State shall have
15 displayed on it, in a conspicuous place, a permanent, affixed label or
16 notice that appears on the automated teller machine screen that clearly
17 indicates the ¹name and contact telephone number of the¹ operator of
18 the automated teller machine.

19

20 3. a. The Department of Banking and Insurance shall enforce the
21 provisions of this act.

22 b. Any party found to be in violation of this act shall be subject to
23 a civil penalty of not more than ¹[\$5,000] \$1,000¹ per day for each
24 day that the party is in violation of this act, which penalty may be
25 collected by summary proceedings instituted by the Commissioner of
26 Banking and Insurance in accordance with the "Penalty Enforcement
27 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). ¹An operator
28 of an automated teller machine shall not be subject to a civil penalty
29 pursuant to this section if the label or notice has been removed or
30 defaced without notice to the operator unless the operator knew or
31 reasonably should have known of the removal or defacement.¹

32 c. Any provision of any agreement contrary to the provisions of
33 this act and against public policy shall be void and unenforceable.

34

35 4. This act shall take effect on the ¹[30th] 60th¹ day after
36 enactment.

37

38

39

40 Requires ownership label or notice on ATMs.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SCM committee amendments adopted June 14, 2004.

ASSEMBLY, No. 758

STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Assemblyman NEIL M. COHEN

District 20 (Union)

Assemblyman ALFRED E. STEELE

District 35 (Bergen and Passaic)

Assemblyman CHRISTOPHER "KIP" BATEMAN

District 16 (Morris and Somerset)

Co-Sponsored by:

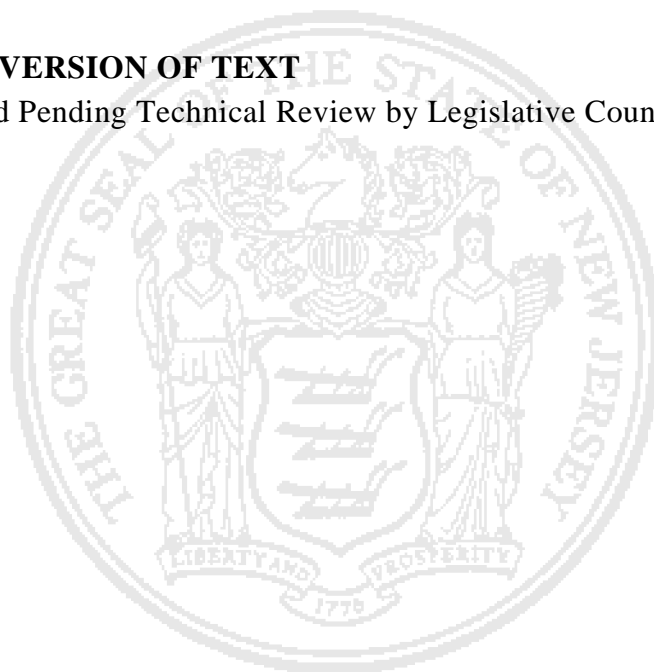
Assemblymen Eagler and Gusciora

SYNOPSIS

Requires ownership label or notice on ATMs.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/10/2004)

1 AN ACT concerning automated teller machines.

2

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

5

6 1. As used in this act:

7 "Automated teller machine" means any electronic information
8 processing device located in the State of New Jersey which accepts or
9 dispenses cash in connection with a credit or deposit account.

10 "Operator" means any State or federally chartered bank, savings
11 bank, savings and loan association, credit union, or other entity, which
12 owns or operates an automated teller machine.

13

14 2. Every automated teller machine located in this State shall have
15 displayed on it, in a conspicuous place, a permanent, affixed label or
16 notice that appears on the automated teller machine screen that clearly
17 indicates the operator of the automated teller machine.

18

19 3. a. The Department of Banking and Insurance shall enforce the
20 provisions of this act.

21 b. Any party found to be in violation of this act shall be subject to
22 a civil penalty of not more than \$5,000 per day for each day that the
23 party is in violation of this act, which penalty may be collected by
24 summary proceedings instituted by the Commissioner of Banking and
25 Insurance in accordance with the "Penalty Enforcement Law of 1999,"
26 P.L.1999, c.274 (C.2A:58-12 et seq.).

27 c. Any provision of any agreement contrary to the provisions of
28 this act and against public policy shall be void and unenforceable.

29

30 4. This act shall take effect on the 30th day after enactment.

31

32

33

STATEMENT

34

35 This bill requires that every automated teller machine (ATM)
36 located in this State shall have displayed on it, in a conspicuous place,
37 a permanent, affixed label or notice that appears on the ATM screen
38 that clearly indicates the operator of the automated teller machine.
39 The bill defines "operator" as any State or federally chartered bank,
40 savings bank, savings and loan association, credit union, or other
41 entity, which owns or operates an automated teller machine.

42 The bill provides for enforcement by the Department of Banking
43 and Insurance and assessment of a \$5,000 per day penalty for failure
44 to comply with the provisions of the bill. In addition, any agreement
45 contrary to the provisions of the bill and against public policy is void
46 and unenforceable.

ASSEMBLY FINANCIAL INSTITUTIONS AND INSURANCE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 758

STATE OF NEW JERSEY

DATED: FEBRUARY 9, 2004

The Assembly Financial Institutions and Insurance Committee reports favorably Assembly Bill No. 758.

This bill requires that every automated teller machine (ATM) located in this State shall have displayed on it, in a conspicuous place, a permanent, affixed label or notice that appears on the ATM screen that clearly indicates the operator of the automated teller machine. The bill defines "operator" as any State or federally chartered bank, savings bank, savings and loan association, credit union, or other entity, which owns or operates an automated teller machine.

The bill provides for enforcement by the Department of Banking and Insurance and assessment of a \$5,000 per day penalty for failure to comply with the provisions of the bill. In addition, any agreement contrary to the provisions of the bill and against public policy is void and unenforceable.

This bill was pre-filed for introduction in the 2004-2005 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE COMMERCE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 758

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 14, 2004

The Senate Commerce Committee reports favorably and with committee amendments Assembly Bill No. 758.

As amended, this bill requires that every automated teller machine (ATM) located in this State shall have displayed on it, in a conspicuous place, a permanent, affixed label or notice that appears on the ATM screen that clearly indicates the name and contact telephone number of the operator of the automated teller machine. The bill defines "operator" as any State or federally chartered bank, savings bank, savings and loan association, credit union, or other entity, which owns or operates an automated teller machine.

The bill provides for enforcement by the Department of Banking and Insurance and assessment of a \$1,000 per day penalty for failure to comply with the provisions of the bill. The bill provides, however, that an operator shall not be subject to this penalty if the label or notice has been removed or defaced without notice to the operator unless the operator knew or reasonably should have known of the removal or defacement. In addition, any agreement contrary to the provisions of the bill and against public policy is void and unenforceable.

The committee amended the bill to require that the label or notice include the name and contact telephone number of the operator; reduce the penalty from \$5,000 to \$1,000; and to provide that an operator shall not be subject to the penalty if the label has been removed or defaced without notice, unless the operator knew, or reasonably should have known of the removal or defacement.