

4:19-15.3 ET AL.

LEGISLATIVE HISTORY CHECKLIST  
Compiled by the NJ State Law Library

(State mandates--local government)

NJSA: 4:19-15.3 et al

LAWS OF: 1996 CHAPTER: 113

BILL NO: A7

SPONSOR(S): Arone and Augustine

DATE INTRODUCED: May 30, 1996

ASSEMBLY: Local Government; Appropriations

SENATE: ---

AMENDED DURING PASSAGE: Yes Assembly committee substitute enacted (1R)

DATE OF PASSAGE: ASSEMBLY: June 24, 1996

SENATE: June 27, 1996

DATE OF APPROVAL: September 5, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes 6-3-96 & 6-13-96

SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, Nos. 7, 819, 1123, 1127, 1134, 1219  
and SENATE, No. 179

**STATE OF NEW JERSEY**

ADOPTED JUNE 3, 1996

Sponsored by Assemblymen ARNONE, AUGUSTINE,  
Assemblywoman MURPHY, Assemblymen DeCROCE, JONES,  
WEINGARTEN, Senators RICE and GIRGENTI

1 AN ACT concerning relief of certain mandates on local governments  
2 and amending and supplementing various sections of statutory law.

3  
4 WHEREAS, Over the past four decades, prior to adoption of the  
5 constitutional amendment prohibiting unfunded State mandates on  
6 local government, the State routinely and systematically imposed  
7 greater and greater numbers of mandates, orders, directives and  
8 burdens on local government. This web of mandates and burdens  
9 came about as the result of the enactment and adoption of a  
10 plethora of unrelated laws and regulations addressing many and  
11 diverse issues. While these actions by State government occurred  
12 in order to address a variety of public concerns, they all shared a  
13 common philosophical underpinning: the mandatory  
14 implementation of State policy directives by local government  
15 officials, and

16 WHEREAS, While the overwhelming majority of these statutes and  
17 regulations were established by sincere-minded, and well  
18 intentioned public officials in order to address legitimate public  
19 concerns, the collective regulatory weight of these mandates on  
20 local officials continues to be a matter of deep concern and a  
21 subject that cries for legislative relief; and.

22 WHEREAS, In response to this decades long pattern of seemingly  
23 inexorable increases in burdensome mandates from Trenton, local  
24 officials repeatedly petition the Legislature for relief. In response  
25 to entreaties of local officials, various committees of several

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> Assembly AAP committee amendments adopted June 17, 1996.

1       Legislatures have determined to continue to address the problem  
2       of burdensome mandates on an expedited basis through the  
3       enactment of omnibus statutes that repeal or modify many of those  
4       mandates; now, therefore,

5

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

8

9       1. Section 3 of P.L.1941, c.151 (C.4:19-15.3) is amended to read  
10      as follows:

11      3. The person applying for the license and registration tag shall  
12      pay the fee fixed or authorized to be fixed in section 12 of this act, and  
13      the sum of \$1.00 for a one-year registration tag or \$3.00 for a  
14      three-year registration tag for each dog; and for each renewal, the fee  
15      for the license and for the registration tag shall be the same as for the  
16      original license and tag; and said licenses, registration tags and  
17      renewals thereof shall expire no later than June 30 in the year stated  
18      on the license; except that this expiration date shall not require a  
19      municipality to alter its schedule for administering rabies inoculations  
20      to any dog to be licensed and registered; nor shall this expiration date  
21      require a municipality to alter its schedule for renewing licenses and  
22      registration tags, provided that the registration period precedes June  
23      30. The governing body of a municipality may stagger the expiration  
24      of such annual licenses so long as all expirations occur no later than  
25      June 30 in the calendar year stated on the license.

26      Only one license and registration tag shall be required in any  
27      licensing year for any dog owned in New Jersey, and such license and  
28      tag shall be accepted by all municipalities as evidence of compliance  
29      with this section.

30      Dogs used as guides for blind persons and commonly known as  
31      "seeing-eye" dogs, dogs used to assist handicapped persons and  
32      commonly known as "service dogs," or dogs used to assist deaf  
33      persons and commonly known as "hearing ear" dogs shall be licensed  
34      and registered as other dogs hereinabove provided for, except that the  
35      owner or keeper of such dog shall not be required to pay any fee  
36      therefor.

37      License forms and uniform official metal registration tags designed  
38      by the State Department of Health shall be furnished by the  
39      municipality and shall be numbered serially and shall bear the year of  
40      issuance and the name of the municipality.

41      (cf: P.L.1983, c.485, s.2)

42

43      2. Section 4 of P.L.1982, c.203 (C.4:19-15.3a) is amended to read  
44      as follows:

45      4. Subsequent to the effective date of **[this act]** P.L.1982, c.203,  
46      the provisions of any law to the contrary notwithstanding:

1 a. All annual licenses required pursuant to the provisions of  
2 section 2 of P.L.1941, c.151 (C.4:19-15.2), section 3 of P.L.1941,  
3 c.151 (C.4:19-15.3) and section 8 of P.L.1941, c.151 (C.4:19-15.8)  
4 shall expire no later than June 30 in the calendar year next following  
5 issuance; provided that the license and registration tag fee shall be  
6 prorated for any license and registration tag which is valid for longer  
7 than 12 months. The governing body of a municipality may stagger  
8 the expiration of such annual licenses so long as all expirations occur  
9 no later than June 30 in the calendar year next following issuance.

10 b. Any 3-year registration tag issued pursuant to the provisions of  
11 section 2 of P.L.1941, c.151 (C.4:19-15.2) or section 3 of P.L.1941,  
12 c.151 (C.4:19-15.3), which is due to expire January 31 of the year of  
13 the effective date of this act, shall be valid until June 30 of that year.

14 Upon renewal of the three-year licenses on June 30 of the calendar  
15 year next following issuance, the municipality may assess a fee, in  
16 addition to the annual fee, which reflects a prorated portion of the  
17 three-year fee for the period January 31 to June 30 preceding renewal.  
18 (cf: P.L.1983, c.40, s.2)

19

20 3. (New section) The Department of State shall investigate the  
21 methods of reducing mandatory election costs in municipalities with  
22 populations of 500 persons or less. The Department of State shall  
23 report its finding to the Governor and to the Legislature on or before  
24 the first day of the seventh month following enactment of this  
25 provision.

26

27 4. R.S.26:3-66 is amended to read as follows:

28 26:3-66. No health ordinance or code shall be finally adopted  
29 unless it shall have been:

30 a. Given a first reading, which first reading may be by title, at a  
31 meeting held at least one week prior to final passage;

32 b. Published, in summary form, in a newspaper published and  
33 circulating in the municipality or county for which the local board is  
34 organized, and in the case of a municipal board of health, if there be  
35 no such newspaper, then in at least one newspaper published and  
36 circulating in the county in which the municipality is located, at least  
37 two days prior to final passage.

38 The publication shall contain a notice stating the time and place  
39 when and where the local board will consider the final passage of the  
40 proposed ordinance or code;

41 c. Posted on the bulletin board or other place upon which public  
42 notices are customarily posted in the building where the local board  
43 regularly meets prior to the meeting for final consideration. Copies of  
44 the ordinance or code shall be made available to members of the  
45 general public of the county upon request; and

46 d. Upon the opening of the meeting for final consideration of the

1 ordinance or code, given a second reading, which reading may be by  
2 title. Thereafter, the ordinance may be passed with or without  
3 amendments, or rejected.

4 (cf: P.L.1991, c.36, s.1)

5

6 5. R.S.26:3-67 is amended to read as follows:

7 26:3-67. Before any health ordinance or code shall take effect, a  
8 summary of the ordinance or code, or its title, shall be published at  
9 least once in a newspaper published and circulating as prescribed in  
10 section 26:3-66 of this title.

11 (cf: R.S.26:3-67)

12

13 6. R.S.39:4-8 is amended to read as follows.

14 39:4-8. a. Except as otherwise provided in this section, no  
15 ordinance or resolution concerning, regulating or governing traffic or  
16 traffic conditions, adopted or enacted by any board or body having  
17 jurisdiction over highways, shall be of any force or effect unless the  
18 same is approved by the Commissioner of Transportation, according  
19 to law. The commissioner shall not be required to approve any such  
20 ordinance, resolution or regulation, unless, after investigation by him,  
21 the same shall appear to be in the interest of safety and the expedition  
22 of traffic on the public highways.

23 b. In the case of totally self-contained streets under municipal  
24 jurisdiction which have no direct connection with any street in any  
25 other municipality, or in the case of totally self-contained streets under  
26 county jurisdiction which have no direct connection with any street in  
27 any other county, the municipality or county may, by ordinance or  
28 resolution, as appropriate, without the approval of the Commissioner  
29 of Transportation, designate reasonable and safe speed limits, parking  
30 restrictions, no passing zones, mid-block crosswalks and crosswalks  
31 at intersections, and erect appropriate signs, designate any intersection  
32 as a stop or yield intersection and erect appropriate signs and place  
33 longitudinal pavement markings delineating the separation of traffic  
34 flows and the edge of the pavement, provided that the municipal or  
35 county engineer shall, under his seal as a licensed professional  
36 engineer, certify to the municipal or county governing body, as  
37 appropriate, that any designation or erection of signs or placement of  
38 markings: (1) has been approved by him after investigation by him of  
39 the circumstances, (2) appears to him to be in the interest of safety and  
40 the expedition of traffic on the public highways and (3) conforms to  
41 the current standards prescribed by the Manual of Uniform Traffic  
42 Control Devices for Streets and Highways, as adopted by the  
43 Commissioner of Transportation.

44 A certified copy of the adopted ordinance or resolution, as  
45 appropriate, shall be transmitted by the clerk of the municipality or  
46 county, as appropriate, to the commissioner within 30 days of

1 adoption, together with a copy of the engineer's certification; a  
2 statement of the reasons for the engineer's decision; detailed  
3 information as to the location of streets, intersections and signs  
4 affected by any designation or erection of signs or placement of  
5 markings; and traffic count, accident and speed sampling data, when  
6 appropriate. The commissioner, at his discretion, may invalidate the  
7 provisions of the ordinance or resolution within 90 days of receipt of  
8 the certified copy if he reviews it and finds that the provisions of the  
9 ordinance or resolution are inconsistent with the Manual of Uniform  
10 Traffic Control Devices for Streets or Highways; are inconsistent with  
11 accepted engineering standards; are not based on the results of an  
12 accurate traffic and engineering survey; or place an undue traffic  
13 burden or impact on streets in an adjoining municipality or negatively  
14 affect the flow of traffic on the State highway system.

15 Nothing in this subsection shall allow municipalities to designate  
16 any intersection with any highway under State or county jurisdiction  
17 as a stop or yield intersection or counties to designate any intersection  
18 with any highway under State or municipal jurisdiction as a stop or  
19 yield intersection.

20 c. Subject to the provisions of R.S.39:4-138, in the case of any  
21 street under municipal or county jurisdiction, a municipality or county  
22 may, without the approval of the Commissioner of Transportation, do  
23 the following:

24 By ordinance or resolution:

25 (1) prohibit or restrict general parking;

26 (2) designate restricted parking under section 1 of P.L.1977, c.309  
27 (C.39:4-197.6);

28 (3) designate time limit parking;

29 (4) install parking meters.

30 By ordinance, resolution or regulation:

31 (1) designate loading and unloading zones and taxi stands;

32 (2) approve street closings for periods up to 48 continuous hours;

33 and

34 (3) designate restricted parking under section 1 of P.L.1977, c.202  
35 (C.39:4-197.5).

36 Nothing in this subsection shall allow municipalities or counties to  
37 establish angle parking or to reinstate or add parking on any street, or  
38 approve the closure of streets for more than 48 continuous hours,  
39 without the approval of the Commissioner of Transportation.

40 (cf: P.L.1995, c.412, s.1)

41

42 <sup>1</sup>7. Section 1 of P.L.1977, c.395 (C.40:49-2.1) is amended to  
43 read as follows:

44 1. In the case of any ordinance adopted pursuant to the  
45 "Municipal Land Use Law," P.L.1975, c. 291 (C.40:55D-1 et seq.),  
46 or an ordinance adopted by a park, parkway or shade tree commission,

1 including any amendments or supplements thereto, or revisions or  
2 codifications thereof, [which is in length, six or more octavo pages of  
3 ordinary print,] the governing body of any municipality or  
4 commission, as appropriate, may, notwithstanding the provisions of  
5 R.S.40:49-2, satisfy the newspaper publication requirements for the  
6 introduction and passage of such ordinance in the following manner:

7 a. The publication of a notice citing such proposed ordinance by  
8 title, giving a brief summary of the main objectives or provisions of the  
9 ordinance, stating that copies are on file for public examination and  
10 acquisition at the office of the municipal clerk, and setting forth the  
11 time and place for the further consideration of the proposed ordinance;

12 b. The placing on file, in the office of the clerk, three copies of the  
13 proposed ordinance, which copies shall be available for public  
14 inspection until final action is taken on said ordinance; and

15 c. The publication or arranging for the publication of the proposed  
16 ordinance in pamphlet or other similar form, which may be sold by the  
17 municipality at a price not to exceed the cost of publication and  
18 distribution.

19 If any amendment be adopted to any such proposed ordinance  
20 substantially altering the substance of the proposed ordinance, there  
21 shall be caused to be published a notice of the title of the ordinance,  
22 the introduction and time and place that the amended ordinance will  
23 be further considered and a summary of the objectives or provisions  
24 of the amendment or amendments, which notice shall be published at  
25 least 2 days prior to the time so fixed therefor in accordance with  
26 subsection c. of R.S.40:49-2. Copies of the amended ordinance shall  
27 be on file and available, for public examination and duplication, in the  
28 office of the municipal clerk, until final action is taken on said  
29 ordinance. If said ordinance is again amended, the same publication  
30 requirements herein set forth for amended ordinances shall be  
31 followed.

32 Upon passage of any such ordinance, notice of passage or approval  
33 shall be published in accordance with subsection d. of R.S. 0:49-2. A  
34 copy of the ordinance and of any summary or summaries published in  
35 connection with its adoption pursuant to subsection a. or c. of this  
36 section, shall be forthwith transmitted to the tax assessor of the  
37 municipality.

38 (cf: P.L.1983, c.513, s.1)]<sup>1</sup>

39

40 <sup>1</sup>7. R.S.40:49-2 is amended to read as follows:

41 40:49-2. Except as otherwise provided in R.S.40:49-6 and  
42 40:49-12, the procedure for the passage of ordinances shall be as  
43 follows:

44 a. Every ordinance after being introduced and having passed a first  
45 reading, which first reading may be by title, shall be published in its  
46 entirety or by title or by title and summary at least once in a newspaper

1 published and circulated in the municipality, if there be one, and if not,  
2 in a newspaper printed in the county and circulating in the  
3 municipality, together with a notice of the introduction thereof, the  
4 time and place when and where it will be further considered for final  
5 passage, a clear and concise statement prepared by the clerk of the  
6 governing body setting forth the purpose of the ordinance, and the  
7 time and place when and where a copy of the ordinance can be  
8 obtained without cost by any member of the general public who wants  
9 a copy of the ordinance. If there be only one such publication the  
10 same shall be at least one week prior to the time fixed for further  
11 consideration for final passage. If there be more than one publication,  
12 the first shall be at least one week prior to the time fixed for further  
13 consideration for final passage.

14 b. At the time and place so stated in such publication, or at any  
15 time and place to which the meeting for the further consideration of  
16 the ordinance shall from time to time be adjourned, all persons  
17 interested shall be given an opportunity to be heard concerning the  
18 ordinance. The opportunity to be heard shall include the right to ask  
19 pertinent questions concerning the ordinance by any resident of the  
20 municipality or any other person affected by the ordinance. Final  
21 passage thereof shall be at least 10 days after the first reading.

22 c. Upon the opening of the hearing, the ordinance shall be given  
23 a second reading, which reading may be by title, and thereafter, it may  
24 be passed with or without amendments, or rejected. Prior to the said  
25 second reading, a copy of the ordinance shall be posted on the bulletin  
26 board or other place upon which public notices are customarily posted  
27 in the principal municipal building of the municipality, and copies of  
28 the ordinance shall be made available to members of the general public  
29 of the municipality who shall request such copies. If any amendment  
30 be adopted, substantially altering the substance of the ordinance, the  
31 ordinance as so amended shall not be finally adopted until at least one  
32 week thereafter, and the ordinance as amended shall be read at a  
33 meeting of the governing body, which reading may be by title, and  
34 shall be published in its entirety or by title or by title and summary,  
35 together with a notice of the introduction, the time and place when and  
36 where a copy of the amended ordinance can be obtained without any  
37 cost by any member of the general public who desires a copy, a clear  
38 and concise statement prepared by the clerk of the governing body  
39 setting forth the purpose of the ordinance, and the time and place  
40 when and where the amended ordinance will be further considered for  
41 final passage, at least two days prior to the time so fixed. At the time  
42 and place so fixed, or at any other meeting to which the further  
43 consideration of the amended ordinance may be adjourned, the  
44 governing body may proceed to pass the ordinance, as amended, or  
45 again amend it in the same manner.

46 d. Upon passage, every ordinance, or the title, or the title and a



1 summary, together with a notice of the date of passage or approval, or  
2 both, shall be published at least once in a newspaper circulating in the  
3 municipality, if there be one, and if not, in a newspaper printed in the  
4 county and circulating in the municipality. No other notice or  
5 procedure with respect to the introduction or passage of any ordinance  
6 shall be required.

7 Nothing herein shall be construed to affect the provisions of  
8 R.S.40:49-7 to 40:49-12 or R.S.40:49-27.

9 For the purposes of this section, "governing body" shall include  
10 any municipal or county agency, board or commission authorized by  
11 law to adopt ordinances.<sup>1</sup>

12 (cf: P.L.1995, c.259, s.6)

13

14 8. Section 16 of P.L.1975, c.291 (C.40:55D-25) is amended to  
15 read as follows:

16 16. a. The planning board shall follow the provisions of this act  
17 and shall accordingly exercise its power in regard to:

- 18 (1) The master plan pursuant to article 3;  
19 (2) Subdivision control and site plan review pursuant to article 6;  
20 (3) The official map pursuant to article 5;  
21 (4) The zoning ordinance including conditional uses pursuant to  
22 article 8;

23 (5) The capital improvement program pursuant to article 4;

24 (6) Variances and certain building permits in conjunction with  
25 subdivision, site plan and conditional use approval pursuant to article  
26 7.

27 b. The planning board may:

28 (1) Participate in the preparation and review of programs or plans  
29 required by State or federal law or regulation;

30 (2) Assemble data on a continuing basis as part of a continuous  
31 planning process; and

32 (3) Perform such other advisory duties as are assigned to it by  
33 ordinance or resolution of the governing body for the aid and  
34 assistance of the governing body or other agencies or officers.

35 c. (1) In a municipality having a population of 10,000 or less, a  
36 nine-member planning board, if so provided by ordinance, shall  
37 exercise, to the same extent and subject to the same restrictions, all the  
38 powers of a board of adjustment; but the Class I and the Class III  
39 members shall not participate in the consideration of applications for  
40 development which involve relief pursuant to subsection d. of section  
41 57 of P.L.1975, c.291 (C.40:55D-70).

42 (2) In any municipality, a nine-member planning board, if so  
43 provided by ordinance <sup>1</sup> [and approved by], subject to<sup>1</sup> voter  
44 referendum, shall exercise, to the same extent and subject to the same  
45 restrictions, all the powers of a board of adjustment; but the Class I  
46 and the Class III members shall not participate in the consideration of

1 applications for development which involve relief pursuant to  
2 subsection d. of section 57 of P.L.1975, c.291 (C.40:55D-70).

3 d. In a municipality having a population of 2,500 or less, the  
4 planning board, if so provided by ordinance, shall exercise, to the same  
5 extent and subject to the same restrictions, all of the powers of an  
6 historic preservation commission, provided that at least one planning  
7 board member meets the qualifications of a Class A member of an  
8 historic preservation commission and at least one member meets the  
9 qualifications of a Class B member of that commission.

10 <sup>1</sup>e. In any municipality in which the planning board exercises the  
11 power of a zoning board of adjustment pursuant to subsection c. of  
12 this section, a zoning board of adjustment may be appointed pursuant  
13 to law, subject to voter referendum permitting reconstitution of the  
14 board. The public question shall be initiated through an ordinance  
15 adopted by the governing body.<sup>1</sup>

16 (cf: P.L.1994, c.186, s.1)

17

18 9. N.J.S.40A:2-3 is amended to read as follows:

19 40A:2-3. Any local unit, by bond ordinance, may incur  
20 indebtedness, borrow money, authorize and issue negotiable  
21 obligations for financing:

22 a. any capital improvement or property which it may lawfully  
23 make or acquire~~], or~~];

24 b. any purpose for which it is authorized or required by law to  
25 make an appropriation, except current expenses and payment of  
26 obligations (other than those for temporary financing); or

27 c. the amount of any contribution by a local unit that is a sending  
28 municipality under a regional contribution agreement pursuant to  
29 section 12 of P.L.1985, c.222 (C.52:27D-312).

30 No local unit shall borrow money or issue its obligations for  
31 purposes authorized under this chapter except as provided in this  
32 chapter.

33 (cf: N.J.S.40A:2-3)

34

35 10. N.J.S.40A:4-19 is amended to read as follows:

36 40A:4-19. The governing body may and, if any contracts,  
37 commitments or payments are to be made prior to the adoption of the  
38 budget, shall, by resolution adopted within the first 30 days of the  
39 beginning of the fiscal year, make appropriations to provide for the  
40 period between the beginning of the fiscal year and the adoption of the  
41 budget.

42 The total of the appropriations so made shall not exceed  
43 ~~25%~~26.25% of the total of the appropriations made for all purposes  
44 in the budget for the preceding fiscal year excluding, in both instances,  
45 appropriations made for interest and debt redemption charges, capital  
46 improvement fund and public assistance.

1 Nothing herein contained shall prevent or relieve the governing  
2 body from making appropriations during the last 10 days of the year  
3 preceding the beginning of the fiscal year for all interest and debt  
4 redemption charges maturing during the fiscal year.

5 (cf: P.L.1991, c.75, s.16)

6

7 11. N.J.S.40A:4-39 is amended to read as follows:

8 40A:4-39. a. In the budget of any local unit, dedicated revenues  
9 anticipated during the fiscal year from any dog tax, dog license,  
10 revenues collected pursuant to N.J.S.18A:39-1.2, solid fuel license,  
11 sinking fund for term bonds, bequest, escheat, federal grant, motor  
12 vehicle fine dedicated to road repairs, relocation costs deposited into  
13 a revolving relocation assistance fund established pursuant to section  
14 2 of P.L.1987, c.98 (C.20:4-4.1a), receipts from franchise assessments  
15 levied pursuant to section 4 of P.L.1995, c.173 (C.40A:12A-53),  
16 refund payments from a joint insurance fund deposited into a joint  
17 insurance revolving fund established pursuant to section 12 of P.L. \_\_\_\_\_  
18 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill) and, subject  
19 to the prior written consent of the director, other items of like  
20 character when the revenue is not subject to reasonably accurate  
21 estimate in advance, may be included in said budget by annexing to  
22 said budget a statement in substantially the following form:

23 "The dedicated revenues anticipated during the year .....  
24 from ..... (here insert one or more of the sources above, as the case  
25 may be) are hereby anticipated as revenue and are hereby appropriated  
26 for the purposes to which said revenue is dedicated by statute or other  
27 legal requirement."

28 b. Dedicated revenues included in accordance with this section  
29 shall be available for expenditure by the local unit as and when  
30 received in cash during the fiscal year. The inclusion of such dedicated  
31 revenues shall be subject to the approval of the director, who may  
32 require such explanatory statements or data in connection therewith as  
33 the director deems advisable for the information and protection of the  
34 public.

35 (cf: P.L.1995, c.271, s.2)

36

37 12. (New section) The governing body of any local unit that has  
38 established a joint insurance fund may by resolution or ordinance, as  
39 appropriate, establish a joint insurance revolving fund into which may  
40 be deposited any refunds paid to the local unit by the joint insurance  
41 fund to be dedicated for the payment of liabilities to the fund in future  
42 years. In no event shall amounts deposited in a joint insurance  
43 revolving fund exceed the annual amount contributed by the local unit  
44 to the joint insurance fund during the prior year.

45 Moneys appropriated from the joint insurance revolving fund shall  
46 be used by the local unit to cover losses attributable to claims being

1 paid by the joint insurance fund in future years which exceed  
2 contributions paid into the joint insurance fund by the local unit.

3  
4 13. N.J.S.40A:4-78 is amended to read as follows:

5 40A:4-78. a. If the director finds that all requirements of law and  
6 of the regulations of the local government board have been met, he  
7 shall approve the budget, otherwise he shall refuse to approve it.

8 The director, in refusing to approve a budget, shall not substitute  
9 his discretion with respect to the amount of an appropriation when  
10 such amount is not made mandatory because of the requirements of  
11 law.

12 b. Notwithstanding the provisions of N.J.S.40A:4-10 and  
13 N.J.S.40A:4-76 through 40A:4-79, the Local Finance Board is  
14 authorized to adopt rules, pursuant to the "Administrative Procedure  
15 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to exempt certain  
16 municipalities from the requirement that the director approve their  
17 annual budgets and to provide instead for a system of local  
18 examination and approval of such budgets by municipal officials,  
19 provided that:

20 (1) the director finds that such municipalities are fiscally sound and  
21 that their fiscal practices are conducted in accordance with law and  
22 sound administrative practice;

23 (2) the director shall examine the budgets of such municipalities in  
24 accordance with the provisions of N.J.S.40A:4-10 and N.J.S.40A:4-76  
25 through 40A:4-79, at least every third year;

26 (3) the governing body and chief financial officer of each such  
27 municipality shall each file a certification with the director stating that,  
28 with reference to the adopted budget of the municipality, they have:

29 (a) examined the budget in the manner prescribed under  
30 N.J.S.40A:4-76;

31 (b) determined that the budget complies with the requirements set  
32 forth in N.J.S.40A:4-77; and

33 (c) determined that the budget complies with all other provisions  
34 of law, including, but not limited to, the "Local Budget Law,"  
35 N.J.S.40A:4-1 et seq., P.L.1976, c.68 (C.40A:4-45.1 et seq.), and the  
36 regulations of the Local Finance Board.

37 (4) all budget documents required by law or the regulations  
38 adopted by the Local Finance Board shall be filed with the director on  
39 a timely basis;

40 (5) other criteria and responsibilities as established by the  
41 regulations adopted by the Local Finance Board are met.

42 c. The director shall act to require immediate compliance with the  
43 "Local Budget Law," N.J.S.40A:4-1 et seq., if the director finds that  
44 any such exemption impairs the fiscal integrity or solvency of any such  
45 municipality. Any appeal of a governing body's action in adopting an

1 annual budget shall be made to the director.

2 (cf: N.J.S.40A:4-78)

3

4 14. Section 1 of P.L.1983, c.568 (C.40A:5-17.1) is amended to  
5 read as follows:

6 1. a. Notwithstanding the provision of any law to the contrary,  
7 the governing body of a municipality may adopt a resolution  
8 authorizing a municipal employee chosen by the governing body to  
9 process, without further action on the part of the governing body, any  
10 property tax refund of less than ~~[\$5.00]~~ \$10.00.

11 b. Notwithstanding subsection a. of this section or any provision  
12 of law to the contrary, the governing body of a municipality may adopt  
13 a resolution authorizing a municipal employee chosen by the governing  
14 body to process, without further action on the part of the governing  
15 body, the cancellation of any property tax refund or delinquency of  
16 less than ~~[\$5.00]~~ \$10.00.

17 (cf: P.L.1987, c.82, s.1)

18

19 15. Section 1 of P.L.1979, c.82 (C.40A:9-154.1) is amended to  
20 read as follows:

21 1. The governing body, or the chief executive, or the chief  
22 administrative officer, as appropriate to the form of government of any  
23 municipality, may appoint adult school crossing guards for terms not  
24 exceeding 1 year and revoke such appointments for cause and after  
25 proper hearing before the chief of police or other chief law  
26 enforcement officer of the municipality. No person shall be appointed  
27 as an adult school crossing guard unless he:

28 a. Is a citizen and resident of this State;

29 b. Is sound in body and of good health;

30 c. Is of good moral character; and

31 d. Has not been convicted of any criminal offense involving moral  
32 turpitude.

33 An adult school crossing guard ~~[shall not]~~ may be a member of the  
34 police department or force of the municipality and his powers and  
35 duties as an adult school crossing guard shall cease at the expiration  
36 of the term for which he was appointed. He shall not have the right to  
37 bear firearms or the power of arrest unless the crossing guard is also  
38 a member of a police department or force.

39 Every adult school crossing guard shall be under the supervision  
40 and direction of the chief of police or other chief law enforcement  
41 officer of the municipality wherein he is appointed and shall perform  
42 his duties only in such municipality. He shall comply with the rules  
43 and regulations applicable to the conduct and decorum of the regular  
44 police officers of the municipality. Before any adult school crossing  
45 guard is appointed the chief of police shall ascertain the eligibility of  
46 the applicant and make a report to the governing body, or the chief

1 executive or chief administrative officer, as the case may be.  
2 (cf: P.L.1981, c.227, s.1)

3

4 16. Section 2 of P.L.1979, c.82 (C.40A:9-154.2) is amended to  
5 read as follows:

6 2. Every adult school crossing guard shall be trained for the  
7 proper performance of his duties and responsibilities. Such training  
8 shall consist of a minimum of 2 hours of classroom instruction which  
9 shall include information on methods of traffic control and the duties  
10 and responsibilities of adult school crossing guards and a minimum of  
11 20 hours of field training in which the trainee shall be supervised by an  
12 experienced adult school crossing guard or a regular police officer.  
13 This training requirement may be waived by the chief of police for an  
14 adult school crossing guard who is also a police officer.

15 (cf: P.L.1979, c.82, s.2)

16

17 17. Section 3 of P.L.1979, c.82 (C.40A:9-154.3) is amended to  
18 read as follows:

19 3. Before being assigned to any post, an adult school crossing  
20 guard shall be provided with a uniform which shall identify his function  
21 and which shall be distinct from the uniform of a member of the  
22 regular police department or force. Such uniform shall include but not  
23 be limited to a safety vest, a hat, and breast and hat badges which shall  
24 bear an identification number, and the name of the municipality in  
25 which he is employed. A police officer appointed as an adult crossing  
26 guard shall wear such uniform as directed by the chief of police of the  
27 municipality.

28 (cf: P.L.1979, c.82, s.3)

29

30 18. Section 3 of P.L.1971, c.198 (C.40A:11-3) is amended to read  
31 as follows:

32 3. a. Any purchase, contract or agreement for the performance of  
33 any work or the furnishing or hiring of materials or supplies, the cost  
34 or price of which, together with any other sums expended or to be  
35 expended for the performance of any work or services in connection  
36 with the same immediate program, undertaking, activity or project or  
37 the furnishing of similar materials or supplies during the same fiscal  
38 year paid with or out of public funds, does not exceed in the fiscal year  
39 the total sum of \$7,500.00 or the amount determined pursuant to  
40 subsection b. of this section, may be made, negotiated or awarded by  
41 a contracting agent when so authorized by resolution of the governing  
42 body of the contracting unit without public advertising for bids. Such  
43 authorization may be granted for each purchase, contract or agreement  
44 or by a general delegation of the power to make, negotiate or award  
45 such purchases, contracts or agreements pursuant to this section.

46 Any purchase, contract or agreement made pursuant to this section

1 may be awarded for a period of ~~12~~ 24 consecutive months  
2 notwithstanding that such ~~12-month~~ 24-month period does not  
3 coincide with the fiscal year, except that contracts for professional  
4 services pursuant to subparagraph (i) of paragraph (a) of subsection  
5 (1) of section 5 of P.L.1971, c.198 (C.40A:11-5) may be awarded for  
6 a period not exceeding 12 consecutive months. The Division of Local  
7 Government Services shall adopt and promulgate rules and regulations  
8 concerning the methods of accounting for all contracts that do not  
9 coincide with the fiscal year.

10 b. The Governor, in consultation with the Department of the  
11 Treasury, shall, no later than March 1 of each odd-numbered year,  
12 adjust the threshold amount set forth in subsection a. of this section,  
13 or subsequent to 1985 the threshold amount resulting from any  
14 adjustment under this subsection or section 17 of P.L.1985, c.469, in  
15 direct proportion to the rise or fall of the Consumer Price Index for all  
16 urban consumers in the New York City and the Philadelphia areas as  
17 reported by the United States Department of Labor. The Governor  
18 shall, no later than June 1 of each odd-numbered year, notify each  
19 governing body of the adjustment. The adjustment shall become  
20 effective on July 1 of each odd-numbered year.

21 (cf: P.L.1991, c.143, s.1)

22

23 19. Section 15 of P.L.1971, c.198 (C.40A:11-15) is amended to  
24 read as follows:

25 15. All purchases, contracts or agreements for the performing of  
26 work or the furnishing of materials, supplies or services shall be made  
27 for a period not to exceed ~~12~~ 24 consecutive months, except that  
28 contracts for professional services pursuant to subparagraph (i) of  
29 paragraph (a) of subsection (1) of section 5 of P.L.1971, c.198  
30 (C.40A:11-5) shall be made for a period not to exceed 12 consecutive  
31 months. Contracts or agreements may be entered into for longer  
32 periods of time as follows:

33 (1) Supplying of:

34 (a) ~~12~~ Fuel for heating purposes, for any term not exceeding in the  
35 aggregate, two years; ~~(Deleted by amendment, P.L. . . . c. . . )~~ (now  
36 pending before the Legislature as this bill)

37 (b) ~~12~~ Fuel or oil for use of airplanes, automobiles, motor vehicles  
38 or equipment for any term not exceeding in the aggregate, two years; ~~12~~  
39 ~~(Deleted by amendment, P.L. . . . c. . . )~~ (now pending before the  
40 Legislature as this bill)

41 (c) Thermal energy produced by a cogeneration facility, for use for  
42 heating or air conditioning or both, for any term not exceeding 40  
43 years, when the contract is approved by the Board of Public Utilities.  
44 For the purposes of this paragraph, "cogeneration" means the  
45 simultaneous production in one facility of electric power and other  
46 forms of useful energy such as heating or process steam;

1 (2) (Deleted by amendment, P.L.1977, c.53.)

2 (3) The collection and disposal of municipal solid waste, the  
3 collection and disposition of recyclable material, or the disposal of  
4 sewage sludge, for any term not exceeding in the aggregate, five years;

5 (4) The collection and recycling of methane gas from a sanitary  
6 landfill facility, for any term not exceeding 25 years, when such  
7 contract is in conformance with a district solid waste management plan  
8 approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.), and with the  
9 approval of the Division of Local Government Services in the  
10 Department of Community Affairs and the Department of  
11 Environmental Protection. The contracting unit shall award the  
12 contract to the highest responsible bidder, notwithstanding that the  
13 contract price may be in excess of the amount of any necessarily  
14 related administrative expenses; except that if the contract requires the  
15 contracting unit to expend funds only, the contracting unit shall award  
16 the contract to the lowest responsible bidder. The approval by the  
17 Division of Local Government Services of public bidding requirements  
18 shall not be required for those contracts exempted therefrom pursuant  
19 to section 5 of P.L.1971, c.198 (C.40A:11-5);

20 (5) Data processing service, for any term of not more than three  
21 years;

22 (6) Insurance, for any term of not more than three years;

23 (7) Leasing or servicing of automobiles, motor vehicles, machinery  
24 and equipment of every nature and kind, for a period not to exceed  
25 three years; provided, however, such contracts shall be entered into  
26 only subject to and in accordance with the rules and regulations  
27 promulgated by the Director of the Division of Local Government  
28 Services of the Department of Community Affairs;

29 (8) The supplying of any product or the rendering of any service  
30 by a telephone company which is subject to the jurisdiction of the  
31 Board of Public Utilities for a term not exceeding five years;

32 (9) Any single project for the construction, reconstruction or  
33 rehabilitation of any public building, structure or facility, or any public  
34 works project, including the retention of the services of any architect  
35 or engineer in connection therewith, for the length of time authorized  
36 and necessary for the completion of the actual construction;

37 (10) The providing of food services for any term not exceeding  
38 three years;

39 (11) On-site inspections undertaken by private agencies pursuant  
40 to the "State Uniform Construction Code Act," P.L.1975, c.217  
41 (C.52:27D-119 et seq.) for any term of not more than three years;

42 (12) The performance of work or services or the furnishing of  
43 materials or supplies for the purpose of conserving energy in buildings  
44 owned by, or operations conducted by, the contracting unit, the entire  
45 price of which to be established as a percentage of the resultant  
46 savings in energy costs, for a term not to exceed 10 years; provided,



1 however, that such contracts shall be entered into only subject to and  
2 in accordance with rules and regulations promulgated by the  
3 Department of Environmental Protection establishing a methodology  
4 for computing energy cost savings;

5 (13) The performance of work or services or the furnishing of  
6 materials or supplies for the purpose of elevator maintenance for any  
7 term not exceeding three years;

8 (14) Leasing or servicing of electronic communications equipment  
9 for a period not to exceed five years; provided, however, such contract  
10 shall be entered into only subject to and in accordance with the rules  
11 and regulations promulgated by the Director of the Division of Local  
12 Government Services of the Department of Community Affairs;

13 (15) Leasing of motor vehicles, machinery and other equipment  
14 primarily used to fight fires, for a term not to exceed seven years,  
15 when the contract includes an option to purchase, subject to and in  
16 accordance with rules and regulations promulgated by the Director of  
17 the Division of Local Government Services of the Department of  
18 Community Affairs;

19 (16) The provision of water supply services or the designing,  
20 financing, construction, operation, or maintenance, or any combination  
21 thereof, of a water supply facility, or any component part or parts  
22 thereof, including a water filtration system, for a period not to exceed  
23 40 years, when the contract for these services is approved by the  
24 Division of Local Government Services in the Department of  
25 Community Affairs, the Board of Public Utilities, and the Department  
26 of Environmental Protection pursuant to P.L.1985, c.37 (C.58:26-1 et  
27 al.), except for those contracts otherwise exempted pursuant to  
28 subsection (30), (31), (34) or (35) of this section. For the purposes  
29 of this subsection, "water supply services" means any service provided  
30 by a water supply facility; "water filtration system" means any  
31 equipment, plants, structures, machinery, apparatus, or land, or any  
32 combination thereof, acquired, used, constructed, rehabilitated, or  
33 operated for the collection, impoundment, storage, improvement,  
34 filtration, or other treatment of drinking water for the purposes of  
35 purifying and enhancing water quality and insuring its potability prior  
36 to the distribution of the drinking water to the general public for  
37 human consumption, including plants and works, and other personal  
38 property and appurtenances necessary for their use or operation; and  
39 "water supply facility" means and refers to the real property and the  
40 plants, structures, interconnections between existing water supply  
41 facilities, machinery and equipment and other property, real, personal  
42 and mixed, acquired, constructed or operated, or to be acquired,  
43 constructed or operated, in whole or in part by or on behalf of a  
44 political subdivision of the State or any agency thereof, for the  
45 purpose of augmenting the natural water resources of the State and  
46 making available an increased supply of water for all uses, or of

1 conserving existing water resources, and any and all appurtenances  
2 necessary, useful or convenient for the collecting, impounding, storing,  
3 improving, treating, filtering, conserving or transmitting of water and  
4 for the preservation and protection of these resources and facilities and  
5 providing for the conservation and development of future water supply  
6 resources;

7 (17) The provision of resource recovery services by a qualified  
8 vendor, the disposal of the solid waste delivered for disposal which  
9 cannot be processed by a resource recovery facility or the residual ash  
10 generated at a resource recovery facility, including hazardous waste  
11 and recovered metals and other materials for reuse, or the design,  
12 financing, construction, operation or maintenance of a resource  
13 recovery facility for a period not to exceed 40 years when the contract  
14 is approved by the Division of Local Government Services in the  
15 Department of Community Affairs, and the Department of  
16 Environmental Protection pursuant to P.L.1985, c.38 (C.13:1E-136 et  
17 al.); and when the resource recovery facility is in conformance with a  
18 district solid waste management plan approved pursuant to P.L.1970,  
19 c.39 (C.13:1E-1 et seq.). For the purposes of this subsection,  
20 "resource recovery facility" means a solid waste facility constructed  
21 and operated for the incineration of solid waste for energy production  
22 and the recovery of metals and other materials for reuse; or a  
23 mechanized composting facility, or any other facility constructed or  
24 operated for the collection, separation, recycling, and recovery of  
25 metals, glass, paper, and other materials for reuse or for energy  
26 production; and "residual ash" means the bottom ash, fly ash, or any  
27 combination thereof, resulting from the combustion of solid waste at  
28 a resource recovery facility;

29 (18) The sale of electricity or thermal energy, or both, produced by  
30 a resource recovery facility for a period not to exceed 40 years when  
31 the contract is approved by the Board of Public Utilities, and when the  
32 resource recovery facility is in conformance with a district solid waste  
33 management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et  
34 seq.). For the purposes of this subsection, "resource recovery facility"  
35 means a solid waste facility constructed and operated for the  
36 incineration of solid waste for energy production and the recovery of  
37 metals and other materials for reuse; or a mechanized composting  
38 facility, or any other facility constructed or operated for the  
39 collection, separation, recycling, and recovery of metals, glass, paper,  
40 and other materials for reuse or for energy production;

41 (19) The provision of wastewater treatment services or the  
42 designing, financing, construction, operation, or maintenance, or any  
43 combination thereof, of a wastewater treatment system, or any  
44 component part or parts thereof, for a period not to exceed 40 years,  
45 when the contract for these services is approved by the Division of  
46 Local Government Services in the Department of Community Affairs

1 and the Department of Environmental Protection pursuant to  
2 P.L.1985, c.72 (C.58:27-1 et al.), except for those contracts otherwise  
3 exempted pursuant to subsection (36) of this section. For the  
4 purposes of this subsection, "wastewater treatment services" means  
5 any services provided by a wastewater treatment system, and  
6 "wastewater treatment system" means equipment, plants, structures,  
7 machinery, apparatus, or land, or any combination thereof, acquired,  
8 used, constructed, or operated for the storage, collection, reduction,  
9 recycling, reclamation, disposal, separation, or other treatment of  
10 wastewater or sewage sludge, or for the final disposal of residues  
11 resulting from the treatment of wastewater, including, but not limited  
12 to, pumping and ventilating stations, facilities, plants and works,  
13 connections, outfall sewers, interceptors, trunk lines, and other  
14 personal property and appurtenances necessary for their operation;

15 (20) The supplying of materials or services for the purpose of  
16 lighting public streets, for a term not to exceed five years, provided  
17 that the rates, fares, tariffs or charges for the supplying of electricity  
18 for that purpose are approved by the Board of Public Utilities;

19 (21) In the case of a contracting unit which is a county or  
20 municipality, the provision of emergency medical services by a hospital  
21 to residents of a municipality or county as appropriate for a term not  
22 to exceed five years;

23 (22) Towing and storage contracts, awarded pursuant to paragraph  
24 u. of subsection (1) of section 5 of P.L.1971, c.198 (C.40A:11-5) for  
25 any term not exceeding three years;

26 (23) Fuel for the purpose of generating electricity for a term not to  
27 exceed eight years;

28 (24) The purchase of electricity or administrative or dispatching  
29 services related to the transmission of such electricity, from a public  
30 utility company subject to the jurisdiction of the Board of Public  
31 Utilities, a similar regulatory body of another state, or a federal  
32 regulatory agency, or from a qualifying small power producing facility  
33 or qualifying cogeneration facility, as defined by 16 U.S.C. 796, by a  
34 contracting unit engaged in the generation of electricity for retail sale,  
35 as of May 24,1991, for a term not to exceed 40 years;

36 (25) Basic life support services, for a period not to exceed five  
37 years. For the purposes of this subsection, "basic life support" means  
38 a basic level of prehospital care, which includes but need not be limited  
39 to patient stabilization, airway clearance, cardiopulmonary  
40 resuscitation, hemorrhage control, initial wound care and fracture  
41 stabilization;

42 (26) Claims administration services, for any term not to exceed  
43 three years;

44 (27) The provision of transportation services to elderly, disabled  
45 or indigent persons for any term of not more than three years. For the  
46 purposes of this subsection, "elderly persons" means persons who are

1 60 years of age or older. "Disabled persons" means persons of any age  
2 who, by reason of illness, injury, age, congenital malfunction, or other  
3 permanent or temporary incapacity or disability, are unable, without  
4 special facilities or special planning or design to utilize mass  
5 transportation facilities and services as effectively as persons who are  
6 not so affected. "Indigent persons" means persons of any age whose  
7 income does not exceed 100 percent of the poverty level, adjusted for  
8 family size, established and adjusted under section 673(2) of subtitle  
9 B, the "Community Services Block Grant Act," Pub.L.97-35 (42  
10 U.S.C.9902 (2));

11 (28) The supplying of liquid oxygen or other chemicals, for a term  
12 not to exceed five years, when the contract includes the installation of  
13 tanks or other storage facilities by the supplier, on or near the  
14 premises of the contracting unit;

15 (29) The performance of patient care services by contracted  
16 medical staff at county hospitals, correction facilities and long term  
17 care facilities, for any term of not more than three years;

18 (30) The acquisition of an equitable interest in a water supply  
19 facility pursuant to section 2 of P.L.1993, c.381 (C.58:28-2), or an  
20 agreement entered into pursuant to the "County and Municipal Water  
21 Supply Act," N.J.S.40A:31-1 et seq., if the agreement is entered into  
22 no later than January 7, 1995, for any term of not more than forty  
23 years;

24 (31) The provision of water supply services or the financing,  
25 construction, operation or maintenance or any combination thereof, of  
26 a water supply facility or any component part or parts thereof, by a  
27 partnership or copartnership established pursuant to a contract  
28 authorized under section 2 of P.L.1993, c.381 (C.58:28-2), for a  
29 period not to exceed 40 years;

30 (32) Laundry service and the rental, supply and cleaning of  
31 uniforms for any term of not more than three years;

32 (33) The supplying of any product or the rendering of any service,  
33 including consulting services, by a cemetery management company for  
34 the maintenance and preservation of a municipal cemetery operating  
35 pursuant to the "New Jersey Cemetery Act," N.J.S.8A:1-1 et seq., for  
36 a term not exceeding 15 years;

37 (34) A contract between a public entity and a private firm pursuant  
38 to P.L.1995, c.101 (C.58:26-19 et al.) for the provision of water  
39 supply services may be entered into for any term which, when all  
40 optional extension periods are added, may not exceed 40 years;

41 (35) An agreement for the purchase of a supply of water from a  
42 public utility company subject to the jurisdiction of the Board of Public  
43 Utilities in accordance with tariffs and schedules of charges made,  
44 charged or exacted or contracts filed with the Board of Public  
45 Utilities, for any term of not more than 40 years;

46 (36) A contract between a public entity and a private firm or public

1 authority pursuant to P.L.1995, c.216 (C.58:27-19 et al.) for the  
2 provision of wastewater treatment services may be entered into for any  
3 term of not more than 40 years, including all optional extension  
4 periods; and

5 (37) The operation and management of a facility under a license  
6 issued or permit approved by the Department of Environmental  
7 Protection, including a wastewater treatment system or a water supply  
8 or distribution facility, as the case may be, for any term of not more  
9 than seven years. For the purposes of this subsection, "wastewater  
10 treatment system" refers to facilities operated or maintained for the  
11 storage, collection, reduction, disposal, or other treatment of  
12 wastewater or sewage sludge, remediation of groundwater  
13 contamination, stormwater runoff, or the final disposal of residues  
14 resulting from the treatment of wastewater; and "water supply or  
15 distribution facility" refers to facilities operated or maintained for  
16 augmenting the natural water resources of the State, increasing the  
17 supply of water, conserving existing water resources, or distributing  
18 water to users.

19 All multiyear leases and contracts entered into pursuant to this  
20 section, except contracts for the leasing or servicing of equipment  
21 supplied by a telephone company which is subject to the jurisdiction  
22 of the Board of Public Utilities, contracts involving the supplying of  
23 electricity for the purpose of lighting public streets and contracts for  
24 thermal energy authorized pursuant to subsection (1) above,  
25 construction contracts authorized pursuant to subsection (9) above,  
26 contracts and agreements for the provision of work or the supplying  
27 of equipment to promote energy conservation authorized pursuant to  
28 subsection (12) above, contracts for water supply services or for a  
29 water supply facility, or any component part or parts thereof  
30 authorized pursuant to subsection (16), (30), (31), (34), (35) or (37)  
31 above, contracts for resource recovery services or a resource recovery  
32 facility authorized pursuant to subsection (17) above, contracts for the  
33 sale of energy produced by a resource recovery facility authorized  
34 pursuant to subsection (18) above, contracts for wastewater treatment  
35 services or for a wastewater treatment system or any component part  
36 or parts thereof authorized pursuant to subsection (19), (36) or (37)  
37 above, and contracts for the purchase of electricity or administrative  
38 or dispatching services related to the transmission of such electricity  
39 authorized pursuant to subsection (24) above, shall contain a clause  
40 making them subject to the availability and appropriation annually of  
41 sufficient funds as may be required to meet the extended obligation, or  
42 contain an annual cancellation clause.

43 The Division of Local Government Services shall adopt and  
44 promulgate rules and regulations concerning the methods of  
45 accounting for all contracts that do not coincide with the fiscal year.  
46 (cf: P.L.1995, c.371, s.1)

1       20. Section 24 of P.L.1985, c.222 (C.52:27D-324) is amended to  
2 read as follows:

3       24. The agency shall establish procedures for entering into, and  
4 shall enter into, contractual agreements with willing municipalities or  
5 developers of inclusionary developments whereby the agency will  
6 administer resale controls and rent controls in municipalities where no  
7 appropriate administrative agency exists. The contractual agreements  
8 shall be for the duration of the controls and shall involve eligibility  
9 determinations, determination of initial occupants, the marketing of  
10 units, maintenance of eligibility lists for subsequent purchasers or  
11 renters, and determination of maximum resale prices or rents. The  
12 agency may charge the municipality or inclusionary developer a  
13 reasonable per unit fee for entering into such an agreement, or may  
14 charge a reasonable fee to a low or moderate income household at the  
15 time the home is sold subject to the resale control or both. Agency  
16 fees shall be established according to methods or schedules approved  
17 by the State Treasurer.

18       Neither the agency nor any other entity entering into an agreement  
19 to provide services to a municipality under this section shall require,  
20 as a condition of that agreement, that these services be provided for  
21 all eligible housing units in the municipality. A municipality, at its  
22 discretion, may enter into an agreement for the provision of services  
23 for any reasonable portion of its eligible housing units.

24 (cf: P.L.1985, c.222, s.24)

25

26       <sup>1</sup>21. Section 15 of P.L.1941, c.151 (C.4:19-15.15) is amended to  
27 read as follows:

28       15. Any person appointed for the purpose by the governing body  
29 of the municipality, shall , either annually or biennially, at the direction  
30 of the governing body, cause a canvass to be made of all dogs owned,  
31 kept or harbored within the limits of their respective municipalities  
32 and shall report, on or before September 1 of **[each]** the year in  
33 which the census is taken, to the clerk or other person designated to  
34 license dogs in the municipality and to the local board of health, and  
35 to the State Department of Health the result thereof, setting forth in  
36 separate columns the names and addresses of persons owning, keeping  
37 or harboring unlicensed dogs, the number of unlicensed dogs owned,  
38 kept or harbored by each of said persons, together with a complete  
39 description of each of said unlicensed dogs.<sup>1</sup>

40 (cf: P.L.1979, c.442, s.1)

41

42       <sup>1</sup>**[21.] 22.**<sup>1</sup> This act shall take effect immediately.

1

2

3 Provides relief from certain State mandates on counties and  
4 municipalities.

ASSEMBLY, No. 7

STATE OF NEW JERSEY

INTRODUCED MAY 30, 1996

By Assemblymen ARNONE and AUGUSTINE

1 AN ACT concerning relief of certain mandates on local governments  
2 and amending and supplementing various sections of statutory law.

3  
4 **WHEREAS**, Over the past four decades, prior to adoption of the  
5 constitutional amendment prohibiting unfunded State mandates on  
6 local government, the State routinely and systematically imposed  
7 greater and greater numbers of mandates, orders, directives and  
8 burdens on local government. This web of mandates and burdens  
9 came about as the result of the enactment and adoption of a  
10 plethora of unrelated laws and regulations addressing many and  
11 diverse issues. While these actions by State government occurred  
12 in order to address a variety of public concerns, they all shared a  
13 common philosophical underpinning: the mandatory implementation  
14 of State policy directives by local government officials.

15 **WHEREAS**, While the overwhelming majority of these statutes and  
16 regulations were established by sincere-minded, and will intentioned  
17 public officials in order to address legitimate public concerns, the  
18 collective regulatory weight of these mandates on local officials  
19 continues to be a matter of deep concern and a subject that cries for  
20 legislative relief.

21 **WHEREAS**, In response to this decades long pattern of seemingly  
22 inexorable increases in burdensome mandates from Trenton, local  
23 officials repeatedly petition the Legislature for relief. In response  
24 to entreaties of local officials, various committees of several  
25 Legislatures have determined to continue to address the problem of  
26 burdensome mandates on an expedited basis through the enactment  
27 of omnibus statutes that repeal or modify many of those mandates;  
28 now therefore

29  
30 **BE IT ENACTED** by the Senate and General Assembly of the State  
31 of New Jersey:

32  
33 1. Section 3 of P.L.1941, c.151 (C.4:19-15.3) is amended to read  
34 as follows:

**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.



1       3. The person applying for the license and registration tag shall pay  
2 the fee fixed or authorized to be fixed in section 12 of this act, and the  
3 sum of \$1.00 for a one-year registration tag or \$3.00 for a three-year  
4 registration tag for each dog; and for each renewal, the fee for the  
5 license and for the registration tag shall be the same as for the original  
6 license and tag; and said licenses, registration tags and renewals  
7 thereof shall expire no later than June 30 in the year stated on the  
8 license; except that this expiration date shall not require a municipality  
9 to alter its schedule for administering rabies inoculations to any dog to  
10 be licensed and registered; nor shall this expiration date require a  
11 municipality to alter its schedule for renewing licenses and registration  
12 tags, provided that the registration period precedes June 30. The  
13 governing body of a municipality may stagger the expiration of such  
14 annual licenses so long as all expirations occur no later than June 30  
15 in the calendar year stated on the license.

16       Only one license and registration tag shall be required in any  
17 licensing year for any dog owned in New Jersey, and such license and  
18 tag shall be accepted by all municipalities as evidence of compliance  
19 with this section.

20       Dogs used as guides for blind persons and commonly known as  
21 "seeing-eye" dogs, dogs used to assist handicapped persons and  
22 commonly known as "service dogs," or dogs used to assist deaf  
23 persons and commonly known as "hearing ear" dogs shall be licensed  
24 and registered as other dogs hereinabove provided for, except that the  
25 owner or keeper of such dog shall not be required to pay any fee  
26 therefor.

27       License forms and uniform official metal registration tags designed  
28 by the State Department of Health shall be furnished by the  
29 municipality and shall be numbered serially and shall bear the year of  
30 issuance and the name of the municipality.

31 (cf: P.L.1983, c.485, s.2)

32

33       2. Section 4 of P.L.1982, c.203 (C.4:19-15.3a) is amended to read  
34 as follows:

35       4. Subsequent to the effective date of **[this act]** P.L.1982, c.203,  
36 the provisions of any law to the contrary notwithstanding:

37       a. All annual licenses required pursuant to the provisions of section  
38 2 of P.L.1941, c.151 (C.4:19-15.2), section 3 of P.L.1941, c.151  
39 (C.4:19-15.3) and section 8 of P.L.1941, c.151 (C.4:19-15.8) shall  
40 expire no later than June 30 in the calendar year next following  
41 issuance; provided that the license and registration tag fee shall be  
42 prorated for any license and registration tag which is valid for longer  
43 than 12 months. The governing body of a municipality may stagger  
44 the expiration of such annual licenses so long as all expirations occur  
45 no later than June 30 in the calendar year next following issuance.

46       b. Any 3-year registration tag issued pursuant to the provisions of

1 section 2 of P.L.1941, c.151 (C.4:19-15.2) or section 3 of P.L.1941,  
2 c.151 (C.4:19-15.3), which is due to expire January 31 of the year of  
3 the effective date of this act, shall be valid until June 30 of that year.

4 Upon renewal of the three-year licenses on June 30 of the calendar  
5 year next following issuance, the municipality may assess a fee, in  
6 addition to the annual fee, which reflects a prorated portion of the  
7 three-year fee for the period January 31 to June 30 preceding renewal.  
8 (cf: P.L.1983, c.40, s.2)

9

10 3. R.S.19:15-2 is amended to read as follows:

11 19:15-2. The district boards shall open the polls for such election  
12 at seven o'clock in the morning and close them at eight o'clock in the  
13 evening, and shall keep them open during the whole day of election  
14 between these hours; except that for a school election the polls shall  
15 be open between the hours of five and nine P.M. and during any  
16 additional time which the school board may designate between the  
17 hours of seven A.M. and nine P.M.

18 The board may allow one member thereof at a time to be absent  
19 from the polling place and room for a period not exceeding one hour  
20 between the hours of one o'clock and five o'clock in the afternoon or  
21 for such shorter time as it shall see fit.

22 At no time from the opening of the polls to the completion of the  
23 canvass shall there be less than a majority of the board present in the  
24 polling room or place, except that during a school election there shall  
25 always be at least one member of each district election board present  
26 or if more than two district board members are designated to serve at  
27 the polling place, at least two members present.

28 Notwithstanding the requirements of this section, in a municipality  
29 with a population of 250 persons or less, according to the latest  
30 federal decennial census, a polling place may be closed at any time that  
31 the district board determines that all of the registered voters eligible  
32 to vote at that polling place have cast their ballots, subject to adequate  
33 provisions made for newly registered voters in accordance with rules  
34 and regulations promulgated by the Secretary of State.

35 (cf: P.L.1996, c.3, s.4)

36

37 4. R.S.26:3-66 is amended to read as follows:

38 26:3-66. No health ordinance or code shall be finally adopted  
39 unless it shall have been:

40 a. Given a first reading, which first reading may be by title, at a  
41 meeting held at least one week prior to final passage;

42 b. Published, in summary form, in a newspaper published and  
43 circulating in the municipality or county for which the local board is  
44 organized, and in the case of a municipal board of health, if there be  
45 no such newspaper, then in at least one newspaper published and  
46 circulating in the county in which the municipality is located, at least

1 two days prior to final passage.

2 The publication shall contain a notice stating the time and place  
3 when and where the local board will consider the final passage of the  
4 proposed ordinance or code;

5 c. Posted on the bulletin board or other place upon which public  
6 notices are customarily posted in the building where the local board  
7 regularly meets prior to the meeting for final consideration. Copies of  
8 the ordinance or code shall be made available to members of the  
9 general public of the county upon request; and

10 d. Upon the opening of the meeting for final consideration of the  
11 ordinance or code, given a second reading, which reading may be by  
12 title. Thereafter, the ordinance may be passed with or without  
13 amendments, or rejected.

14 (cf: P.L.1991, c.36, s.1)

15

16 5. R.S.26:3-67 is amended to read as follows:

17 26:3-67. Before any health ordinance or code shall take effect, a  
18 summary of the ordinance or code, or its title, shall be published at  
19 least once in a newspaper published and circulating as prescribed in  
20 section 26:3-66 of this title.

21 (cf: R.S.26:3-67)

22

23 6. R.S.35:1-2.2 is amended to read as follows:

24 35:1-2.2 Whenever, by law, it is required that there be published  
25 by printing and publishing in a newspaper or newspapers, ordinances,  
26 resolutions or notices or advertisements of any sort, kind or character  
27 by any county, city or other municipality or municipal corporation, or  
28 by any municipal board or official board, or body, or office, or  
29 officials, or by any person or corporation, such newspaper or  
30 newspapers must, in addition to any other qualification now required  
31 by law, meet the following qualifications, namely: said newspaper or  
32 newspapers shall be entirely printed in the English language, shall be  
33 printed and published within the State of New Jersey, shall be a  
34 newspaper of general **paid** circulation possessing an average news  
35 content of not less than 35%, and shall have been published  
36 continuously in the municipality where its publication office is situate  
37 for not less than 2 years **and shall have been entered for 2 years as**  
38 **second-class mail matter under the postal laws and regulations of the**  
39 **United States**. In case a newspaper cannot meet these qualifications  
40 itself but has acquired another newspaper which meets these  
41 qualifications, the acquiring newspaper shall be deemed to meet these  
42 qualifications if it is published in the same municipality **and entered**  
43 **in the same post office** as was the acquired newspaper. Continuous  
44 publication within the meaning of this section shall not be deemed  
45 interrupted by any involuntary suspension of publication for a period  
46 not exceeding 6 months resulting from loss, destruction, mechanical

1 or electrical failure of typesetting equipment or printing presses or the  
2 unavailability, due to conditions beyond the control of the publisher,  
3 of paper or other materials and supplies necessary for operation, or  
4 resulting from a labor dispute with a recognized labor union, and any  
5 newspaper so affected shall not be disqualified hereunder in the event  
6 that publication is resumed within said period of 6 months.

7 For the purposes of this section and for the purpose of qualifying  
8 for legal advertisements generally, any newspaper which for not less  
9 than 2 years shall have been continuously printed in a building located  
10 within two municipalities and which for not less than 2 years shall have  
11 continuously maintained its editorial and business offices in said  
12 building shall be deemed to have been published continuously in each  
13 of said municipalities during that period and its publication office shall  
14 be deemed to have been situate in each municipality during that period.

15 In the event any newspaper which shall have been qualified to  
16 publish legal advertisements shall move its publication office to any  
17 municipality in the same county or in an adjacent county in this State  
18 and which shall otherwise continue to meet the qualifications of this  
19 section, it shall be qualified to publish legal advertisements which it  
20 was qualified to publish prior to moving said publication office for a  
21 period of 2 years after the date of the moving of its publication office  
22 or such period as said newspaper shall have the highest **[paid]**  
23 circulation of any newspaper within the county or municipality which  
24 shall use said newspaper for legal advertisements.

25 (cf: P.L.1979, c.84, s.1)

26

27 7. R.S.39:4-8 is amended to read as follows.

28 39:4-8. a. Except as otherwise provided in this section, no  
29 ordinance or resolution concerning, regulating or governing traffic or  
30 traffic conditions, adopted or enacted by any board or body having  
31 jurisdiction over highways, shall be of any force or effect unless the  
32 same is approved by the Commissioner of Transportation, according  
33 to law. The commissioner shall not be required to approve any such  
34 ordinance, resolution or regulation, unless, after investigation by him,  
35 the same shall appear to be in the interest of safety and the expedition  
36 of traffic on the public highways.

37 b. In the case of totally self-contained streets under municipal  
38 jurisdiction which have no direct connection with any street in any  
39 other municipality, or in the case of totally self-contained streets under  
40 county jurisdiction which have no direct connection with any street in  
41 any other county, the municipality or county may, by ordinance or  
42 resolution, as appropriate, without the approval of the Commissioner  
43 of Transportation, designate reasonable and safe speed limits, parking  
44 restrictions, no passing zones, mid-block crosswalks and crosswalks  
45 at intersections, and erect appropriate signs, designate any intersection  
46 as a stop or yield intersection, erect traffic signals and erect

1 appropriate signs and place longitudinal pavement markings  
2 delineating the separation of traffic flows and the edge of the  
3 pavement, provided that the municipal or county engineer shall, under  
4 his seal as a licensed professional engineer, certify to the municipal or  
5 county governing body, as appropriate, that any designation or  
6 erection of signs, signals or placement of markings: (1) has been  
7 approved by him after investigation by him of the circumstances, (2)  
8 appears to him to be in the interest of safety and the expedition of  
9 traffic on the public highways and (3) conforms to the current  
10 standards prescribed by the Manual of Uniform Traffic Control  
11 Devices for Streets and Highways, as adopted by the Commissioner of  
12 Transportation.

13 A certified copy of the adopted ordinance or resolution, as  
14 appropriate, shall be transmitted by the clerk of the municipality or  
15 county, as appropriate, to the commissioner within 30 days of  
16 adoption, together with a copy of the engineer's certification; a  
17 statement of the reasons for the engineer's decision; detailed  
18 information as to the location of streets, intersections and signs  
19 affected by any designation or erection of signs or signals or placement  
20 of markings; and traffic count, accident and speed sampling data, when  
21 appropriate. The commissioner, at his discretion, may invalidate the  
22 provisions of the ordinance or resolution within 90 days of receipt of  
23 the certified copy if he reviews it and finds that the provisions of the  
24 ordinance or resolution are inconsistent with the Manual of Uniform  
25 Traffic Control Devices for Streets or Highways; are inconsistent with  
26 accepted engineering standards; are not based on the results of an  
27 accurate traffic and engineering survey; or place an undue traffic  
28 burden or impact on streets in an adjoining municipality or negatively  
29 affect the flow of traffic on the State highway system.

30 Nothing in this subsection shall allow municipalities to designate  
31 any intersection with any highway under State or county jurisdiction  
32 as a stop or yield intersection or counties to designate any intersection  
33 with any highway under State or municipal jurisdiction as a stop or  
34 yield intersection.

35 c. Subject to the provisions of R.S.39:4-138, in the case of any  
36 street under municipal or county jurisdiction, a municipality or county  
37 may, without the approval of the Commissioner of Transportation, do  
38 the following:

39 By ordinance or resolution:

- 40 (1) prohibit or restrict general parking;  
41 (2) designate restricted parking under section 1 of P.L.1977, c.309  
42 (C.39:4-197.6);  
43 (3) designate time limit parking; **[and]**  
44 (4) install parking meters; and  
45 (5) designate mid-block crosswalks and crosswalks at  
46 intersections.

1 By ordinance, resolution or regulation:

2 (1) designate loading and unloading zones and taxi stands;

3 (2) approve street closings for periods up to 48 continuous hours;

4 and

5 (3) designate restricted parking under section 1 of P.L.1977, c.202  
6 (C.39:4-197.5).

7 Nothing in this subsection shall allow municipalities or counties to  
8 establish angle parking or to reinstate or add parking on any street, or  
9 approve the closure of streets for more than 48 continuous hours,  
10 without the approval of the Commissioner of Transportation.

11 (cf: P.L.1995, c.412, s.1)

12

13 8. (New section) a. (1) Notwithstanding any law, rule or  
14 regulation to the contrary, upon the resolution of the governing body  
15 of a municipality with a population of 500 or less, according to the  
16 latest federal decennial census, and timely filing of that resolution with  
17 the Secretary of State, the county clerk, and the county board of  
18 elections or the superintendent of elections in counties wherein one  
19 has been appointed, in accordance with rules and regulations  
20 promulgated by the Secretary of State, any election within the  
21 municipality may be conducted solely by mail, subject to adequate  
22 provisions made for homeless and newly registered voters as required  
23 by rules and regulations promulgated by the Secretary of State.

24 (2) In a municipality that has resolved to conduct an election by  
25 mail pursuant to subsection a. of this section, the municipal clerk shall  
26 cause a copy of the ballot to be mailed or delivered to each registered  
27 voter in the election districts within the municipality in accordance  
28 with rules and regulations promulgated by the Secretary of State.

29 (3) In a municipality that has conducted an election by mail  
30 pursuant to this subsection, the district boards of registry and election  
31 shall count the ballots and ascertain the number of votes cast in the  
32 election district commencing at 5:00 PM on the day of the election in  
33 the manner provided by law.

34 b. The Secretary of State shall monitor elections conducted by mail  
35 pursuant to this section and shall report to the Governor and to the  
36 Legislature on or before January 1, 1999, making recommendations as  
37 to whether these provisions should be made a part of the permanent  
38 law and if so, whether these provisions should be expanded to other  
39 local units and larger municipalities.

40 c. The Secretary of State, pursuant to the "Administrative  
41 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall  
42 promulgate rules and regulations necessary to effectuate the purposes  
43 of this section on or before the first day of the seventh month next  
44 following enactment.

45 d. This section shall expire on December 31, 1999.

46

1       9. Section 1 of P.L.1977, c.395 (C.40:49-2.1) is amended to read  
2 as follows:

3       1. In the case of any ordinance adopted pursuant to the "Municipal  
4 Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), or an  
5 ordinance adopted by a park, parkway or shade tree commission,  
6 including any amendments or supplements thereto, or revisions or  
7 codifications thereof, [which is in length, six or more octavo pages of  
8 ordinary print,] the governing body of any municipality or  
9 commission, as appropriate, may, notwithstanding the provisions of  
10 R.S.40:49-2, satisfy the newspaper publication requirements for the  
11 introduction and passage of such ordinance in the following manner:

12       a. The publication of a notice citing such proposed ordinance by  
13 title, giving a brief summary of the main objectives or provisions of the  
14 ordinance, stating that copies are on file for public examination and  
15 acquisition at the office of the municipal clerk, and setting forth the  
16 time and place for the further consideration of the proposed ordinance;

17       b. The placing on file, in the office of the clerk, three copies of the  
18 proposed ordinance, which copies shall be available for public  
19 inspection until final action is taken on said ordinance; and

20       c. The publication or arranging for the publication of the proposed  
21 ordinance in pamphlet or other similar form, which may be sold by the  
22 municipality at a price not to exceed the cost of publication and  
23 distribution.

24       If any amendment be adopted to any such proposed ordinance  
25 substantially altering the substance of the proposed ordinance, there  
26 shall be caused to be published a notice of the title of the ordinance,  
27 the introduction and time and place that the amended ordinance will  
28 be further considered and a summary of the objectives or provisions  
29 of the amendment or amendments, which notice shall be published at  
30 least 2 days prior to the time so fixed therefor in accordance with  
31 subsection c. of R.S.40:49-2. Copies of the amended ordinance shall  
32 be on file and available, for public examination and duplication, in the  
33 office of the municipal clerk, until final action is taken on said  
34 ordinance. If said ordinance is again amended, the same publication  
35 requirements herein set forth for amended ordinances shall be  
36 followed.

37       Upon passage of any such ordinance, notice of passage or approval  
38 shall be published in accordance with subsection d. of R.S. 0:49-2. A  
39 copy of the ordinance and of any summary or summaries published in  
40 connection with its adoption pursuant to subsection a. or c. of this  
41 section, shall be forthwith transmitted to the tax assessor of the  
42 municipality.

43 (cf: P.L.1983, c.513, s.1)

44

45       10. Section 16 of P.L.1975, c.291 (C.40:55D-25) is amended to  
46 read as follows:

1 16. a. The planning board shall follow the provisions of this act and  
2 shall accordingly exercise its power in regard to:

- 3 (1) The master plan pursuant to article 3;  
4 (2) Subdivision control and site plan review pursuant to article 6;  
5 (3) The official map pursuant to article 5;  
6 (4) The zoning ordinance including conditional uses pursuant to  
7 article 8;  
8 (5) The capital improvement program pursuant to article 4;  
9 (6) Variances and certain building permits in conjunction with  
10 subdivision, site plan and conditional use approval pursuant to article  
11 7.

12 b. The planning board may:

- 13 (1) Participate in the preparation and review of programs or plans  
14 required by State or federal law or regulation;  
15 (2) Assemble data on a continuing basis as part of a continuous  
16 planning process; and  
17 (3) Perform such other advisory duties as are assigned to it by  
18 ordinance or resolution of the governing body for the aid and  
19 assistance of the governing body or other agencies or officers.

20 c. (1) In a municipality having a population of 10,000 or less, a  
21 nine-member planning board, if so provided by ordinance, shall  
22 exercise, to the same extent and subject to the same restrictions, all the  
23 powers of a board of adjustment; but the Class I and the Class III  
24 members shall not participate in the consideration of applications for  
25 development which involve relief pursuant to subsection d. of section  
26 57 of P.L.1975, c.291 (C.40:55D-70).

27 (2) In any municipality, a nine-member planning board, if so  
28 provided by ordinance and approved by voter referendum, shall  
29 exercise, to the same extent and subject to the same restrictions, all the  
30 powers of a board of adjustment; but the Class I and the Class III  
31 members shall not participate in the consideration of applications for  
32 development which involve relief pursuant to subsection d. of section  
33 57 of P.L.1975, c.291 (C.40:55D-70).

34 d. In a municipality having a population of 2,500 or less, the  
35 planning board, if so provided by ordinance, shall exercise, to the same  
36 extent and subject to the same restrictions, all of the powers of an  
37 historic preservation commission, provided that at least one planning  
38 board member meets the qualifications of a Class A member of an  
39 historic preservation commission and at least one member meets the  
40 qualifications of a Class B member of that commission.

41 (cf: P.L.1994, c.186, s.1)

42

43 11. N.J.S.40A:2-3 is amended to read as follows:

44 40A:2-3. Any local unit, by bond ordinance, may incur  
45 indebtedness, borrow money, authorize and issue negotiable  
46 obligations for financing:



- 1 a. any capital improvement or property which it may lawfully make  
2 or acquire ~~[, or ]~~;
- 3 b. any purpose for which it is authorized or required by law to  
4 make an appropriation, except current expenses and payment of  
5 obligations (other than those for temporary financing); ~~or~~
- 6 c. the amount of any contribution by a local unit that is a sending  
7 municipality under a regional contribution agreement pursuant to  
8 section 12 of P.L.1985, c.222 (C.52:27D-312).

9 No local unit shall borrow money or issue its obligations for  
10 purposes authorized under this chapter except as provided in this  
11 chapter.

12 (cf: N.J.S.40A:2-3)

13

14 12. N.J.S.40A:4-19 is amended to read as follows:

15 40A:4-19. The governing body may and, if any contracts,  
16 commitments or payments are to be made prior to the adoption of the  
17 budget, shall, by resolution adopted within the first 30 days of the  
18 beginning of the fiscal year, make appropriations to provide for the  
19 period between the beginning of the fiscal year and the adoption of the  
20 budget.

21 The total of the appropriations so made shall not exceed  
22 ~~[25%]~~26.25% of the total of the appropriations made for all purposes  
23 in the budget for the preceding fiscal year excluding, in both instances,  
24 appropriations made for interest and debt redemption charges, capital  
25 improvement fund and public assistance.

26 Nothing herein contained shall prevent or relieve the governing  
27 body from making appropriations during the last 10 days of the year  
28 preceding the beginning of the fiscal year for all interest and debt  
29 redemption charges maturing during the fiscal year.

30 (cf: P.L.1991, c.75, s.16)

31

32 13. N.J.S.40A:4-39 is amended to read as follows:

33 40A:4-39. a. In the budget of any local unit, dedicated revenues  
34 anticipated during the fiscal year from any dog tax, dog license,  
35 revenues collected pursuant to N.J.S.18A:39-1.2, solid fuel license,  
36 sinking fund for term bonds, bequest, escheat, federal grant, motor  
37 vehicle fine dedicated to road repairs, relocation costs deposited into  
38 a revolving relocation assistance fund established pursuant to section  
39 2 of P.L.1987, c.98 (C.20:4-4.1a), receipts from franchise assessments  
40 levied pursuant to section 4 of P.L.1995, c.173 (C.40A:12A-53),  
41 refund payments from a joint insurance fund deposited into a joint  
42 insurance revolving fund established pursuant to section 14 of P.L. ,  
43 c. (C. ) (pending before the Legislature as this bill) and, subject  
44 to the prior written consent of the director, other items of like  
45 character when the revenue is not subject to reasonably accurate  
46 estimate in advance, may be included in said budget by annexing to

1 said budget a statement in substantially the following form:

2 "The dedicated revenues anticipated during the year ..... from  
3 ..... (here insert one or more of the sources above, as the case may  
4 be) are hereby anticipated as revenue and are hereby appropriated for  
5 the purposes to which said revenue is dedicated by statute or other  
6 legal requirement."

7 b. Dedicated revenues included in accordance with this section  
8 shall be available for expenditure by the local unit as and when  
9 received in cash during the fiscal year. The inclusion of such dedicated  
10 revenues shall be subject to the approval of the director, who may  
11 require such explanatory statements or data in connection therewith as  
12 the director deems advisable for the information and protection of the  
13 public.

14 (cf: P.L.1995, c.271, s.2)

15

16 14. (New section) The governing body of any local unit that has  
17 established a joint insurance fund may by resolution or ordinance, as  
18 appropriate, establish a joint insurance revolving fund into which may  
19 be deposited any refunds paid to the local unit by the joint insurance  
20 fund to be dedicated for the payment of liabilities to the fund in future  
21 years. In no event shall amounts deposited in a joint insurance  
22 revolving fund exceed the annual amount contributed by the local unit  
23 to the joint insurance fund during the prior year.

24 Moneys appropriated from the joint insurance revolving fund shall  
25 be used by the local unit to cover losses attributable to claims being  
26 paid by the joint insurance fund in future years which exceed  
27 contributions paid into the joint insurance fund by the local unit.

28

29 15. N.J.S.40A:4-78 is amended to read as follows:

30 40A:4-78. a. If the director finds that all requirements of law and  
31 of the regulations of the local government board have been met, he  
32 shall approve the budget, otherwise he shall refuse to approve it.

33 The director, in refusing to approve a budget, shall not substitute  
34 his discretion with respect to the amount of an appropriation when  
35 such amount is not made mandatory because of the requirements of  
36 law.

37 b. Notwithstanding the provisions of N.J.S.40A:4-10 and  
38 N.J.S.40A:4-76 through 40A:4-79, the Local Finance Board is  
39 authorized to adopt rules, pursuant to the "Administrative Procedure  
40 Act." P.L.1968, c.410 (C.52:14B-1 et seq.), to exempt certain  
41 municipalities from the requirement that the director approve their  
42 annual budgets and to provide instead for a system of local  
43 examination and approval of such budgets by municipal officials,  
44 provided that:

45 (1) the director finds that such municipalities are fiscally sound and  
46 that their fiscal practices are conducted in accordance with law and

- 1 sound administrative practice;  
2 (2) the director shall examine the budgets of such municipalities in  
3 accordance with the provisions of N.J.S.40A:4-10 and N.J.S.40A:4-76  
4 through 40A:4-79, at least every third year;  
5 (3) the governing body and chief financial officer of each such  
6 municipality shall each file a certification with the director stating that,  
7 with reference to the adopted budget of the municipality, they have:  
8 (a) examined the budget in the manner prescribed under  
9 N.J.S.40A:4-76;  
10 (b) determined that the budget complies with the requirements set  
11 forth in N.J.S.40A:4-77; and  
12 (c) determined that the budget complies with all other provisions  
13 of law, including, but not limited to, the "Local Budget Law,"  
14 N.J.S.40A:4-1 et seq., P.L.1976, c.68 (C.40A:4-45.1 et seq.), and the  
15 regulations of the Local Finance Board.  
16 (4) all budget documents required by law or the regulations  
17 adopted by the Local Finance Board shall be filed with the director on  
18 a timely basis;  
19 (5) other criteria and responsibilities as established by the  
20 regulations adopted by the Local Finance Board are met.  
21 c. The director shall act to require immediate compliance with the  
22 "Local Budget Law," N.J.S.40A:4-1 et seq., if the director finds that  
23 any such exemption impairs the fiscal integrity or solvency of any such  
24 municipality. Any appeal of a governing body's action in adopting an  
25 annual budget shall be made to the director.  
26 (cf: N.J.S.40A:4-78)

27

28 16. Section 1 of P.L.1979, c.82 (C.40A:9-154.1) is amended to  
29 read as follows:

30 1. The governing body, or the chief executive, or the chief  
31 administrative officer, as appropriate to the form of government of any  
32 municipality, may appoint adult school crossing guards for terms not  
33 exceeding 1 year and revoke such appointments for cause and after  
34 proper hearing before the chief of police or other chief law  
35 enforcement officer of the municipality. No person shall be appointed  
36 as an adult school crossing guard unless he:

- 37 a. Is a citizen and resident of this State;  
38 b. Is sound in body and of good health;  
39 c. Is of good moral character; and  
40 d. Has not been convicted of any criminal offense involving moral  
41 turpitude.

42 An adult school crossing guard ~~shall not~~ may be a member of the  
43 police department or force of the municipality and his powers and  
44 duties as an adult school crossing guard shall cease at the expiration  
45 of the term for which he was appointed. He shall not have the right to  
46 bear firearms or the power of arrest unless the crossing guard is also

1 a member of a police department or force.

2 Every adult school crossing guard shall be under the supervision  
3 and direction of the chief of police or other chief law enforcement  
4 officer of the municipality wherein he is appointed and shall perform  
5 his duties only in such municipality. He shall comply with the rules  
6 and regulations applicable to the conduct and decorum of the regular  
7 police officers of the municipality. Before any adult school crossing  
8 guard is appointed the chief of police shall ascertain the eligibility of  
9 the applicant and make a report to the governing body, or the chief  
10 executive or chief administrative officer, as the case may be.

11 (cf: P.L.1981, c.227, s.1)

12

13 17. Section 2 of P.L.1979, c.82 (C.40A:9-154.2) is amended to  
14 read as follows:

15 2. Every adult school crossing guard shall be trained for the proper  
16 performance of his duties and responsibilities. Such training shall  
17 consist of a minimum of 2 hours of classroom instruction which shall  
18 include information on methods of traffic control and the duties and  
19 responsibilities of adult school crossing guards and a minimum of 20  
20 hours of field training in which the trainee shall be supervised by an  
21 experienced adult school crossing guard or a regular police officer.

22 This training requirement may be waived by the chief of police for an  
23 adult school crossing guard who is also a police officer.

24 (cf: P.L.1979, c.82, s.2)

25

26 18. Section 3 of P.L.1979, c.82 (C.40A:9-154.3) is amended to  
27 read as follows:

28 3. Before being assigned to any post, an adult school crossing  
29 guard shall be provided with a uniform which shall identify his function  
30 and which shall be distinct from the uniform of a member of the  
31 regular police department or force. Such uniform shall include but not  
32 be limited to a safety vest, a hat, and breast and hat badges which shall  
33 bear an identification number, and the name of the municipality in  
34 which he is employed. A police officer appointed as an adult crossing  
35 guard shall wear such uniform as directed by the chief of police of the  
36 municipality.

37 (cf: P.L.1979, c.82, s.3)

38

39 19. Section 3 of P.L.1971, c.198 (C.40A:11-3) is amended to read  
40 as follows:

41 3. a. Any purchase, contract or agreement for the performance of  
42 any work or the furnishing or hiring of materials or supplies, the cost  
43 or price of which, together with any other sums expended or to be  
44 expended for the performance of any work or services in connection  
45 with the same immediate program, undertaking, activity or project or  
46 the furnishing of similar materials or supplies during the same fiscal

1 year paid with or out of public funds, does not exceed in the fiscal year  
2 the total sum of \$7,500.00 or the amount determined pursuant to  
3 subsection b. of this section, may be made, negotiated or awarded by  
4 a contracting agent when so authorized by resolution of the governing  
5 body of the contracting unit without public advertising for bids. Such  
6 authorization may be granted for each purchase, contract or agreement  
7 or by a general delegation of the power to make, negotiate or award  
8 such purchases, contracts or agreements pursuant to this section.

9 Any purchase, contract or agreement made pursuant to this section  
10 may be awarded for a period of **[12]** 24 consecutive months  
11 notwithstanding that such **[12-month]** 24-month period does not  
12 coincide with the fiscal year. The Division of Local Government  
13 Services shall adopt and promulgate rules and regulations concerning  
14 the methods of accounting for all contracts that do not coincide with  
15 the fiscal year.

16 b. The Governor, in consultation with the Department of the  
17 Treasury, shall, no later than March 1 of each odd-numbered year,  
18 adjust the threshold amount set forth in subsection a. of this section,  
19 or subsequent to 1985 the threshold amount resulting from any  
20 adjustment under this subsection or section 17 of P.L.1985, c.469, in  
21 direct proportion to the rise or fall of the Consumer Price Index for all  
22 urban consumers in the New York City and the Philadelphia areas as  
23 reported by the United States Department of Labor. The Governor  
24 shall, no later than June 1 of each odd-numbered year, notify each  
25 governing body of the adjustment. The adjustment shall become  
26 effective on July 1 of each odd-numbered year.

27 (cf: P.L.1991, c.143, s.1)

28

29 20. Section 15 of P.L.1971, c.198 (C.40A:11-15) is amended to  
30 read as follows:

31 15. All purchases, contracts or agreements for the performing of  
32 work or the furnishing of materials, supplies or services shall be made  
33 for a period not to exceed **[12]** 24 consecutive months, except that  
34 contracts or agreements may be entered into for longer periods of time  
35 as follows:

36 (1) Supplying of:

37 (a) **[Fuel for heating purposes, for any term not exceeding in the**  
38 **aggregate, two years;]** (Deleted by amendment, P.L. , c. . ) (now  
39 pending before the Legislature as this bill)

40 (b) **[Fuel or oil for use of airplanes, automobiles, motor vehicles or**  
41 **equipment for any term not exceeding in the aggregate, two years;]**  
42 (Deleted by amendment, P.L. , c. . ) (now pending before the  
43 Legislature as this bill)

44 (c) Thermal energy produced by a cogeneration facility, for use for  
45 heating or air conditioning or both, for any term not exceeding 40  
46 years, when the contract is approved by the Board of Public Utilities.

- 1 For the purposes of this paragraph, "cogeneration" means the  
2 simultaneous production in one facility of electric power and other  
3 forms of useful energy such as heating or process steam;
- 4 (2) (Deleted by amendment, P.L.1977, c.53.)
- 5 (3) The collection and disposal of municipal solid waste, the  
6 collection and disposition of recyclable material, or the disposal of  
7 sewage sludge, for any term not exceeding in the aggregate, five years;
- 8 (4) The collection and recycling of methane gas from a sanitary  
9 landfill facility, for any term not exceeding 25 years, when such  
10 contract is in conformance with a district solid waste management plan  
11 approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.), and with the  
12 approval of the Division of Local Government Services in the  
13 Department of Community Affairs and the Department of  
14 Environmental Protection. The contracting unit shall award the  
15 contract to the highest responsible bidder, notwithstanding that the  
16 contract price may be in excess of the amount of any necessarily  
17 related administrative expenses; except that if the contract requires the  
18 contracting unit to expend funds only, the contracting unit shall award  
19 the contract to the lowest responsible bidder. The approval by the  
20 Division of Local Government Services of public bidding requirements  
21 shall not be required for those contracts exempted therefrom pursuant  
22 to section 5 of P.L.1971, c.198 (C.40A:11-5);
- 23 (5) Data processing service, for any term of not more than three  
24 years;
- 25 (6) Insurance, for any term of not more than three years;
- 26 (7) Leasing or servicing of automobiles, motor vehicles, machinery  
27 and equipment of every nature and kind, for a period not to exceed  
28 three years; provided, however, such contracts shall be entered into  
29 only subject to and in accordance with the rules and regulations  
30 promulgated by the Director of the Division of Local Government  
31 Services of the Department of Community Affairs;
- 32 (8) The supplying of any product or the rendering of any service  
33 by a telephone company which is subject to the jurisdiction of the  
34 Board of Public Utilities for a term not exceeding five years;
- 35 (9) Any single project for the construction, reconstruction or  
36 rehabilitation of any public building, structure or facility, or any public  
37 works project, including the retention of the services of any architect  
38 or engineer in connection therewith, for the length of time authorized  
39 and necessary for the completion of the actual construction;
- 40 (10) The providing of food services for any term not exceeding  
41 three years;
- 42 (11) On-site inspections undertaken by private agencies pursuant  
43 to the "State Uniform Construction Code Act," P.L.1975, c.217  
44 (C.52:27D-119 et seq.) for any term of not more than three years;
- 45 (12) The performance of work or services or the furnishing of  
46 materials or supplies for the purpose of conserving energy in buildings

1 owned by, or operations conducted by, the contracting unit, the entire  
2 price of which to be established as a percentage of the resultant  
3 savings in energy costs, for a term not to exceed 10 years; provided,  
4 however, that such contracts shall be entered into only subject to and  
5 in accordance with rules and regulations promulgated by the  
6 Department of Environmental Protection establishing a methodology  
7 for computing energy cost savings;

8 (13) The performance of work or services or the furnishing of  
9 materials or supplies for the purpose of elevator maintenance for any  
10 term not exceeding three years;

11 (14) Leasing or servicing of electronic communications equipment  
12 for a period not to exceed five years; provided, however, such contract  
13 shall be entered into only subject to and in accordance with the rules  
14 and regulations promulgated by the Director of the Division of Local  
15 Government Services of the Department of Community Affairs;

16 (15) Leasing of motor vehicles, machinery and other equipment  
17 primarily used to fight fires, for a term not to exceed seven years,  
18 when the contract includes an option to purchase, subject to and in  
19 accordance with rules and regulations promulgated by the Director of  
20 the Division of Local Government Services of the Department of  
21 Community Affairs;

22 (16) The provision of water supply services or the designing,  
23 financing, construction, operation, or maintenance, or any combination  
24 thereof, of a water supply facility, or any component part or parts  
25 thereof, including a water filtration system, for a period not to exceed  
26 40 years, when the contract for these services is approved by the  
27 Division of Local Government Services in the Department of  
28 Community Affairs, the Board of Public Utilities, and the Department  
29 of Environmental Protection pursuant to P.L.1985, c.37 (C.58:26-1 et  
30 al.), except for those contracts otherwise exempted pursuant to  
31 subsection (30), (31), (34) or (35) of this section. For the purposes  
32 of this subsection, "water supply services" means any service provided  
33 by a water supply facility; "water filtration system" means any  
34 equipment, plants, structures, machinery, apparatus, or land, or any  
35 combination thereof, acquired, used, constructed, rehabilitated, or  
36 operated for the collection, impoundment, storage, improvement,  
37 filtration, or other treatment of drinking water for the purposes of  
38 purifying and enhancing water quality and insuring its potability prior  
39 to the distribution of the drinking water to the general public for  
40 human consumption, including plants and works, and other personal  
41 property and appurtenances necessary for their use or operation; and  
42 "water supply facility" means and refers to the real property and the  
43 plants, structures, interconnections between existing water supply  
44 facilities, machinery and equipment and other property, real, personal  
45 and mixed, acquired, constructed or operated, or to be acquired,  
46 constructed or operated, in whole or in part by or on behalf of a

1 political subdivision of the State or any agency thereof, for the  
2 purpose of augmenting the natural water resources of the State and  
3 making available an increased supply of water for all uses, or of  
4 conserving existing water resources, and any and all appurtenances  
5 necessary, useful or convenient for the collecting, impounding, storing,  
6 improving, treating, filtering, conserving or transmitting of water and  
7 for the preservation and protection of these resources and facilities and  
8 providing for the conservation and development of future water supply  
9 resources;

10 (17) The provision of resource recovery services by a qualified  
11 vendor, the disposal of the solid waste delivered for disposal which  
12 cannot be processed by a resource recovery facility or the residual ash  
13 generated at a resource recovery facility, including hazardous waste  
14 and recovered metals and other materials for reuse, or the design,  
15 financing, construction, operation or maintenance of a resource  
16 recovery facility for a period not to exceed 40 years when the contract  
17 is approved by the Division of Local Government Services in the  
18 Department of Community Affairs, and the Department of  
19 Environmental Protection pursuant to P.L.1985, c.38 (C.13:1E-136 et  
20 al.); and when the resource recovery facility is in conformance with a  
21 district solid waste management plan approved pursuant to P.L.1970,  
22 c.39 (C.13:1E-1 et seq.). For the purposes of this subsection,  
23 "resource recovery facility" means a solid waste facility constructed  
24 and operated for the incineration of solid waste for energy production  
25 and the recovery of metals and other materials for reuse; or a  
26 mechanized composting facility, or any other facility constructed or  
27 operated for the collection, separation, recycling, and recovery of  
28 metals, glass, paper, and other materials for reuse or for energy  
29 production; and "residual ash" means the bottom ash, fly ash, or any  
30 combination thereof, resulting from the combustion of solid waste at  
31 a resource recovery facility;

32 (18) The sale of electricity or thermal energy, or both, produced by  
33 a resource recovery facility for a period not to exceed 40 years when  
34 the contract is approved by the Board of Public Utilities, and when the  
35 resource recovery facility is in conformance with a district solid waste  
36 management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et  
37 seq.). For the purposes of this subsection, "resource recovery facility"  
38 means a solid waste facility constructed and operated for the  
39 incineration of solid waste for energy production and the recovery of  
40 metals and other materials for reuse; or a mechanized composting  
41 facility, or any other facility constructed or operated for the  
42 collection, separation, recycling, and recovery of metals, glass, paper,  
43 and other materials for reuse or for energy production;

44 (19) The provision of wastewater treatment services or the  
45 designing, financing, construction, operation, or maintenance, or any  
46 combination thereof, of a wastewater treatment system, or any



1 component part or parts thereof, for a period not to exceed 40 years,  
2 when the contract for these services is approved by the Division of  
3 Local Government Services in the Department of Community Affairs  
4 and the Department of Environmental Protection pursuant to  
5 P.L.1985, c.72 (C.58:27-1 et al.), except for those contracts otherwise  
6 exempted pursuant to subsection (36) of this section. For the  
7 purposes of this subsection, "wastewater treatment services" means  
8 any services provided by a wastewater treatment system, and  
9 "wastewater treatment system" means equipment, plants, structures,  
10 machinery, apparatus, or land, or any combination thereof, acquired,  
11 used, constructed, or operated for the storage, collection, reduction,  
12 recycling, reclamation, disposal, separation, or other treatment of  
13 wastewater or sewage sludge, or for the final disposal of residues  
14 resulting from the treatment of wastewater, including, but not limited  
15 to, pumping and ventilating stations, facilities, plants and works,  
16 connections, outfall sewers, interceptors, trunk lines, and other  
17 personal property and appurtenances necessary for their operation;

18 (20) The supplying of materials or services for the purpose of  
19 lighting public streets, for a term not to exceed five years, provided  
20 that the rates, fares, tariffs or charges for the supplying of electricity  
21 for that purpose are approved by the Board of Public Utilities;

22 (21) In the case of a contracting unit which is a county or  
23 municipality, the provision of emergency medical services by a hospital  
24 to residents of a municipality or county as appropriate for a term not  
25 to exceed five years;

26 (22) Towing and storage contracts, awarded pursuant to paragraph  
27 u. of subsection (1) of section 5 of P.L.1971, c.198 (C.40A:11-5) for  
28 any term not exceeding three years;

29 (23) Fuel for the purpose of generating electricity for a term not to  
30 exceed eight years;

31 (24) The purchase of electricity or administrative or dispatching  
32 services related to the transmission of such electricity, from a public  
33 utility company subject to the jurisdiction of the Board of Public  
34 Utilities, a similar regulatory body of another state, or a federal  
35 regulatory agency, or from a qualifying small power producing facility  
36 or qualifying cogeneration facility, as defined by 16 U.S.C. 796, by a  
37 contracting unit engaged in the generation of electricity for retail sale,  
38 as of May 24,1991, for a term not to exceed 40 years;

39 (25) Basic life support services, for a period not to exceed five  
40 years. For the purposes of this subsection, "basic life support" means  
41 a basic level of prehospital care, which includes but need not be limited  
42 to patient stabilization, airway clearance, cardiopulmonary  
43 resuscitation, hemorrhage control, initial wound care and fracture  
44 stabilization;

45 (26) Claims administration services, for any term not to exceed  
46 three years;

1 (27) The provision of transportation services to elderly, disabled  
2 or indigent persons for any term of not more than three years. For the  
3 purposes of this subsection, "elderly persons" means persons who are  
4 60 years of age or older. "Disabled persons" means persons of any age  
5 who, by reason of illness, injury, age, congenital malfunction, or other  
6 permanent or temporary incapacity or disability, are unable, without  
7 special facilities or special planning or design to utilize mass  
8 transportation facilities and services as effectively as persons who are  
9 not so affected. "Indigent persons" means persons of any age whose  
10 income does not exceed 100 percent of the poverty level, adjusted for  
11 family size, established and adjusted under section 673(2) of subtitle  
12 B, the "Community Services Block Grant Act," Pub.L.97-35 (42  
13 U.S.C.9902 (2));

14 (28) The supplying of liquid oxygen or other chemicals, for a term  
15 not to exceed five years, when the contract includes the installation of  
16 tanks or other storage facilities by the supplier, on or near the  
17 premises of the contracting unit;

18 (29) The performance of patient care services by contracted  
19 medical staff at county hospitals, correction facilities and long term  
20 care facilities, for any term of not more than three years;

21 (30) The acquisition of an equitable interest in a water supply  
22 facility pursuant to section 2 of P.L.1993, c.381 (C.58:28-2), or an  
23 agreement entered into pursuant to the "County and Municipal Water  
24 Supply Act," N.J.S.40A:31-1 et seq., if the agreement is entered into  
25 no later than January 7, 1995, for any term of not more than forty  
26 years;

27 (31) The provision of water supply services or the financing,  
28 construction, operation or maintenance or any combination thereof, of  
29 a water supply facility or any component part or parts thereof, by a  
30 partnership or copartnership established pursuant to a contract  
31 authorized under section 2 of P.L.1993, c.381 (C.58:28-2), for a  
32 period not to exceed 40 years;

33 (32) Laundry service and the rental, supply and cleaning of  
34 uniforms for any term of not more than three years;

35 (33) The supplying of any product or the rendering of any service,  
36 including consulting services, by a cemetery management company for  
37 the maintenance and preservation of a municipal cemetery operating  
38 pursuant to the "New Jersey Cemetery Act," N.J.S.8A:1-1 et seq., for  
39 a term not exceeding 15 years;

40 (34) A contract between a public entity and a private firm pursuant  
41 to P.L.1995, c.101 (C.58:26-19 et al.) for the provision of water  
42 supply services may be entered into for any term which, when all  
43 optional extension periods are added, may not exceed 40 years;

44 (35) An agreement for the purchase of a supply of water from a  
45 public utility company subject to the jurisdiction of the Board of Public  
46 Utilities in accordance with tariffs and schedules of charges made,

1 charged or exacted or contracts filed with the Board of Public  
2 Utilities, for any term of not more than 40 years;

3 (36) A contract between a public entity and a private firm or public  
4 authority pursuant to P.L.1995, c.216 (C.58:27-19 et al.) for the  
5 provision of wastewater treatment services may be entered into for any  
6 term of not more than 40 years, including all optional extension  
7 periods; and

8 (37) The operation and management of a facility under a license  
9 issued or permit approved by the Department of Environmental  
10 Protection, including a wastewater treatment system or a water supply  
11 or distribution facility, as the case may be, for any term of not more  
12 than seven years. For the purposes of this subsection, "wastewater  
13 treatment system" refers to facilities operated or maintained for the  
14 storage, collection, reduction, disposal, or other treatment of  
15 wastewater or sewage sludge, remediation of groundwater  
16 contamination, stormwater runoff, or the final disposal of residues  
17 resulting from the treatment of wastewater; and "water supply or  
18 distribution facility" refers to facilities operated or maintained for  
19 augmenting the natural water resources of the State, increasing the  
20 supply of water, conserving existing water resources, or distributing  
21 water to users.

22 All multiyear leases and contracts entered into pursuant to this  
23 section, except contracts for the leasing or servicing of equipment  
24 supplied by a telephone company which is subject to the jurisdiction  
25 of the Board of Public Utilities, contracts involving the supplying of  
26 electricity for the purpose of lighting public streets and contracts for  
27 thermal energy authorized pursuant to subsection (1) above,  
28 construction contracts authorized pursuant to subsection (9) above,  
29 contracts and agreements for the provision of work or the supplying  
30 of equipment to promote energy conservation authorized pursuant to  
31 subsection (12) above, contracts for water supply services or for a  
32 water supply facility, or any component part or parts thereof  
33 authorized pursuant to subsection (16), (30), (31), (34), (35) or (37)  
34 above, contracts for resource recovery services or a resource recovery  
35 facility authorized pursuant to subsection (17) above, contracts for the  
36 sale of energy produced by a resource recovery facility authorized  
37 pursuant to subsection (18) above, contracts for wastewater treatment  
38 services or for a wastewater treatment system or any component part  
39 or parts thereof authorized pursuant to subsection (19), (36) or (37)  
40 above, and contracts for the purchase of electricity or administrative  
41 or dispatching services related to the transmission of such electricity  
42 authorized pursuant to subsection (24) above, shall contain a clause  
43 making them subject to the availability and appropriation annually of  
44 sufficient funds as may be required to meet the extended obligation, or  
45 contain an annual cancellation clause.

46 The Division of Local Government Services shall adopt and

1 promulgate rules and regulations concerning the methods of  
2 accounting for all contracts that do not coincide with the fiscal year.  
3 (cf: P.L.1995, c.371, s.1)

4  
5 21. Section 24 of P.L.1985, c.222 (C.52:27D-324) is amended to  
6 read as follows:

7 24. The agency shall establish procedures for entering into, and  
8 shall enter into, contractual agreements with willing municipalities or  
9 developers of inclusionary developments whereby the agency will  
10 administer resale controls and rent controls in municipalities where no  
11 appropriate administrative agency exists. The contractual agreements  
12 shall be for the duration of the controls and shall involve eligibility  
13 determinations, determination of initial occupants, the marketing of  
14 units, maintenance of eligibility lists for subsequent purchasers or  
15 renters, and determination of maximum resale prices or rents. The  
16 agency may charge the municipality or inclusionary developer a  
17 reasonable per unit fee for entering into such an agreement, or may  
18 charge a reasonable fee to a low or moderate income household at the  
19 time the home is sold subject to the resale control or both. Agency  
20 fees shall be established according to methods or schedules approved  
21 by the State Treasurer.

22 Neither the agency nor any other entity entering into an agreement  
23 to provide services to a municipality under this section shall require,  
24 as a condition of that agreement, that these services be provided for  
25 all eligible housing units in the municipality. A municipality, at its  
26 discretion, may enter into an agreement for the provision of services  
27 for any reasonable portion of its eligible housing units.

28 (cf: P.L.1985, c.222, s.24)

29

30 22. This act shall take effect immediately except that section 8 shall  
31 not become operative until promulgation of rules and regulations as  
32 provided in that section.

33

34

35

#### STATEMENT

36

37 This bill is intended to relieve counties and municipalities of certain  
38 State mandates in order to effect a cost savings to reduce local taxes.  
39 Specifically, sections 1 and 2 of the bill would permit a municipality to  
40 stagger the expiration of pet licenses. This would make administration  
41 easier since renewals would not occur at the same time.

42 Section 3 of the bill permits small municipalities, with a population  
43 of 250 persons or less, according to the latest federal decennial census,  
44 to selectively close election polling places as soon as the district board  
45 determines that all registered voters eligible to vote at a particular  
46 polling place have cast their votes.

1 Sections 4 and 5 of the bill permit ordinances and health codes  
2 adopted by a local board of health to be published in summary form,  
3 both prior to the public hearing and after adoption, in order to reduce  
4 the costs of publication.

5 Section 6 permits the publishing of ordinances and other legal  
6 notices in "free" newspapers. R.S.35:1-2.2 currently requires that  
7 newspapers qualified for legal advertisements must be of general paid  
8 circulation, have an average news content of not less than 35%, have  
9 been published in a locale continuously for two years, and be entered  
10 for two years as second class mail matter. This section recognizes that  
11 in many communities the "free" newspapers are more likely to be read  
12 by a greater number of people than newspapers with paid circulation.

13 Section 7 permits a municipality or county to impose parking  
14 restrictions, designate no passing zones and mid-block and intersection  
15 crosswalks, erect traffic signals, paint road striping and pavement  
16 markings, on self-contained streets under municipal or county  
17 jurisdiction, as appropriate, without approval of the Commissioner of  
18 Transportation. R.S.39:4-8 would be amended to permit a  
19 municipality or county to act by ordinance or resolution, as  
20 appropriate, to effect the traffic control measure, with a copy of the  
21 ordinance or resolution transmitted to the Commissioner of  
22 Transportation along with an engineer's certification. The  
23 commissioner would have 90 days to review the ordinance or  
24 resolution and invalidate it if the provisions (1) are inconsistent with  
25 the Manual on Uniform Traffic Control Devices for Streets or  
26 Highways; (2) are inconsistent with accepted engineering standards;  
27 (3) are not based on the results of an accurate traffic and engineering  
28 survey; or (4) place an undue traffic burden or impact on streets in an  
29 adjoining municipality or negatively affects the flow of traffic on the  
30 State highway system.

31 Section 8 is a temporary section that would permit small  
32 municipalities, with a population of 500 persons or less according to  
33 the latest federal decennial census, to conduct elections solely by mail,  
34 saving the expense of setting-up and monitoring voting machines. By  
35 resolution of the governing body filed with the Secretary of State, the  
36 county clerk, and the county board of elections or the county  
37 superintendent of elections where one has been appointed, a small  
38 municipality could choose to conduct its elections, including partisan,  
39 nonpartisan, primary and runoff elections, by mail. The Secretary of  
40 State would be required to promulgate rules and regulations on or  
41 before the first day of the seventh month following enactment and to  
42 report to the Governor and the Legislature, on or before January 1,  
43 1999, making recommendations as to whether elections conducted  
44 solely by mail should be made a part of the permanent law and  
45 expanded to other local units. This section would expire on December  
46 31, 1999.

1 Section 9 would permit ordinances adopted pursuant to the  
2 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), or  
3 an ordinance adopted by a park, parkway or shade tree commission to  
4 be published by title and summary. Section 1 of P.L.1977, c.395  
5 (C.40:49-2.1), currently permits a land use ordinance to be published  
6 by title and summary only when it is six or more octavo pages of  
7 ordinary print in length.

8 Section 10 would permit a nine member planning board in any  
9 municipality to exercise the powers of a zoning board of adjustment  
10 if so provided by ordinance, approved by voter referendum. This  
11 option is currently available under section 16 of P.L.1975, c.291  
12 (C.40:55D-25) to municipalities with a population of 10,000 persons  
13 or less.

14 Section 11 allows a local unit to bond for the amount of any  
15 contribution that it makes as a sending municipality under a regional  
16 contribution agreement pursuant to section 12 of P.L.1985, c.222  
17 (C.52:27D-312). This provision is intended to encourage regional  
18 contribution agreements and thereby enhance low and moderate  
19 income housing stock within the State.

20 Section 12 amends N.J.S.40A:4-19 to increase the permissible  
21 amount of temporary county and municipal budgets from 25% of the  
22 previous years' total appropriations to 26.25% of those appropriations,  
23 representing the proportional part of a 5% cap increase, in years when  
24 a county or municipality increases its tax levy or budget, as  
25 appropriate. This provision would allow counties and municipalities  
26 greater flexibility in the period of time until their annual budget is  
27 adopted.

28 Sections 13 and 14 would authorize a local unit to establish a  
29 dedicated fund into which may be deposited refunds from a joint  
30 insurance fund, which amounts would be retained to protect against a  
31 future year when claims payable by the joint insurance fund exceed  
32 contributions paid into the joint insurance fund by the local unit.  
33 Maintenance of such a revolving fund would allow a local unit to have  
34 assets readily available to make additional contributions into the joint  
35 insurance fund when they are needed without resorting to raising  
36 monies at that time.

37 Section 15 would permit the Local Finance Board to adopt rules  
38 establishing a three-year budget review cycle by the Director of the  
39 Division of Local Government Services in the Department of  
40 Community Affairs, for most municipalities. The governing body and  
41 the chief financial officer would be required to certify to the director  
42 that the municipality is in compliance with the statutory and regulatory  
43 budget procedures. The director would have the power to require  
44 immediate compliance with the State budget law from any municipality  
45 in which the exemption from annual State review impairs the fiscal  
46 integrity or solvency of the municipality.

1 Sections 16 through 18 would permit municipalities to appoint  
2 police officers as adult crossing guards. Such appointees would not  
3 have to be specially trained in traffic control and, in the discretion of  
4 the chief of police, they could wear their normal police uniforms.

5 Sections 19 and 20 amend sections 3 and 15 respectively, of the  
6 "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-3 and  
7 40A:11-15), to extend the period of normal local public contracts from  
8 12 months to 24 months. The additional 12 month contract time is  
9 intended to enable local units to bargain for better prices since the  
10 contract is for a longer duration.

11 Section 21 would amend section 24 of the "Fair Housing Act,"  
12 P.L.1985, c.222 (C.52:27D-324), to clarify that the Affordable  
13 Housing Management Service of the Department of Community  
14 Affairs, or any other entity that provides certain services to  
15 municipalities and developers that are providing affordable housing  
16 under that act, including the determination of occupant eligibility, the  
17 marketing of units and the determination of maximum resale prices or  
18 rents, cannot require an exclusive contract to service all of the eligible  
19 housing units of the municipality. Thus, in a municipality with an  
20 appropriate administrative agency, the municipality might seek to  
21 maximize cost efficiency by servicing a portion of the eligible units  
22 itself or contracting with another provider.

23

24

25

26

27 Provides relief from certain State mandates on counties and  
28 municipalities.

ASSEMBLY, No. 819

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman ARNONE

1 AN ACT concerning temporary budgets and amending N.J.S.40A:4-19.

2

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

5

6 1. N.J.S.40A:4-19 is amended to read as follows:

7 40A:4-19. The governing body may and, if any contracts,  
8 commitments or payments are to be made prior to the adoption of the  
9 budget, shall, by resolution adopted within the first 30 days of the  
10 beginning of the fiscal year, make appropriations to provide for the  
11 period between the beginning of the fiscal year and the adoption of the  
12 budget.

13 The total of the appropriations so made shall not exceed  
14 **[25%]**26.25% of the total of the appropriations made for all purposes  
15 in the budget for the preceding fiscal year excluding, in both instances,  
16 appropriations made for interest and debt redemption charges, capital  
17 improvement fund and public assistance.

18 Nothing herein contained shall prevent or relieve the governing  
19 body from making appropriations during the last 10 days of the year  
20 preceding the beginning of the fiscal year for all interest and debt  
21 redemption charges maturing during the fiscal year.

22 (cf: P.L.1991, c.75, s.16)

23

24 2. This act shall take effect immediately and shall be retroactive to  
25 January 1, 1994.

26

27

28

STATEMENT

29

30 This bill would increase the amount permitted for a temporary  
31 budget from 25% of the previous year's appropriations to 26.25% of  
32 the previous year's appropriations to take into account allowable

**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.



1 increases under the cap law. Assuming a 5% budget cap, the 1.25%  
2 increase represents the proportional cap increase over a three-month  
3 period.

4

5

6

7

8 Increases permissible amount of temporary budgets.

ASSEMBLY, No. 1219

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman AUGUSTINE

1 AN ACT concerning the duration of local public contracts and  
2 amending P.L.1971, c.198.

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

6  
7 1. Section 3 of P.L.1971, c.198 (C.40A:11-3) is amended to read  
8 as follows:

9 3. a. Any purchase, contract or agreement for the performance of  
10 any work or the furnishing or hiring of materials or supplies, the cost  
11 or price of which, together with any other sums expended or to be  
12 expended for the performance of any work or services in connection  
13 with the same immediate program, undertaking, activity or project or  
14 the furnishing of similar materials or supplies during the same fiscal  
15 year paid with or out of public funds, does not exceed in the fiscal year  
16 the total sum of \$7,500.00 or the amount determined pursuant to  
17 subsection b. of this section, may be made, negotiated or awarded by  
18 a contracting agent when so authorized by resolution of the governing  
19 body of the contracting unit without public advertising for bids. Such  
20 authorization may be granted for each purchase, contract or agreement  
21 or by a general delegation of the power to make, negotiate or award  
22 such purchases, contracts or agreements pursuant to this section.

23 Any purchase, contract or agreement made pursuant to this section  
24 may be awarded for a period of **[12]** 24 consecutive months  
25 notwithstanding that such **[12-month]** 24 period does not coincide  
26 with the fiscal year. The Division of Local Government Services shall  
27 adopt and promulgate rules and regulations concerning the methods of  
28 accounting for all contracts that do not coincide with the fiscal year.

29 b. The Governor, in consultation with the Department of the  
30 Treasury, shall, no later than March 1 of each odd-numbered year,  
31 adjust the threshold amount set forth in subsection a. of this section,  
32 or subsequent to 1985 the threshold amount resulting from any  
33 adjustment under this subsection or section 17 of P.L.1985, c.469, in  
34 direct proportion to the rise or fall of the Consumer Price Index for all

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.

1 urban consumers in the New York City and the Philadelphia areas as  
2 reported by the United States Department of Labor. The Governor  
3 shall, no later than June 1 of each odd-numbered year, notify each  
4 governing body of the adjustment. The adjustment shall become  
5 effective on July 1 of each odd-numbered year.

6 (cf: P.L.1991, c.143, s.1)

7  
8 2. Section 15 of P.L.1971, c.198 (C.40A:11-15) is amended to  
9 read as follows:

10 15. All purchases, contracts or agreements for the performing of  
11 work or the furnishing of materials, supplies or services shall be made  
12 for a period not to exceed ~~12~~ 24 consecutive months, except that  
13 contracts or agreements may be entered into for longer periods of time  
14 as follows:

15 (1) Supplying of:

16 (a) ~~【Fuel for heating purposes, for any term not exceeding in the~~  
17 ~~aggregate, two years;】 (Deleted by amendment, P.L. . . , c. . . ) (now~~  
18 ~~pending before the Legislature as this bill)~~

19 (b) ~~【Fuel or oil for use of airplanes, automobiles, motor vehicles~~  
20 ~~or equipment for any term not exceeding in the aggregate, two~~  
21 ~~years;】(Deleted by amendment, P.L. . . , c. . . ) (now pending before the~~  
22 ~~Legislature as this bill)~~

23 (c) Thermal energy produced by a cogeneration facility, for use for  
24 heating or air conditioning or both, for any term not exceeding 40  
25 years, when the contract is approved by the Board of Public Utilities.  
26 For the purposes of this paragraph, "cogeneration" means the  
27 simultaneous production in one facility of electric power and other  
28 forms of useful energy such as heating or process steam;

29 (2) (Deleted by amendment, P.L.1977, c.53.)

30 (3) The collection and disposal of municipal solid waste, the  
31 collection and disposition of recyclable material, or the disposal of  
32 sewage sludge, for any term not exceeding in the aggregate, five years;

33 (4) The collection and recycling of methane gas from a sanitary  
34 landfill facility, for any term not exceeding 25 years, when such  
35 contract is in conformance with a district solid waste management plan  
36 approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.), and with the  
37 approval of the Division of Local Government Services in the  
38 Department of Community Affairs and the Department of  
39 Environmental Protection. The contracting unit shall award the  
40 contract to the highest responsible bidder, notwithstanding that the  
41 contract price may be in excess of the amount of any necessarily  
42 related administrative expenses; except that if the contract requires the  
43 contracting unit to expend funds only, the contracting unit shall award  
44 the contract to the lowest responsible bidder. The approval by the  
45 Division of Local Government Services of public bidding requirements  
46 shall not be required for those contracts exempted therefrom pursuant

1 to section 5 of P.L.1971, c.198 (C.40A:11-5);

2 (5) Data processing service, for any term of not more than three  
3 years;

4 (6) Insurance, for any term of not more than three years;

5 (7) Leasing or servicing of automobiles, motor vehicles, machinery  
6 and equipment of every nature and kind, for a period not to exceed  
7 three years; provided, however, such contracts shall be entered into  
8 only subject to and in accordance with the rules and regulations  
9 promulgated by the Director of the Division of Local Government  
10 Services of the Department of Community Affairs;

11 (8) The supplying of any product or the rendering of any service  
12 by a telephone company which is subject to the jurisdiction of the  
13 Board of Public Utilities for a term not exceeding five years;

14 (9) Any single project for the construction, reconstruction or  
15 rehabilitation of any public building, structure or facility, or any public  
16 works project, including the retention of the services of any architect  
17 or engineer in connection therewith, for the length of time authorized  
18 and necessary for the completion of the actual construction;

19 (10) The providing of food services for any term not exceeding  
20 three years;

21 (11) On-site inspections undertaken by private agencies pursuant  
22 to the "State Uniform Construction Code Act," P.L.1975, c.217  
23 (C.52:27D-119 et seq.) for any term of not more than three years;

24 (12) The performance of work or services or the furnishing of  
25 materials or supplies for the purpose of conserving energy in buildings  
26 owned by, or operations conducted by, the contracting unit, the entire  
27 price of which to be established as a percentage of the resultant  
28 savings in energy costs, for a term not to exceed 10 years; provided,  
29 however, that such contracts shall be entered into only subject to and  
30 in accordance with rules and regulations promulgated by the  
31 Department of Environmental Protection establishing a methodology  
32 for computing energy cost savings;

33 (13) The performance of work or services or the furnishing of  
34 materials or supplies for the purpose of elevator maintenance for any  
35 term not exceeding three years;

36 (14) Leasing or servicing of electronic communications equipment  
37 for a period not to exceed five years; provided, however, such contract  
38 shall be entered into only subject to and in accordance with the rules  
39 and regulations promulgated by the Director of the Division of Local  
40 Government Services of the Department of Community Affairs;

41 (15) Leasing of motor vehicles, machinery and other equipment  
42 primarily used to fight fires, for a term not to exceed seven years,  
43 when the contract includes an option to purchase, subject to and in  
44 accordance with rules and regulations promulgated by the Director of  
45 the Division of Local Government Services of the Department of  
46 Community Affairs;

1 (16) The provision of water supply services or the designing,  
2 financing, construction, operation, or maintenance, or any combination  
3 thereof, of a water supply facility, or any component part or parts  
4 thereof, including a water filtration system, for a period not to exceed  
5 40 years, when the contract for these services is approved by the  
6 Division of Local Government Services in the Department of  
7 Community Affairs, the Board of Public Utilities, and the Department  
8 of Environmental Protection pursuant to P.L.1985, c.37 (C.58:26-1 et  
9 al.), except for those contracts otherwise exempted pursuant to  
10 subsections (30), (31), (34) or (35) of this section. For the purposes  
11 of this subsection, "water supply services" means any service provided  
12 by a water supply facility; "water filtration system" means any  
13 equipment, plants, structures, machinery, apparatus, or land, or any  
14 combination thereof, acquired, used, constructed, rehabilitated, or  
15 operated for the collection, impoundment, storage, improvement,  
16 filtration, or other treatment of drinking water for the purposes of  
17 purifying and enhancing water quality and insuring its potability prior  
18 to the distribution of the drinking water to the general public for  
19 human consumption, including plants and works, and other personal  
20 property and appurtenances necessary for their use or operation; and  
21 "water supply facility" means and refers to the real property and the  
22 plants, structures, interconnections between existing water supply  
23 facilities, machinery and equipment and other property, real, personal  
24 and mixed, acquired, constructed or operated, or to be acquired,  
25 constructed or operated, in whole or in part by or on behalf of a  
26 political subdivision of the State or any agency thereof, for the  
27 purpose of augmenting the natural water resources of the State and  
28 making available an increased supply of water for all uses, or of  
29 conserving existing water resources, and any and all appurtenances  
30 necessary, useful or convenient for the collecting, impounding, storing,  
31 improving, treating, filtering, conserving or transmitting of water and  
32 for the preservation and protection of these resources and facilities and  
33 providing for the conservation and development of future water supply  
34 resources;

35 (17) The provision of solid waste disposal services by a resource  
36 recovery facility, the furnishing of products of a resource recovery  
37 facility, the disposal of the solid waste delivered for disposal which  
38 cannot be processed by a resource recovery facility or the waste  
39 products resulting from the operation of a resource recovery facility,  
40 including hazardous waste and recovered metals and other materials  
41 for reuse, or the design, financing, construction, operation or  
42 maintenance of a resource recovery facility for a period not to exceed  
43 40 years when the contract is approved by the Division of Local  
44 Government Services in the Department of Community Affairs and the  
45 Department of Environmental Protection; and when the resource  
46 recovery facility is in conformance with a district solid waste

1 management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et  
2 seq.). For the purposes of this subsection, "resource recovery facility"  
3 means a solid waste facility constructed and operated for the  
4 incineration of solid waste for energy production and the recovery of  
5 metals and other materials for reuse; or a mechanized composting  
6 facility, or any other solid waste facility constructed or operated for  
7 the collection, separation, recycling, and recovery of metals, glass,  
8 paper, and other materials for reuse or for energy production;

9 (18) The sale of electricity or thermal energy, or both, produced by  
10 a resource recovery facility for a period not to exceed 40 years when  
11 the contract is approved by the Board of Public Utilities, and when the  
12 resource recovery facility is in conformance with a district solid waste  
13 management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et  
14 seq.). For the purposes of this subsection, "resource recovery facility"  
15 means a solid waste facility constructed and operated for the  
16 incineration of solid waste for energy production and the recovery of  
17 metals and other materials for reuse; or a mechanized composting  
18 facility, or any other solid waste facility constructed or operated for  
19 the collection, separation, recycling, and recovery of metals, glass,  
20 paper, and other materials for reuse or for energy production;

21 (19) The provision of wastewater treatment services or the  
22 designing, financing, construction, operation, or maintenance, or any  
23 combination thereof, of a wastewater treatment system, or any  
24 component part or parts thereof, for a period not to exceed 40 years,  
25 when the contract for these services is approved by the Division of  
26 Local Government Services in the Department of Community Affairs  
27 and the Department of Environmental Protection pursuant to  
28 P.L.1985, c.72 (C.58:27-1 et al.), except for those contracts otherwise  
29 exempted pursuant to subsection (36) of this section. For the  
30 purposes of this subsection, "wastewater treatment services" means  
31 any services provided by a wastewater treatment system, and  
32 "wastewater treatment system" means equipment, plants, structures,  
33 machinery, apparatus, or land, or any combination thereof, acquired,  
34 used, constructed, or operated for the storage, collection, reduction,  
35 recycling, reclamation, disposal, separation, or other treatment of  
36 wastewater or sewage sludge, or for the final disposal of residues  
37 resulting from the treatment of wastewater, including, but not limited  
38 to, pumping and ventilating stations, facilities, plants and works,  
39 connections, outfall sewers, interceptors, trunk lines, and other  
40 personal property and appurtenances necessary for their operation;

41 (20) The supplying of materials or services for the purpose of  
42 lighting public streets, for a term not to exceed five years, provided  
43 that the rates, fares, tariffs or charges for the supplying of electricity  
44 for that purpose are approved by the Board of Public Utilities;

45 (21) In the case of a contracting unit which is a county or  
46 municipality, the provision of emergency medical services by a hospital

1 to residents of a municipality or county as appropriate for a term not  
2 to exceed five years;

3 (22) Towing and storage contracts, awarded pursuant to paragraph  
4 u. of subsection (1) of section 5 of P.L.1971, c.198 (C.40A:11-5) for  
5 any term not exceeding three years;

6 (23) Fuel for the purpose of generating electricity for a term not to  
7 exceed eight years;

8 (24) The purchase of electricity or administrative or dispatching  
9 services related to the transmission of such electricity, from a public  
10 utility company subject to the jurisdiction of the Board of Public  
11 Utilities, a similar regulatory body of another state, or a federal  
12 regulatory agency, or from a qualifying small power producing facility  
13 or qualifying cogeneration facility, as defined by 16 U.S.C. §796, by  
14 a contracting unit engaged in the generation of electricity for retail  
15 sale, as of the date of P.L.1991, c.407, for a term not to exceed 40  
16 years;

17 (25) Basic life support services, for a period not to exceed five  
18 years. For the purposes of this subsection, "basic life support" means  
19 a basic level of prehospital care, which includes but need not be  
20 limited to patient stabilization, airway clearance, cardiopulmonary  
21 resuscitation, hemorrhage control, initial wound care and fracture  
22 stabilization;

23 (26) Claims administration services, for any term not to exceed  
24 three years;

25 (27) The provision of transportation services to elderly, disabled  
26 or indigent persons for any term of not more than three years. For the  
27 purposes of this subsection, "elderly persons" means persons who are  
28 60 years of age or older. "Disabled persons" means persons of any age  
29 who, by reason of illness, injury, age, congenital malfunction, or other  
30 permanent or temporary incapacity or disability, are unable, without  
31 special facilities or special planning or design to utilize mass  
32 transportation facilities and services as effectively as persons who are  
33 not so affected. "Indigent persons" means persons of any age whose  
34 income does not exceed 100 percent of the poverty level, adjusted for  
35 family size, established and adjusted under section 673(2) of subtitle  
36 B, the "Community Services Block Grant Act," Pub.L.97-35 (42  
37 U.S.C. §9902 (2));

38 (28) The supplying of liquid oxygen or other chemicals, for a term  
39 not to exceed five years, when the contract includes the installation of  
40 tanks or other storage facilities by the supplier, on or near the  
41 premises of the contracting unit;

42 (29) The performance of patient care services by contracted  
43 medical staff at county hospitals, correction facilities and long term  
44 care facilities, for any term of not more than three years;

45 (30) The acquisition of an equitable interest in a water supply  
46 facility pursuant to section 2 of P.L.1993, c.381 (C.58:28-2), or an

1 agreement entered into pursuant to the "County and Municipal Water  
2 Supply Act," N.J.S.40A:31-1 et seq., if the agreement is entered into  
3 later than January 7, 1995, for any term of not more than forty years;

4 (31) The provision of water supply services or the financing,  
5 construction, operation or maintenance or any combination thereof, of  
6 a water supply facility or any component part or parts thereof, by a  
7 partnership or copartnership established pursuant to a contract  
8 authorized under section 2 of P.L.1993, c.381 (C.58:28-2) for a period  
9 not to exceed 40 years;

10 (32) Laundry service and the rental, supply and cleaning of  
11 uniforms for any term of not more than three years;

12 (33) The supplying of any product or the rendering of any service,  
13 including consulting services, by a cemetery management company for  
14 the maintenance and preservation of a municipal cemetery operating  
15 pursuant to the "New Jersey Cemetery Act," N.J.S.8A:1-1 et seq., for  
16 a term not exceeding 15 years;

17 (34) A contract between a public entity and a private firm pursuant  
18 to P.L.1995, c.101 (C.58:26-19 et al.) for the provision of water  
19 supply services may be entered into for any term which, when all  
20 optional extension periods are added, may not exceed 40 years;

21 (35) An agreement for the purchase of a supply of water from a  
22 public utility company subject to the jurisdiction of the Board of Public  
23 Utilities in accordance with tariffs and schedules of charges made,  
24 charged or exacted or contracts filed with the Board of Public  
25 Utilities, for any term of not more than 40 years; and

26 (36) A contract between a public utility and a private firm or public  
27 authority pursuant to P.L.1995, c.216 (C.58:27-19 et al.) for the  
28 provision of wastewater treatment services may be entered into for any  
29 term of not more than 40 years, including all optional extension  
30 periods.

31 All multiyear leases and contracts entered into pursuant to this  
32 section, except contracts for the leasing or servicing of equipment  
33 supplied by a telephone company which is subject to the jurisdiction  
34 of the Board of Public Utilities, contracts involving the supplying of  
35 electricity for the purpose of lighting public streets and contracts for  
36 thermal energy authorized pursuant to subsection (1) above,  
37 construction contracts authorized pursuant to subsection (9) above,  
38 contracts and agreements for the provision of work or the supplying  
39 of equipment to promote energy conservation authorized pursuant to  
40 subsection (12) above, contracts for water supply services or for a  
41 water supply facility, or any component part or parts thereof  
42 authorized pursuant to subsections (16), (34) or (35) above,  
43 contracts for resource recovery services or a resource recovery facility  
44 authorized pursuant to subsection (17) above, contracts for the sale of  
45 energy produced by a resource recovery facility authorized pursuant  
46 to subsection (18) above, contracts for wastewater treatment services



1 or for a wastewater treatment system or any component part or parts  
2 thereof authorized pursuant to subsection (19) above, and contracts  
3 for the purchase of electricity or administrative or dispatching services  
4 related to the transmission of such electricity authorized pursuant to  
5 subsection (24) above, shall contain a clause making them subject to  
6 the availability and appropriation annually of sufficient funds as may  
7 be required to meet the extended obligation, or contain an annual  
8 cancellation clause.

9 The Division of Local Government Services shall adopt and  
10 promulgate rules and regulations concerning the methods of  
11 accounting for all contracts that do not coincide with the fiscal year.  
12 (cf: P.L.1995, c.216, s.12)

13

14 3. This act shall take effect immediately.

15

16

17

18

19 \_\_\_\_\_  
20 Increases to 24 months maximum allowable period for contracts under  
"Local Public Contracts Law."

ASSEMBLY, No. 1123

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman MURPHY and Assemblyman ARNONE

1 AN ACT concerning the processing of property tax refunds and  
2 delinquencies and amending P.L.1983, c.568.

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.1983, c.568 (C.40A:5-17.1) is amended to read  
8 as follows:

9 1. a. Notwithstanding the provision of any law to the contrary, the  
10 governing body of a municipality may adopt a resolution authorizing  
11 a municipal employee chosen by the governing body to process,  
12 without further action on the part of the governing body, any property  
13 tax refund of less than ~~[\$5.00]~~ \$10.00.

14 b. Notwithstanding subsection a. of this section or any provision  
15 of law to the contrary, the governing body of a municipality may adopt  
16 a resolution authorizing a municipal employee chosen by the governing  
17 body to process, without further action on the part of the governing  
18 body, the cancellation of any property tax refund or delinquency of  
19 less than ~~[\$5.00]~~ \$10.00.

20 (cf: P.L.1987, c.82, s.1)

21

22 2. This act shall take effect immediately.

23

24

25 STATEMENT

26

27 This bill would permit the governing body of a municipality to  
28 adopt a resolution authorizing a municipal employee, without any  
29 further action by the governing body, to process a property tax refund  
30 or the cancellation of a property tax refund or delinquency of less than  
31 \$10.00.

32 Under current law, the amount of refund or cancellation that can be

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.

A1123

2

1 processed by a municipal employee without further action by the  
2 governing body is \$5.00.

3

4

5

6

7 Increases amount of property tax refund or cancellation of refund or  
8 delinquency authorized without action of governing body.

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman MURPHY and Assemblyman DeCROCE

1 AN ACT concerning joint insurance fund refunds, amending  
2 N.J.S.40A:4-39 and supplementing P.L.1983, c.372 (C.40A:10-36  
3 et seq.).

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

7  
8 1. N.J.S.40A:4-39 is amended to read as follows:  
9 40A:4-39. a. In the budget of any local unit, dedicated revenues  
10 anticipated during the fiscal year from any dog tax, dog license, solid  
11 fuel license, sinking fund for term bonds, bequest, escheat, federal  
12 grant, motor vehicle fine dedicated to road repairs, relocation costs  
13 deposited into a revolving relocation assistance fund established  
14 pursuant to section 2 of P.L.1987, c.98 (C.20:4-4.1a), refund  
15 payments from a joint insurance fund deposited into a joint insurance  
16 revolving fund established pursuant to section 2 of P.L. , c.  
17 (C. )(pending before the Legislature as this bill) and, subject to the  
18 prior written consent of the director, other items of like character  
19 when the revenue is not subject to reasonably accurate estimate in  
20 advance, may be included in said budget by annexing to said budget a  
21 statement in substantially the following form:

22 "The dedicated revenues anticipated during the year ..... from  
23 ..... (here insert one or more of the sources above, as the case may  
24 be) are hereby anticipated as revenue and are hereby appropriated for  
25 the purposes to which said revenue is dedicated by statute or other  
26 legal requirement."

27 b. Dedicated revenues included in accordance with this section  
28 shall be available for expenditure by the local unit as and when  
29 received in cash during the fiscal year. The inclusion of such dedicated  
30 revenues shall be subject to the approval of the director, who may  
31 require such explanatory statements or data in connection therewith as

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.

1 he deems advisable for the information and protection of the public.  
2 (cf: P.L.1987, c.98, s.1)

3

4 2. (New section) The governing body of any local unit that has  
5 established a joint insurance fund may by resolution or ordinance, as  
6 appropriate, establish a joint insurance revolving fund into which may  
7 be deposited any refunds paid to the local unit by the joint insurance  
8 fund to be dedicated for the payment of liabilities to the fund in future  
9 years. In no event shall amounts deposited in a joint insurance  
10 revolving fund exceed the annual amount contributed by the local unit  
11 to the joint insurance fund during the prior year.

12 Moneys appropriated from the joint insurance revolving fund shall  
13 be used by the local unit to cover losses attributable to claims being  
14 paid by the joint insurance fund in future years which exceed  
15 contributions paid into the joint insurance fund by the local unit.

16

17 3. This act shall take effect immediately.

18

19

20

STATEMENT

21

22 This bill would authorize a local unit to establish a dedicated fund  
23 into which may be deposited refunds from a joint insurance fund,  
24 which amounts would be retained to protect against a future year when  
25 claims payable by the joint insurance fund exceed contributions paid  
26 into the joint insurance fund by the local unit. Maintenance of such a  
27 revolving fund would allow a local unit to have assets readily available  
28 to make additional contributions into the joint insurance fund when  
29 they are needed without resorting to raising monies at that time.

30

31

32

33

34 Authorizes establishment of joint insurance revolving fund.

ASSEMBLY, No. 1127

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman MURPHY and Assemblyman AUGUSTINE

1 AN ACT permitting the staggering of dog license expiration dates and  
2 amending P.L.1941, c.151 and P.L.1982, c.203.

3

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

6

7 1. Section 3 of P.L.1941, c.151 (C.4:19-15.3) is amended to read  
8 as follows:

9 3. The person applying for the license and registration tag shall pay  
10 the fee fixed or authorized to be fixed in section 12 of this act, and the  
11 sum of \$1.00 for a one-year registration tag or \$3.00 for a three-year  
12 registration tag for each dog; and for each renewal, the fee for the  
13 license and for the registration tag shall be the same as for the original  
14 license and tag; and said licenses, registration tags and renewals  
15 thereof shall expire no later than June 30 in the year stated on the  
16 license; except that this expiration date shall not require a municipality  
17 to alter its schedule for administering rabies inoculations to any dog to  
18 be licensed and registered; nor shall this expiration date require a  
19 municipality to alter its schedule for renewing licenses and registration  
20 tags, provided that the registration period precedes June 30. The  
21 governing body of a municipality may stagger the expiration of such  
22 annual licenses so long as all expirations occur no later than June 30  
23 in the calendar year stated on the license.

24 Only one license and registration tag shall be required in any  
25 licensing year for any dog owned in New Jersey, and such license and  
26 tag shall be accepted by all municipalities as evidence of compliance  
27 with this section.

28 Dogs used as guides for blind persons and commonly known as  
29 "seeing-eye" dogs, dogs used to assist handicapped persons and  
30 commonly known as "service dogs," or dogs used to assist deaf  
31 persons and commonly known as "hearing ear" dogs shall be licensed  
32 and registered as other dogs hereinabove provided for, except that the

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.

1 owner or keeper of such dog shall not be required to pay any fee  
2 therefor.

3 License forms and uniform official metal registration tags designed  
4 by the State Department of Health shall be furnished by the  
5 municipality and shall be numbered serially and shall bear the year of  
6 issuance and the name of the municipality.

7 (cf: P.L.1983, c.485, s.2)

8

9 2. Section 4 of P.L.1982, c.203 (C.4:19-15.3a) is amended to read  
10 as follows:

11 4. Subsequent to the effective date of **[this act]** P.L.1982, c.203,  
12 the provisions of any law to the contrary notwithstanding:

13 a. All annual licenses required pursuant to the provisions of section  
14 2 of P.L.1941, c.151 (C.4:19-15.2), section 3 of P.L.1941, c.151  
15 (C.4:19-15.3) and section 8 of P.L.1941, c.151 (C.4:19-15.8) shall  
16 expire no later than June 30 in the calendar year next following  
17 issuance; provided that the license and registration tag fee shall be  
18 prorated for any license and registration tag which is valid for longer  
19 than 12 months. The governing body of a municipality may stagger  
20 the expiration of such annual licenses so long as all expirations occur  
21 no later than June 30 in the calendar year next following issuance.

22 b. Any 3-year registration tag issued pursuant to the provisions of  
23 section 2 of P.L.1941, c.151 (C.4:19-15.2) or section 3 of P.L.1941,  
24 c.151 (C.4:19-15.3), which is due to expire January 31 of the year of  
25 the effective date of this act, shall be valid until June 30 of that year.

26 Upon renewal of the three-year licenses on June 30 of the calendar  
27 year next following issuance, the municipality may assess a fee, in  
28 addition to the annual fee, which reflects a prorated portion of the  
29 three-year fee for the period January 31 to June 30 preceding renewal.  
30 (cf: P.L.1983, c.40, s.2)

31

32 3. This act shall take effect immediately.

33

34

35

#### STATEMENT

36

37 This bill permits municipal governing bodies to stagger the  
38 expiration of dog licenses, so long as the licenses expire no later than  
39 June 30 of the calendar year stated on the license.

40 Current law requires that dog licenses expire no later than June 30  
41 of the calendar year stated on the license. The language of the current  
42 law is not clear about whether the expiration dates of the licenses may  
43 be staggered so that the work load of municipal dog licensing officials  
44 may be spread out. This bill would clarify the current law so that  
45 staggering of expiration dates is clearly permitted.

A1127

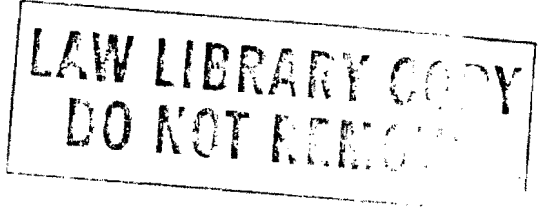
3

1

2

3 Permits staggering of dog license expiration dates.





# STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senators RICE and GIRGENTI

1 AN ACT concerning municipal traffic control and amending  
2 R.S.39:4-8.

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

6  
7 1. R.S.39:4-8 is amended to read as follows:

8 39:4-8. a. Except as otherwise provided in this section, no  
9 ordinance or resolution concerning, regulating or governing traffic or  
10 traffic conditions, adopted or enacted by any board or body having  
11 jurisdiction over highways, shall be of any force or effect unless the  
12 same is approved by the Commissioner of Transportation, according  
13 to law. The commissioner shall not be required to approve any such  
14 ordinance, resolution or regulation, unless, after investigation by him,  
15 the same shall appear to be in the interest of safety and the expedition  
16 of traffic on the public highways.

17 b. In the case of **[totally self-contained]** streets under municipal  
18 jurisdiction **[which have no direct connection with any street in any**  
19 **other municipality]**, the municipality may, by ordinance, without the  
20 approval of the Commissioner of Transportation, designate reasonable  
21 and safe speed limits and erect appropriate signs and designate any  
22 intersection as a stop or yield intersection and erect appropriate signs,  
23 provided that the municipal engineer shall, under his seal as a licensed  
24 professional engineer, certify to the municipal governing body that any  
25 designation or erection of signs: (1) has been approved by him after  
26 investigation by him of the circumstances, (2) appears to him to be in  
27 the interest of safety and the expedition of traffic on the public  
28 highways and (3) conforms to the current standards prescribed by the  
29 Manual of Uniform Traffic Control Devices for Streets and Highways,  
30 as adopted by the Commissioner of Transportation.

31 A certified copy of the adopted ordinance shall be transmitted by  
32 the clerk of the municipality to the commissioner within 30 days of

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.

1 adoption, together with a copy of the engineer's certification; a  
2 statement of the reasons for the engineer's decision; detailed  
3 information as to the location of streets, intersections and signs  
4 affected by any designation or erection of signs; and traffic count,  
5 accident and speed sampling data, when appropriate.

6 Nothing in this subsection shall allow municipalities to designate  
7 any intersection with any highway under State or county jurisdiction  
8 as a stop or yield intersection.

9 c. Subject to the provisions of R.S.39:4-138, in the case of any  
10 street under municipal or county jurisdiction, a municipality or county  
11 may, without the approval of the Commissioner of Transportation, do  
12 the following:

13 By ordinance or resolution:

14 (1) prohibit general parking;

15 (2) designate restricted parking under section 1 of P.L.1977, c.309  
16 (C.39:4-197.6);

17 (3) designate time limit parking; and

18 (4) install parking meters.

19 By ordinance, resolution or regulation:

20 (1) designate loading and unloading zones and taxi stands;

21 (2) approve street closings for periods up to 48 continuous hours;  
22 and

23 (3) designate restricted parking under section 1 of P.L.1977, c.202  
24 (C.39:4-197.5).

25 Nothing in this subsection shall allow municipalities or counties to  
26 establish angle parking or to reinstate or add parking on any street, or  
27 approve the closure of streets for more than 48 continuous hours,  
28 without the approval of the Commissioner of Transportation.

29 (cf: P.L.1993, c.122, s.1)

30

31 2. This act shall take effect on the first day of the third month  
32 following enactment.

33

34

35

#### STATEMENT

36

37 This bill would permit a municipality, by ordinance, to designate  
38 reasonable and safe speed limits and erect stop signs on streets under  
39 its jurisdiction, without the prior approval of the State Commissioner  
40 of Transportation. The municipal engineer would be required to  
41 certify that the proposed sign would serve the interests of safety and  
42 conform to standards prescribed by the Manual of Uniform Traffic  
43 Control Devices for Streets and Highways. A copy of the adopted  
44 ordinance, the engineer's certification and supporting data would have  
45 to be submitted to the Commissioner of Transportation. Under  
46 current law, a municipality may erect a stop sign without State

- 1 approval only on a street totally self-contained within the municipality.
- 2
- 3
- 4 \_\_\_\_\_
- 5
- 6 Permits municipality to erect certain stop signs without State approval.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, Nos. 7, 819, 1123, 1127, 1134, 1219  
and SENATE, No. 179

**STATE OF NEW JERSEY**

DATED: JUNE 3, 1996

The Assembly Local Government Committee reports favorably an Assembly committee substitute for Assembly, Nos. 7, 819, 1123, 1127, 1134, 1219 and Senate, No. 179.

This committee substitute is intended to relieve counties and municipalities of certain State mandates in order to effect a cost savings to reduce local taxes. Specifically, sections 1 and 2 of the committee substitute would permit a municipality to stagger the expiration of pet licenses. This would make administration easier since renewals would not occur at the same time.

Section 3 of the committee substitute requires the Department of State to investigate the methods, of reducing mandatory election costs in municipalities with populations of 500 persons or less. The department would be required to report its findings to the Governor and to the Legislature in about six months from the date of enactment of this committee substitute.

Sections 4 and 5 of the committee substitute permit ordinances and health codes adopted by a local board of health to be published in summary form, both prior to the public hearing and after adoption, in order to reduce the costs of publication.

Section 6 permits a municipality or county to impose parking restrictions, designate no passing zones, paint road striping and pavement markings, on self-contained streets under municipal or county jurisdiction, as appropriate, without approval of the Commissioner of Transportation. R.S.39:4-8 would be amended to permit a municipality or county to act by ordinance or resolution, as appropriate, to effect the traffic control measure, with a copy of the ordinance or resolution transmitted to the Commissioner of Transportation along with an engineer's certification. The commissioner would have 90 days to review the ordinance or resolution and invalidate it if the provisions (1) are inconsistent with the Manual on Uniform Traffic Control Devices for Streets or Highways; (2) are inconsistent with accepted engineering standards; (3) are not based on the results of an accurate traffic and engineering

survey; or (4) place an undue traffic burden or impact on streets in an adjoining municipality or negatively affect the flow of traffic on the State highway system.

Section 7 would permit ordinances adopted pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), or an ordinance adopted by a park, parkway or shade tree commission to be published by title and summary. Section 1 of P.L.1977, c.395 (C.40:49-2.1), currently permits a land use ordinance to be published by title and summary only when it is six or more octavo pages of ordinary print in length.

Section 8 would permit a nine member planning board in any municipality to exercise the powers of a zoning board of adjustment if so provided by ordinance, approved by voter referendum. This option is currently available under section 16 of P.L.1975, c.291 (C.40:55D-25) to municipalities with a population of 10,000 persons or less.

Section 9 allows a local unit to bond for the amount of any contribution that it makes as a sending municipality under a regional contribution agreement pursuant to section 12 of P.L.1985, c.222 (C.52:27D-312). This provision is intended to encourage regional contribution agreements and thereby enhance low and moderate income housing stock within the State.

Section 10 amends N.J.S.40A:4-19 to increase the permissible amount of temporary county and municipal budgets from 25% of the previous year's total appropriations to 26.25% of those appropriations, representing the proportional part of a 5% cap increase, in years when a county or municipality increases its tax levy or budget, as appropriate. This provision would allow counties and municipalities greater flexibility in the period of time until their annual budget is adopted.

Sections 11 and 12 would authorize a local unit to establish a dedicated fund into which may be deposited refunds from a joint insurance fund, which amounts would be retained to protect against a future year when claims payable by the joint insurance fund exceed contributions paid into the joint insurance fund by the local unit. Maintenance of such a revolving fund would allow a local unit to have assets readily available to make additional contributions into the joint insurance fund when they are needed without resorting to raising monies at that time.

Section 13 would permit the Local Finance Board to adopt rules establishing a three-year budget review cycle by the Director of the Division of Local Government Services in the Department of Community Affairs, for most municipalities. The governing body and the chief financial officer would be required to certify to the director that the municipality is in compliance with the statutory and regulatory budget procedures. The director would have the power to require immediate compliance with the State budget law from any municipality in which the exemption from annual State review impairs the fiscal

integrity or solvency of the municipality.

Section 14 increases, from \$5 to \$10, the amount for which a tax collector can be preauthorized by resolution of the municipal governing body to process property tax refunds or to process cancellations of refunds or delinquencies.

Sections 15 through 17 would permit municipalities to appoint police officers as adult crossing guards. Such appointees would not have to be specially trained in traffic control and, in the discretion of the chief of police, they could wear their normal police uniforms.

Sections 18 and 19 amend sections 3 and 15 respectively, of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-3 and 40A:11-15), to extend the period of normal local public contracts from 12 months to 24 months, with the exception of those for professional services. The additional 12 month contract time is intended to enable local units to bargain for better prices since the contract is for a longer duration.

Section 20 would amend section 24 of the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-324), to clarify that the Affordable Housing Management Service of the Department of Community Affairs, or any other entity that provides certain services to municipalities and developers that are providing affordable housing under that act, including the determination of occupant eligibility, the marketing of units and the determination of maximum resale prices or rents, cannot require an exclusive contract to service all of the eligible housing units of the municipality. Thus, in a municipality with an appropriate administrative agency, the municipality might seek to maximize cost efficiency by servicing a portion of the eligible units itself or contracting with another provider.

MINORITY STATEMENT SUBMITTED BY  
ASSEMBLYWOMAN MYERS

Although the intent of this legislation is commendable, it is unsupportable because it violates Article IV, Section VII, 4 of the New Jersey Constitution, which we are bound to uphold. That section states that legislation may encompass only one object. This bill addresses dog licenses, health ordinances, election law, traffic ordinances, shade tree ordinances, planning board powers, regional contribution agreements, appropriations caps, joint insurance funds, budget approvals, property tax refunds, school crossing guards, contract periods and services to housing units.

The title, which attempts to combine these diverse issues under the statement that they are mandates, is arguable. Section 3, for example, asks the Secretary of State to study election law. This does not repeal or modify any mandate, contrary to the title of the bill.

Additionally, the committee voted on this bill before the amended bill was available to committee members in written form, as required by the Rules (Rule # 75) of the General Assembly. Accordingly, this bill may not be considered for final action (Rule # 84).

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, Nos. 7, 819, 1123, 1127, 1134, 1219 and  
SENATE, No. 179

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 13, 1996

The Assembly Appropriations Committee reports favorably Assembly Bill No. 7, 819, 1123, 1127, 1134, 1219 and Senate, No. 179 ACS, with committee amendments.

Assembly Bill No. 7, 819, 1123, 1127, 1134, 1219 and Senate, No. 179 ACS, as amended, is intended to relieve counties and municipalities of certain State mandates to save costs to reduce local taxes.

Bill sections 1 and 2 permit a municipality to stagger the expiration of pet licenses, making administration easier since renewals would not occur at the same time.

Section 3 requires the Department of State to investigate methods of reducing mandatory election costs in municipalities with populations of 500 persons or fewer. The department shall report its findings to the Governor and to the Legislature in about six months from the date of the bill's enactment.

Sections 4 and 5 permit ordinances and health codes adopted by a local board of health to be published in summary form, both prior to the public hearing and after adoption, to reduce publication costs.

Section 6 permits a municipality or county to impose parking restrictions, designate no passing zones, paint road striping and pavement markings, on self-contained streets under municipal or county jurisdiction, as appropriate, without prior approval of the Commissioner of Transportation. Amendments to R.S.39:4-8 permit a municipality or county to effect the traffic control measure by ordinance or resolution, as appropriate, subject to a 90 day statutory, engineering and traffic flow review by the Commissioner of Transportation.

Section 7 permits ordinances adopted by any municipal or county agency, board or commission authorized by law to adopt ordinances to be published by title, or by title and summary.

Section 8 permits a nine member planning board in any



municipality to exercise the powers of a zoning board of adjustment, if so provided by ordinance approved by voter referendum. This option is currently available under section 16 of P.L.1975, c.291 (C.40:55D-25) to municipalities with a population of 10,000 persons or fewer. Section 8 also provides the mechanism for a municipality that has previously approved a referendum to allow its planning board to exercise the powers of a zoning board to return to the previous system.

Section 9 allows a local unit to bond for the amount of any contribution that it makes as a sending municipality under a regional contribution agreement pursuant to section 12 of P.L.1985, c.222 (C.52:27D-312). This will encourage regional contribution agreements and enhance low and moderate income housing stock in the State.

Section 10 amends N.J.S.40A:4-19 to increase the permissible amount of temporary county and municipal budgets from 25% of the previous year's total appropriations to 26.25% of those appropriations, an increase representing the proportional part of the 5% budget increase "cap" for those years a county or municipality increases its tax levy or budget. This will allow counties and municipalities greater flexibility in the time until an annual budget is adopted.

Sections 11 and 12 authorize a local unit to establish a dedicated fund for deposit of refunds from a joint insurance fund, as a reserve for years when claims payable by the joint insurance fund exceed contributions paid into the joint insurance fund by the local unit. Such a reserve fund allows a local unit to have assets readily available for additional contributions into the joint insurance fund without resorting to raising monies at that time.

Section 13 permits the Local Finance Board to adopt rules establishing a three-year budget review cycle by the Director of the Division of Local Government Services in the Department of Community Affairs, for most municipalities. The governing body and the chief financial officer are required to certify to the director that the municipality is in compliance with the statutory and regulatory budget procedures; the director could require immediate compliance with the State budget law by any municipality in which the exemption from annual State review impairs the fiscal integrity or solvency of the municipality.

Section 14 increases, from \$5 to \$10, the amount for which a tax collector can be preauthorized by resolution of the municipal governing body to process property tax refunds or to process cancellations of refunds or delinquencies.

Sections 15 through 17 permit municipalities to appoint police officers as adult crossing guards. Such appointees would not have to be specially trained in traffic control and, in the discretion of the chief of police, they could wear their normal police uniforms.

Sections 18 and 19 amend sections 3 and 15 respectively, of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-3 and

40A:11-15), to extend the period of normal local public contracts from 12 months to 24 months, except those for professional services. The longer contract will enable local units to bargain for better prices.

Section 20 amends the "Fair Housing Act" to clarify that the neither the Affordable Housing Management Service of the Department of Community Affairs or any other entity providing certain services to municipalities and developers providing affordable housing under that act cannot require an exclusive contract to service all of the eligible housing units of the municipality. This will allow a municipality with an appropriate administrative agency to save money by servicing a portion of the eligible units itself or contracting with another provider.

Section 21 allows the governing body of a municipality to direct that the canvass of dogs in the municipality be made biennially instead of annually.

#### FISCAL IMPACT:

The provisions of the bill concerning the staggered expiration of pet licenses, reducing mandatory election costs, permitting ordinances to be published in summary form, expediting traffic control ordinances, shifting to a three year budget review cycle, and the elimination of exclusive contracting have the potential to reduce local government costs. In particular, the provision that would extend the period of normal local public contracts from 12 months to 24 months is likely to enable local units to bargain for better prices, and may yield significant cost reductions.

However, because many of the provisions are local unit options that depend on specific local unit characteristics, it is not possible to estimate potential property tax savings.

#### COMMITTEE AMENDMENTS:

The amendments provide a new section seven of the bill, so that the publication by title and summary requirements apply to any municipal or county agency, board or commission authorized by law to adopt ordinances (including a park, parkway or shade tree commission, as originally provided for). The amendments to section 8 of the bill clarify that a municipal planning board may only exercise the powers of a zoning board of adjustment subject to voter referendum, and provide for a conversion back to the original system. The amendments add section 21 to the bill, allowing the canvass of dogs to be made every other year instead of annually.

# SENATE EDUCATION COMMITTEE

STATEMENT TO

[Second Reprint]

**ASSEMBLY, No. 1397**

with committee amendments

## STATE OF NEW JERSEY

DATED: JUNE 20, 1996

The Senate Education Committee reports favorably Assembly Bill No. 1397 (2R) with committee amendments.

As amended, this bill replaces the existing provisions authorizing several boards of education to share one superintendent or school business administrator with more comprehensive procedures. The proposal would give boards of education greater authority to appoint a shared superintendent than they have currently. Under existing law it is the commissioner who appoints a superintendent, subject to approval of the State board. This bill would allow boards to jointly choose the candidate of their choice.

Under the proposal, the position of shared business administrator, like that of superintendent, would not be a tenurable position. If two or more boards of education appoint an individual from within one of the school districts to a shared position, the individual would retain all tenure rights accrued in the positions which were previously served. Also, the bill would not affect the ability of a school district to subcontract the services of its school business administrator to another school district. The bill makes it clear that should a district choose subcontracting of a school business administrator over sharing, credit toward tenure acquisition accrues only in the primary district of employment.

Under the bill's provisions, if two or more districts, after careful study and opportunity for community input, decide to share a superintendent or school business administrator, the districts would mutually prepare a report for submission to the county superintendent describing both how the shared relationship would operate and its projected impact on the districts' effective rendering of services. The county superintendent would review the plan and forward a recommendation to the Commissioner of Education who would approve or disapprove the plan.

Boards obtaining approval of the commissioner would enter into a written contract with one another prior to making the appointment. The written contract would be contingent upon finding a mutually

agreeable candidate, would define the sharing relationship and would include the apportionment of costs between the districts. The districts would jointly agree on a superintendent or business administrator and would together enter into an employment contract with the person, which is to be separate from the agreement between the districts to share a superintendent or business administrator. Any candidate for a shared position must hold a standard certificate as appropriate.

Upon the recorded roll call majority vote of each board, the districts would be authorized to offer the shared employee a three to five year contract expiring July 1. At the end of the term of the initial contract, the superintendent or business administrator would be deemed reappointed for another term of the same duration unless the boards were to jointly agree to reappoint the person for a different term, or unless at least one year prior to the expiration of the contract, either board were to provide written notice of nonrenewal to both the shared employee and the other board. Similarly, the employment would cease if either board, at least one year prior to the expiration of the contract, gave written notice to all parties that it no longer wished to be a party to the contract for the sharing of a superintendent or school business administrator, as appropriate. In either event, the contract between the boards would be conterminous with that of the superintendent's or business administrator's contract. The fact that the shared employee's contract is terminated does not preclude an individual district from offering the employee employment. Upon the expiration of a contract, the boards would submit a report to the county superintendent evaluating the sharing relationship and the feasibility of voluntary regionalization.

Boards may mutually agree to provide additional benefits or compensation during the life of a contract, but if agreement is not possible, an individual board could do so, and would bear the sole responsibility for the cost of such additional benefits. Each district would have an individual obligation to evaluate the superintendent or business administrator. The county superintendent would serve as a mediator for any disputes arising over the interpretation of the employment contract. Under the bill, the employment of a shared superintendent or school business administrator would be effective on July 1, 1997 and thereafter.

Amendments were adopted which: 1) give the Commissioner of Education, rather than a county superintendent, the authority to approve a shared arrangement; 2) require a candidate for a shared relationship to have a standard certificate; 3) require participating boards to submit a report evaluating the relationship and the feasibility of voluntary regionalization; 4) revise the role of the county superintendent from arbitrator to mediator in case of disputes; and 5) permit the employment of a shared superintendent or school business administrator on July 1, 1997 and thereafter.

As amended, this bill is identical to S-1180 with Senate committee amendments.



## OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

**CONTACT:** Becky Taylor  
Jayne Rebovich  
(609)777-2600

TRENTON, NJ 08625

**RELEASE:** Thurs., Sept. 5, 1996

Gov. Whitman demonstrated her commitment to helping local governments reduce costs and cut waste today when she signed legislation that provides counties and municipalities with relief from a number of state mandates.

"This bill will allow counties and municipalities to deliver services to taxpayers more effectively and less expensively. It will go a long way toward establishing a healthier relationship between state and local governments," said Gov. Whitman.

The bill provides relief from state mandates in a number of ways which will ease administrative and financial burdens of the state's municipalities.

- It permits the Local Finance Board of the Department of Community Affairs' Division of Local Governments to adopt rules establishing a three-year budget review cycle for most municipalities. Currently they operate on an annual review cycle.
- To allow municipalities greater flexibility in budgeting, it increases the amount permitted for a temporary local budget from 25 percent to 26.5 percent of the previous year's appropriations.
- The bill also increases the maximum allowable period for contracts from 12 to 24 consecutive months.

The bill amends the Fair Housing Act to clarify that entities that provide a service to municipalities and developers for affordable housing cannot require an exclusive contract to service all eligible housing units in the community. The bill also permits municipalities or counties to impose parking restrictions and make specified safety improvements to roads and crosswalks without obtaining approval from the state Department of Transportation.

Additionally, the bill revises procedures regarding the publishing requirements for public ordinances and health codes to allow local governments to publish notices in summary form. It also permits the staggering of expiration dates for dog licenses and allows towns to conduct dog censuses every other year, instead of annually. Finally, the bill provides for the Department of State to investigate methods of reducing mandatory election costs on municipalities with populations of 500 or less.

**A-7/S-179** was sponsored by Assembly Members Michael Arnone (R-Monmouth), Alan Augustine (R-Middlesex/Morris/Somerset/Union), Carol Murphy (R-Essex/Morris/Passaic), Alex DeCroce (R-Essex/Morris/Passaic), LeRoy Jones (D-Essex) and Joel Weingarten (R-Bergen) and by Senators Ronald Rice (D-Essex) and John Girgenti (D-Passaic).

Throughout her administration, Gov. Whitman has been firmly committed to reducing the tax burden on the citizens of New Jersey. She fulfilled her promise to cut state income taxes by 30 percent last July, and recently signed into law the tenth tax cut of her administration allowing residents to deduct property taxes from their state income tax returns.

The Governor's action today follows previous steps she has taken to reduce the tax burden on municipalities, and residents. For example, she signed legislation that reforms the binding arbitration process and provides local government with the tools to control spiraling employment contract costs. Gov. Whitman has signed and implemented a state mandate/state pay amendment to the constitution to put an end to the imposition of unfunded mandates. The state has also absorbed the cost of the county court takeover, saving municipalities in excess of \$250 million in property taxes.

In 1995, the statewide average property tax increase was the second lowest in 20 years. State aid to schools and towns has been held

steady and even increased in some instances. To further assist local governments in controlling spending, the Department of Treasury has performed 22 local budget reviews for school districts and municipalities, and has identified \$55 million in savings for towns like Lakewood, Atlantic City and Jamesburg.

Gov. Whitman has also advocated the sharing of services between municipalities wherever possible to improve efficiency while maintaining the same high level of service. The Governor has supported legislation allowing municipalities the flexibility to manage infrastructure costs through innovative public/private partnerships.