

40A: 4-6.1

LEGISLATIVE HISTORY CHECKLIST  
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(Municipal State Mandates)

NJSA: 40A:4-6.1

LAWS OF: 1995 CHAPTER: 259

BILL NO: S7

SPONSOR(S): Connors and others

DATE INTRODUCED: June 13, 1994

COMMITTEE: ASSEMBLY Local Government; Appropriations

SENATE: Community Affairs; Budget

AMENDED DURING PASSAGE: Yes Amendments denoted by  
Fifth reprint enacted superscript numbers

DATE OF PASSAGE: ASSEMBLY: June 26, 1995 Re-enacted 11-9-95

SENATE: October 3, 1994 Re-enacted 10-19-95

DATE OF APPROVAL: November 13, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes 6-14-95 & 6-22-95

SENATE: Yes 6-22-94 & 6-23-94

FISCAL NOTE: No

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MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

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[FIFTH REPRINT]

SENATE, No. 7

STATE OF NEW JERSEY

INTRODUCED JUNE 13, 1994

By Senators CONNORS, CASEY, Palaia, Bubba, McGreevey, DiFrancesco, Lynch, Littell, Bennett, Cardinale, Rand, Schluter, Zane, Girgenti, Scott, Lipman, Ciesla, Adler, Haines, Cafiero, McNamara, Singer, Bassano, Inverso, Kosco, Sinagra, LaRossa, Gormley, Matheussen and Kyrillos

1 AN ACT <sup>1</sup>[relieving municipalities from] relaxing<sup>1</sup> certain State  
2 imposed mandates and revising and repealing various parts of  
3 the statutory law.

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

16 WHEREAS, While the overwhelming majority of these statutes  
17 and regulations were established by sincere-minded, and  
18 well-intentioned public officials in order to address legitimate  
19 public concerns, the collective regulatory weight of these  
20 mandates on local officials has itself become a matter of deep  
21 concern and a subject that cries for legislative relief. With  
22 each passing year the quantity of directives and orders flowing  
23 out of Trenton to local officials has increased, hamstringing  
24 municipal governments and forcing them to incur greater and  
25 greater costs in order to comply with them.

26 WHEREAS, While State aid allotments from Trenton to  
27 municipalities have risen steadily during the same time period,  
28 that rise simply has been unable to keep up with the ceaseless  
29 flow of costly mandates which has streamed out of the capital.  
30 When confronted with these costly mandates, local officials  
31 have been forced to turn to the property tax in order to pay for  
32 implementing them since the State aid allotments from  
33 Trenton have proven insufficient to cover the new costs.

34 WHEREAS, In response to this decades long pattern of seemingly  
35 inexorable increases in burdensome mandates from Trenton,  
36 local officials have repeatedly petitioned the Legislature for  
37 relief. In response to entreaties of local officials various  
38 committees of several Legislatures have investigated their

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SCO committee amendments adopted June 23, 1994.

<sup>2</sup> Senate SBA committee amendments adopted June 23, 1994.

<sup>3</sup> Assembly AAP committee amendments adopted June 22, 1995.

<sup>4</sup> Senate floor amendments adopted June 26, 1995.

<sup>5</sup> Senate amendments adopted in accordance with Governor's  
recommendations October 19, 1995.

1 complaints and determined that relief from these mandates is  
2 long overdue.

3 WHEREAS, The subject of burdensome mandates, whether  
4 imposed by statute or by regulation, is one that must be  
5 addressed by the Legislature on an expedited basis, the  
6 Legislature has determined that the most effective and  
7 responsible way to ease the burdens imposed on local  
8 governments by existing mandates is through the enactment of  
9 an omnibus statute that repeals or modifies many of those  
10 mandates, while continuing to identify additional mandates for  
11 which relief can be given through subsequent enactments; and  
12 therefore

13

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

16 <sup>5</sup>[1. (New section) As used in section 1 through section 10 of  
17 P.L. , c. (C. )(pending before the Legislature as this bill):

18 "Benefit" means an annual benefit for property taxes due and  
19 payable by senior citizens and persons who are permanently and  
20 totally disabled, and their surviving spouses, to be paid as a  
21 benefit by the State or that had been provided pursuant to the  
22 provisions of P.L.1963, c.172 (C.54:4-8.40 et seq).

23 "Cooperative" means a housing corporation or association  
24 incorporated or organized under the laws of New Jersey which  
25 entitles a shareholder thereof to possess and occupy for dwelling  
26 purposes a house, apartment or other structure owned or leased  
27 by the corporation or association.

28 "Income" means all income from whatever source derived  
29 including, but not limited to, realized capital gains except for a  
30 capital gain resulting from the sale or exchange of real property  
31 owned and used by the taxpayer as his principal residence and on  
32 which he received a deduction or benefit paid by the State, and,  
33 in their entirety, pension, annuity and retirement benefits. For  
34 the purpose of claiming a benefit for taxes for any tax year,  
35 pursuant to section 1 through section 10 of P.L. , c. (C. )  
36 (pending before the Legislature as this bill), "income" shall be  
37 deemed to be equal in amount to the income which the taxpayer  
38 received during the pre-tax year for which such benefit is  
39 claimed and shall be exclusive of benefits under any one of the  
40 following:

41 a. The federal Social Security Act and all amendments and  
42 supplements thereto;

43 b. Any other program of the federal government or pursuant to  
44 any other federal law which provides benefits in whole or in part  
45 in lieu of benefits referred to in, or for persons excluded from  
46 coverage under, paragraph a. hereof including but not limited to  
47 the federal Railroad Retirement Act and federal pension,  
48 disability and retirement programs; or

49 c. Pension, disability or retirement programs of any state or  
50 its political subdivisions, or agencies thereof, for persons not  
51 covered under paragraph a. hereof; provided, however, that the  
52 total amount of benefits to be allowed exclusion by any owner  
53 under paragraph b. or paragraph c. hereof shall not be in excess  
54 of the maximum amount of benefits payable to, and allowable for

1 exclusion by, an owner in similar circumstances under paragraph  
2 a. hereof.

3 "Mutual housing corporation" means a corporation  
4 not-for-profit incorporated under the laws of New Jersey on a  
5 mutual or cooperative basis within the scope of section 607 of the  
6 "National Defense Housing Act," Pub.L.76-849 (42 U.S.C. §1521  
7 et seq.), which corporation acquired a National Defense Housing  
8 Project pursuant to that act.

9 "Permanently and totally disabled" means total and permanent  
10 inability to engage in any substantial gainful activity by reason of  
11 any medically determinable physical or mental impairment,  
12 including blindness. For purposes of this subsection, "blindness"  
13 means central visual acuity of 20/200 or less in the better eye  
14 with the use of a correcting lens. An eye which is accompanied  
15 by a limitation in the fields of vision such that the widest  
16 diameter of the visual field subtends an angle no greater than 20  
17 degrees shall be considered as having a central visual acuity of  
18 20/200 or less.

19 "Pretax year" means the tax year immediately preceding the  
20 New Jersey gross income tax return filing year.

21 "Resident" means one legally domiciled within the State of  
22 New Jersey for a period of one year immediately preceding  
23 December 31 of the pretax year. Mere seasonal or temporary  
24 residence within the State, of whatever duration, shall not  
25 constitute domicile within the State for the purposes of section 1  
26 through section 10 of P.L. , c. (C. ) (pending before the  
27 Legislature as this bill). Absence from this State for a period of  
28 12 months shall be prima facie evidence of abandonment of  
29 domicile in this State. The burden of establishing legal domicile  
30 within the State shall be upon the claimant.

31 "Tax year" means the calendar year in which the general  
32 property tax is due and payable.]<sup>5</sup>

33 <sup>5</sup>[2. (New section) Every person, a citizen and resident of this  
34 State of the age of 65 or more years, or less than 65 years of age  
35 who is permanently and totally disabled, having an annual income  
36 not in excess of the limitations provided in this section and  
37 residing in a dwelling house owned by the person which is a  
38 constituent part of the person's real property or residing in a  
39 dwelling house owned by the person which is assessed as real  
40 property but which is situated on land owned by another or  
41 others, or residing as a tenant shareholder in a cooperative or  
42 mutual housing corporation, shall be entitled, annually, on proper  
43 claim being made with the New Jersey gross income tax return,  
44 to a benefit for the tax assessed during the pretax year against  
45 such real property, in an amount not exceeding the amount of the  
46 tax, the proportionate share of the tax attributable to the  
47 person's unit, or the sum provided in this section, whichever is  
48 the lesser. A citizen and resident granted a benefit pursuant to  
49 this section may receive in addition any homestead rebate or  
50 credit provided by law.

51 For the purposes of this section, the annual income limitation  
52 shall be \$10,000, and the benefit provided pursuant to this section  
53 shall not exceed \$250 in any year.

54 For the purposes of section 1 through section 10 of P.L. , c.  
55 (C. ) (pending before the Legislature as this bill):

1 a. The income of a married person shall be deemed to include  
2 an amount equal to the income of the spouse during the  
3 applicable income year, except for such portion of that year as  
4 the two were living apart in a state of separation, whether under  
5 judicial decree or otherwise.

6 b. The requirement of ownership shall be satisfied by the  
7 holding of a beneficial interest in the dwelling house where legal  
8 title thereto is held by another who retains a security interest in  
9 the dwelling house.]<sup>5</sup>

10 <sup>5</sup>[3. (New section) The surviving spouse of a deceased citizen  
11 and resident of this State who during that person's life received a  
12 real property tax deduction pursuant to P.L.1963, c.172  
13 (C.54:4-8.40 et seq.), or a benefit pursuant to section 1 through  
14 section 10 of P.L. , c. (C. ) (pending before the Legislature  
15 as this bill), shall be entitled, so long as that person shall remain  
16 unmarried and a resident in the same dwelling house with respect  
17 to which the benefit was granted, to the same benefit granted  
18 upon the same conditions, with respect to the same real property,  
19 notwithstanding that the surviving spouse is under the age of 65  
20 and is not permanently and totally disabled, provided that the  
21 surviving spouse is 55 years of age or older at the time of the  
22 death of the citizen and resident.]<sup>5</sup>

23 <sup>5</sup>[4. (New section) No benefit, as provided herein, shall be  
24 allowed except upon written application therefor, which  
25 application shall be on a form prescribed by the Director of the  
26 Division of Taxation in the Department of the Treasury <sup>1</sup>, after  
27 consultation with the Division on Aging in the Department of  
28 Community Affairs<sup>1</sup>, and provided annually for the use of  
29 claimants hereunder in conjunction with the New Jersey gross  
30 income tax return.]<sup>5</sup>

31 <sup>5</sup>[5. (New section) Every fact essential to support a claim for  
32 a benefit hereunder shall exist on December 31 of the pretax  
33 year. Every application by a claimant shall establish that the  
34 claimant is or will be on or before December 31 of the pretax  
35 year 65 or more years of age or, if the claimant is the surviving  
36 spouse of a deceased citizen and resident, that the claimant is  
37 unmarried and is or will be on that date 55 or more years of age  
38 and was 55 or more years of age at the time of death of the  
39 decedent, or on that date was permanently and totally disabled,  
40 and that the claimant was (a) a citizen and resident of this State  
41 for the period required, (b) the owner of a dwelling house which is  
42 a constituent part of the real property for which the deduction or  
43 benefit is claimed, the owner of a dwelling house which is  
44 assessed as real property but which is situated on land owned by  
45 another or others, or residing as a tenant shareholder in a  
46 cooperative or mutual housing corporation, (c) residing in said  
47 dwelling house. The application shall also establish that the  
48 claimant's income, including the income of his or her spouse, for  
49 the pretax year will not exceed the applicable annual income  
50 limitation set forth in section 2 of P.L. , c. (C. ) (pending  
51 before the Legislature as this bill). In the case of a claim for a  
52 benefit by a person who is permanently and totally disabled, the  
53 application shall include a physician's certificate verifying the  
54 claimant's permanent and total disability. The Director of the  
55 Division of Taxation may prescribe the form and content of the

1 certificate.]<sup>5</sup>

2 <sup>5</sup>[6. (New section) When title to property for which a benefit  
3 is claimed is held by the claimant and another or others, either as  
4 tenants in common or as joint tenants, the claimant shall not be  
5 allowed a benefit in an amount in excess of his or her  
6 proportionate share of the taxes assessed against the property for  
7 the pretax year, which proportionate share, for the purposes of  
8 section 1 through section 10 of P.L. , c. (C. ) (pending  
9 before the Legislature as this bill), shall be deemed to be equal to  
10 that of each of the other tenants, unless it is shown that the  
11 interests in question are not equal, in which event the claimant's  
12 proportionate share shall be as shown. Nothing herein shall  
13 preclude more than one tenant, whether title be held in common  
14 or joint tenancy, from claiming a benefit from the taxes assessed  
15 against the property for the pretax year so held, but no more than  
16 the equivalent of one full benefit in regard to the property shall  
17 be allowed in any year, and in any case in which the claimants  
18 cannot agree as to the apportionment thereof, the benefit shall  
19 be apportioned between or among them in proportion to their  
20 interest. Property held by husband and wife, as tenants by the  
21 entirety, shall be deemed wholly owned by each tenant, but no  
22 more than one benefit in regard to that property shall be allowed  
23 in any year. Right to claim a benefit hereunder shall extend to  
24 property the title to which is held by a partnership, to the extent  
25 of the claimant's interest as a partner therein, and by a guardian,  
26 trustee, committee, conservator or other fiduciary for any person  
27 who would otherwise be entitled to claim a benefit hereunder, but  
28 not to property the title to which is held by a corporation; except  
29 that a residential shareholder in a cooperative or mutual housing  
30 corporation shall be entitled to claim a benefit pursuant to  
31 section 2 of P.L. , c. (C. ) (pending before the  
32 Legislature as this bill).]<sup>5</sup>

33 <sup>5</sup>[7. (New section) In the first year of administrative change  
34 pursuant to this section 1 through section 10 of P.L. , c.  
35 (C. )(pending before the Legislature as this bill), the director  
36 shall, on or before February 1, immediately preceding the first  
37 due date for the filing of a calendar year gross income tax return,  
38 mail to all senior citizens and permanently and totally disabled  
39 citizens, qualified for a senior or permanently and totally  
40 disabled citizens' property tax deduction in the pretax year, a  
41 notice of the administrative change <sup>1</sup>, prepared in consultation  
42 with the Division on Aging in the Department of Community  
43 Affairs,<sup>1</sup> setting forth the manner in which the \$250 senior  
44 citizens' or permanently and totally disabled citizens' property  
45 tax deduction will be administered. The notice shall advise these  
46 senior citizens and permanently and totally disabled citizens that:  
47 the property tax deduction which was previously granted as a tax  
48 deduction on the property tax bill is hereafter removed as a tax  
49 deduction on the property tax bill form, causing the annual  
50 property tax bill to increase by the amount previously received as  
51 a senior citizens' or permanently and totally disabled citizens'  
52 tax deduction (up to \$250); and that under the new system the  
53 <sup>3</sup>[veteran] senior citizen or permanently and totally disabled  
54 citizen<sup>3</sup> will receive a check for a similar amount from the State

1 Treasurer after the senior citizen or permanently and totally  
2 disabled citizen files a gross income tax return in which  
3 eligibility is verified.]<sup>5</sup>

4 <sup>5</sup>[8. (New section) In order to provide for an orderly transition  
5 of administration under section 1 through section 10 of P.L. ,  
6 c. (C. ) (pending before the Legislature as this bill), the  
7 director shall gather from the appropriate municipal tax officials  
8 all pertinent records that exist in either electronic or hard copy  
9 form that established or verified qualification for a senior  
10 citizen's or permanently and totally disabled citizen's property  
11 tax deduction pursuant to P.L.1963, c.172 (C.54:4-8.40 et seq.)  
12 and store and maintain those records for the purpose of  
13 administering the provisions of section 1 through section 10 of  
14 P.L. , c. (C. ) (pending before the Legislature as this bill).]<sup>5</sup>

15 <sup>5</sup>[9. (New section) The State Treasurer annually on or before  
16 October 31, upon certification of the Director of the Division of  
17 Taxation and upon warrant of the State Comptroller shall pay and  
18 distribute the amount of the benefit claimed for the pretax year  
19 as reported on the claimant's New Jersey gross income tax  
20 return for each claimant whose benefit is approved by the  
21 director.]<sup>5</sup>

22 <sup>5</sup>[10. (New section) The Director of the Division of Taxation  
23 in the Department of the Treasury is authorized to adopt  
24 regulations pursuant to the "Administrative Procedure Act,"  
25 P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the  
26 provisions of section 1 through section 10 of P.L. , c. (C. )  
27 (pending before the Legislature as this bill), and to prescribe such  
28 forms <sup>1</sup>, after consultation with the Division on Aging in the  
29 Department of Community Affairs,<sup>1</sup> as the director shall deem  
30 necessary to implement section 1 through section 10 of P.L. ,  
31 c. (C. ) (pending before the Legislature as this bill). The  
32 director may, in his or her discretion, eliminate the necessity for  
33 sworn application, in which event all declarations by the claimant  
34 shall be considered as if made under oath and the claimant, as to  
35 false declarations, shall be subject to the penalties as provided by  
36 law for perjury.]<sup>5</sup>

37 <sup>5</sup>[11. The following statutes are repealed:  
38 P.L.1963, c.172 (C.54:4-8.40 through 54:4-8.51);  
39 P.L.1976, c.129, s.4 (C. 54:4-8.41a);  
40 P.L.1964, c.255, s.5 (C.54:4-8.44a);  
41 P.L.1971, c.20, ss.4-6 (C.54:4-8.52 through 54:4-8.54);  
42 P.L.1981, c.85, s.5 (C.54:4-8.53a); and  
43 P.L.1989, c.252, ss.8,9 (C.54:4-8.55 and 54:4-8.56).]<sup>5</sup>

44 <sup>5</sup>[12. (New section) As used in section 12 through section 24  
45 of P.L. , c. (C. ) (pending before the Legislature as this bill):

46 "Active service in time of war" means active service at some  
47 time during one of the following periods:

48 Operation "Desert Shield/Desert Storm" mission in the Arabian  
49 peninsula and the Persian Gulf, on or after the date of inception  
50 of that operation, as proclaimed by the President of the United  
51 States, Congress or the Governor, whichever date of inception is  
52 earliest, which service occurred in the Arabian peninsula or on  
53 board any ship actively engaged in patrolling the Persian Gulf for  
54 a period, continuous or in the aggregate, of at least 14 days

1 commencing on or before the date of termination of that mission,  
2 as proclaimed by the President of the United States, Congress or  
3 the Governor, whichever date of termination is the latest, in such  
4 active service; provided, that any person receiving an actual  
5 service-incurred injury or disability shall be classed as a veteran  
6 whether or not that person has completed the 14 days service as  
7 herein provided;

8 The Panama peacekeeping mission, on or after the date of  
9 inception of that mission, as proclaimed by the President of the  
10 United States, Congress or the Governor, whichever date of  
11 inception is earliest, which service occurred in Panama or on  
12 board any ship actively engaged in patrolling the territorial  
13 waters of that nation for a period, continuous or in the aggregate,  
14 of at least 14 days commencing on or before the date of  
15 termination of that mission, as proclaimed by the President of  
16 the United States, Congress or the Governor, whichever date of  
17 termination is the latest, in such active service; provided, that  
18 any person receiving an actual service-incurred injury or  
19 disability shall be classed as a veteran whether or not that person  
20 has completed the 14 days service as herein provided;

21 The Grenada peacekeeping mission, on or after October 25,  
22 1983, which service occurred in Grenada or on board any ship  
23 actively engaged in patrolling the territorial waters of that  
24 nation for a period, continuous or in the aggregate, of at least 14  
25 days commencing on or before the date of termination of that  
26 mission as proclaimed by the President of the United States,  
27 Congress or the Governor, whichever date of termination is the  
28 latest, in such active service; provided, that any person receiving  
29 an actual service-incurred injury or disability shall be classed as  
30 a veteran whether or not that person has completed the 14 days  
31 service as herein provided;

32 The Lebanon peacekeeping mission, on or after September  
33 26, 1982, which service occurred in Lebanon or on board any ship  
34 actively engaged in patrolling the territorial waters of that  
35 nation for a period, continuous or in the aggregate, of at least 14  
36 days commencing on or before the date of termination of that  
37 mission, as proclaimed by the President of the United States,  
38 Congress or the Governor, whichever date of termination is the  
39 latest, in such active service; provided, that any person receiving  
40 an actual service-incurred injury or disability shall be classed as  
41 a veteran whether or not that person has completed the 14 days  
42 service as herein provided;

43 The Vietnam conflict, December 31, 1960, to May 7, 1975;

44 The Korean conflict, June 23, 1950 to January 31, 1955;

45 World War II, September 16, 1940 to December 31, 1946;

46 World War I, April 6, 1917 to November 11, 1918, and in the  
47 case of service with the United States military forces in Russia,  
48 April 6, 1917 to April 1, 1920;

49 Spanish-American War, April 21, 1898 to August 13, 1898;

50 Civil War, April 15, 1861 to May 26, 1865; or, as to any  
51 subsequent war, during the period from the date of declaration of  
52 war to the date on which actual hostilities shall cease.

53 "Assessor" means the assessor, board of assessors or any other  
54 official or body of a taxing district charged with the duty of



1 assessing real and personal property for the purpose of general  
2 taxation.

3 "Benefit" means an annual benefit for property taxes due and  
4 payable by veterans, and their surviving spouses, to be paid as a  
5 benefit by the State or that had been provided pursuant to the  
6 provisions of P.L.1963, c.171 (C.54:4-8.10 et seq.).

7 "Collector" means the collector or receiver of taxes of a  
8 taxing district.

9 "Cooperative" means a housing corporation or association  
10 incorporated or organized under the laws of New Jersey which  
11 entitles a shareholder thereof to possess and occupy for dwelling  
12 purposes a house, apartment or other structure owned or leased  
13 by the corporation or association;

14 "Director" means the director of the Division of Taxation in  
15 the Department of the Treasury.

16 "Honorably discharged or released under honorable  
17 circumstances from active service in time of war," means and  
18 includes every form of separation from active, full-time duty  
19 with military or naval pay and allowances in some branch of the  
20 Armed Forces of the United States in time of war, other than  
21 those marked "dishonorable," "undesirable," "bad conduct," "by  
22 sentence of general court martial," "by sentence of summary  
23 court martial" or similar expression indicating that the discharge  
24 or release was not under honorable circumstances. A  
25 disenrollment certificate or other form of release terminating  
26 temporary service in a military or naval branch of the armed  
27 forces rendered on a voluntary and part-time basis without pay,  
28 or a release from or deferment of induction into the active  
29 military or naval service shall not be deemed to be included in  
30 the aforementioned phrase.

31 "Mutual housing corporation" means a corporation  
32 not-for-profit incorporated under the laws of New Jersey on a  
33 mutual or cooperative basis within the scope of section 607 of the  
34 "National Defense Housing Act," Pub. L.76-849 (42 U.S.C. §1521  
35 et seq.), which acquired a National Defense Housing Project  
36 pursuant to that act.

37 "Original application" means an application filed by or on  
38 behalf of a claimant for a veteran's benefit under section 12  
39 through section 24 of P.L. , c. (C. ) (pending before the  
40 Legislature as this bill) where the claimant had not been qualified  
41 in the pretax year for a veteran's property tax deduction  
42 pursuant to the provisions of P.L.1963, c.171 (C.54:4-8.10 et seq.).

43 "Pre-tax year" means the tax year immediately preceding the  
44 New Jersey gross income tax return filing year.

45 "Resident" means one legally domiciled within the State of  
46 New Jersey. Mere seasonal or temporary residence within the  
47 State, of whatever duration, shall not constitute domicile within  
48 the State for the purposes of section 12 through section 24 of  
49 P.L. , c. (C. ) (pending before the Legislature as this bill).  
50 Absence from this State for a period of 12 months shall be prima  
51 facie evidence of abandonment of domicile in this State. The  
52 burden of establishing legal domicile within the State shall be  
53 upon the claimant.

54 "Tax year" means the calendar year in which the general

1 property tax is due and payable.

2 "Veteran" means any citizen and resident of this State  
3 honorably discharged or released under honorable circumstances  
4 from active service in time of war in any branch of the Armed  
5 Forces of the United States.

6 "Surviving spouse" means the surviving wife or husband of any  
7 of the following, while he or she is a resident of this State, during  
8 widowhood or widowerhood:

9 a. A citizen and resident of this State who has died or shall die  
10 while on active duty in time of war in any branch of the Armed  
11 Forces of the United States; or

12 b. A citizen and resident of this State who has had or shall  
13 hereafter have active service in time of war in any branch of the  
14 Armed Forces of the United States and who died or shall die  
15 while on active duty in a branch of the Armed Forces of the  
16 United States; or

17 c. A citizen and resident of this State who has been or may  
18 hereafter be honorably discharged or released under honorable  
19 circumstances from active service in time of war in any branch  
20 of the Armed Forces of the United States.]<sup>5</sup>

21 <sup>5</sup>[13. (New section) Every person a citizen and resident of this  
22 State now or hereafter honorably discharged or released under  
23 honorable circumstances from active service in time of war in  
24 any branch of the Armed Forces of the United States and a  
25 surviving spouse as defined herein, during her widowhood or his  
26 widowerhood, and while a resident of this State, shall be entitled,  
27 annually, on proper claim being made on that person's New  
28 Jersey gross income tax return, to a benefit for the tax assessed  
29 during the pretax year against that person's real or personal  
30 property, in an amount not exceeding the amount of that tax or  
31 the proportionate share of that tax attributable to her or his unit,  
32 whichever is the lesser. A citizen and resident granted a benefit  
33 pursuant to this section may receive in addition any homestead  
34 rebate or credit provided by law.

35 For the purposes of this section, the annual benefit provided  
36 pursuant to this section shall be the amount of any tax bill for  
37 taxes on real or personal property or both in the sum of \$50 or if  
38 the amount of any such tax shall be less than \$50, to such lesser  
39 amount.]<sup>5</sup>

40 <sup>5</sup>[14. (New section) The requirement of ownership shall be  
41 satisfied by the holding of a beneficial interest in the dwelling  
42 house where legal title thereto is held by another who retains a  
43 security interest in the dwelling house.]<sup>5</sup>

44 <sup>5</sup>[15. (New section) The surviving spouse of a deceased citizen  
45 and resident of this State who during that person's life received a  
46 real property tax deduction pursuant to P.L.1963, c.171  
47 (C.54:4-8.10 et seq.), or a benefit pursuant to section 12 through  
48 section 24 of P.L. , c. (C. ) (pending before the Legislature  
49 as this bill), shall be entitled, so long as that person shall remain  
50 unmarried and a resident in the same dwelling house with respect  
51 to which the benefit was granted, to the same benefit granted  
52 upon the same conditions, with respect to the same real  
53 property.]<sup>5</sup>

54 <sup>5</sup>[16. (New section) No benefit, as provided herein, shall be  
55 allowed except upon written application therefor, which

1 application shall be on a form prescribed by the director and  
2 provided annually for the use of claimants hereunder in  
3 conjunction with the New Jersey gross income tax return.]<sup>5</sup>

4 <sup>5</sup>[17. (New section) Every fact essential to support a claim for  
5 a benefit hereunder shall exist on December 31 of the pretax  
6 year. Every application by a claimant shall establish that the  
7 claimant is or will be on or before December 31 of the pretax  
8 year: a veteran or a surviving spouse of a veteran honorably  
9 discharged or released under honorable circumstances from  
10 active service in time of war, the owner of the legal title to the  
11 property as to which the veteran's benefit is claimed, and a  
12 citizen and resident of this State. In the case of an application  
13 by a surviving spouse, as herein defined, the application shall  
14 establish that the surviving spouse was, on December 31 of the  
15 pretax year: the owner of the legal title to the property as to  
16 which the veteran's benefit is claimed, that the claimant has not  
17 remarried, and that the claimant is a resident of this State.

18 No original application for a veteran's benefit filed in  
19 conjunction with a New Jersey gross income tax return based  
20 upon service in the Armed Forces shall be allowed unless there is  
21 annexed to it a copy, which may be photostatic, of claimant's  
22 certificate of honorable discharge or of his or her certificate of  
23 release under honorable circumstances from active service in  
24 time of war in a branch of the Armed Forces of the United  
25 States. The director may prescribe the form and content of the  
26 certificate.

27 In the case of an original application for a veteran's benefit  
28 filed in conjunction with a New Jersey gross income tax return by  
29 a surviving spouse, said application shall not be allowed unless it  
30 clearly establishes that:

31 a. Claimant's spouse died while on active duty in a branch of  
32 the Armed Forces of the United States, having had active service  
33 in time of war in a branch of the Armed Forces of the United  
34 States, or in the case of a surviving spouse of a veteran, claimant  
35 shall establish that the veteran was honorably discharged or  
36 released under honorable circumstances from active service in  
37 time of war in any branch of the Armed Forces of the United  
38 States,

39 b. claimant's spouse was a citizen and resident of this State at  
40 the time of death,

41 c. claimant was the spouse of the veteran at the time of the  
42 veteran's death, and

43 d. claimant is a resident of this State and has not remarried.]<sup>5</sup>

44 <sup>5</sup>[18. (New section) When title to property for which a benefit  
45 is claimed is held by claimant and another or others, either as  
46 tenants in common or as joint tenants, claimant shall not be  
47 allowed a veteran's benefit in an amount in excess of that  
48 claimant's proportionate share of the taxes assessed against the  
49 property for the pretax year, which proportionate share, for the  
50 purposes of section 12 through section 24 of P.L. , c. (C. )  
51 (pending before the Legislature as this bill), shall be deemed to be  
52 equal to that of each of the other tenants, unless it is shown that  
53 the interests in question are not equal, in which event claimant's  
54 proportionate share shall be as shown.

1 Nothing herein shall preclude more than one tenant, whether  
2 title be held in common or joint tenancy, from claiming a benefit  
3 from the taxes assessed against the property for the pretax year  
4 so held, but no more than the equivalent of one full benefit in  
5 regard to the property shall be allowed in any year, and in any  
6 case in which the claimants cannot agree as to the apportionment  
7 thereof, the benefit shall be apportioned between or among them  
8 in proportion to their interest. Property held by husband and  
9 wife, as tenants by the entirety, shall be deemed wholly owned by  
10 each tenant, but no more than one benefit in regard to that  
11 property shall be allowed in any year. Right to claim a benefit  
12 hereunder shall extend to property the title to which is held by a  
13 partnership, to the extent of the claimant's interest as a partner  
14 therein, and by a guardian, trustee, committee, conservator or  
15 other fiduciary for any person who would otherwise be entitled to  
16 claim a benefit hereunder, but not to property the title to which  
17 is held by a corporation; except that a residential shareholder in a  
18 cooperative or mutual housing corporation shall be entitled to  
19 claim a benefit pursuant to section 13 of P.L. , c. (C. )  
20 (pending before the Legislature as this bill).<sup>5</sup>

21 <sup>5</sup>[19. (New section) An original application with its proofs for  
22 a veteran's benefit having been once filed with and allowed by  
23 the director in conjunction with a filing of a New Jersey gross  
24 income tax return pursuant to section 16 of P.L. , c.  
25 (C. ) (pending before the Legislature as this bill), and an  
26 application by a claimant who was qualified in the pretax year for  
27 a veteran's property tax deduction pursuant to the provisions of  
28 P.L.1963, c.171 (C.54:4-8.10 et seq.), shall receive the veteran  
29 tax benefit annually thereafter without the necessity for further  
30 proofs so long as the claimant shall be entitled to a veteran's  
31 deduction hereunder, but the director may at any time require  
32 the filing of a new application or such proof as the director shall  
33 deem necessary to establish the right of the claimant to  
34 continuance of the benefit.]<sup>5</sup>

35 <sup>5</sup>[20. (New section) No person shall be allowed a veteran's  
36 benefit from the tax assessed against real and personal property  
37 of more than \$50 in the aggregate in any one year, but a  
38 veteran's benefit may be claimed in any taxing district in which  
39 the claimant has taxable property and may be apportioned, at the  
40 claimant's option, between two or more taxing districts; provided  
41 such claims shall not exceed \$50 in the aggregate. If a surviving  
42 spouse, as herein defined, shall have been honorably discharged or  
43 released under honorable circumstances from active service in  
44 time of war in any branch of the Armed Forces of the United  
45 States, the surviving spouse shall be entitled to a veteran's  
46 deduction for each status.]<sup>5</sup>

47 <sup>5</sup>[21. (New section) In the first year of administrative change  
48 pursuant to section 12 through section 24 of P.L. , c. (C. )  
49 (pending before the Legislature as this bill), the director shall, on  
50 or before February 1, immediately preceding the first due date  
51 for filing of a calendar year gross income tax return, mail to all  
52 veterans, qualified for a veterans' property tax deduction in the  
53 pretax year, a notice of the change in which the veterans'  
54 property tax deduction will be administered. The notice shall

1 advise these veterans that the property tax deduction which was  
2 previously granted as a tax deduction on the property tax bill is  
3 hereafter removed from the tax bill form, thereby causing the  
4 annual property tax bill to increase by the amount previously  
5 received as a veterans' tax deduction (up to \$50) and that under  
6 the new system the veteran will receive a check for a similar  
7 amount from the State Treasurer after the veteran files an  
8 application for a veteran's benefit in conjunction with a New  
9 Jersey gross income tax return in which her or his eligibility is  
10 verified.]<sup>5</sup>

11 <sup>5</sup>[22. (New section) In order to provide for an orderly  
12 transition of administration under section 12 through section 24  
13 of P.L. , c. (C. ) (pending before the Legislature as this  
14 bill), the director shall gather from the appropriate municipal tax  
15 officials all pertinent records that exist in either electronic or  
16 hard copy form that established or verified qualification for a  
17 veterans' property tax deduction pursuant to P.L.1963, c.171  
18 (C.54:4-8.10 et seq.) and store and maintain those records for the  
19 purpose of administering the provisions of section 12 through  
20 section 25 of P.L. , c. (C. ) (pending before the Legislature  
21 as this bill).]<sup>5</sup>

22 <sup>5</sup>[23. (New section) The State Treasurer annually on or before  
23 October 31, upon certification of the director and upon warrant  
24 of the State Comptroller shall pay and distribute the amount of  
25 the veteran's benefit claimed for the pretax year as reported on  
26 the claimant's New Jersey gross income tax return to each  
27 claimant whose benefit is approved by the director.]<sup>5</sup>

28 <sup>5</sup>[24. (New section) The director is authorized to adopt  
29 regulations pursuant to the "Administrative Procedure Act,"  
30 P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the  
31 provisions of section 12 through section 24 of P.L. , c. (C. )  
32 (pending before the Legislature as this bill), and to prescribe such  
33 forms as the director shall deem necessary to implement section  
34 12 through section 24 of P.L. , c. (C. )(pending before the  
35 Legislature as this bill). The director may, in her or his  
36 discretion, eliminate the necessity for sworn application, in which  
37 event all declarations by the claimant shall be considered as if  
38 made under oath and the claimant, as to false declarations, shall  
39 be subject to the penalties as provided by law for perjury.]<sup>5</sup>

40 <sup>5</sup>[25. P.L.1963, c.171 (C.54:4-8.10 through 54:4-8.23) is  
41 repealed.]<sup>5</sup>

42 <sup>5</sup>1. (New Section) Section 3 of P.L.1963, c.171 (C.54.4-8.12) is  
43 amended as follows:

44 No veteran's deduction from taxes assessed against real and  
45 personal property, as provided herein, shall be allowed except  
46 upon written application therefor, which application shall be on a  
47 form prescribed by the Director of the Division of Taxation, in  
48 the Department of the Treasury, and provided for the use of  
49 claimants hereunder by the governing body of the municipality  
50 constituting the taxing district in which such claim is to be filed  
51 and the application has been approved as provided in this act.  
52 The Director of the Division of Taxation shall annually furnish  
53 each municipality with a supply of application forms for use by  
54 the claimants. An assessor shall not require the filing of an

1 application for a veteran's deduction under this act of any person  
2 who has filed, or shall file, a claim for an exemption from  
3 taxation under chapter 184 of the laws of 1951, on or before  
4 December 31, 1963, but shall approve a veteran's deduction for  
5 such person, if it appears from such claim for exemption that  
6 such person meets all the other prerequisites required by law for  
7 the approval of a claim for a veteran's deduction. Each assessor  
8 may at any time inquire into the right of a claimant to the  
9 continuance of a veteran's deduction hereunder and for that  
10 purpose he may require the filing of a new application or the  
11 submission of such proof as he shall deem necessary to determine  
12 the right of the claimant to continuance of such deduction. No  
13 application for a veteran's deduction based upon service in the  
14 Armed Forces shall be allowed unless there is annexed thereto a  
15 copy, which may be photostatic, of claimant's certificate of  
16 honorable discharge or of his certificate of release under  
17 honorable circumstances from active service in time of war in a  
18 branch of the Armed Forces of the United States. In the case of  
19 an application by a surviving spouse said application shall not be  
20 allowed unless it clearly establishes that:

21 (a) Claimant's spouse died while on active duty in a branch of  
22 the Armed Forces of the United States, having had active service  
23 in time of war, as herein defined, in a branch of the Armed  
24 Forces of the United States, or in the case of a surviving spouse  
25 of a veteran, claimant shall establish that the veteran was  
26 honorably discharged or released under honorable circumstances  
27 from active service in time of war in any branch of the Armed  
28 Forces of the United States, (b) claimant's spouse was a citizen  
29 and resident of this State at the time of death, (c) claimant was  
30 the spouse of the veteran at the time of the veteran's death, and  
31 (d) claimant is a resident of this State and has not remarried.<sup>5</sup>

32 <sup>5</sup>2. (New Section) Section 3 of P.L.1963, c.172 (C.54:4-8.42) is  
33 amended as follows:

34 No deduction, as provided herein, shall be allowed except upon  
35 written application therefor, which application shall be on a form  
36 prescribed by the Director, Division of Taxation, in the  
37 Department of the Treasury, and provided for the use of  
38 claimants hereunder by the governing body of the municipality  
39 constituting the taxing district in which such claim is to be filed  
40 and the application has been approved as provided in this act.  
41 The Director of the Division of Taxation shall annually furnish  
42 each municipality with a supply of application forms for use by  
43 the claimants. As to claims for exemption from taxation filed  
44 with an assessor on or before November 1, 1963 on forms  
45 prescribed by the director, the assessor shall not require of any  
46 person who has filed such a claim the filing of an application for  
47 a tax deduction but shall approve such person for a tax deduction  
48 if it appears from the claim for exemption from taxation that  
49 such person meets all the other prerequisites required by this act  
50 for the approval of the tax deduction. Each assessor may at any  
51 time inquire into the right of a claimant to the continuance of a  
52 deduction hereunder and for that purpose he may require the  
53 filing of a new application or the submission of such proof as he  
54 shall deem necessary to determine the right of the claimant to

1 continuance of such deduction.<sup>5</sup>

2     <sup>5</sup>3. Section 5 of P.L.1964, c.255 (C.54:4-8.44a) is amended to  
3 read as follows:

4     5. Every person who is allowed a deduction shall, except as  
5 hereinafter provided, be required to file with the collector of the  
6 taxing district on or before March 1 of the post-tax year a  
7 statement under oath of his income for the tax year and his  
8 anticipated income for the ensuing tax year as well as any other  
9 information deemed necessary to establish his right to a tax  
10 deduction for such ensuing tax year. The collector may grant a  
11 reasonable extension of time for filing the statement required by  
12 this section, which extension shall terminate no later than May 1  
13 of the post-tax year, in any event where it shall appear to the  
14 satisfaction of the collector, verified by a physician's  
15 certificate, that the failure to file by March 1 was due to illness  
16 or a medical problem which prevented timely filing of the  
17 statement. In any case where such an extension is granted by the  
18 collector, the required statement shall be filed on or before May  
19 1 of the post-tax year.

20     Such statement shall be on a form prescribed by the Director  
21 of the Division of Taxation, in the Department of the Treasury,  
22 [and provided for the use of persons required to make such  
23 statement by the governing body of the municipality constituting  
24 the taxing district in which such statement is required to be filed  
25 and] The statement shall be mailed by the [collector] Director of  
26 the Division of Taxation with a return envelope addressed to the  
27 governing body of the municipality constituting the taxing  
28 district on or before February 1 of the post-tax year to each  
29 person within the taxing district who was allowed a deduction in  
30 the preceding year. In addition, the Director of the Division of  
31 Taxation shall at the same time furnish a supply of post-tax year  
32 statements to the tax collector in each municipality. Each  
33 collector may require the submission of such proof as he shall  
34 deem necessary to verify any such statement. Upon the failure  
35 of any such person to file the statement within time herein  
36 provided or to submit such proof as the collector deems necessary  
37 to verify a statement that has been filed, or if it is determined  
38 that the income of any such person exceeded the applicable  
39 income limitation for said tax year, his tax deduction for said tax  
40 year shall be disallowed. A notice of disallowance, on a form  
41 prescribed by the director, shall be mailed to that person by the  
42 collector on or before April 1 of the post-tax year or, where an  
43 extension of time for filing has been granted, no later than June  
44 1, and his taxes to the extent represented by the amount of said  
45 deduction shall be payable on or before June 1 of the post-tax  
46 year or, where an extension of time for filing has been granted no  
47 later than 30 calendar days after the notice of disallowance was  
48 mailed, after which date if unpaid, said taxes shall be delinquent,  
49 constitute a lien on the property, and, in addition, the amount of  
50 said taxes shall be a personal debt of said person.

51     The amount of any lien and tax liability shall be prorated by  
52 the tax collector upon the transfer of title based on the number  
53 of days during the tax year that entitlement to the tax deduction  
54 is established. The lien shall be considered satisfied by the tax

1 collector upon payment of the prorated amount for that portion  
2 of the tax year for which entitlement to the tax deduction is not  
3 established.<sup>5</sup>

4 <sup>5</sup>[26.]<sup>4</sup> Section 10 of P.L.1983, c.315 (C.34:5A-10) is  
5 amended to read as follows:

6 10. a. The Department of Health shall maintain a file of all  
7 completed workplace surveys received from employers. Each  
8 workplace survey received shall be retained by the department  
9 for 30 years. The department shall also retain for 30 years each  
10 hazardous substance fact sheet.

11 b. The department shall require every employer to [annually]  
12 update the workplace survey for his facility every five years, and  
13 shall supply each employer with any necessary additional  
14 hazardous substance fact sheets. If <sup>1</sup>[there is any change in the  
15 use of]<sup>1</sup> any <sup>1</sup>additional<sup>1</sup> workplace hazardous substance <sup>1</sup>is  
16 present at the employer's facility<sup>1</sup> during a non-reporting year  
17 <sup>1</sup>that had not been previously reported<sup>1</sup> , the employer shall  
18 inform the department <sup>1</sup>and all other appropriate departments or  
19 entities which receive a copy of the completed survey as required  
20 pursuant to section 7 of P.L.1983, c.315 (C.34:5A-7)<sup>1</sup> of the  
21 change <sup>1</sup>no later than the July 15 following the change<sup>1</sup> .

22 c. Upon request by the department, an employer shall provide  
23 the department with copies of employee health and exposure  
24 records, including those maintained for, and supplied to, the  
25 federal government.

26 d. Any person may request in writing from the department a  
27 copy of a workplace survey for a facility, together with the  
28 appropriate hazardous substance fact sheets, and the department  
29 shall transmit any material so requested within 30 days of the  
30 request therefor. Any request by an employee for material  
31 pertaining to the facility where he is employed made pursuant to  
32 this subsection shall be treated by the department as confidential.  
33 (cf: P.L.1983, c.315, s.10)

34 <sup>5</sup>[27.]<sup>5</sup> Section 13 of P.L.1983, c.315 (C.34:5A-13) is  
35 amended to read as follows:

36 13. a. Every employer shall have until October 30, 1985 to  
37 establish an education and training program for his employees,  
38 which shall be designed to inform employees in writing and orally  
39 of the nature of the hazardous substances to which they are  
40 exposed in the course of their employment and the  
41 potential health risks which the hazardous substances pose, and to  
42 train them in the proper and safe procedures for handling the  
43 hazardous substances under all circumstances. An employer shall  
44 provide his employees with the program not later than December  
45 31, 1985, and [annually] every <sup>1</sup>[five] <sup>2</sup>[three<sup>1</sup>] <sup>two</sup><sup>2</sup> years  
46 thereafter. Any person who becomes an employee after the  
47 conclusion of the initial program shall be provided with the  
48 program within the first month of employment. Prior to entering  
49 an employment agreement with a prospective employee an  
50 employer shall notify a prospective employee of the availability  
51 of workplace surveys and appropriate hazardous substance fact  
52 sheets for the facility at which the prospective employee will be  
53 employed; except that this notification requirement shall not be  
54 applicable to employers before December 31, 1985.



- 1     b. Any employer who has established an employee education  
2 and training program for hazardous substances prior to the  
3 effective date of this act may request the Department of Health  
4 to certify that education and training program, which  
5 certification shall constitute compliance with subsection a. of  
6 this section.
- 7     c. Every employer shall establish an education and training  
8 program for his employees who work in a research and  
9 development laboratory, which shall be designed to inform  
10 employees in writing and orally of the nature of the hazardous  
11 substances to which they are exposed in the course of their  
12 employment and the potential health risks which the hazardous  
13 substances pose, and to train them in the proper and safe  
14 procedures for handling the hazardous substances under all  
15 circumstances. An employer shall provide his employees with the  
16 program not later than December 31, 1985, and [annually] every  
17 1[five] 2[three<sup>1</sup>] two<sup>2</sup> years thereafter. Any person who becomes  
18 an employee after the conclusion of the initial program shall be  
19 provided with the program within the first month of employment.
- 20     d. The Department of Health shall establish a program for the  
21 certification of education and training programs provided to  
22 employers, for remuneration, for purposes of compliance with  
23 [this act] P.L.1983, c.315. The certification shall be valid for at  
24 least 12 months, shall provide for provisional and permanent  
25 certification, and shall be renewable.
- 26     e. The Department of Health shall establish a program for the  
27 certification of persons who are paid pursuant to the terms of a  
28 contract by employers to conduct education and training  
29 programs for purposes of compliance with [this act] P.L.1983,  
30 c.315. The certification shall be valid for at least 12 months,  
31 shall provide for provisional and permanent certification, and  
32 shall be renewable.
- 33     f. A person paid pursuant to the terms of a contract by an  
34 employer to conduct or provide an education and training  
35 program for purposes of compliance with [this act] P.L.1983,  
36 c.315 shall be required to be certified pursuant to subsection d. or  
37 e. of this section, as appropriate, prior to conducting or providing  
38 the program.
- 39     g. The fee for certification for a 12-month period and the fee  
40 for a renewal of a certification each shall not exceed \$500.00.  
41 The fee for the certification and renewal shall be established  
42 pursuant to rules and regulations adopted by the Department of  
43 Health. All revenues from fees for the issuance or renewal of  
44 certifications shall be credited to the "Worker and Community  
45 Right to Know Fund" created pursuant to section 26 of [this act]  
46 P.L.1983, c.315. Applications for certification shall be made to  
47 the Commissioner of Health in the manner and on a form as the  
48 commissioner shall prescribe by rule or regulation.
- 49     h. The Department of Health shall adopt, pursuant to the  
50 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
51 seq.), rules and regulations to implement the provisions of this  
52 section.
- 53     i. Any person required to be certified by the Department of  
54 Health pursuant to this section who violates the provisions of

1 subsection f. of this section, or any rule or regulation adopted  
2 pursuant thereto, shall be guilty of a disorderly persons offense.

3 j. The Commissioner of Health, upon making a finding that a  
4 person granted certification has violated any provision of this  
5 section or any rules or regulations adopted pursuant thereto, may  
6 revoke, suspend, or modify any certification issued pursuant to  
7 subsection d. or e. of this section. A person whose certification  
8 is to be revoked, suspended, or modified pursuant to this  
9 subsection shall be entitled to a hearing, pursuant to the  
10 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
11 seq.), to contest that action.

12 (cf: P.L.1989, c.155, s.1)

13 <sup>5</sup>[28. R.S.54:4-38 is amended to read as follows:

14 54:4-38. Every assessor, at least ten days before filing the  
15 complete assessment list and duplicate with the county board of  
16 taxation, and before annexing thereto his affidavit as required in  
17 section 54:4-36 of this title, shall [notify each taxpayer of the  
18 current assessment and preceding year's taxes and] give public  
19 notice by advertisement in at least one newspaper circulating  
20 within his taxing district of a time and place when and where the  
21 assessment list may be inspected by any taxpayer for the purpose  
22 of enabling the taxpayer to ascertain what assessments have been  
23 made against him or his property and to confer informally with  
24 the assessor as to the correctness of the assessments, so that any  
25 errors may be corrected before the filing of the assessment list  
26 and duplicate. Thereafter, the assessor shall notify each taxpayer  
27 by mail within 30 days of any change to the assessment. This  
28 notification of change of assessment shall contain the prior  
29 assessment and the current assessment.

30 (cf: P.L.1991, c.75, s.31)]<sup>5</sup>

31 29. Section 32 of P.L.1991, c.75 (C.54:4-38.1) is amended to  
32 read as follows:

33 32. Every assessor[, prior to February 1, shall notify by mail  
34 each taxpayer of the current assessment and preceding year's  
35 taxes. Thereafter, the assessor] or county board of taxation shall  
36 notify each taxpayer by mail within 30 days of any change to the  
37 assessment. This notification of change of assessment shall  
38 contain the prior assessment and the current assessment. The  
39 director shall establish the form of notice of [assessment and]  
40 change of assessment. Any notice issued by the assessor or  
41 county board of taxation shall contain information instructing  
42 taxpayers on how to appeal their assessment.

43 (cf: P.L.1991, c.75, s.32)

44 <sup>3</sup>[30. R.S.40:49-2 is amended to read as follows:

45 40:49-2. Except as otherwise provided in [sections]  
46 R.S.40:49-6 and 40:49-12 [of this Title], the procedure for the  
47 passage of ordinances shall be as follows:

48 a. Every ordinance after being introduced and having passed a  
49 first reading, which first reading may be by title, shall be  
50 published in its entirety or by title at least once in a newspaper  
51 published and circulated in the municipality, if there be one, and  
52 if not, in a newspaper printed in the county and circulating in the  
53 municipality, together with a notice of the introduction thereof  
54 [and], the time and place when and where it will be further

1 considered for final passage, a clear and concise statement  
2 prepared by the clerk of the governing body setting forth the  
3 purpose of the ordinance, and the time and place when and where  
4 a copy of the ordinance can be obtained without cost by any  
5 member of the general public who wants a copy of the ordinance.  
6 If there be only one such publication the same shall be at least  
7 one week prior to the time fixed for further consideration for  
8 final passage. If there be more than one publication, the first  
9 shall be at least one week prior to the time fixed for further  
10 consideration for final passage.

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

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

46 d. Upon passage, every ordinance, or the title, together with a  
47 notice of the date of passage or approval, or both, shall be  
48 published at least once in a newspaper circulating in the  
49 municipality, if there be one, and if not, in a newspaper printed in  
50 the county and circulating in the municipality. No other notice  
51 or procedure with respect to the introduction or passage of any  
52 ordinance shall be required.

53 Nothing herein shall be construed to affect the provisions of

1 [sections] R.S.40:49-7 to 40:49-12 or [section] R.S.40:49-27 [of  
2 this Title].

3 (cf: P.L.1973, c.329, s.1)]<sup>3</sup>

4 <sup>3</sup>[31. R.S.40:49-18 is amended to read as follows:

5 40:49-18. Upon the receipt of the report by the governing  
6 body, the same shall be filed by it, and it shall then, or at a  
7 subsequent regular meeting, fix a time and place when and where  
8 it will meet to consider all objections to the report or  
9 improvement which are presented in writing, and it shall cause  
10 the ordinance to be published in its entirety or by its title  
11 together with a notice of introduction, the time and place when  
12 and where a copy of the ordinance can be obtained without cost  
13 by any member of the general public who desires a copy, and a  
14 clear and concise statement prepared by the clerk of the  
15 governing body setting forth the purpose of the ordinance, once in  
16 a newspaper published and circulating in the municipality, if  
17 there be one, and if not, in a newspaper printed in the county and  
18 circulating in the municipality, together with a notice of the  
19 introduction thereof, and of the filing of the map and report.

20 The notice shall contain a general description of the  
21 improvement intended, of the land to be taken, of the land to be  
22 assessed for the improvement, and of the awards made, and shall  
23 state the time and place when and where the governing body will  
24 meet to hear and consider any objections, to the report or to the  
25 improvement, which are presented in writing.

26 (cf: R.S.40:49-18)]<sup>3</sup>

27 <sup>5</sup>[430.] <sup>6.5</sup> R.S.40:49-2 is amended to read as follows:

28 40:49-2. Except as otherwise provided in [sections]  
29 R.S.40:49-6 and 40:49-12 [of this Title], the procedure for the  
30 passage of ordinances shall be as follows:

31 a. Every ordinance after being introduced and having passed a  
32 first reading, which first reading may be by title, shall be  
33 published in its entirety or by title at least once in a newspaper  
34 published and circulated in the municipality, if there be one, and  
35 if not, in a newspaper printed in the county and circulating in the  
36 municipality, together with a notice of the introduction thereof  
37 [and], the time and place when and where it will be further  
38 considered for final passage, a clear and concise statement  
39 prepared by the clerk of the governing body setting forth the  
40 purpose of the ordinance, and the time and place when and where  
41 a copy of the ordinance can be obtained without cost by any  
42 member of the general public who wants a copy of the ordinance.  
43 If there be only one such publication the same shall be at least  
44 one week prior to the time fixed for further consideration for  
45 final passage. If there be more than one publication, the first  
46 shall be at least one week prior to the time fixed for further  
47 consideration for final passage.

48 b. At the time and place so stated in such publication, or at  
49 any time and place to which the meeting for the further  
50 consideration of the ordinance shall from time to time be  
51 adjourned, all persons interested shall be given an opportunity to  
52 be heard concerning the ordinance. The opportunity to be heard  
53 shall include the right to ask pertinent questions concerning the  
54 ordinance by any resident of the municipality or any other person  
55 affected by the ordinance. Final passage thereof shall be at least

1 10 days after the first reading.

2 c. Upon the opening of the hearing, the ordinance shall be  
3 given a second reading, which reading may be by title, and  
4 thereafter, it may be passed with or without amendments, or  
5 rejected. Prior to the said second reading, a copy of the  
6 ordinance shall be posted on the bulletin board or other place  
7 upon which public notices are customarily posted in the principal  
8 municipal building of the municipality, and copies of the  
9 ordinance shall be made available to members of the general  
10 public of the municipality who shall request such copies. If any  
11 amendment be adopted, substantially altering the substance of  
12 the ordinance, the ordinance as so amended shall not be finally  
13 adopted until at least one week thereafter, and the ordinance as  
14 amended shall be read at a meeting of the governing body, which  
15 reading may be by title, and shall be published in its entirety or  
16 by title, together with a notice of the introduction, the time and  
17 place when and where a copy of the amended ordinance can be  
18 obtained without any cost by any member of the general public  
19 who desires a copy, a clear and concise statement prepared by  
20 the clerk of the governing body setting forth the purpose of the  
21 ordinance, and the time and place when and where the amended  
22 ordinance will be further considered for final passage, at least  
23 two days prior to the time so fixed. At the time and place so  
24 fixed, or at any other meeting to which the further consideration  
25 of the amended ordinance may be adjourned, the governing body  
26 may proceed to pass the ordinance, as amended, or again amend  
27 it in the same manner.

28 d. Upon passage, every ordinance, or the title, together with a  
29 notice of the date of passage or approval, or both, shall be  
30 published at least once in a newspaper circulating in the  
31 municipality, if there be one, and if not, in a newspaper printed in  
32 the county and circulating in the municipality. No other notice  
33 or procedure with respect to the introduction or passage of any  
34 ordinance shall be required.

35 Nothing herein shall be construed to affect the provisions of  
36 [sections] R.S.40:49-7 to 40:49-12 or [section] R.S.40:49-27 [of  
37 this Title].<sup>4</sup>

38 (cf: P.L.1973, c.329, s.1)

39 <sup>5</sup>[431.] 7.<sup>5</sup> R.S.40:49-18 is amended to read as follows:

40 40:49-18. Upon the receipt of the report by the governing  
41 body, the same shall be filed by it, and it shall then, or at a  
42 subsequent regular meeting, fix a time and place when and where  
43 it will meet to consider all objections to the report or  
44 improvement which are presented in writing, and it shall cause  
45 the ordinance to be published in its entirety or by its title  
46 together with a notice of introduction, the time and place when  
47 and where a copy of the ordinance can be obtained without cost  
48 by any member of the general public who desires a copy, and a  
49 clear and concise statement prepared by the clerk of the  
50 governing body setting forth the purpose of the ordinance, once in  
51 a newspaper published and circulating in the municipality, if  
52 there be one, and if not, in a newspaper printed in the county and  
53 circulating in the municipality, together with a notice of the  
54 introduction thereof, and of the filing of the map and report.

1 The notice shall contain a general description of the  
2 improvement intended, of the land to be taken, of the land to be  
3 assessed for the improvement, and of the awards made, and shall  
4 state the time and place when and where the governing body will  
5 meet to hear and consider any objections, to the report or to the  
6 improvement, which are presented in writing.<sup>4</sup>

7 (cf: R.S.40:49-18)

8 <sup>3</sup>[32.] <sup>4</sup>[30.<sup>3</sup>] <sup>5</sup>[<sup>4</sup>32.] 8.<sup>5</sup> N.J.S.40A:4-6 is amended to read as  
9 follows:

10 40A:4-6. Every budget shall be advertised after approval. The  
11 advertisement shall contain a copy of the budget or a budget  
12 summary as provided in section 36 of P.L. , c. (C. ) (pending  
13 before the Legislature as this bill), and shall set forth the date,  
14 the time and the place of the hearing. It shall be published at  
15 least 10 days prior to the date fixed therefor; in the case of a  
16 municipality, in a newspaper published and circulating in the  
17 municipality, if there be one, and if not, in a newspaper published  
18 in the county and circulating in the municipality; in the case of a  
19 county, in a newspaper published in the county seat, if there be  
20 one, and if not, in a newspaper published in the county and having  
21 a substantial circulation therein.

22 (cf: N.J.S.40A:4-6)

23 <sup>3</sup>[33.] <sup>4</sup>[31.<sup>3</sup>] <sup>5</sup>[<sup>4</sup>33.] 9.<sup>5</sup> N.J.S.40A:4-8 is amended to read as  
24 follows:

25 40A:4-8. The public hearing shall be held at the time and place  
26 specified in the advertisement thereof, but may be adjourned  
27 from time to time until the hearing is closed.

28 The budget[, as advertised,] shall be read, at the public hearing  
29 in full, or it may be read by its title, if

30 1. At least one week prior to the date of the hearing, a  
31 complete copy of the approved budget, [as advertised,]

32 a. shall be <sup>3</sup>[posted in a public place where public notices are  
33 customarily posted, in the case of a county budget, in the county  
34 court house, and in the case of a municipal budget, in the  
35 principal municipal building of the municipality, but if there is no  
36 such building, then in such public place as notices are usually  
37 posted in[,] the municipality] made available for public  
38 inspection, in the case of a county budget, in each free public  
39 library, if any, in each municipality of the county and in the free  
40 county libraries or regional libraries of the county or, in the case  
41 of a municipal budget, in the free public library, if any, of the  
42 municipality and in the free county libraries or regional libraries  
43 located in the municipality or, if no county libraries or regional  
44 libraries are located in the municipality, the county or regional  
45 library of the county in which the municipality is located, and the  
46 public officer delegated the responsibility for delivering copies of  
47 the approved budget to such libraries shall forward to the  
48 governing body an attestation that each such delivery was  
49 made<sup>3</sup>, and

50 b. is made available to each person requesting the same,  
51 during said week and during the public hearing, and

52 2. The governing body shall, by resolution passed by not less  
53 than a majority of the full membership, determine that the  
54 budget shall be read by its title and declare that the conditions

1 set forth in subsections 1.a. and 1.b. of this section have been  
2 met.

3 After closing the hearing, the governing body may adopt the  
4 budget, by title without amendments, or may approve  
5 amendments as provided in [section] N.J.S.40A:4-9 before  
6 adoption.

7 (cf: P.L.1964, c.78, s.2)

8 <sup>3</sup>[34.] <sup>4</sup>[32.<sup>3</sup>] <sup>5</sup>[<sup>4</sup>34.] 10.<sup>5</sup> N.J.S.40A:4-9 is amended to read as  
9 follows:

10 40A:4-9. a. Amendments to budgets required by the director  
11 may be made prior to the time of holding the public hearing on  
12 the budget, without public advertisement.

13 b. The governing body may amend the budget during or after  
14 the public hearing. All amendments shall be read in full and shall  
15 be forthwith submitted to the director.

16 c. [No] Except as provided in subsection e. of this section, no  
17 amendment by the governing body shall be effective until  
18 taxpayers and all persons having an interest therein shall have  
19 been granted a public hearing thereon, if such amendment shall:

20 1. add a new item of appropriation in an amount in excess of  
21 1% of the total amount of appropriations as stated in the  
22 approved budget, or

23 2. increase or decrease any item of appropriation by more than  
24 10%, or

25 3. increase the amount to be raised by taxes by more than 5%,  
26 unless the same is made to include an emergency temporary  
27 appropriation only.

28 Notice of hearing on any amendment shall be advertised at  
29 least 3 days before the date set therefor. Any such amendment  
30 must be published in full or by a summary pursuant to subsection  
31 d. of this section in the same manner as an original publication  
32 and must be read in full at the hearing and before adoption.

33 d. The governing body of a municipality or county may satisfy  
34 the publication requirements for an amendment by publishing a  
35 summary stating the main provisions of the amendment and the  
36 location, telephone number and office hours of the principal  
37 municipal or county building where copies of the amendment are  
38 available and the name of the person or office to be contacted if  
39 a person wants to receive a copy of the amendment by mail. The  
40 summary shall be published in the manner provided in subsection  
41 b. of section 36 of this P.L. , c. (C. ) (pending before the  
42 Legislature as this bill).

43 e. Amendments to budgets required by the director after  
44 certification of State aid amounts, for the purpose of  
45 appropriating State aid revenue to be received by the  
46 municipality in the local budget year that may have the effect of  
47 reducing the amount required to be raised by taxation for local  
48 purposes, may be made without public advertisement or public  
49 hearing.

50 (cf: P.L.1964, c.78, s.3)

51 <sup>3</sup>[35.] <sup>4</sup>[33.<sup>3</sup>] <sup>5</sup>[<sup>4</sup>35.] 11.<sup>5</sup> N.J.S.40A:4-10 is amended to read  
52 as follows:

53 40A:4-10. No budget or amendment thereof shall be adopted  
54 unless the director shall have previously certified his approval

1 thereof. Final adoption shall be by resolution adopted by a  
 2 majority of the full membership of the governing body, and may  
 3 be by title where the procedures required by sections 40A:4-8 and  
 4 40A:4-9 or section 36 of P.L. , c. (C. ) (pending before the  
 5 Legislature as this bill), as applicable, have been followed.

6 The budget shall be adopted in the case of a county not later  
 7 than February 25, and in the case of a municipality not later than  
 8 March 20 of the fiscal year or September 1 of the State fiscal  
 9 year, except that the governing body may adopt the budget at any  
 10 time within 10 days after the director shall have certified his  
 11 approval thereof and returned the same, if such certification  
 12 shall be later than the date of the advertised hearing.

13 If, in the case of a municipality which operates on the State  
 14 fiscal year, the governing body fails to adopt the budget within  
 15 the permitted time, the chief financial officer of the local unit  
 16 shall so notify the director the next working day after the  
 17 expiration of the permitted time.

18 Three certified copies of the budget, as adopted, shall be  
 19 transmitted to the director within three days after adoption.

20 Upon adoption, the budget shall constitute an appropriation for  
 21 the purposes stated therein and an authorization of the amount to  
 22 be raised by taxation for the purposes of the local unit.

23 (cf: P.L.1991, c.75, s.11)

24 <sup>3</sup>[36.] <sup>4</sup>[34.<sup>3</sup>] <sup>5</sup>[436.] 12.<sup>5</sup> (New section) The governing body of  
 25 a municipality or county may satisfy the advertisement  
 26 requirements for the introduction and passage of a budget in the  
 27 following manner:

28 a. The publication of a summary pursuant to the provisions of  
 29 N.J.S.40A:4-6 citing:

30 (1) The totals of the major sections of the budget, including  
 31 but not limited to, operating expenses, capital improvement  
 32 appropriations, salaries and wages, and surplus for the previous  
 33 and current budget years;

34 (2) The amount of any principal and interest of any debt to be  
 35 paid in the current budget year and the total amount of debt  
 36 remaining;

37 (3) The total number of persons employed in the previous  
 38 budget year and the total number estimated to be employed in  
 39 the current budget year, the municipal purposes property tax levy  
 40 of the previous budget year and the estimated municipal purposes  
 41 property tax levy of the current budget year, the total amount to  
 42 be raised by taxation and the total amount to be received from  
 43 other sources in the current budget year, and the total  
 44 appropriations of the previous year's budget and of the current  
 45 year's budget; and

46 (4) The location, phone number and office hours of the  
 47 principal municipal or county building where copies of the budget  
 48 will be available to the public and the name of the person or the  
 49 office to be contacted if a person wants to receive a copy of the  
 50 budget by mail.

51 b. The name of the municipality or county and the budget title  
 52 shall be printed in bold 16 point typeface and the remainder of  
 53 the summary shall be printed in bold 8 point typeface.

54 <sup>3</sup>[37.] <sup>4</sup>[35.<sup>3</sup>] <sup>5</sup>[437.] 13.<sup>5</sup> Section 2 of P.L.1963, c.150  
 55 (C.34:11-56.26) is amended to read as follows:



1       2. As used in this act:

2       (1) "Department" means Department of Labor of the State of  
3 New Jersey.

4       (2) "Locality" means any political subdivision of the State,  
5 combination of the same or parts thereof, or any geographical  
6 area or areas classified, designated and fixed by the  
7 commissioner from time to time, provided that in determining  
8 the "locality" the commissioner shall be guided by the boundary  
9 lines of political subdivisions or parts thereof, or by a  
10 consideration of the areas with respect to which it has been the  
11 practice of employers of particular crafts or trades to engage in  
12 collective bargaining with the representatives of workers in such  
13 craft or trade.

14       (3) "Maintenance work" means the repair of existing facilities  
15 when the size, type or extent of such facilities is not thereby  
16 changed or increased.

17       (4) "Public body" means the State of New Jersey, any of its  
18 political subdivisions, any authority created by the Legislature of  
19 the State of New Jersey and any instrumentality or agency of the  
20 State of New Jersey or of any of its political subdivisions.

21       (5) "Public work" means construction, reconstruction,  
22 demolition, alteration, or repair work, or maintenance work,  
23 including painting and decorating, done under contract and paid  
24 for in whole or in part out of the funds of a public body, except  
25 work performed under a rehabilitation program. "Public work"  
26 shall also mean construction, reconstruction, demolition,  
27 alteration, or repair work, done on any property or premises,  
28 whether or not the work is paid for from public funds, if, at the  
29 time of the entering into of the contract:

30       (a) Not less than 55% of the property or premises is leased by  
31 a public body, or is subject to an agreement to be subsequently  
32 leased by the public body; and

33       (b) The portion of the property or premises that is leased or  
34 subject to an agreement to be subsequently leased by the public  
35 body measures more than 20,000 square feet.

36       (6) "Commissioner" means the Commissioner of Labor or his  
37 duly authorized representatives.

38       (7) "Workman" or "worker" includes laborer, mechanic, skilled  
39 or semi-skilled, laborer and apprentices or helpers employed by  
40 any contractor or subcontractor and engaged in the performance  
41 of services directly upon a public work, regardless of whether  
42 their work becomes a component part thereof, but does not  
43 include material suppliers or their employees who do not perform  
44 services at the job site.

45       (8) "Work performed under a rehabilitation program" means  
46 work arranged by and at a State institution primarily for teaching  
47 and upgrading the skills and employment opportunities of the  
48 inmates of such institutions.

49       (9) "Prevailing wage" means the wage rate paid by virtue of  
50 collective bargaining agreements by employers employing a  
51 majority of workers of that craft or trade subject to said  
52 collective bargaining agreements, in the locality in which the  
53 public work is done.

54       (10) "Act" means the provisions of [this act] P.L.1963, c.150

1 and the rules and regulations issued hereunder.

2 (11) "Prevailing wage contract threshold amount" means:

3 (a) In the case of any public work paid for in whole or in part  
4 out of the funds of a municipality in the State of New Jersey or  
5 done on property or premises leased or to be leased by the  
6 municipality, the dollar amount established for the then current  
7 calendar year by the commissioner through rules and regulations  
8 promulgated pursuant to the "Administrative Procedure Act,"  
9 P.L.1968, c.410 (C.52:14B-1 et seq.), which amount shall be equal  
10 to \$9,850 on July 1, 1994 and which amount shall be adjusted on  
11 July 1 every five calendar years thereafter in direct proportion to  
12 the rise or fall in the average of the Consumer Price Indices for  
13 Urban Wage Earners and Clerical Workers for the New York  
14 metropolitan and the Philadelphia metropolitan regions as  
15 reported by the United States Department of Labor during the  
16 last full calendar year preceding the date upon which the  
17 adjustment is made; and

18 (b) In the case of any public work other than a public work  
19 described in paragraph (a) of this subsection, an amount equal to  
20 \$2,000.

21 (cf: P.L.1990, c.27, s.1)

22 <sup>3</sup>[38.] <sup>4</sup>[36.<sup>3</sup>] <sup>5</sup>[438.] 14.<sup>5</sup> Section 3 of P.L.1963, c.150  
23 (C.34:11-56.27) is amended to read as follows:

24 3. Every contract in excess of [\$2,000.00] the prevailing wage  
25 contract threshold amount for any public work to which any  
26 public body is a party or for public work to be done on property or  
27 premises leased or to be leased by a public body shall contain a  
28 provision stating the prevailing wage rate which can be paid (as  
29 shall be designated by the commissioner) to the workers employed  
30 in the performance of the contract and the contract shall contain  
31 a stipulation that such workers shall be paid not less than such  
32 prevailing wage rate. Such contract shall also contain a provision  
33 that in the event it is found that any worker, employed by the  
34 contractor or any subcontractor covered by said contract, has  
35 been paid a rate of wages less than the prevailing wage required  
36 to be paid by such contract the public body or lessor may  
37 terminate the contractor's or subcontractor's right to proceed  
38 with the work, or such part of the work as to which there has  
39 been a failure to pay required wages and to prosecute the work to  
40 completion or otherwise. The contractor and his sureties shall be  
41 liable to the public body or lessor for any excess costs occasioned  
42 thereby.

43 (cf: P.L.1990, c.27, s.2)

44 <sup>3</sup>[39.] <sup>4</sup>[37.<sup>3</sup>] <sup>5</sup>[439.] 15.<sup>5</sup> Section 3 of P.L.1947, c.156  
45 (C.44:8-109) is amended to read as follows:

46 3. It is hereby declared to be the public policy of this State  
47 that every needy person shall, while in this State, be entitled to  
48 receive such public assistance as may be appropriate with  
49 reference to need of a category of persons and whether or not  
50 such persons are employable, and that the funding of such public  
51 assistance is the responsibility of the State [and the  
52 administration is primarily the duty of the municipalities and of  
53 civic and charitable organizations] but that all needy persons not  
54 otherwise provided for under the laws of this State shall

1 hereafter receive public assistance pursuant to law and the  
2 provisions of this act.

3 It is also the public policy of this State that there are two  
4 distinct categories of persons who may be eligible for financial  
5 assistance in accordance with the provisions of this act, those  
6 who are employable and those who are unemployable, as those  
7 terms are defined in section 2 of [this act] P.L.1947, c.156  
8 (C.44:8-108). The commissioner may set differing levels of  
9 assistance for these categories.

10 (cf: P.L.1990, c.66, s.16)

11 <sup>3</sup>[40.] <sup>4</sup>[38.3] <sup>5</sup>[440.] 16.5 Section 5 of P.L.1947, c.156  
12 (C.44:8-111) is amended to read as follows:

13 5. The commissioner shall:

14 (a) Act as the agent of the State in effectuating the purposes  
15 of any reciprocal interstate agreements respecting the  
16 transportation of dependents;

17 (b) Negotiate with the Federal Government as to any present  
18 or future programs affecting public relief or assistance for which  
19 no provision is made by other statutes of this State and  
20 administer such programs in co-operation with the Federal  
21 Government or any agency thereof;

22 (c) Keep and maintain such records and accounts as may be  
23 necessary and proper for the administration of State aid;

24 (d) Promulgate, alter and amend from time to time such rules,  
25 regulations and directory orders as may be necessary for the  
26 administration of State aid and for the carrying out of any  
27 provisions of law regulating the same and of the provisions of this  
28 act, which rules, regulations and orders shall be binding upon the  
29 various municipalities or counties;

30 (e) Determine whether or not the various municipalities or  
31 counties are complying with all of the provisions of law, including  
32 the provisions of this act, regulating the administration of State  
33 aid which are binding upon them;

34 (f) Formulate, promulgate and enforce standards for  
35 investigation, allowance and supervision of grants for public  
36 assistance and forms and procedures necessary to the proper  
37 administration and recording thereof; and

38 (g) Exercise such other powers as may be necessary for the  
39 proper and efficient administration of State aid and the carrying  
40 out of all of the provisions of law, including the provisions of [this  
41 act] P.L.1947, c.156 (C.44:8-107 et seq.), regulating the same.

42 (cf: P.L.1947, c.156, s.5)

43 <sup>3</sup>[41.] <sup>4</sup>[39.3] <sup>5</sup>[441.] 17.5 Section 6 of P.L.1947, c.156  
44 (C.44:8-112) is amended to read as follows:

45 6. The commissioner may:

46 (a) Determine and prescribe the number and qualifications of  
47 the personnel employed or to be employed in administering public  
48 assistance in each of the municipalities or counties, as  
49 appropriate;

50 (b) Require the keeping of such records, and the making of  
51 such reports, by each municipality or county, as appropriate, in  
52 connection with the administration of State aid within such  
53 municipality or county, in such form, and containing such  
54 information, as he may from time to time determine, and make

1 such investigations as he may from time to time deem to be  
2 necessary to assure the correctness and verification of the facts  
3 stated in such records and reports;

4 (c) Investigate the administration of public assistance within  
5 each municipality or county, as appropriate, and determine the  
6 compliance or noncompliance of such municipality or county with  
7 the provisions of law, including the provisions of [this act]  
8 P.L.1947, c.156 (C.44:8-107 et seq.), governing the administration  
9 of State aid for relief and with the standards and requirements  
10 prescribed by the Department;

11 (d) Withhold payment of State aid from any municipality or  
12 county, as appropriate, neglecting or refusing to keep such  
13 records or make such reports or to comply with any of the  
14 standards and requirements prescribed by the department or with  
15 any provision of law governing the administration of State aid  
16 including the provisions of [this act] P.L.1947, c.156 (C.44:8-107  
17 et seq.);

18 (e) Consult with and advise any local assistance board or other  
19 officials of any municipality, or any county welfare agency or  
20 other officials of any county, in connection with any public  
21 assistance problem in the municipality or county, as appropriate.

22 (cf: P.L.1947, c.156, s.6)

23 <sup>3</sup>[42.] <sup>4</sup>[40.<sup>3</sup>] <sup>5</sup>[442.] 18.<sup>5</sup> Section 7 of P.L.1947, c.156  
24 (C.44:8-113) is amended to read as follows:

25 7. The commissioner may, as to each municipality or county in  
26 which public assistance is administered by the commissioner  
27 under [this act] P.L.1947, c.156 (C.44:8-107 et seq.),

28 (a) Prescribe all rules and conditions under which the funds  
29 allotted for State aid shall be administered;

30 (b) Require such information from applicants for public  
31 assistance, make such investigation of the merits of applications  
32 for public assistance, prescribe such forms to be used, and set up,  
33 maintain and carry out such procedures as may in his discretion  
34 be deemed advisable for the economical and efficient  
35 administration of public assistance in [such] the municipality or  
36 county;

37 (c) Make direct distribution of sums allotted as State aid in  
38 [such] the municipality or county as provided by [this act]  
39 P.L.1947, c.156 (C.44:8-107 et seq.); and

40 (d) Use all or any part of the local or county organization for  
41 administration of public assistance to assist him, upon such terms  
42 as he may deem fit and proper.

43 (cf: P.L.1947, c.156, s.7)

44 <sup>3</sup>[43.] <sup>4</sup>[41.<sup>3</sup>] <sup>5</sup>[443.] 19.<sup>5</sup> Section 8 of P.L.1947, c.156  
45 (C.44:8-114) is amended to read as follows:

46 8. The State shall provide, through each municipality or  
47 county, as appropriate, public assistance to the persons eligible  
48 therefor, residing therein or otherwise when so provided by law,  
49 which assistance shall be fully funded by the State and  
50 administered by a local assistance board or the county welfare  
51 agency according to law and in accordance with [this act]  
52 P.L.1947, c.156 (C.44:8-107 et seq.) and with such rules and  
53 regulations as may be promulgated by the commissioner.

54 An employable person who is receiving public assistance shall

1 be required, except when good cause exists, to enroll and actively  
2 participate in the Family Development Initiative established  
3 pursuant to P.L.1991, c.523 (C.44:10-19 et seq.).

4 The commissioner may exempt a person from participating in  
5 the program for reasons of physical or mental impairment, age,  
6 illness or injury, caretaker responsibilities, employment or  
7 unsuitability, as determined by the commissioner, for the services  
8 provided by the program.

9 Each person receiving public assistance who is required to  
10 participate in the Family Development Initiative shall receive a  
11 health-related, social, educational and vocational assessment and  
12 those services, as appropriate, which are provided to other  
13 participants in that program pursuant to P.L.1991, c.523  
14 (C.44:10-19 et seq.).

15 Any person who without good cause fails or refuses to enroll  
16 and actively participate in the Family Development Initiative,  
17 which includes failure to attend or make satisfactory academic  
18 progress in educational or vocational training classes under the  
19 program, including classes in four-year and community colleges  
20 and post-secondary vocational training programs, according to  
21 rules and regulations adopted by the commissioner, shall  
22 thereupon, as determined by the commissioner, be subject to a  
23 reduction in benefits of at least 20%, or shall become ineligible  
24 for public assistance for a period of at least 90 days, which shall  
25 commence at the end of the current benefit period and at the end  
26 of which the person shall again become eligible for public  
27 assistance; provided that he complies with all requirements of the  
28 Family Development Initiative as determined by the  
29 commissioner or shows his willingness to do so. For a subsequent  
30 failure or refusal to enroll and actively participate in the  
31 program without good cause, the person may be subject to a  
32 termination of benefits.

33 (cf: P.L.1991, c.523, s.14)

34 <sup>3</sup>[44.] <sup>4</sup>[42.<sup>3</sup>] <sup>5</sup>[44.] 20.<sup>5</sup> Section 12 of P.L.1947, c.156  
35 (C.44:8-118) is amended to read as follows:

36 12. The director of welfare of each municipality shall as to  
37 [such] that municipality, or the county welfare director shall as  
38 to that county, as appropriate:

39 (a) Supervise by periodic investigation every person receiving  
40 public assistance, such investigation to be made by visitation at  
41 least once a month;

42 (b) Reconsider from month to month the amount and nature of  
43 public assistance given and alter, amend or suspend the same  
44 when the circumstances so require;

45 (c) Devise ways and means for bringing persons unable to  
46 maintain themselves to self-support or to the support of any  
47 other person or agency able and willing so to do;

48 (d) Keep full and complete records of such investigation,  
49 supervision, assistance and rehabilitation, and of all certifications  
50 of persons for employment or benefits and cancellations thereof,  
51 in such manner and form as required by the commissioner; and

52 (e) Bring about appropriate action for commitment to any  
53 State or county institution when the best interests of the needy  
54 persons would be so served.

55 (cf: P.L.1947, c.156, s.12)

1       <sup>3</sup>[45.] <sup>4</sup>[43.<sup>3</sup>] <sup>5</sup>[<sup>4</sup>45.] 21.<sup>5</sup> Section 13 of P.L.1947, c.156  
2 (C.44:8-119) is amended to read as follows:

3       13. Each applicant for public assistance in any municipality or  
4 county shall be required to make an affidavit to the correctness  
5 of his or her statements in his or her application for relief.

6 (cf: P.L.1947, c.156, s.13)

7       <sup>3</sup>[46.] <sup>4</sup>[44.<sup>3</sup>] <sup>5</sup>[<sup>4</sup>46.] 22.<sup>5</sup> Section 14 of P.L.1947, c.156  
8 (C.44:8-120) is amended to read as follows:

9       14. Immediate public assistance shall be rendered promptly to  
10 any needy person by the director of welfare of the municipality  
11 or the county welfare director, as appropriate, where the person  
12 is found at the time of application. Needy persons residing in  
13 public or private facilities providing residential therapeutic  
14 medical services shall be deemed the responsibility of the  
15 municipality or county, as appropriate, of their customary place  
16 of abode prior to placement in such facility.

17 (cf: P.L.1977, c.408, s.1)

18       <sup>3</sup>[47.] <sup>4</sup>[45.<sup>3</sup>] <sup>5</sup>[<sup>4</sup>47.] 23.<sup>5</sup> Section 15 of P.L.1947, c.156  
19 (C.44:8-121) is amended to read as follows:

20       15. When a person shall apply for public assistance for himself  
21 or his dependents, the municipal or county director of welfare, as  
22 appropriate, shall inquire into the facts, conditions and  
23 circumstances of the case, including customary place of abode,  
24 family connections, living conditions, resources, income, and  
25 causes direct and indirect of the person's need, and such other  
26 matters as the commissioner may require, making a written  
27 record thereof in such manner as may be prescribed by the  
28 commissioner. Upon ascertainment of the foregoing facts,  
29 conditions and circumstances, the municipal or county director of  
30 welfare, as appropriate, shall render assistance to an eligible  
31 applicant or his dependents. The cost of public assistance shall  
32 be borne by the [municipality which renders such assistance]  
33 State.

34 (cf: P.L.1977, c.408, s.2)

35       <sup>3</sup>[48.] <sup>4</sup>[46.<sup>3</sup>] <sup>5</sup>[<sup>4</sup>48.] 24.<sup>5</sup> Section 19 of P.L.1947, c.156  
36 (C.44:8-125) is amended to read as follows:

37       19. The fact that an applicant for public assistance or any of  
38 his dependents shall be receiving, or entitled to receive, income  
39 from other sources or compensation for part-time or casual  
40 services shall not make such person ineligible to receive public  
41 assistance if such income or compensation is insufficient to  
42 support him and his dependents properly but the amount of such  
43 income or compensation shall be taken into consideration in  
44 determining the amount of his public assistance by deducting  
45 from the amount of public assistance which he otherwise would  
46 be entitled to receive, the amount of such income or  
47 compensation; except that any money received because of a  
48 settlement agreement or judgment in a lawsuit brought against a  
49 manufacturer or distributor of "Agent Orange" for damages  
50 resulting from exposure to "Agent Orange" shall not reduce the  
51 amount of public assistance received by the applicant and shall  
52 not be subject to a lien or be available for repayment to the  
53 State, county or municipality for public assistance received by  
54 the applicant.

55 (cf: P.L.1986, c.65, s.1)

1       <sup>3</sup>[49.] <sup>4</sup>[47.<sup>3</sup>] <sup>5</sup>[449.] 25.<sup>5</sup> Section 23 of P.L.1947, c.156  
2 (C.44:8-129) is amended to read as follows:

3       23. In each year the commissioner shall determine the amount  
4 of State aid which each municipality or county, as appropriate,  
5 shall receive in such year, and the same shall be distributed by  
6 the commissioner among the various municipalities and counties  
7 making application therefor to the commissioner before July 1 of  
8 such year, except those in which public assistance shall be  
9 administered by the commissioner for all or any part of such  
10 year, by the payment to each municipality or county of 100% of  
11 its "current year's public assistance load."

12 (cf: P.L.1990, c.66, s.6)

13       <sup>3</sup>[50.] <sup>4</sup>[48.<sup>3</sup>] <sup>5</sup>[450.] 26.<sup>5</sup> Section 31 of P.L.1947, c.156  
14 (C.44:8-137) is amended to read as follows:

15       31. The cost of administration of public assistance within any  
16 municipality or county, as appropriate, shall be paid by [the] that  
17 municipality or county, as appropriate, and no part thereof shall  
18 be paid by the State except as provided in section twenty-eight  
19 of [this act] P.L.1947, c.156 (C.44:8-134).

20 (cf: P.L.1947, c.156, s.31)

21       <sup>3</sup>[51.] <sup>4</sup>[49.<sup>3</sup>] <sup>5</sup>[451.] 27.<sup>5</sup> Section 4 of P.L.1976, c.68  
22 (C.40A:4-45.4) is amended to read as follows:

23       4. In the preparation of its budget, a county may not increase  
24 the county tax levy to be apportioned among its constituent  
25 municipalities in excess of 5% or the index rate, whichever is  
26 less, of the previous year's county tax levy, subject to the  
27 following exceptions:

28       a. The amount of revenue generated by the increase in  
29 valuations within the county, based solely on applying the  
30 preceding year's county tax rate to the apportionment valuation  
31 of new construction or improvements within the county, and such  
32 increase shall be levied in direct proportion to said valuation;

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

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

50       (2) (Deleted by amendment, P.L.1990, c.89.) The approval  
51 procedure in this subsection shall not apply to appropriations  
52 adopted for a purpose referred to in subsection d. or f. below;

53       d. All debt service;

54       e. (Deleted by amendment, P.L.1990, c.89.)

1 f. Amounts required to be paid pursuant to (1) any contract  
2 with respect to use, service or provision of any project, facility  
3 or public improvement for water, sewerage, parking, senior  
4 citizen housing or any similar purpose, or payments on account of  
5 debt service therefor, between a county and any other county,  
6 municipality, school or other district, agency, authority,  
7 commission, instrumentality, public corporation, body corporate  
8 and politic or political subdivision of this State; and (2) any lease  
9 of a facility owned by a county improvement authority when the  
10 lease payment represents the proportionate amount necessary to  
11 amortize the debt incurred by the authority in providing the  
12 facility which is leased, in whole or in part;

13 g. That portion of the county tax levy which represents  
14 funding to participate in any federal or State aid program and  
15 amounts received or to be received from federal, State or other  
16 funds in reimbursement for local expenditures. If a county  
17 provides matching funds in order to receive the federal or State  
18 or other funds, only the amount of the match which is required by  
19 law or agreement to be provided by the county shall be excepted;

20 h. (Deleted by amendment, P.L.1987, c.74.)

21 i. (Deleted by amendment, P.L.1990, c.89.)

22 j. (Deleted by amendment, P.L.1990, c.89.)

23 k. (Deleted by amendment, P.L.1990, c.89.)

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

27 m. (Deleted by amendment, P.L.1990, c.89.)

28 n. (Deleted by amendment, P.L.1990, c.89.)

29 o. (Deleted by amendment, P.L.1990, c.89.)

30 p. Extraordinary expenses, approved by the Local Finance  
31 Board, required for the implementation of an interlocal services  
32 agreement;

33 q. Any expenditure mandated as a result of a natural disaster,  
34 civil disturbance or other emergency that is specifically  
35 authorized pursuant to a declaration of an emergency by the  
36 President of the United States or by the Governor;

37 r. Expenditures for the cost of services mandated by any order  
38 of court, by any federal or State statute, or by administrative  
39 rule, directive, order, or other legally binding device issued by a  
40 State agency which has identified such cost as mandated  
41 expenditures on certification to the Local Finance Board by the  
42 State agency;

43 s. That portion of the county tax levy which represents funding  
44 to a county college in excess of the county tax levy required to  
45 fund the county college in local budget year 1992;

46 t. Amounts appropriated for the cost of administering a joint  
47 insurance fund established pursuant to subsection b. of section 1  
48 of P.L.1983, c.372 (C.40A:10-36), but not including appropriations  
49 for claims payments by local member units;

50 u. Expenditures for the administration of general public  
51 assistance pursuant to P.L. , c. (C. ) (pending before the  
52 Legislature as this bill).

53 (cf: P.L.1993, c.269, s.17)

54 <sup>3</sup>[52.] <sup>4</sup>[50.<sup>3</sup>] <sup>5</sup>[452.] 28.<sup>5</sup> (New section) a. A municipality



1 may, by mutual agreement with the county in which it is located,  
2 provide for the transfer from its municipal welfare agency to the  
3 county welfare agency of the financial and operational  
4 responsibility for the administration of general public assistance  
5 provided pursuant to P.L.1947, c.156 (C.44:8-107 et seq.) to  
6 residents of that municipality. In that event, the municipal  
7 welfare agency shall be abolished and all its functions, powers  
8 and duties transferred to the county welfare agency no later than  
9 the 60th day after the effective date of the transfer.

10 <sup>3</sup>[53.] <sup>4</sup>[51.3] <sup>5</sup>[453.] 29.<sup>5</sup> (New section) Each county welfare  
11 director may appoint a person to serve as assistant county  
12 welfare director for general public assistance or to another  
13 supervisory position to be responsible for the administration of  
14 general public assistance in that county.

15 <sup>3</sup>[54.] <sup>4</sup>[52.3] <sup>5</sup>[454.] 30.<sup>5</sup> (New section) The county welfare  
16 director of each county is authorized to allocate the functions,  
17 powers and duties of each municipal welfare agency in the county  
18 transferred pursuant to P.L. , c. (C. ) (pending before the  
19 Legislature as this bill) among the existing offices in the county  
20 welfare agency.

21 <sup>3</sup>[55.] <sup>4</sup>[53.3] <sup>5</sup>[455.] 31.<sup>5</sup> (New section) a. A person who is a  
22 full-time employee of a municipal welfare agency, or who works  
23 on a full-time basis for municipal welfare agencies in two or  
24 more municipalities, on the effective date of P.L. , c. (C. )  
25 (pending before the Legislature as this bill) who is transferred to  
26 the county welfare agency of the county in which the  
27 municipality is located pursuant to section 53 of P.L. , c.  
28 (C. ) (pending before the Legislature as this bill), shall suffer no  
29 reduction in remuneration or the length of service credited to  
30 that employee.

31 b. A county and municipality may arrange, subject to mutual  
32 agreement, for one or more former municipal welfare agency  
33 employees who are employed by the county welfare agency to  
34 continue to provide services from a municipal building.

35 <sup>3</sup>[56.] <sup>4</sup>[54.3] <sup>5</sup>[456.] 32.<sup>5</sup> (New section) The Commissioner of  
36 Human Services, pursuant to the "Administrative Procedure  
37 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and  
38 regulations to effectuate the purposes of section 40 through  
39 section 56 of P.L. , c. (C. ) (pending before the Legislature  
40 as this bill).

41 <sup>3</sup>[57.] <sup>4</sup>[55.3] <sup>5</sup>[457.] (New section) Notwithstanding any law,  
42 rule, regulation or directive to the contrary, a county or  
43 municipal law enforcement officer shall not be required to  
44 qualify more often than annually in the use of a firearm, unless  
45 the governing body employing the officer determines that more  
46 frequent qualification with a firearm is necessary. The governing  
47 body shall have complete discretion in setting the standards and  
48 procedures governing any program established for a subsequent  
49 firearm qualification program, including determining those  
50 categories of officers which are to participate in the  
51 requalification, the specifications for the ammunition used, and  
52 any other criteria which the governing body determines is  
53 necessary in order to promote safe and effective law  
54 enforcement, and to protect the health, safety and welfare of the  
55 public.]<sup>5</sup>

1       <sup>3</sup>[58.] <sup>4</sup>[56.3] <sup>5</sup>[458.] <sup>33</sup>.<sup>5</sup> Section 4 of P.L.1988, c.90  
2 (C.58:25-26) is amended to read as follows:

3       4. a. A municipality, upon completion of the map required  
4 pursuant to section 3 of [this act] P.L.1988, c.90 (C.58:25-25),  
5 shall provide for the monitoring [at least every three months] of  
6 the water quality at the outfall lines for any stormwater sewers  
7 discharging into salt waters in the following manner:

8       (1) For priority outfall lines, monitoring shall be conducted  
9 twice each year; and

10       (2) For those outfall lines other than priority outfall lines,  
11 monitoring shall be conducted annually.

12       b. The water tests shall monitor for the presence of fecal  
13 coliform or other contaminants that may result from a sewer line  
14 break or an improper or illegal connection to a stormwater sewer  
15 line. If fecal coliform or other contaminants are found to exceed  
16 the standards therefor established pursuant to P.L.1977, c.74  
17 (C.58:10A-1 et seq.), the municipality shall identify the person  
18 responsible for, and promptly abate or seek the abatement of, the  
19 contamination. [Violations of State standards] The results of any  
20 water test which monitors for the presence of fecal coliform or  
21 other contaminants shall be reported to the Department of  
22 Environmental Protection in such manner as shall be required by  
23 the department.

24       c. "Priority outfall line" shall be defined by the Department of  
25 Environmental Protection pursuant to regulations adopted by the  
26 department.

27       d. Beginning February 1, 1995, and annually thereafter, the  
28 department, pursuant to the regulations developed to define a  
29 "priority outfall" pursuant to subsection c. of this section, shall  
30 submit a report to the Legislature that lists the priority outfalls.  
31 This list shall include the municipality in which the outfall is  
32 located, the location of the outfall and the waterbody into which  
33 the outfall discharges.

34 (cf: P.L.1988, c.90, s.4)

35       <sup>3</sup>[59.] <sup>4</sup>[57.3] <sup>5</sup>[459.] <sup>34</sup>.<sup>5</sup> Section 23 of P.L.1987, c.156  
36 (C.13:9B-23) is amended to read as follows:

37       23. a. The department shall consider for adoption as general  
38 permits, to the extent practicable and feasible, and to the extent  
39 that this adoption is consistent to the maximum extent  
40 practicable and feasible with the provisions of [this act] P.L.1987,  
41 c.156 (C.13:9B-1 et seq.), all applicable Nationwide Permits  
42 which were approved under the Federal Act as of November 13,  
43 1986 by the U.S. Army Corps of Engineers.

44       b. The department shall issue a general permit for an activity  
45 in a freshwater wetland which is not a surface water tributary  
46 system discharging into an inland lake or pond, or a river or  
47 stream, and which would not result in the loss or substantial  
48 modification of more than one acre of freshwater wetland,  
49 provided that this activity will not take place in a freshwater  
50 wetland of exceptional resource value. The department shall issue  
51 a general permit for a regulated activity in a freshwater wetland  
52 located in an area considered a headwater pursuant to the  
53 Federal Act if the regulated activity would not result in the loss  
54 or substantial modification of more than one acre of a swale or a

1 man-made drainage ditch. The provisions of this subsection shall  
2 not apply to any wetlands designated as priority wetlands by the  
3 United States Environmental Protection Agency.

4 c. The department shall issue additional general permits on a  
5 Statewide or regional basis for the following categories of  
6 activities, if the department determines, after conducting an  
7 environmental analysis and providing public notice and  
8 opportunity for a public hearing, that the activities will cause  
9 only minimal adverse environmental impacts when performed  
10 separately, will have only minimal cumulative adverse impacts on  
11 the environment, will cause only minor impacts on freshwater  
12 wetlands, will be in conformance with the purposes of [this act]  
13 P.L.1987, c.156 (C.13:9B-1 et seq.), and will not violate any  
14 provision of the Federal Act:

15 (1) Maintenance, reconstruction, or repair of roads or public  
16 utilities lawfully existing prior to the effective date of [this act]  
17 P.L.1987, c.156 (C.13:9B-1 et seq.) or permitted under [this act]  
18 P.L.1987, c.156 (C.13:9B-1 et seq.), provided that such activities  
19 do not result in disturbance of additional wetlands upon  
20 completion of the activity;

21 (2) Maintenance or repair of active irrigation or drainage  
22 ditches lawfully existing prior to the effective date of [this act]  
23 P.L.1987, c.156 (C.13:9B-1 et seq.) or permitted under [this act]  
24 P.L.1987, c.156 (C.13:9B-1 et seq.), provided that such activities  
25 do not result in disturbance of additional freshwater wetlands  
26 upon completion of the activity;

27 (3) Appurtenant improvements or additions to residential  
28 dwellings lawfully existing prior to the effective date of [this act]  
29 P.L.1987, c.156 (C.13:9B-1 et seq.), provided that the  
30 improvements or additions require less than a cumulative surface  
31 area of 750 square feet of fill and will not result in new  
32 alterations to a freshwater wetland outside of the fill area;

33 (4) Mosquito management activities determined to be  
34 consistent with best mosquito control and freshwater wetlands  
35 management practices and for which all appropriate actions to  
36 minimize adverse environmental effects have been or shall be  
37 taken. Notwithstanding any law, rule, or regulation to the  
38 contrary, if the department requires public notice to be given  
39 prior to the undertaking of mosquito management activities  
40 pursuant to a general permit, a permittee that is a <sup>1</sup>county or<sup>1</sup>  
41 municipality or <sup>1</sup>county or<sup>1</sup> municipal entity shall be given the  
42 option of complying with that requirement by publication of a  
43 display advertisement of at least four column inches in size in at  
44 least one newspaper of local circulation and one of regional  
45 circulation within the <sup>1</sup>county or<sup>1</sup> municipality.

46 (5) Activities, as determined by the department, which will  
47 have no significant adverse environmental impact on freshwater  
48 wetlands, provided that the issuance of a general permit for any  
49 such activities is consistent with the provisions of the Federal  
50 Act and has been approved by the United States Environmental  
51 Protection Agency.

52 (6) Regulated activities which have received individual or  
53 general permit approval or a finding of no jurisdiction by the U.S.  
54 Army Corps of Engineers pursuant to the Federal Act, and which

1 have received a grant waiver pursuant to the "National  
2 Environmental Policy Act of 1969" (42 U.S.C. §4321 et seq.);  
3 provided, that upon the expiration of a permit any application for  
4 a renewal or modification thereof shall be made to the  
5 department.

6 (7) State or federally funded roads planned and developed in  
7 accordance with the "National Environmental Policy Act of  
8 1969" and the Federal Act, and with Executive Order Number 53,  
9 approved October 5, 1973 and for which application has been  
10 made prior to the effective date of [this act] P.L.1987, c.156  
11 (C.13:9B-1 et seq.) to the United States Army Corps of Engineers  
12 for an individual or general permit under the Federal Act;  
13 provided that upon expiration of a permit any application for a  
14 renewal or modification thereof shall be made to the department,  
15 and, provided, further, that the department shall not require  
16 transition areas as a condition of the renewal or modification of  
17 the permit.

18 (8) Maintenance and repair of storm water management  
19 facilities lawfully constructed prior to the effective date of [this  
20 act] P.L.1987, c.156 (C.13:9B-1 et seq.) or permitted under [this  
21 act] P.L.1987, c.156 (C.13:9B-1 et seq.), provided that these  
22 activities do not result in disturbance of additional freshwater  
23 wetlands upon completion of the activity.

24 (9) Maintenance, reconstruction, or repair of buildings or  
25 structures lawfully existing prior to the effective date of [this  
26 act] P.L.1987, c.156 (C.13:9B-1 et seq.) or permitted under [this  
27 act] P.L.1987, c.156 (C.13:9B-1 et seq.), provided that these  
28 activities do not result in disturbance of additional freshwater  
29 wetlands upon completion of the activity.

30 d. The department may, on the basis of findings with respect  
31 to a specific application, modify a general permit issued pursuant  
32 to this section by adding special conditions. The department may  
33 rescind a general permit and require an application for an  
34 individual permit if the commissioner finds that additional permit  
35 conditions would not be sufficient and that special circumstances  
36 make this action necessary to insure compliance with [this act]  
37 P.L.1987, c.156 (C.13:9B-1 et seq.) or the Federal Act.

38 e. The department shall review general permits adopted or  
39 authorized pursuant to subsection c. every five years, which  
40 review shall include public notice and opportunity for public  
41 hearing. Upon this review the department shall either modify,  
42 reissue or revoke a general permit. If a general permit is not  
43 modified or reissued within five years of publication in the New  
44 Jersey Register, it shall automatically expire.

45 f. The date of publication of the general permits authorized by  
46 subsections a. and b. of this section shall be the effective date of  
47 [this act] P.L.1987, c.156 (C.13:9B-1 et seq.).

48 g. A person proposing to engage in an activity covered by a  
49 general permit shall provide written notice to the department  
50 containing a description of the proposed activity at least 30  
51 working days prior to commencement of work. The department,  
52 within 30 days of receipt of this notification, shall notify the  
53 person proposing to engage in the activity covered by a general  
54 permit as to whether an individual permit is required for the  
55 activity.

56 (cf: P.L.1987, c.156, s.23)

1       <sup>3</sup>[60. Section 1 of P.L.1991, c.176 (C.40A:14-179) is hereby  
2 repealed.]<sup>3</sup>

3       <sup>4</sup>[<sup>3</sup>58.] <sup>5</sup>[<sup>4</sup>60.] <sup>35.5</sup> Section 1 of P.L.1991, c.176  
4 (C.40A:14-179) is amended to read as follows:

5       1. Notwithstanding any other law to the contrary whenever  
6 there is a police department organized in any political subdivision  
7 of this State and a chief of police appointed to be the executive  
8 head of such department, the starting base salary of said chief of  
9 police and the deputy chief shall be set at a rate [not less than  
10 five percent above] that is higher than the highest base salary of  
11 the ranking police officer next in command below the chief of  
12 police or deputy chief of police as appropriate. Thereafter,  
13 whenever new base salary ranges are set by the governing body or  
14 appointive authority, unless the chief of police or deputy chief  
15 shall consent to a lesser adjustment, the [minimum and maximum]  
16 base salary [range] for the chief of police and his deputy chief  
17 shall be adjusted to [reflect at least the same percentage of  
18 increase in base salary as is established for] ensure that their  
19 base salaries remain higher than the base salaries of other  
20 ranking supervisory officers in the department.<sup>3</sup>

21 (cf: P.L.1991, c.176, s.1)

22       <sup>3</sup>[61.] <sup>4</sup>[<sup>59.3</sup>] <sup>5</sup>[<sup>4</sup>61.] <sup>36.5</sup> (New section) Notwithstanding the  
23 provisions of any other law to the contrary, a municipality which  
24 participates in the State Health Benefits Program, established  
25 pursuant to P.L.1961, c.49 (C.52:14-17.25 et seq.), may allow any  
26 employee who is eligible for coverage as a dependent of the  
27 employee's spouse under that program or under another health  
28 benefits plan offered by the spouse's employer, whether a public  
29 or private employer, to waive coverage under the State Health  
30 Benefits Program to which the employee is entitled by virtue of  
31 employment with the municipality. The waiver shall be in such  
32 form as the Director of the Division of Pensions and Benefits  
33 shall prescribe and shall be filed with the division. After such  
34 waiver has been filed and for so long as that waiver remains in  
35 effect, no premium shall be required to be paid by the  
36 municipality for the employee or the employee's dependents.  
37 Not later than the 180th day after the date on which the waiver  
38 is filed, the division shall refund to the municipality the amount  
39 of any premium previously paid by the municipality with respect  
40 to any period of coverage which followed the filing date. In  
41 consideration of filing such a waiver, a municipality may pay to  
42 the employee annually an amount, to be established in the sole  
43 discretion of the municipality, which shall not exceed 50% of the  
44 amount saved by the municipality because of the employee's  
45 waiver of coverage. An employee who waives coverage shall be  
46 permitted to immediately resume coverage if the employee  
47 ceases to be covered through the employee's spouse for any  
48 reason, including, but not limited to, the retirement or death of  
49 the spouse or divorce. An employee who resumes coverage shall  
50 repay, on a pro rata basis, any amount received from the  
51 municipality which represents an which coverage is resumed. An  
52 employee who wishes to resume coverage shall notify the  
53 municipality in writing and file a declaration with the division, in  
54 such form as the director of the division shall prescribe, that the

1 waiver is revoked. The decision of a municipality to allow its  
2 employees to waive coverage and the amount of consideration to  
3 be paid therefor shall not be subject to the collective bargaining  
4 process.

5 <sup>3</sup>[62.] <sup>4</sup>[60.<sup>3</sup>] <sup>5</sup>[462.] 37.<sup>5</sup> (New section) Notwithstanding the  
6 provisions of any other law to the contrary, a municipality which  
7 enters into a contract providing group health care benefits to its  
8 employees pursuant to N.J.S.40A:10-16 et seq., may allow any  
9 employee who is eligible for coverage as a dependent of the  
10 employee's spouse under that plan or another plan, including the  
11 State Health Benefits Program established pursuant to P.L.1961,  
12 c.49 (C.52:14-17.25 et seq.), offered by the spouse's employer,  
13 whether a public or private employer, to waive coverage under  
14 the municipality's plan to which the employee is entitled by  
15 virtue of employment with the municipality. The waiver shall be  
16 in such form as the municipality shall prescribe and shall be filed  
17 with the municipality. In consideration of filing such a waiver, a  
18 municipality may pay to the employee annually an amount, to be  
19 established in the sole discretion of the municipality, which shall  
20 not exceed 50% of the amount saved by the municipality because  
21 of the employee's waiver of coverage. An employee who waives  
22 coverage shall be permitted to resume coverage under the same  
23 terms and conditions as apply to initial coverage if the employee  
24 ceases to be covered through the employee's spouse for any  
25 reason, including, but not limited to, the retirement or death of  
26 the spouse or divorce. An employee who resumes coverage shall  
27 repay, on a pro rata basis, any amount received which represents  
28 an advance payment for a period of time during which coverage is  
29 resumed. An employee who wishes to resume coverage shall file  
30 a declaration with the municipality, in such form as the  
31 municipality shall prescribe, that the waiver is revoked. The  
32 decision of a municipality to allow its employees to waive  
33 coverage and the amount of consideration to be paid therefor  
34 shall not be subject to the collective bargaining process.

35 <sup>3</sup>[63.] <sup>4</sup>[61.<sup>3</sup>] <sup>5</sup>[463.] 38.<sup>5</sup> Section 8 of P.L.1953, c.438  
36 (C.App.A:9-40.1) is amended to read as follows:

37 8. In every municipality of this State the mayor or, in the case  
38 of a municipality which has adopted the commission form of  
39 government pursuant to the provisions of the "commission form  
40 of government law" (R.S.40:70-1 et seq.), the commissioner  
41 serving as director of the department to which the responsibility  
42 for emergency management coordinator from among the  
43 residents of the municipality. The municipal emergency  
44 management coordinator, subject to fulfilling the requirements of  
45 this section, shall serve for a term of three years. As a condition  
46 of his appointment and his right to continue for the full term of  
47 his appointment, each municipal emergency management  
48 coordinator shall have successfully completed at the time of his  
49 appointment or within one year immediately following his  
50 appointment or the effective date of this act, whichever is later,  
51 the current approved Home Study Course and the basic  
52 Emergency Management workshop. The failure of any municipal  
53 emergency management coordinator to fulfill such requirement  
54 within the period prescribed shall disqualify the coordinator from

1 continuing in the office of coordinator and thereupon a vacancy  
2 in said office shall be deemed to have been created.

3 The provisions of this section shall not bar a municipality from  
4 entering into an agreement pursuant to the "Interlocal Services  
5 Act," P.L.1973, c.208 (C.40:8A-1 et seq.) to designate (1) a  
6 municipal emergency management coordinator to serve two or  
7 more municipalities jointly, or (2) the county emergency  
8 management coordinator appointed pursuant to Section 12 of  
9 P.L.1953, c.438 (C.App.A:9-42.1) for the county in which that  
10 municipality is located as the municipal emergency management  
11 coordinator, subject to approval of the governing body of the  
12 county. A municipality entering into such an agreement shall  
13 notify the State Emergency Management Coordinator.

14 (cf: P.L.1989, c.222, s.2)

15 <sup>3</sup>[64.] <sup>4</sup>[62.3] <sup>5</sup>[64.4 This act shall take effect immediately,  
16 except that: section 7 shall apply to property taxes due and  
17 payable for tax years commencing on or after the January 1 that  
18 occurs not fewer than 365 days following enactment; section 9  
19 shall apply to property tax deduction payments on or after the  
20 January 1 that occurs not fewer than 730 days following  
21 enactment; section 23 shall apply to property taxes due and  
22 payable for tax years commencing on or after the January 1 that  
23 occurs not fewer than 365 days following enactment; section 25  
24 shall apply to property tax deduction payments on or after the  
25 January 1 that occurs not fewer than 730 days following  
26 enactment; sections <sup>3</sup>[34 and 35] <sup>4</sup>[32 and 33<sup>3</sup>] <sup>34 and 35</sup><sup>4</sup> shall  
27 apply to ordinances introduced after the effective date of this  
28 act.]<sup>5</sup>

29 <sup>5</sup>64. (New section) This act shall take effect immediately,  
30 except that sections 1 through 3 shall become effective for tax  
31 years 1997 and thereafter; and sections 10 and 11 shall apply to  
32 ordinances introduced after the effective date of this act.<sup>5</sup>

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Eases various State imposed mandates.

1 the current approved Home Study Course and the basic  
2 Emergency Management workshop. The failure of any municipal  
3 emergency management coordinator to fulfill such requirement  
4 within the period prescribed shall disqualify the coordinator from  
5 continuing in the office of coordinator and thereupon a vacancy  
6 in said office shall be deemed to have been created.

7 The provisions of this section shall not bar a municipality from  
8 entering into an agreement pursuant to the "Interlocal Services  
9 Act," P.L.1973, c.208 (C.40:8A-1 et seq.) to designate (1) a  
10 municipal emergency management coordinator to serve two or  
11 more municipalities jointly, or (2) the county emergency  
12 management coordinator appointed pursuant to Section 12 of  
13 P.L.1953, c.438 (C.App.A:9-42.1) for the county in which that  
14 municipality is located as the municipal emergency management  
15 coordinator, subject to approval of the governing body of the  
16 county. A municipality entering into such an agreement shall  
17 notify the State Emergency Management Coordinator.

18 (cf: P.L.1989, c.222, s.2)

19 64. This act shall take effect immediately, except that:  
20 section 7 shall apply to property taxes due and payable for tax  
21 years commencing on or after the January 1 that occurs not  
22 fewer than 365 days following enactment; section 9 shall apply to  
23 property tax deduction payments on or after the January 1 that  
24 occurs not fewer than 730 days following enactment; section 23  
25 shall apply to property taxes due and payable for tax years  
26 commencing on or after the January 1 that occurs not fewer than  
27 365 days following enactment; section 25 shall apply to property  
28 tax deduction payments on or after the January 1 that occurs not  
29 fewer than 730 days following enactment; sections 34 and 35 shall  
30 apply to ordinances introduced after the effective date of this  
31 act.

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#### 34 STATEMENT

35

36 Sections 1 through 11 of this bill greatly simplify the procedure  
37 by which the annual \$250 property tax deduction is provided to  
38 certain senior citizens and disabled persons.

39 Section 11 of this bill repeals the current law concerning the  
40 senior and disabled citizen tax deduction, which is administered  
41 at the municipal level. Instead, sections 1 through 11 of this bill  
42 provide for an annual \$250 property tax deduction on the property  
43 tax bills of certain income-qualified senior citizens and disabled  
44 persons including their surviving spouses and transfers that  
45 program unchanged in eligibility requirements and benefit amount  
46 to the State level to be administered in conjunction with the  
47 "New Jersey Gross Income Tax Act." Under the program set  
48 forth in sections 1 through 11, the qualified senior or disabled  
49 New Jersey resident homeowner would apply to receive this \$250  
50 benefit at the time of filing a New Jersey gross income tax  
51 return. The \$250 benefit would be issued as a check at the same  
52 time that checks are issued for payment of homestead rebates,  
53 when appropriate.

54 The provisions of sections 1 through 11 will facilitate the



1 application for and receipt of the annual \$250 benefit.

2 Currently, senior and disabled homeowners apply to the local  
3 tax assessor or collector, who verifies the accuracy of the  
4 required information. The information so gathered is reported to  
5 the County Tax Board and to the Director of the Division of  
6 Taxation in the Department of the Treasury. That information is  
7 ultimately used by the municipality to provide senior and disabled  
8 homeowner property tax deduction benefits on the local property  
9 tax bill. The Department of the Treasury then reimburses each  
10 municipality, in a lump-sum payment, for the total cost of the  
11 tax deductions for all eligible homeowners in the municipality.  
12 While the tax collector's and assessor's office could continue to  
13 provide informational assistance to eligible residents during the  
14 new application process established by this bill, those offices  
15 would no longer be directly responsible, thus providing the local  
16 tax officials relief from a State-mandated function.

17 Further, sections 1 through 11 would eliminate the need for the  
18 eligible homeowner to file with the tax collector's office an  
19 annual post-tax year income statement. The elimination of this  
20 annual income limit verification would streamline the  
21 administrative process. The bill requires that income information  
22 and other eligibility data be reported on the New Jersey gross  
23 income tax return in order to relieve local tax officials of the  
24 responsibility of coordinating the filing of the statement,  
25 reviewing and approving the statement locally, and filing the  
26 statement with the Director of the Division of Taxation in the  
27 Department of the Treasury.

28 In addition to establishing an easier application method, this  
29 bill transfers the administrative responsibility for this  
30 State-financed benefit from the local tax officials to the State.  
31 Receiving an actual \$250 check instead of a quarterly \$62.50  
32 property tax deduction is a more meaningful benefit to the  
33 recipient and allows the recipient to use the money for the  
34 payment of property taxes or for any other pressing need.

35 Sections 12 through 25 of this bill greatly simplify the  
36 procedure by which the annual \$50 veteran property tax  
37 deduction is granted.

38 Specifically, these sections of the bill repeal the current  
39 veteran property tax deduction, which is administered at the  
40 municipal level, and transfers the program unchanged in  
41 eligibility requirements and benefit amount to the State level to  
42 be administered in conjunction with the "New Jersey Gross  
43 Income Tax Act." Under the program set forth in these sections  
44 of the bill, the qualified veteran or surviving spouse of a veteran  
45 would apply to receive this \$50 veteran's benefit at the time of  
46 filing a New Jersey gross income tax return. The \$50 benefit  
47 would be issued as a check to the claimant on or before October  
48 31, each year.

49 The provisions of this bill will facilitate the application for and  
50 receipt of the annual \$50 benefit.

51 Currently, veterans or their surviving spouses apply to the local  
52 tax assessor or collector, who verifies the accuracy of the  
53 required information. That information so gathered and  
54 aggregated at the municipal level is reported to the County Tax

1 Board and to the Director of the Division of Taxation in the  
2 Department of the Treasury. That information is ultimately used  
3 by the municipality to provide qualified veterans a property tax  
4 deduction on the local property tax bill. The Department of the  
5 Treasury then reimburses to each municipality, in a lump-sum  
6 payment, the total cost of the tax deductions for all eligible  
7 homeowners in the municipality. While the tax collector's and  
8 assessor's office could continue to provide informational  
9 assistance to eligible residents during the new application process  
10 established by this bill, those offices would no longer be directly  
11 responsible, thus providing the local tax officials relief from a  
12 State-mandated function.

13 Further, this bill would streamline the administrative process.  
14 The bill requires an applicant to prove once in the first year a  
15 Gross Income tax return is filed to obtain a veteran \$50 benefit  
16 that the veteran was honorably discharged from active service in  
17 time of war. Other eligibility data reported on the New Jersey  
18 gross income tax return will relieve local tax officials of the  
19 responsibility of coordinating these filings, reviewing and  
20 approving the application locally, and reporting the payment data  
21 to the Director of the Division of Taxation in the Department of  
22 the Treasury.

23 Sections 12 through 25 of this bill transfers the administrative  
24 responsibility for this State-financed benefit from the local tax  
25 officials to the State. Receiving an actual \$50 check instead of a  
26 quarterly \$12.50 property tax deduction is a more meaningful  
27 benefit to the veteran and allows the veteran to use the money  
28 for the payment of property taxes or for any other pressing need.

29 Sections 26 and 27 would amend the "Worker and Community  
30 Right to Know Act," P.L.1985, c.315 (C.34:5A-1 et seq.) to  
31 change the frequency of reporting, and the frequency of  
32 employee training required of public employers. Currently,  
33 public employers are required to complete a workplace survey  
34 and update it annually. This bill would require that the workplace  
35 survey be updated once every five years. If a public employer  
36 changes its use of hazardous substances in a non-reporting year,  
37 however, it must notify the Department of Health.

38 This portion of the bill would also change the education and  
39 training requirements for public employers. Currently,  
40 employees must be receive education and training within the first  
41 month of employment and annually thereafter. This bill would  
42 require training once every five years after the initial training.

43 Sections 28 and 29 of the bill would delete the provisions that  
44 require every tax assessor to annually notify by mail each  
45 taxpayer of the current assessment and preceding year's taxes.  
46 These sections would retain the requirement that every assessor  
47 must publish a newspaper advertisement notifying the public of a  
48 time and place that the assessment list could be inspected. These  
49 sections would also retain the requirement that every assessor  
50 must notify each taxpayer by mail within 30 days of any change  
51 to the assessment which notice must contain the prior  
52 assessment, the current assessment and information instructing  
53 taxpayers on how to appeal their assessment.

54 Sections 30 and 31 of this bill amend R.S.40:49-2 and

1 R.S.40:49-18 to permit the publishing of proposed municipal  
2 ordinances by title, rather than in its entirety. The bill further  
3 provides that if the publication of the ordinance is by title, the  
4 publication must contain a clear and concise statement setting  
5 forth the purpose of the ordinance and a notice of the time and  
6 place when and where copies of the proposed ordinance may be  
7 obtained by the public.

8 The purpose of these sections is to reduce the costs associated  
9 with the publication of municipal ordinances.

10 Sections 32 through 36 of this bill permit a county or a  
11 municipality to publish a budget summary instead of a copy of the  
12 budget itself, provided that the budget summary contains certain  
13 information as a minimum and is printed in a larger typeface than  
14 presently required.

15 These sections also permit a municipality to amend its budget  
16 without public advertisement or public hearing when the Director  
17 of the Division of Local Government Services in the Department  
18 of Community Affairs has required that the budget be amended  
19 to appropriate State aid revenue to be received by the  
20 municipality during the local budget year. This type of budget  
21 amendment often has the impact of decreasing local purpose  
22 taxes because of increased State aid to the municipality.  
23 Requiring a municipality to advertise and hold a public hearing  
24 for this type of amendment, which may only reduce taxes, delays  
25 adoption of the budget and may cause the municipality to incur  
26 the expense of issuing tax anticipation notes because of the  
27 budget adoption delay.

28 Sections 37 and 38 amend the "New Jersey Prevailing Wage  
29 Act," P.L.1963, c.150 (C.34:11-56.25 et seq.) to increase the  
30 threshold amount at which prevailing wages must be paid in the  
31 case of a public work contract of a municipality. These sections  
32 increase the threshold amount for a municipal public work  
33 contract from its current level of \$2,000 to \$9,850 on July 1,  
34 1994. That increase reflects the approximate increase in the  
35 Consumer Price Index since the threshold was set in 1963. The  
36 bill also requires the Commissioner of Labor, on July 1 every five  
37 calendar years thereafter, to adjust the threshold amount in  
38 direct proportion to the rise or fall in the Consumer Price Index  
39 during the last full calendar year preceding the adjustment.

40 Section 39 through section 56 of this bill permits a  
41 municipality, by mutual agreement with the county in which it is  
42 located, to transfer the financial and operational responsibility  
43 for the administration of general public assistance (GA) provided  
44 pursuant to P.L.1947, c.156 (C.44:8-107 et seq.) to the county.

45 Specifically, section 39 through section 56 of the bill:

46 • provides that when a municipality and county agree to the  
47 transfer of administrative responsibility for the GA program, the  
48 municipal welfare agency shall be abolished and all its functions,  
49 powers and duties transferred to the county welfare agency no  
50 later than the 60th day after the effective date of the transfer;

51 • authorizes counties to establish the position of assistant  
52 county welfare director for general public assistance;

53 • authorizes a county welfare director to allocate the  
54 functions, powers and duties of each municipal welfare agency in

1 the county which are transferred pursuant to this bill among the  
2 existing offices in the county welfare agency;

3 • provides for the transfer of full-time municipal welfare  
4 agency employees to the county welfare agency, with no  
5 reduction in their remuneration or credited length of service;

6 • provides that a county and municipality may arrange, subject  
7 to mutual agreement, for one or more former municipal welfare  
8 agency employees who are employed by the county welfare  
9 agency to continue to provide services from a municipal building;  
10 and

11 • exempts county expenditures for the administration of  
12 general public assistance from the spending limitations imposed  
13 by the local budget cap law, P.L.1976, c.68 (C.40A:4-45.1 et seq.).

14 Section 57 concerns qualification in the use of firearms by law  
15 enforcement officers. Law enforcement officers are presently  
16 required by law (N.J.S.2C:39-6) to qualify annually in the use of  
17 firearms. However, a directive issued by the Attorney General  
18 requires law enforcement officers to qualify twice a year in the  
19 use of a handgun. This mandate burdens local governments,  
20 which must replace their officers during two absences a year and  
21 bear other expenses related to semi-annual firearms  
22 qualification. This bill establishes a frequency of once a year for  
23 firearms qualification, unless the municipality or county  
24 determines otherwise. While relieving local governments of this  
25 State-imposed mandate, this bill also grants these governments  
26 the flexibility to require more frequent firearms qualification in  
27 response to their particular needs and preferences.

28 Section 58 of this bill would revise procedures for the periodic  
29 monitoring of certain stormwater sewer outfall lines. Under the  
30 current provisions of the "Sewage Infrastructure Improvement  
31 Act," P.L.1988, c.90 (C.58:25-23 et seq.), the 94 municipalities  
32 located in Monmouth, Ocean, Atlantic, and Cape May counties  
33 that have stormwater sewers that discharge into salt waters, are  
34 required, subsequent to the completion of stormwater/sanitary  
35 sewer maps, to provide for the monitoring of those outfall lines  
36 every three months. This bill would provide that for priority  
37 outfall lines, monitoring would be undertaken twice per year, and  
38 annually for other outfall lines. The bill would direct the  
39 Department of Environmental Protection to define, by regulation,  
40 a "priority outfall line." Beginning in February, 1995, and  
41 annually thereafter, the department would be required to provide  
42 to the Legislature a list of priority outfalls, by municipality,  
43 location within municipality, and waterbody into which the  
44 outfall discharges.

45 Also, section 58 would clarify that the results of any water test  
46 that monitors for the presence of fecal coliform or other  
47 contaminants shall be reported to the department. This provision  
48 would also clarify that the focus of the department would be on  
49 the results of all water tests, not simply on those tests that  
50 reveal violations of State standards, so that potential problems in  
51 stormwater sewer systems can be averted.

52 Section 59 of this bill would require that if the Department of  
53 Environmental Protection (DEP) requires public notice to be  
54 given prior to the undertaking of mosquito management activities

1 pursuant to a general permit to be issued pursuant to the  
2 "Freshwater Wetlands Protection Act," a permittee that is a  
3 municipality or municipal entity would be given the option of  
4 complying with that requirement by publication of a display  
5 advertisement of at least four column inches in size in at least  
6 one newspaper of local circulation and one of regional circulation  
7 within the municipality.

8 Current DEP regulations concerning public notice of such  
9 mosquito control activities require that public notice be given by  
10 certified return receipt mail to various municipal and county  
11 governmental entities and officials and every landowner within  
12 200 feet of the legal boundary lines of the property or properties  
13 on which the mosquito control activities are to occur. This  
14 requirement is onerous, overly burdensome, costly, and  
15 unnecessary. Section 59 of this bill instead authorizes the much  
16 better and simpler alternative of giving notice by publication,  
17 which is also the method the DEP currently allows for general  
18 permits issued for certain freshwater wetlands projects involving  
19 "linear development" such as pipelines and roads.

20 Section 60 of this bill would repeal section 1 of P.L.1991, c.176  
21 (C.40A:14-179) which requires municipalities to set the starting  
22 salary for the chief of police and the deputy chief at a rate not  
23 less than five percent above the highest salary of the ranking  
24 police officer next in command below the chief or deputy chief.  
25 Current law, which would also be repealed by section 60 of this  
26 bill, also requires that whenever new salary ranges are set by the  
27 governing body or appointive authority, the salary ranges of the  
28 chief and deputy chief will be adjusted to reflect at least the  
29 same percentage of increase in base salary as is established for  
30 other ranking supervisory officers in the department. By  
31 repealing section 1 of P.L.1991, c.176 (C.40A:14-179), this  
32 section will restore a municipalities ability to evaluate the  
33 performance of police chiefs and deputy chiefs and to provide  
34 appropriate salary adjustments.

35 Sections 61 and 62 authorize a municipality which participates  
36 in the State Health Benefits Program or another group health  
37 benefits plan to allow an employee who is eligible for health care  
38 coverage as a dependent of the employee's spouse to waive  
39 coverage to which the employee is entitled as an employee of the  
40 municipality. It would permit a municipality to pay an employee  
41 who waives coverage an amount not to exceed 50% of the amount  
42 saved by the municipality because of the waiver.

43 Section 63 concerns municipal emergency management  
44 coordinators. Current law requires each municipality and county  
45 to appoint an emergency management coordinator. This bill  
46 permits municipalities to enter into agreements pursuant to the  
47 "Interlocal Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.) to  
48 designate a municipal emergency management coordinator to  
49 serve two or more municipalities jointly. The bill also permits  
50 the municipality to designate the emergency management  
51 coordinator for the county in which that municipality is located  
52 as the municipal emergency management coordinator, subject to  
53 the approval of the governing body of the county. Municipalities  
54 which enter into any such agreement are required to notify the  
55 State Emergency Management Coordinator.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

[SECOND REPRINT]

SENATE, No. 7

STATE OF NEW JERSEY

DATED: JUNE 14, 1995

The Assembly Local Government Committee reports favorably Senate Bill No. 7 (2R).

Senate Bill No. 7 (2R) relaxes the requirements of certain statutory mandates upon local governments.

Sections 1 through 11 of this bill greatly simplify the procedure by which the annual \$250 property tax deduction is provided to certain senior citizens and disabled persons.

Section 11 of this bill repeals the current law concerning the senior and disabled citizen tax deduction, which is administered at the municipal level. Instead, sections 1 through 11 of this bill provide for an annual \$250 property tax deduction on the property tax bills of certain income-qualified senior citizens and disabled persons including their surviving spouses and transfers that program unchanged in eligibility requirements and benefit amount to the State level to be administered in conjunction with the "New Jersey Gross Income Tax Act." Under the program set forth in sections 1 through 11, the qualified senior or disabled New Jersey resident homeowner would apply to receive this \$250 benefit at the time of filing a New Jersey gross income tax return. The \$250 benefit would be issued as a check at the same time that checks are issued for payment of homestead rebates, when appropriate.

The provisions of sections 1 through 11 will facilitate the application for and receipt of the annual \$250 benefit.

Currently, senior and disabled homeowners apply to the local tax assessor or collector, who verifies the accuracy of the required information. The information so gathered is reported to the County Tax Board and to the Director of the Division of Taxation in the Department of the Treasury. That information is ultimately used by the municipality to provide senior and disabled homeowner property tax deduction benefits on the local property tax bill. The Department of the Treasury then reimburses each municipality, in a lump-sum payment, for the total cost of the tax deductions for all eligible homeowners in the municipality. While the tax collector's and assessor's office could continue to provide informational assistance to eligible residents during the new application process established by this bill, those offices would no longer be directly responsible, thus providing the local tax officials relief from a State-mandated function.

Further, sections 1 through 11 would eliminate the need for the eligible homeowner to file with the tax collector's office an annual post-tax year income statement. The elimination of this annual income limit verification would streamline the administrative process. The bill requires that income information and other eligibility data be reported on the New Jersey gross income tax return in order to relieve local tax officials of the responsibility of coordinating the filing of the statement, reviewing and approving the statement locally, and filing the statement with the Director of the Division of Taxation in the Department of the Treasury.

In addition to establishing an easier application method, this bill transfers the administrative responsibility for this State-financed benefit from the local tax officials to the State. Receiving an actual \$250 check instead of a quarterly \$62.50 property tax deduction is a more meaningful benefit to the recipient and allows the recipient to use the money for the payment of property taxes or for any other pressing need.

The bill also requires the input of the Division on Aging in the Department of Community Affairs with respect to the revision of forms and procedures for the application process.

Sections 12 through 25 of this bill greatly simplify the procedure by which the annual \$50 veteran property tax deduction is granted.

Specifically, these sections of the bill repeal the current veteran property tax deduction, which is administered at the municipal level, and transfers the program unchanged in eligibility requirements and benefit amount to the State level to be administered in conjunction with the "New Jersey Gross Income Tax Act." Under the program set forth in these sections of the bill, the qualified veteran or surviving spouse of a veteran would apply to receive this \$50 veteran's benefit at the time of filing a New Jersey gross income tax return. The \$50 benefit would be issued as a check to the claimant on or before October 31, each year.

The provisions of this bill will facilitate the application for and receipt of the annual \$50 benefit.

Currently, veterans or their surviving spouses apply to the local tax assessor or collector, who verifies the accuracy of the required information. That information so gathered and aggregated at the municipal level is reported to the County Tax Board and to the Director of the Division of Taxation in the Department of the Treasury. That information is ultimately used by the municipality to provide qualified veterans a property tax deduction on the local property tax bill. The Department of the Treasury then reimburses to each municipality, in a lump-sum payment, the total cost of the tax deductions for all eligible homeowners in the municipality. While the tax collector's and assessor's office could continue to provide informational assistance to eligible residents during the new application process established by this bill, those offices would no longer be directly responsible, thus providing the local tax officials relief from a State-mandated function.

Further, this bill would streamline the administrative process. The bill requires an applicant to prove once in the first year a Gross Income tax return is filed to obtain a veteran \$50 benefit that the veteran was honorably discharged from active service in time of war. Other eligibility data reported on the New Jersey gross income tax return will relieve local tax officials of the responsibility of coordinating these filings, reviewing and approving the application locally, and reporting the payment data to the Director of the Division of Taxation in the Department of the Treasury.

Sections 12 through 25 of this bill transfers the administrative responsibility for this State-financed benefit from the local tax officials to the State. Receiving an actual \$50 check instead of a quarterly \$12.50 property tax deduction is a more meaningful benefit to the veteran and allows the veteran to use the money for the payment of property taxes or for any other pressing need.

Sections 26 and 27 would amend the "Worker and Community Right to Know Act," P.L.1985, c.315 (C.34:5A-1 et seq.) to change

the frequency of reporting, and the frequency of employee training required of public employers. Currently, public employers are required to complete a workplace survey and update it annually. This bill would require that the workplace survey be updated once every five years. If a public employer changes its use of hazardous substances in a non-reporting year, however, it must notify the Department of Health. Such notification would also have to be made in a non-reporting year of any additional workplace hazardous substance that is present at the employer's facility and that has not been previously reported.

This portion of the bill would also change the education and training requirements for public employers. Currently, employees must receive education and training within the first month of employment and annually thereafter. This bill would require training once every two years after the initial training.

Sections 28 and 29 of the bill would delete the provisions of current law that require every tax assessor to annually notify by mail each taxpayer of the current assessment and preceding year's taxes. These sections would retain the requirement that every assessor must publish a newspaper advertisement notifying the public of a time and place that the assessment list could be inspected. These sections would also retain the requirement that every assessor must notify each taxpayer by mail within 30 days of any change to the assessment which notice must contain the prior assessment, the current assessment and information instructing taxpayers on how to appeal their assessment.

Sections 30 and 31 of this bill amend R.S.40:49-2 and R.S.40:49-18 to permit the publishing of proposed municipal ordinances by title, rather than in their entirety. The bill further provides that if the publication of the ordinance is by title, the publication must contain a clear and concise statement setting forth the purpose of the ordinance and a notice of the time and place when and where copies of the proposed ordinance may be obtained by the public.

The purpose of these sections is to reduce the costs associated with the publication of municipal ordinances.

Sections 32 through 36 of this bill permit a county or a municipality to publish a budget summary instead of a copy of the budget itself, provided that the budget summary contains certain information as a minimum and is printed in a larger typeface than presently required.

These sections also permit a municipality to amend its budget without public advertisement or public hearing when the Director of the Division of Local Government Services in the Department of Community Affairs has required that the budget be amended to appropriate State aid revenue to be received by the municipality during the local budget year. This type of budget amendment often has the impact of decreasing local purpose taxes because of increased State aid to the municipality. Requiring a municipality to advertise and hold a public hearing for this type of amendment, which may only reduce taxes, delays adoption of the budget and may cause the municipality to incur the expense of issuing tax anticipation notes because of the budget adoption delay.

Sections 37 and 38 amend the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.) to increase the threshold amount at which prevailing wages must be paid in the case of a public work contract of a municipality. These sections



increase the threshold amount for a municipal public work contract from its current level of \$2,000 to \$9,850 on July 1, 1994. That increase reflects the approximate increase in the Consumer Price Index since the threshold was set in 1963. The bill also requires the Commissioner of Labor, on July 1 every five calendar years thereafter, to adjust the threshold amount in direct proportion to the rise or fall in the Consumer Price Index during the last full calendar year preceding the adjustment.

Sections 39 through 56 of this bill permit a municipality, by mutual agreement with the county in which it is located, to transfer the financial and operational responsibility for the administration of general public assistance (GA) provided pursuant to P.L.1947, c.156 (C.44:8-107 et seq.) to the county.

Specifically, sections 39 through 56 of the bill:

- provide that when a municipality and county agree to the transfer of administrative responsibility for the GA program, the municipal welfare agency shall be abolished and all its functions, powers and duties transferred to the county welfare agency no later than the 60th day after the effective date of the transfer;
- authorize counties to establish the position of assistant county welfare director for general public assistance;
- authorize a county welfare director to allocate the functions, powers and duties of each municipal welfare agency in the county which are transferred pursuant to this bill among the existing offices in the county welfare agency;
- provide for the transfer of full-time municipal welfare agency employees to the county welfare agency, with no reduction in their remuneration or credited length of service;
- provide that a county and municipality may arrange, subject to mutual agreement, for one or more former municipal welfare agency employees who are employed by the county welfare agency to continue to provide services from a municipal building; and
- exempt county expenditures for the administration of general public assistance from the spending limitations imposed by the local budget cap law, P.L.1976, c.68 (C.40A:4-45.1 et seq.).

Section 57 concerns qualification in the use of firearms by law enforcement officers. Law enforcement officers are presently required by law (N.J.S.2C:39-6) to qualify annually in the use of firearms. However, a directive issued by the Attorney General requires law enforcement officers to qualify twice a year in the use of a handgun. This mandate burdens local governments, which must replace their officers during two absences a year and bear other expenses related to semi-annual firearms qualification. This bill establishes a frequency of once a year for firearms qualification, unless the municipality or county determines otherwise. While relieving local governments of this State-imposed mandate, this bill also grants these governments the flexibility to require more frequent firearms qualification in response to their particular needs and preferences.

Section 58 of this bill would revise procedures for the periodic monitoring of certain stormwater sewer outfall lines. Under the current provisions of the "Sewage Infrastructure Improvement Act," P.L.1988, c.90 (C.58:25-23 et seq.), the 94 municipalities located in Monmouth, Ocean, Atlantic, and Cape May counties that have stormwater sewers that discharge into salt waters, are required, subsequent to the completion of stormwater/sanitary sewer maps, to provide for the monitoring of those outfall lines

every three months. This bill would provide that for priority outfall lines, monitoring would be undertaken twice per year, and annually for other outfall lines. The bill would direct the Department of Environmental Protection to define, by regulation, a "priority outfall line." Beginning in February, 1995, and annually thereafter, the department would be required to provide to the Legislature a list of priority outfalls, by municipality, location within municipality, and waterbody into which the outfall discharges.

Also, section 58 would clarify that the results of any water test that monitors for the presence of fecal coliform or other contaminants shall be reported to the department. This provision would also clarify that the focus of the department would be on the results of all water tests, not simply on those tests that reveal violations of State standards, so that potential problems in stormwater sewer systems can be averted.

Section 59 of this bill would require that if the Department of Environmental Protection (DEP) requires public notice to be given prior to the undertaking of mosquito management activities pursuant to a general permit to be issued pursuant to the "Freshwater Wetlands Protection Act," a permittee that is a municipality or municipal entity, or a county or a county entity, would be given the option of complying with that requirement by publication of a display advertisement of at least four column inches in size in at least one newspaper of local circulation and one of regional circulation within the municipality.

Current DEP regulations concerning public notice of such mosquito control activities require that public notice be given by certified return receipt mail to various municipal and county governmental entities and officials and every landowner within 200 feet of the legal boundary lines of the property or properties on which the mosquito control activities are to occur. This requirement is onerous, overly burdensome, costly, and unnecessary. Section 59 of this bill instead authorizes the much better and simpler alternative of giving notice by publication, which is also the method the DEP currently allows for general permits issued for certain freshwater wetlands projects involving "linear development" such as pipelines and roads.

Section 60 of this bill would repeal section 1 of P.L.1991, c.176 (C.40A:14-179) which requires municipalities to set the starting salary for the chief of police and the deputy chief at a rate not less than five percent above the highest salary of the ranking police officer next in command below the chief or deputy chief. Current law, which would be repealed by section 60 of this bill, also requires that whenever new salary ranges are set by the governing body or appointive authority, the salary ranges of the chief and deputy chief will be adjusted to reflect at least the same percentage of increase in base salary as is established for other ranking supervisory officers in the department. By repealing section 1 of P.L.1991, c.176 (C.40A:14-179), this section will restore a municipality's ability to evaluate the performance of police chiefs and deputy chiefs and to provide appropriate salary adjustments.

Sections 61 and 62 authorize a municipality which participates in the State Health Benefits Program or another group health benefits plan to allow an employee who is eligible for health care coverage as a dependent of the employee's spouse to waive coverage to which the employee is entitled as an employee of the

municipality. It would permit a municipality to pay an employee who waives coverage an amount not to exceed 50% of the amount saved by the municipality because of the waiver.

Section 63 concerns municipal emergency management coordinators. Current law requires each municipality and county to appoint an emergency management coordinator. This bill permits municipalities to enter into agreements pursuant to the "Interlocal Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.) to designate a municipal emergency management coordinator to serve two or more municipalities jointly. The bill also permits the municipality to designate the emergency management coordinator for the county in which that municipality is located as the municipal emergency management coordinator, subject to the approval of the governing body of the county. Municipalities which enter into any such agreement are required to notify the State Emergency Management Coordinator.

Senate Bill No. 7 (2R) is identical to Assembly Bill No. 1908 with Assembly committee amendments which also was reported by the committee on June 14, 1995.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[SECOND REPRINT]

**SENATE, No. 7**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 22, 1995

The Assembly Appropriations Committee reports favorably Senate Bill No. 7 [2R], with committee amendments .

Senate Bill No. 7 [2R], as amended, revises various mandates imposed on municipalities.

Sections 1 through 25 repeal the municipally-administered programs providing an annual \$250 property tax deduction to senior and disabled citizens and an annual \$50 property tax deduction to veterans, and transfer these programs, unchanged in eligibility requirements and benefit amounts, to the State level. It will be administered in conjunction with the "New Jersey Gross Income Tax Act." The qualified senior, disabled or veteran resident homeowner would apply to receive the deduction at the time the New Jersey gross income tax return is filed. In addition to establishing an easier application method, this bill transfers the administrative responsibility for these State-financed benefits from the local tax officials to the State.

Sections 26 and 27 amend the "Worker and Community Right to Know Act," P.L.1985, c.315 (C.34:5A-1 et seq.) to change the frequency of reporting, and the frequency of employee training required of public employers. Currently, public employers are required to complete a workplace survey and update it annually; this bill requires that the workplace survey be updated once every five years. Currently, employees receive education and training within the first month of employment and annually thereafter; this bill requires training once every two years after the initial training.

Sections 28 and 29 repeal the provisions of law that require tax assessors to annually notify by mail each taxpayer of the current assessment and preceding year's taxes. The bill does retain the requirement that every assessor notify each taxpayer by mail within 30 days of any change to an assessment, with instructions on how to appeal the assessment.

Sections 30 through 34 permit a county or a municipality to publish a budget summary instead of a copy of the budget itself, provided that the budget summary contains certain minimum information and is printed in a larger typeface than presently required.

Sections 35 and 36 amend the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), to increase the threshold amount for a municipal public work contract from its current level of \$2,000 to \$9,850. This increase reflects the approximate increase in the Consumer Price Index since the threshold was set in 1963. The bill also requires the Commissioner of Labor, on July 1 in every five calendar years thereafter, to adjust the threshold amount in direct proportion to the rise or fall

in the Consumer Price Index during the last full calendar year preceding the adjustment.

Sections 37 through 54 permit a municipality, by mutual agreement with the county in which it is located, to transfer the financial and operational responsibility for the administration of general public assistance (GA) to the county. In such a situation, the county expenditures for the administration of general public assistance would be exempt from the spending limitations imposed by the local budget cap law.

Section 55 requires local law enforcement officers to qualify annually in the use of firearms by law enforcement officers. Currently, law enforcement officers must qualify twice a year in the use of a handgun pursuant to a directive issued by the Attorney General.

Section 56 revises the frequency of periodic monitoring for certain stormwater sewer outfall lines to provide for biennial monitoring of priority outfall lines and annual monitoring for other outfall lines. Under the current provisions of the "Sewage Infrastructure Improvement Act," P.L.1988, c.90 (C.58:25-23 et seq.), the 94 municipalities located in Monmouth, Ocean, Atlantic, and Cape May counties that have stormwater sewers that discharge into salt waters, are required, subsequent to the completion of stormwater/sanitary sewer maps, to provide for the monitoring of those outfall lines every three months.

Section 57 permits a municipality to publish notice of mosquito management activities in at least one newspaper of local circulation and one of regional circulation within the municipality. Current DEP regulations require public notice be given by certified return receipt mail to various municipal and county governmental entities and officials and every landowner within 200 feet of the legal boundary lines of the property or properties on which the mosquito control activities are to occur.

Section 58 amends the law that currently requires municipalities to set the starting salary for the chief of police and the deputy chief at a rate not less than five percent above the starting salary of the ranking police officer next in command below the chief or deputy chief, to instead require that the base salary of a chief of police and deputy chief be greater than the base salary of the ranking police officer next in command.

Sections 59 and 60 authorize a municipality which participates in the State Health Benefits Program or another group health benefits plan to allow an employee who is eligible for health care coverage as a dependent of the employee's spouse to waive coverage under the municipal plan. The municipality is permitted to pay an employee who waives coverage an amount not to exceed 50% of the amount saved by the municipality because of the waiver.

Section 61 permits municipalities to enter into agreements pursuant to the "Interlocal Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.) to designate a municipal emergency management coordinator to serve two or more municipalities jointly. The bill also permits a municipality to designate the emergency management coordinator for the county in which that municipality is located as the municipal emergency management coordinator.

As amended, this bill is identical to Assembly Bill No. 1908 [1R] as amended by this committee.

FISCAL IMPACT:

A fiscal estimate on the savings which municipalities will realize as a result of the enactment of this bill, or the additional costs to the State which may result, if any, has not been prepared. The sponsors of the bill have stated that they estimate the annual savings to municipalities to be approximately \$28.5 million.

COMMITTEE AMENDMENTS:

The amendments remove provisions that would have allowed the publishing of proposed municipal ordinances by title rather than in their entirety; require that full copies of county and municipal budgets (which may be published in budget summary form instead of full copies under the provisions of the bill) be available at local public libraries; amend the requirement that chiefs of police and deputy chiefs start at a salary not less than five percent above next ranking police officers to a requirement that the base salaries of chiefs and deputy chiefs be greater than the base salaries of next ranking officers; and make technical changes.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 7**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 22, 1994

The Senate Community Affairs Committee reports favorably Senate Bill No. 7 with committee amendments.

Senate Bill No. 7, as amended by the committee, eases various State imposed mandates.

Sections 1 through 11 of this bill greatly simplify the procedure by which the annual \$250 property tax deduction is provided to certain senior citizens and disabled persons.

Section 11 of this bill repeals the current law concerning the senior and disabled citizen tax deduction, which is administered at the municipal level. Instead, sections 1 through 11 of this bill provide for an annual \$250 property tax deduction on the property tax bills of certain income-qualified senior citizens and disabled persons including their surviving spouses and transfers that program unchanged in eligibility requirements and benefit amount to the State level to be administered in conjunction with the "New Jersey Gross Income Tax Act." Under the program set forth in sections 1 through 11, the qualified senior or disabled New Jersey resident homeowner would apply to receive this \$250 benefit at the time of filing a New Jersey gross income tax return. The \$250 benefit would be issued as a check at the same time that checks are issued for payment of homestead rebates, when appropriate.

The provisions of sections 1 through 11 will facilitate the application for and receipt of the annual \$250 benefit.

Currently, senior and disabled homeowners apply to the local tax assessor or collector, who verifies the accuracy of the required information. The information so gathered is reported to the County Tax Board and to the Director of the Division of Taxation in the Department of the Treasury. That information is ultimately used by the municipality to provide senior and disabled homeowner property tax deduction benefits on the local property tax bill. The Department of the Treasury then reimburses each municipality, in a lump-sum payment, for the total cost of the tax deductions for all eligible homeowners in the municipality. While the tax collector's and assessor's office could continue to provide informational assistance to eligible residents during the new application process established by this bill, those offices would no longer be directly responsible, thus providing the local tax officials relief from a State-mandated function.

Further, sections 1 through 11 would eliminate the need for the eligible homeowner to file with the tax collector's office an annual post-tax year income statement. The elimination of this annual

income limit verification would streamline the administrative process. The bill requires that income information and other eligibility data be reported on the New Jersey gross income tax return in order to relieve local tax officials of the responsibility of coordinating the filing of the statement, reviewing and approving the statement locally, and filing the statement with the Director of the Division of Taxation in the Department of the Treasury.

The committee amendments provide that the written application form to be submitted by the claimants for this deduction, and the notice of the administrative change setting forth the manner in which this property tax deduction will be administered which will be sent to all senior citizens and permanently and totally disabled citizens qualified for this tax deduction, shall be prepared by the Director of the Division of Taxation in the Department of the Treasury, in consultation with the Division on Aging in the Department of Community Affairs. In addition, the committee amendments provide that the Director of the Division of Taxation shall adopt any necessary regulations to effectuate the provisions of sections 1 through 10 of the bill after consultation with the Division on Aging.

In addition to establishing an easier application method, this bill transfers the administrative responsibility for this State-financed benefit from the local tax officials to the State. Receiving an actual \$250 check instead of a quarterly \$62.50 property tax deduction is a more meaningful benefit to the recipient and allows the recipient to use the money for the payment of property taxes or for any other pressing need.

Sections 12 through 25 of this bill greatly simplify the procedure by which the annual \$50 veteran property tax deduction is granted.

Specifically, these sections of the bill repeal the current veteran property tax deduction, which is administered at the municipal level, and transfers the program unchanged in eligibility requirements and benefit amount to the State level to be administered in conjunction with the "New Jersey Gross Income Tax Act." Under the program set forth in these sections of the bill, the qualified veteran or surviving spouse of a veteran would apply to receive this \$50 veteran's benefit at the time of filing a New Jersey gross income tax return. The \$50 benefit would be issued as a check to the claimant on or before October 31, each year.

The provisions of this bill will facilitate the application for and receipt of the annual \$50 benefit.

Currently, veterans or their surviving spouses apply to the local tax assessor or collector, who verifies the accuracy of the required information. That information so gathered and aggregated at the municipal level is reported to the County Tax Board and to the Director of the Division of Taxation in the Department of the Treasury. That information is ultimately used by the municipality to provide qualified veterans a property tax deduction on the local property tax bill. The Department of the Treasury then reimburses to each municipality, in a lump-sum payment, the total cost of the tax deductions for all eligible homeowners in the municipality.



While the tax collector's and assessor's office could continue to provide informational assistance to eligible residents during the new application process established by this bill, those offices would no longer be directly responsible, thus providing the local tax officials relief from a State-mandated function.

Further, this bill would streamline the administrative process. The bill requires an applicant to prove once in the first year a Gross Income tax return is filed to obtain a veteran \$50 benefit that the veteran was honorably discharged from active service in time of war. Other eligibility data reported on the New Jersey gross income tax return will relieve local tax officials of the responsibility of coordinating these filings, reviewing and approving the application locally, and reporting the payment data to the Director of the Division of Taxation in the Department of the Treasury.

Sections 12 through 25 of this bill transfer the administrative responsibility for this State-financed benefit from the local tax officials to the State. Receiving an actual \$50 check instead of a quarterly \$12.50 property tax deduction is a more meaningful benefit to the veteran and allows the veteran to use the money for the payment of property taxes or for any other pressing need.

Sections 26 and 27 would amend the "Worker and Community Right to Know Act," P.L.1985, c.315 (C.34:5A-1 et seq.) to change the frequency of reporting, and the frequency of employee training required of public employers. Currently, public employers are required to complete a workplace survey and update it annually. This bill would require that the workplace survey be updated once every five years. The bill, as amended, provides that if any additional workplace hazardous substance is present at the employer's facility during a non-reporting year that had not been previously reported, the employer shall inform the Department of Health and all other appropriate departments or entities which receive a copy of the completed survey as required pursuant to section 7 of P.L.1983, c.315 (C.34:5A-7) of the change no later than July 15 following the change.

This portion of the bill would also change the education and training requirements for public employers. Currently, employees must receive education and training within the first month of employment and annually thereafter. This bill, as amended, would require training once every three years after the initial training.

Sections 28 and 29 of the bill would delete the provisions that require every tax assessor to annually notify by mail each taxpayer of the current assessment and preceding year's taxes. These sections would retain the requirement that every assessor must publish a newspaper advertisement notifying the public of a time and place that the assessment list could be inspected. These sections would also retain the requirement that every assessor must notify each taxpayer by mail within 30 days of any change to the assessment which notice must contain the prior assessment, the current assessment and information instructing taxpayers on how to appeal their assessment.

Sections 30 and 31 of this bill amend R.S.40:49-2 and R.S.40:49-18 to permit the publishing of proposed municipal ordinances by title, rather than in their entirety. The bill further provides that if the publication of the ordinance is by title, the publication must contain a clear and concise statement setting forth the purpose of the ordinance and a notice of the time and place when and where copies of the proposed ordinance may be obtained by the public.

The purpose of these sections is to reduce the costs associated with the publication of municipal ordinances.

Sections 32 through 36 of this bill permit a county or a municipality to publish a budget summary instead of a copy of the budget itself, provided that the budget summary contains certain information as a minimum and is printed in a larger typeface than presently required.

These sections also permit a municipality to amend its budget without public advertisement or public hearing when the Director of the Division of Local Government Services in the Department of Community Affairs has required that the budget be amended to appropriate State aid revenue to be received by the municipality during the local budget year. This type of budget amendment often has the impact of decreasing local purpose taxes because of increased State aid to the municipality. Requiring a municipality to advertise and hold a public hearing for this type of amendment, which may only reduce taxes, delays adoption of the budget and may cause the municipality to incur the expense of issuing tax anticipation notes because of the budget adoption delay.

Sections 37 and 38 amend the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.) to increase the threshold amount at which prevailing wages must be paid in the case of a public work contract of a municipality. These sections increase the threshold amount for a municipal public work contract from its current level of \$2,000 to \$9,850 on July 1, 1994. That increase reflects the approximate increase in the Consumer Price Index since the threshold was set in 1963. The bill also requires the Commissioner of Labor, on July 1 every five calendar years thereafter, to adjust the threshold amount in direct proportion to the rise or fall in the Consumer Price Index during the last full calendar year preceding the adjustment.

Section 39 through section 56 of this bill permits a municipality, by mutual agreement with the county in which it is located, to transfer the financial and operational responsibility for the administration of general public assistance (GA) provided pursuant to P.L.1947, c.156 (C.44:8-107 et seq.) to the county.

Specifically, section 39 through section 56 of the bill:

- provides that when a municipality and county agree to the transfer of administrative responsibility for the GA program, the municipal welfare agency shall be abolished and all its functions, powers and duties transferred to the county welfare agency no later than the 60th day after the effective date of the transfer;

- authorizes counties to establish the position of assistant county welfare director for general public assistance;
- authorizes a county welfare director to allocate the functions, powers and duties of each municipal welfare agency in the county which are transferred pursuant to this bill among the existing offices in the county welfare agency;
- provides for the transfer of full-time municipal welfare agency employees to the county welfare agency, with no reduction in their remuneration or credited length of service;
- provides that a county and municipality may arrange, subject to mutual agreement, for one or more former municipal welfare agency employees who are employed by the county welfare agency to continue to provide services from a municipal building; and
- exempts county expenditures for the administration of general public assistance from the spending limitations imposed by the local budget cap law, P.L.1976, c.68 (C.40A:4-45.1 et seq.).

Section 57 concerns qualification in the use of firearms by law enforcement officers. Law enforcement officers are presently required by law (N.J.S.2C:39-6) to qualify annually in the use of firearms. However, a directive issued by the Attorney General requires law enforcement officers to qualify twice a year in the use of a handgun. This mandate burdens local governments, which must replace their officers during two absences a year and bear other expenses related to semi-annual firearms qualification. This bill establishes a frequency of once a year for firearms qualification, unless the municipality or county determines otherwise. While relieving local governments of this State-imposed mandate, this bill also grants these governments the flexibility to require more frequent firearms qualification in response to their particular needs and preferences.

Section 58 of this bill would revise procedures for the periodic monitoring of certain stormwater sewer outfall lines. Under the current provisions of the "Sewage Infrastructure Improvement Act," P.L.1988, c.90 (C.58:25-23 et seq.), the 94 municipalities located in Monmouth, Ocean, Atlantic, and Cape May counties that have stormwater sewers that discharge into salt waters, are required, subsequent to the completion of stormwater/sanitary sewer maps, to provide for the monitoring of those outfall lines every three months. This bill would provide that for priority outfall lines, monitoring would be undertaken twice per year, and annually for other outfall lines. The bill would direct the Department of Environmental Protection to define, by regulation, a "priority outfall line." Beginning in February, 1995, and annually thereafter, the department would be required to provide to the Legislature a list of priority outfalls, by municipality, location within municipality, and waterbody into which the outfall discharges.

Also, section 58 would clarify that the results of any water test that monitors for the presence of fecal coliform or other contaminants shall be reported to the department. This provision would also clarify that the focus of the department would be on the results of all water tests, not simply on those tests that reveal

violations of State standards, so that potential problems in stormwater sewer systems can be averted.

Section 59 of this bill, as amended, would require that if the Department of Environmental Protection (DEP) requires public notice to be given prior to the undertaking of mosquito management activities pursuant to a general permit to be issued pursuant to the "Freshwater Wetlands Protection Act," a permittee that is a county or municipality or county or municipal entity would be given the option of complying with that requirement by publication of a display advertisement of at least four column inches in size in at least one newspaper of local circulation and one of regional circulation within the county or municipality.

Current DEP regulations concerning public notice of such mosquito control activities require that public notice be given by certified return receipt mail to various municipal and county governmental entities and officials and every landowner within 200 feet of the legal boundary lines of the property or properties on which the mosquito control activities are to occur. This requirement is onerous, overly burdensome, costly, and unnecessary. Section 59 of this bill instead authorizes the much better and simpler alternative of giving notice by publication, which is also the method the DEP currently allows for general permits issued for certain freshwater wetlands projects involving "linear development" such as pipelines and roads.

Section 60 of this bill would repeal section 1 of P.L.1991, c.176 (C.40A:14-179) which requires municipalities to set the starting salary for the chief of police and the deputy chief at a rate not less than five percent above the highest salary of the ranking police officer next in command below the chief or deputy chief. Current law, which would be repealed by section 60 of this bill, also requires that whenever new salary ranges are set by the governing body or appointive authority, the salary ranges of the chief and deputy chief will be adjusted to reflect at least the same percentage of increase in base salary as is established for other ranking supervisory officers in the department. By repealing section 1 of P.L.1991, c.176 (C.40A:14-179), this section will restore a municipalities ability to evaluate the performance of police chiefs and deputy chiefs and to provide appropriate salary adjustments.

Sections 61 and 62 authorize a municipality which participates in the State Health Benefits Program or another group health benefits plan to allow an employee who is eligible for health care coverage as a dependent of the employee's spouse to waive coverage to which the employee is entitled as an employee of the municipality. It would permit a municipality to pay an employee who waives coverage an amount not to exceed 50% of the amount saved by the municipality because of the waiver.

Section 63 concerns municipal emergency management coordinators. Current law requires each municipality and county to appoint an emergency management coordinator. This bill permits municipalities to enter into agreements pursuant to the "Interlocal Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.) to designate a

municipal emergency management coordinator to serve two or more municipalities jointly. The bill also permits the municipality to designate the emergency management coordinator for the county in which that municipality is located as the municipal emergency management coordinator, subject to the approval of the governing body of the county. Municipalities which enter into any such agreement are required to notify the State Emergency Management Coordinator.

The committee amended the bill to:

1) correct the title to delete reference to municipalities since certain State imposed mandates included in the bill affect counties, municipalities and other State and local entities rather than only municipalities;

2) provide that the application to be utilized for the \$250 senior citizens' or permanently and totally disabled citizens' property tax deduction shall be on a form prescribed by the Director of the Division of Taxation in the Department of the Treasury, after consultation with the Division on Aging in the Department of Community Affairs;

3) provide that the notice of administrative change form setting forth the manner in which the \$250 senior citizens' and disabled citizens' property tax deduction will be administrated shall be prepared by the Director of the Division of Taxation in consultation with the Division on Aging;

4) require the Director of the Division of Taxation to adopt any necessary regulations to effectuate the provisions of sections 1 through 10 of the bill after consultation with the Division on Aging;

5) require, with regard to the Right to Know Law, that if any additional workplace hazardous substance is present at the employer's facility during a non-reporting year that had not been previously reported, the employer is to inform the Department of Health and all other appropriate departments or entities which receive a copy of the completed survey as required pursuant to section 7 of P.L.1983, c.315 (C.34:5A-7) of the change no later than July 15 following the change;

6) change the education and training requirements for public employers under the Right to Know Law from the current requirement of within the first month of employment and annually thereafter to once every three years after the initial training; and

7) correct references to mosquito control agencies to include both a county or municipality or county or municipal entity.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

**SENATE, No. 7**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 23, 1994

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 7 [1R], with committee amendments.

Senate Bill No. 7 [1R] as amended, revises various mandates imposed on municipalities.

Sections 1 through 25 repeal the municipally-administered programs providing an annual \$250 property tax deduction to senior and disabled citizens and an annual \$50 property tax deduction to veterans, and transfer these programs, unchanged in eligibility requirements and benefit amounts, to the State level. It will be administered in conjunction with the "New Jersey Gross Income Tax Act." The qualified senior, disabled or veteran resident homeowner would apply to receive the deduction at the time the New Jersey gross income tax return is filed. In addition to establishing an easier application method, this bill transfers the administrative responsibility for these State-financed benefits from the local tax officials to the State.

Sections 26 and 27 amend the "Worker and Community Right to Know Act," P.L.1985, c.315 (C.34:5A-1 et seq.) to change the frequency of reporting, and the frequency of employee training required of public employers. Currently, public employers are required to complete a workplace survey and update it annually; this bill requires that the workplace survey be updated once every five years. Currently, employees receive education and training within the first month of employment and annually thereafter; this bill requires training once every two years after the initial training.

Sections 28 and 29 repeal the provisions of law that require tax assessors to annually notify by mail each taxpayer of the current assessment and preceding year's taxes. The bill does retain the requirement that every assessor notify each taxpayer by mail within 30 days of any change to an assessment, with instructions on how to appeal the assessment.

Sections 30 and 31 amend R.S.40:49-2 and R.S.40:49-18 to permit the publishing of proposed municipal ordinances by title, rather than in their entirety, with a concise statement of the purpose of the ordinance and a notice of the time and place for obtaining copies.

Sections 32 through 36 permit a county or a municipality to publish a budget summary instead of a copy of the budget itself, provided that the budget summary contains certain minimum information and is printed in a larger typeface than presently required.

Sections 37 and 38 amend the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), to increase the threshold amount for a municipal public work contract from its current level of \$2,000 to \$9,850. This increase reflects the approximate increase in the Consumer Price Index since the threshold was set in 1963. The bill also requires the Commissioner of Labor, on July 1 in every five calendar years thereafter, to adjust the threshold amount in direct proportion to the rise or fall in the Consumer Price Index during the last full calendar year preceding the adjustment.

Sections 39 through 56 permit a municipality, by mutual agreement with the county in which it is located, to transfer the financial and operational responsibility for the administration of general public assistance (GA) to the county. In such a situation, the county expenditures for the administration of general public assistance would be exempt from the spending limitations imposed by the local budget cap law.

Section 57 requires local law enforcement officers to qualify annually in the use of firearms by law enforcement officers. Currently, law enforcement officers must qualify twice a year in the use of a handgun pursuant to a directive issued by the Attorney General.

Section 58 revises the frequency of periodic monitoring for certain stormwater sewer outfall lines to provide for biennial monitoring of priority outfall lines and annual monitoring for other outfall lines. Under the current provisions of the "Sewage Infrastructure Improvement Act," P.L.1988, c.90 (C.58:25-23 et seq.), the 94 municipalities located in Monmouth, Ocean, Atlantic, and Cape May counties that have stormwater sewers that discharge into salt waters, are required, subsequent to the completion of stormwater/sanitary sewer maps, to provide for the monitoring of those outfall lines every three months.

Section 59 permits a municipality to publish notice of mosquito management activities in at least one newspaper of local circulation and one of regional circulation within the municipality. Current DEP regulations require public notice be given by certified return receipt mail to various municipal and county governmental entities and officials and every landowner within 200 feet of the legal boundary lines of the property or properties on which the mosquito control activities are to occur.

Section 60 repeals the law requiring municipalities to set the starting salary for the chief of police and the deputy chief at a rate not less than five percent above the highest salary of the ranking police officer next in command below the chief or deputy chief.

Sections 61 and 62 authorize a municipality which participates in the State Health Benefits Program or another group health benefits plan to allow an employee who is eligible for health care coverage as a dependent of the employee's spouse to waive coverage under the municipal plan. The municipality is permitted to pay an employee who waives coverage an amount not to exceed 50% of the amount saved by the municipality because of the waiver.

Section 63 permits municipalities to enter into agreements pursuant to the "Interlocal Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.) to designate a municipal emergency management coordinator to serve two or more municipalities jointly. The bill also permits a municipality to designate the emergency management coordinator for the county in which that municipality is located as the municipal emergency management coordinator.

#### COMMITTEE AMENDMENTS

The committee amended the bill to change the requirement for the frequency of worker training pursuant to the "Worker and Community Right-to-Know Act".

#### FISCAL IMPACT

A fiscal estimate on the savings which municipalities will realize as a result of the enactment of this bill, or the additional costs to the State which may result, if any, has not been prepared. The sponsors of the bill have stated that they estimate the annual savings to municipalities to be approximately \$28.5 million.



SENATE BILL NO. 7  
(Fourth Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 7 (Fourth Reprint) with my recommendations for reconsideration.

A. Summary of the Bill

This bill, taken together with Senate Concurrent Resolution No. 87, the proposed State Mandate/State Pay amendment to the State Constitution, signals a fundamental shift in the attitude of the State government towards local government. The constitutional amendment operates prospectively, by forbidding the State in the future from imposing new duties on local governments with impunity without providing funding. This bill addresses the current situation by identifying fourteen (14) existing mandates and repealing, easing, or revising them to effect property tax savings. The bill, in part:

- reconstitutes the senior citizens' and veterans' tax deductions as rebates and transfers the administration of these programs to the State;
- revises training requirements regarding workplace hazardous substances;
- increases the threshold contract amount that triggers compliance with the prevailing wage statute;
- revises the frequency of periodic monitoring of certain storm water sewer outfall lines to eliminate redundant inspections;
- repeals the law requiring that police chiefs be paid a salary not less than 5 percent higher than that of the next highest law enforcement officer;

- authorizes a municipality participating in the State Health Benefits Program to offer incentives to employees who opt out of the program;
- authorizes municipalities to cooperate to manage emergencies;
- relaxes -- but does not eliminate -- publication requirements with respect to municipal ordinances and budgets; and
- permits municipalities to advertise mosquito ditch clearing in lieu of sending notice via certified mail.

Senate President Donald DiFrancesco, Senator Leonard Connors, and the bipartisan sponsorship of the bill are to be congratulated for their leadership in identifying the most onerous mandates and for making the tough judgments about which mandates should be eased. The decision to make optional such programs as full-text publication of municipal ordinances and budgets represents not a condemnation of those programs, but a recognition of the responsibility of local governments to decide how to inform their constituents and the accountability of local governments to their constituents should they fail to keep them informed.

#### B. Recommended Action

While I endorse the easing of the mandates outlined above, concerns with respect to constitutional and public safety issues lead me to recommend that the bill be amended. Specifically, I am recommending that the bill be amended to delete the sections that allow property assessment notification to be accomplished through advertisement and that reduce the requirements for

firearms requalification for police. In addition, I am recommending that amendments be made to the senior citizens' and veterans' tax provisions to avoid disruption of benefits, conform to constitutional requirements, and ease the burden on municipal tax collectors by requiring the State to pay the largest portion of the administrative cost of the programs.

1. Senior Citizens' and Veterans' Property Tax Deductions

Sections 1 through 25 of the bill reconstitute the senior citizens' and veterans' property tax deduction as rebates and transfer the administration of these programs to the State. I agree that the burden of administering these programs is one in which the State should share. By reconstituting the property tax deductions as rebates from the gross income tax, however, the bill assures administrative confusion and the possibility of a disruption of benefits. Such a change is also inconsistent with Article 8, Section 1, Paragraphs 3 and 4 of the State Constitution, which contemplate that the benefits for veterans and senior citizens shall be "a deduction from the amount of any tax bill for taxes on real ... property." Accordingly, I am recommending that the State assume the responsibility and financial burden of generating, printing and mailing the required forms, while municipalities continue to process the submissions as property tax relief. These amendments preserve the constitutional purpose and smooth functioning of the programs, while easing greatly the financial burden on municipalities.

2. Property Assessment Notification

Sections 28 through 29 of the bill relax the requirement that property owners be notified by mail of their assessment.

Under the bill, notice by mail is required only where the assessment has changed. Otherwise, notice is deemed sufficient if the availability of the assessment list is advertised in the newspaper. I am advised, however, by the Attorney General and my Chief Counsel that such notice runs a risk of violating the State and federal constitutional guarantees of due process. Indeed, courts in other contexts have required more than constructive notice by publication when a property interest is at stake. See, e.g., New Brunswick Savings Bank v. Markouski, 123 N.J. 402, 417 (1991).

As a matter of simple fairness, moreover, property taxpayers should be notified in the most reliable manner of the assessment that will govern their tax rates, regardless of whether that assessment has changed. An unchanged assessment, after all, may fail to reflect fluctuations in other local property values. There is no more important issue to property owners in this State than the municipal assessment of their property's value. In my view, the savings associated with notice by publication are outweighed by the interest of property taxpayers in reliable notice of their property's assessed value. I am therefore recommending that sections 28 and 29 be deleted from the bill.

### 3. Firearms Regualification

Section 57 of the bill provides that police officers shall not be required to qualify more than annually in the use of a firearm. The provision effectively repeals the current requirement that qualification occur twice per year. I am advised by the Attorney General that reducing qualification to once per year could expose municipalities in civil suits to

damages that will far outstrip any savings to be gained from the reduction in qualification. I am therefore recommending that section 57 be deleted from the bill.

Accordingly, I am returning Senate Bill No. 7 (Fourth Reprint) and recommend that it be amended as follows:

Pages 2-12. Sections 1-25:

Delete sections 1 through 25 and insert the following new sections:

"1. (New Section) Section 3 of P.L. 1963, c.171 (C.54.4-8.12) is amended as follows: No veteran's deduction from taxes assessed against real and personal property, as provided herein, shall be allowed except upon written application therefor, which application shall be on a form prescribed by the Director of the Division of Taxation, in the Department of the Treasury, and provided for the use of claimants hereunder by the governing body of the municipality constituting the taxing district in which such claim is to be filed and the application has been approved as provided in this act. The Director of the Division of Taxation shall annually furnish each municipality with a supply of application forms for use by the claimants. An assessor shall not require the filing of an application for a veteran's deduction under this act of any person who has filed, or shall file, a claim for an exemption from taxation under chapter 184 of the laws of 1951, on or before December 31, 1963, but shall approve a veteran's deduction for such person, if it appears from such claim for exemption that such person meets all the other prerequisites required

by law for the approval of a claim for a veteran's deduction. Each assessor may at any time inquire into the right of a claimant to the continuance of a veteran's deduction hereunder and for that purpose he may require the filing of a new application or the submission of such proof as he shall deem necessary to determine the right of the claimant to continuance of such deduction. No application for a veteran's deduction based upon service in the Armed Forces shall be allowed unless there is annexed thereto a copy, which may be photostatic, of claimant's certificate of honorable discharge or of his certificate of release under honorable circumstances from active service in time of war in a branch of the Armed Forces of the United States. In the case of an application by a surviving spouse said application shall not be allowed unless it clearly establishes that:

- (a) Claimant's spouse died while on active duty in a branch of the Armed Forces of the United States, having had active service in time of war, as herein defined, in a branch of the Armed Forces of the United States, or in the case of a surviving spouse of a veteran, claimant shall establish that the veteran was honorably discharged or released under honorable circumstances from active service in time of war in any branch of the Armed Forces of the United States,
- (b) claimant's spouse was a citizen and resident of this State at the time of death,
- (c) claimant was the spouse

of the veteran at the time of the veteran's death, and (d) claimant is a resident of this State and has not remarried.

2. (New Section) Section 3 of P.L. 1963, c.172 (C.54:4-8.42) is amended as follows:

No deduction, as provided herein, shall be allowed except upon written application therefor, which application shall be on a form prescribed by the Director, Division of Taxation, in the Department of the Treasury, and provided for the use of claimants hereunder by the governing body of the municipality constituting the taxing district in which such claim is to be filed and the application has been approved as provided in this act. The Director of the Division of Taxation shall annually furnish each municipality with a supply of application forms for use by the claimants. As to claims for exemption from taxation filed with an assessor on or before November 1, 1963 on forms prescribed by the director, the assessor shall not require of any person who has filed such a claim the filing of an application for a tax deduction but shall approve such person for a tax deduction if it appears from the claim for exemption from taxation that such person meets all the other prerequisites required by this act for the approval of the tax deduction. Each assessor may at any time inquire into the right of a claimant to the continuance of a deduction hereunder and for that purpose he may require the filing of a new application or the submission of such proof as

he shall deem necessary to determine the right of the claimant to continuance of such deduction.

3. Section 5 of P.L. 1964, c.255 (C.54:4-8.44a) is amended to read as follows:

5. Every person who is allowed a deduction shall, except as hereinafter provided, be required to file with the collector of the taxing district on or before March 1 of the post-tax year a statement under oath of his income for the tax year and his anticipated income for the ensuing tax year as well as any other information deemed necessary to establish his right to a tax deduction for such ensuing tax year. The collector may grant a reasonable extension of time for filing the statement required by this section, which extension shall terminate no later than May 1 of the post-tax year, in any event where it shall appear to the satisfaction of the collector, verified by a physician's certificate, that the failure to file by March 1 was due to illness or a medical problem which prevented timely filing of the statement. In any case where such an extension is granted by the collector, the required statement shall be filed on or before May 1 of the post-tax year.

Such statement shall be on a form prescribed by the Director of the Division of Taxation, in the Department of the Treasury, [and provided for the use of persons required to make such statement by the governing body of the municipality constituting the taxing district in which such statement is required



to be filed and] The statement shall be mailed by the [collector] Director of the Division of Taxation with a return envelope addressed to the governing body of the municipality constituting the taxing district on or before February 1 of the post-tax year to each person within the taxing district who was allowed a deduction in the preceding year. In addition, the Director of the Division of Taxation shall at the same time furnish a supply of post-tax year statements to the tax collector in each municipality. Each collector may require the submission of such proof as he shall deem necessary to verify any such statement. Upon the failure of any such person to file the statement within time herein provided or to submit such proof as the collector deems necessary to verify a statement that has been filed, or if it is determined that the income of any such person exceeded the applicable income limitation for said tax year, his tax deduction for said tax year shall be disallowed. A notice of disallowance, on a form prescribed by the director, shall be mailed to that person by the collector on or before April 1 of the post-tax year or, where an extension of time for filing has been granted, no later than June 1, and his taxes to the extent represented by the amount of said deduction shall be payable on or before June 1 of the post-tax year or, where an extension of time for filing has been granted no later than 30 calendar days after

the notice of disallowance was mailed, after which date if unpaid, said taxes shall be delinquent, constitute a lien on the property, and, in addition, the amount of said taxes shall be a personal debt of said person.

The amount of any lien and tax liability shall be prorated by the tax collector upon the transfer of title based on the number of days during the tax year that entitlement to the tax deduction is established. The lien shall be considered satisfied by the tax collector upon payment of the prorated amount for that portion of the tax year for which entitlement to the tax deduction is not established."

<u>Page 12, Section 26, Line 40:</u>	Delete "26." and insert "4."
<u>Page 13, Section 27, Line 16:</u>	Delete "27." and insert "5."
<u>Page 14, Section 28, Lines 49-54:</u>	Delete in entirety
<u>Page 15, Section 28, Lines 1-12:</u>	Delete in entirety
<u>Page 17, Section 30, Line 8:</u>	Delete "30." and insert "6."
<u>Page 18, Section 31, Line 21:</u>	Delete "31." and insert "7."
<u>Page 18, Section 32, Line 44:</u>	Delete "32." and insert "8."
<u>Page 19, Section 33, Line 4:</u>	Delete "33." and insert "9."
<u>Page 19, Section 34, Line 42:</u>	Delete "34." and insert "10."
<u>Page 20, Section 35, Line 29:</u>	Delete "35." and insert "11."
<u>Page 21, Section 36, Line 1:</u>	Delete "36." and insert "12."
<u>Page 21, Section 37, Line 31:</u>	Delete "37." and insert "13."
<u>Page 22, Section 38, Line 53:</u>	Delete "38." and insert "14."

<u>Page 23, Section 39, Line 21:</u>	Delete	"39."	and	insert
		"15."		
<u>Page 23, Section 40, Line 42:</u>	Delete	"40."	and	insert
		"16."		
<u>Page 24, Section 41, Line 20:</u>	Delete	"41."	and	insert
		"17."		
<u>Page 24, Section 42, Line 54:</u>	Delete	"42."	and	insert
		"18."		
<u>Page 25, Section 43, Line 20:</u>	Delete	"43."	and	insert
		"19."		
<u>Page 26, Section 44, Line 10:</u>	Delete	"44."	and	insert
		"20."		
<u>Page 26, Section 45, Line 32:</u>	Delete	"45."	and	insert
		"21."		
<u>Page 26, Section 46, Line 38:</u>	Delete	"46."	and	insert
		"22."		
<u>Page 26, Section 47, Line 49:</u>	Delete	"47."	and	insert
		"23."		
<u>Page 27, Section 48, Line 12:</u>	Delete	"48."	and	insert
		"24."		
<u>Page 27, Section 49, Line 33:</u>	Delete	"49."	and	insert
		"25."		
<u>Page 27, Section 50, Line 45:</u>	Delete	"50."	and	insert
		"26."		
<u>Page 27, Section 51, Line 53:</u>	Delete	"51."	and	insert
		"27."		
<u>Page 29, Section 52, Line 32:</u>	Delete	"52."	and	insert
		"28."		
<u>Page 29, Section 53, Line 42:</u>	Delete	"53."	and	insert
		"29."		
<u>Page 29, Section 54, Line 47:</u>	Delete	"54."	and	insert
		"30."		
<u>Page 29, Section 55, Line 52:</u>	Delete	"55."	and	insert
		"31."		
<u>Page 30, Section 56, Line 12:</u>	Delete	"56."	and	insert
		"32."		
<u>Page 30, Section 57, Lines 18-32:</u>	Delete	in entirety		

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

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Page 30, Section 58, Line 33: Delete "58." and insert  
"33."

Page 31, Section 59, Line 12: Delete "59." and insert  
"34."

Page 33, Section 60, Line 36: Delete "60." and insert  
"35."

Page 34, Section 61, Line 1: Delete "61." and insert  
"36."

Page 34, Section 62, Line 38: Delete "62." and insert  
"37."

Page 35, Section 63, Line 15: Delete "63." and insert  
"38."

Page 35, Section 64, Lines 49-54: Delete in entirety and  
insert new section as  
follows:  
"64. (New section) This act  
shall take effect  
immediately, except that  
sections 1 through 3 shall  
become effective for tax  
years 1997 and thereafter;  
and sections 10 and 11 shall  
apply to ordinances  
introduced after the  
effective date of this act."

Page 36, Section 64, Lines 1-8: Delete in entirety

Respectfully,

/s/ Christine Todd Whitman

GOVERNOR

[seal]

Attest:

/s/ Margaret M. Foti

Chief Counsel to the Governor

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## OFFICE OF THE GOVERNOR NEWS RELEASE

**CN-001**

**TRENTON, NJ 08625**

**CONTACT: Becky Taylor**

**Jayne Rebovich  
(609) 777-2600**

**RELEASE: Nov.13, 1995**

Gov. Christie Whitman today signed legislation to ease the financial burden of municipalities caused by state-mandated programs.

“Last week, voters clearly stated that they no longer wanted their property taxes used to fund expensive state mandates,” said Gov. Whitman. “This law gives municipalities relief from a number of the most burdensome unfunded mandates that already exist.”

The state mandate/state pay legislation, sponsored by Senators Leonard Connors (R-Atlantic/Burlington/Ocean) and John Casey (D-Burlington/Camden) and Assemblymen Jeffrey Moran and Christopher Connors, both (R-Atlantic/Burlington/Ocean), repeals, eases, or revises a number of existing state mandated programs to effect property tax savings. A constitutional amendment, approved by voters on Nov. 7, prohibits the state in the future from imposing new duties on local governments without providing funding, except in very limited circumstances specified in the amendment.

The new law:

- \*revises training requirements regarding workplace hazardous substances
- \*increases the threshold contract amount that triggers compliance with the prevailing wage statute
- \*revises the frequency of periodic monitoring of certain storm water sewer outfall lines to eliminate redundant inspections
- \*repeals the law requiring that police chiefs be paid a salary not less than 5 percent higher than that of the new highest law enforcement officers
- \*authorizes a municipality participating in the State Health Benefits Program to offer incentives to employees who opt out of the program
- \*relaxes, but does not eliminate, publication requirements with respect to municipal ordinances and budgets.