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# ASSEMBLY, No. 1183

## STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Assemblyman MICHAEL J. ARNONE**

**District 12 (Monmouth)**

**Assemblyman JOSEPH V. DORIA, JR.**

**District 31 (Hudson)**

**SYNOPSIS**

Revises certain mandates, requirements and procedures for local governments and school districts.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 2/25/2000)**

1 AN ACT revising certain mandates, requirements and procedures for  
2 local governments and school districts and amending and  
3 supplementing various parts of the statutory law.

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

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

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

25 In response to this decades long pattern of seemingly inexorable  
26 increases in burdensome mandates from Trenton, local officials  
27 repeatedly petition the Legislature for relief. In response to entreaties  
28 of local officials, various committees of several Legislatures have  
29 determined to continue to address the problem of burdensome  
30 mandates on an expedited basis through the enactment of omnibus acts  
31 that repeal or modify many of those mandates, resolve administrative  
32 ambiguities and encourage more businesslike practices. This is the  
33 third such omnibus mandate relief act.

34  
35 2. Section 1 of P.L.1978, c.97 (C.18A:40-4.3) is amended to read  
36 as follows:

37 1. Every board of education shall provide for the **[yearly]** biennial  
38 examination of every pupil between the ages of 10 and 18 for the  
39 condition known as scoliosis in accordance with standards jointly  
40 established and promulgated by the Departments of Health and  
41 Education. Such examination shall be carried out by a school  
42 physician, school nurse, physical education instructor or other school  
43 personnel properly trained in the screening process for scoliosis. Every

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

**Matter underlined thus is new matter.**

1 board of education shall further provide for the notification of the  
2 parents or guardian of any pupil suspected of having scoliosis. Such  
3 notification shall include an explanation of scoliosis, the significance  
4 of treating it at an early stage, and the public services available, after  
5 diagnosis, for such treatment.

6 (cf: P.L.1978, c.97, s.1)

7

8 3. R.S.19:31-2 is amended to read as follows:

9 19:31-2. In all counties having a superintendent of elections, the  
10 superintendent of elections is hereby constituted the commissioner of  
11 registration and in all other counties the secretary of the county board  
12 is hereby constituted the commissioner of registration.

13 The commissioner of registration shall have complete charge of the  
14 registration of all eligible voters within their respective counties.

15 The commissioner of registration shall have power to appoint  
16 temporarily, and the commissioner of registration in counties of the  
17 first class having more than 800,000 inhabitants shall have power to  
18 appoint on a permanent, or temporary basis, such number of persons,  
19 as in the commissioner's judgment may be necessary in order to carry  
20 out the provisions of this Title. All persons appointed by the  
21 commissioner of registration in counties of the first class having more  
22 than 850,000 inhabitants according to the latest federal decennial  
23 census to serve for terms of more than six months in any one year shall  
24 be in the career service of the civil service and shall be appointed, and  
25 hold their positions, in accordance with the provisions of Title 11A,  
26 Civil Service. All persons appointed by the commissioner of  
27 registration in counties of the first class having more than 600,000 but  
28 less than 850,000 inhabitants according to the latest federal decennial  
29 census to serve for terms of more than six months in any one year,  
30 other than the chief deputy and chief clerk and confidential secretary  
31 and chief custodian, shall be in the career service of the civil service  
32 and shall be appointed and hold their positions, in accordance with the  
33 provisions of Title 11A, Civil Service. Persons appointed by the  
34 commissioner of registration in such counties to serve for terms of six  
35 months or less in any one year and persons appointed by the  
36 commissioner of registration shall not be subject to any of the  
37 provisions of Title 11A, Civil Service, but shall be in the unclassified  
38 service.

39 [In each county the commissioner of registration shall submit to the  
40 Secretary of State on or before February 15 of each year a plan  
41 providing for evening registration for the primary election and on or  
42 before July 1 plans providing for evening registration for the general  
43 election, which plans shall be subject to approval by the Secretary of  
44 State.] Evening registration [shall] may be made available in the  
45 office of each commissioner of registration [between the hours of  
46 4 p.m. and 9 p.m. on the 29th day preceding the primary and general

1 elections and, in any year in which municipal elections are to be held  
2 in any municipality within the county, on the 29th day preceding those  
3 municipal elections] in accordance with a plan established by each  
4 commissioner and approved by the county board of elections.

5 In each county, the commissioner of registration may also establish  
6 a plan for out-of-office registration, including door-to-door  
7 registration.

8 Nothing in this section shall preclude [the commissioner from  
9 providing pursuant to plan evening registration in excess of the  
10 requirements of this section, or shall preclude] or in any way limit  
11 out-of-office registration conducted by persons or groups other than  
12 the commissioner.

13 The commissioner of registration shall provide such printed forms,  
14 blanks, supplies and office telephone and transportation equipment and  
15 shall prescribe such reasonable rules and regulations not inconsistent  
16 with those of the Secretary of State as are necessary in the opinion of  
17 the commissioner to carry out the provisions of this Title and any  
18 amendments or supplements thereto.

19 Subject to the limitations set forth in chapter 32 of this Title, all  
20 necessary expenses incurred, as and when certified and approved by  
21 the commissioner of registration shall be paid by the county treasurer  
22 of the county.

23 Nothing in the provisions of subtitle 2 of the Title, Municipalities  
24 and Counties (R.S.40:16-1 et seq.), shall in anywise be construed to  
25 affect, restrict or abridge the powers herein conferred on the  
26 commissioners of registration of the several counties.

27 All powers granted to the commissioner in all counties not having  
28 superintendents of elections by the provisions of this Title are hereby  
29 conferred on the county board in such counties and any and all duties  
30 conferred upon the commissioner in all counties not having a  
31 superintendent of elections by the provisions of this Title shall only be  
32 exercised and performed by such commissioner under the instructions  
33 and directions of and subject to the approval of the county board of  
34 such counties.

35 (cf: P.L.1994, c.182, s.2)

36

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

38 26:3-3. The local board in every municipality, other than a  
39 township, which is subject to the provisions of subdivision C of this  
40 article, shall be composed of not less than five nor more than seven  
41 members, except that in a city of the first class the board shall consist  
42 of 10 members, and in a city having a population of over 80,000, but  
43 not of the first class, the board shall consist of not less than five nor  
44 more than 10 members. Upon the consent of the prospective  
45 appointee, the governing body of a municipality may appoint a school  
46 nurse or the municipal physician to the local board, notwithstanding

1 that the nurse or physician is not a resident of the municipality.

2 The local board may, by ordinance, provide for the appointment of  
3 two alternate members. Notwithstanding the provisions of any other  
4 law or charter heretofore adopted, the ordinance shall provide the  
5 method of appointment of the alternate members. Alternate members  
6 shall be designated at the time of appointment by the authority  
7 appointing them as "Alternate No. 1" and "Alternate No. 2."

8 The terms of the alternate members shall be for two years, except  
9 that the terms of the alternate members first appointed shall be two  
10 years for Alternate No. 1 and one year for Alternate No. 2, so that the  
11 term of not more than one alternate member shall expire in any one  
12 year. A vacancy occurring otherwise than by expiration of term shall  
13 be filled by the appointing authority for the unexpired term only.

14 An alternate member shall not be permitted to act on any matter in  
15 which he has either directly or indirectly any personal or financial  
16 interest. An alternate member may, after public hearing if he requests  
17 one, be removed by the governing body for cause.

18 An alternate member may participate in discussions of the  
19 proceedings but may not vote except in the absence or disqualification  
20 of a regular member. A vote shall not be delayed in order that a  
21 regular member may vote instead of an alternate member. In the event  
22 that a choice must be made as to which alternate member is to vote,  
23 Alternate No. 1 shall vote first.

24 (cf: P.L.1989, c.168, s.1)

25

26 5. R.S.26:3-9 is amended to read as follows:

27 26:3-9. a. The local board in every township having a population  
28 of not more than 20,000 inhabitants [shall] may be composed of the  
29 members of the township committee, the township assessor or, if the  
30 township has a board of assessors, the township clerk, and one  
31 physician or school nurse, to be appointed by the township committee  
32 for a term of three years from the time of his appointment and until the  
33 successor is appointed. Upon the consent of the prospective  
34 appointee, the township committee may appoint, as the physician or  
35 school nurse appointment, the township physician or a school nurse to  
36 the local board, notwithstanding that the physician or nurse is not a  
37 resident of the township. The township committee may by ordinance  
38 provide for the appointment of not more than two alternate members.  
39 Alternate members shall be designated at the time of appointment as  
40 "Alternate No. 1" and "Alternate No. 2." The term of the alternate  
41 members shall be for two years, except that of the first two alternate  
42 members appointed, one shall be appointed for a term of one year so  
43 that the term of not more than one alternate member shall expire in any  
44 one year. A vacancy occurring otherwise than by expiration of term  
45 shall be filled by the appointing authority for the unexpired term only.  
46 Alternate members may participate in discussions of the proceedings

1 but may not vote except in the absence or disqualification of a regular  
2 member. A vote shall not be delayed in order that a regular member  
3 may vote instead of an alternate member. In the event that a choice  
4 must be made as to which alternate member is to vote, Alternate No.  
5 1 shall vote.

6 b. Any such township may by ordinance adopt the provisions of  
7 subdivision B of this article and thereafter shall be subject to the  
8 provisions thereof and shall not be subject to the provisions of this  
9 subdivision of this article.

10 (cf: P.L.1986, c.78, s.1)

11

12 6. R.S.26:3-10 is amended to read as follows:

13 26:3-10. The local board in every township having a population of  
14 more than twenty thousand inhabitants shall be composed of not less  
15 than five nor more than seven members who shall be appointed in such  
16 manner and hold their respective offices for such terms, not exceeding  
17 four years, as the township committee or other governing body may by  
18 ordinance provide, but the terms of not more than three members shall  
19 expire in any one year, but any such township may by ordinance adopt  
20 the provisions of subdivision B of this article and thereafter shall be  
21 subject to the provisions thereof and shall not be subject to the  
22 provisions of this subdivision of this article. Upon the consent of the  
23 prospective appointee, the township committee may appoint a school  
24 nurse or the township physician to the local board, notwithstanding  
25 that the nurse or physician is not a resident of the township.

26 (cf: P.L.1953, c.349, s.6)

27

28 7. Section 8 of P.L.1983, c.516 (C. 34:6A-32) is amended to read  
29 as follows:

30 8. The commissioner shall, in consultation with the Commissioner  
31 of Health and the Commissioner of Community Affairs and with the  
32 advice of the advisory board, promulgate all regulations which he  
33 deems necessary for the proper administration and enforcement of this  
34 act. A variance may be granted if the commissioner determines that  
35 the applicant is in compliance with the requirements for a permanent  
36 variance as set forth in subsection c. of section 15 of this act. The  
37 variance shall not be deemed to be a variation approved pursuant to  
38 the "State Uniform Construction Code Act," P.L.1975, c.217  
39 (C.52:27D-119 et seq.) or the "Uniform Fire Safety Act," P.L.1983,  
40 c.383 (C.52:27D-192 et al.) or any other building or fire safety  
41 standard or code.

42 Space leased by a public employer shall be subject to current health  
43 or safety rules and regulations. Any deficiency, including a deficiency  
44 resulting either from occupant use or deferred maintenance by the  
45 lessor, shall be subject to correction in accordance with the governing  
46 rules and regulations at the time that the deficiency is cited by the

1 commissioner or the Commissioner of Health. However, a lease of any  
2 duration may not be entered into unless the leased property is in  
3 conformance with such rules and regulations as are in effect at the time  
4 the lease is executed.

5 No fire company, first aid or rescue squad, whether paid, part-paid,  
6 or volunteer, shall be liable to the Department of Labor or the  
7 Department of Health and Senior Services for any registration or  
8 inspection fee imposed by rule or regulation with regard to the filling  
9 of air cylinders for respiratory equipment used by the fire company,  
10 first aid or rescue squad.

11 (cf: P.L.1995, c.186, s.4)

12

13 8. Section 2 of P.L.1973, c.208 (C.40:8A-2) is amended to read as  
14 follows:

15 2. As used in this act, unless the context indicates otherwise:

16 a. "Local unit" means a municipality, county, school district,  
17 authority subject to the "Local Authorities Fiscal Control Law,"  
18 P.L.1983, c.313 (C.40A:5A-1 et seq.), or a regional authority or  
19 district other than an interstate authority or district.

20 b. "Governing body" means the board, commission, council or  
21 other body having the control of the finances of a local unit; and in  
22 those local units in which an executive officer is authorized by law to  
23 participate in such control through powers of recommendation,  
24 approval or veto, the term includes such executive officer to the extent  
25 of such participation.

26 c. "Chief executive officer" means the mayor of a municipality, the  
27 elected county executive of a county, the director of the board of  
28 chosen freeholders in a county not having an elected county executive,  
29 and the chairman or other presiding officer of any other governing  
30 body.

31 d. "Service" means any of the powers, duties and functions  
32 exercised or performed by a local unit by or pursuant to law.

33 e. "Contract" means a contract authorized under section 3 of this  
34 act.

35 (cf: P.L.1973, c.208, s.2)

36

37 9. Section 3 of P.L.1973, c.208 (C.40:8A-3) is amended to read as  
38 follows:

39 3. Any local unit of this State may enter into a contract with any  
40 other local unit or units for the joint provision within their several  
41 jurisdictions of any service, including services incidental to the primary  
42 purposes of the local unit which any party to the agreement is  
43 empowered to render within its own jurisdiction. An [autonomous]  
44 authority[, board, commission or district] subject to the "Local  
45 Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et  
46 seq.), established by and within a single local unit and providing

1 service within such local unit or a part thereof may become a party to  
2 such contract with the consent of the governing body of the local unit,  
3 by resolution thereof adopted in the manner provided in section 4 of  
4 this act; and after such consent duly given, such authority[, board,  
5 commission or district] may enter into such contract by resolution  
6 without need of publication or hearing.

7 (cf: P.L.1995, c.356, s.1)

8

9 10. Section 5 of P.L.1973, c.208 (C.40:8A-5) is amended to read  
10 as follows:

11 5. a. The parties to a contract authorized by this act may agree to  
12 provide jointly, or through the agency of one more of them on behalf  
13 of any or all of them, any service or aspect of a service which any of  
14 the parties on whose behalf such services are to be performed may  
15 legally perform for itself. Such services shall include, but not be  
16 limited to, the areas of general government administration, health,  
17 police and fire protection, code enforcement, assessment and  
18 collection of taxes, financial administration, environmental services,  
19 joint municipal courts, youth, senior citizens, welfare and social  
20 services programs. Nothing in this act shall be deemed to amend or  
21 repeal any procedures for or powers of approval of any consolidated  
22 local service program which any State agency may now exercise  
23 pursuant to law.

24 b. In the case of joint agreements for the provision of services by  
25 State-certified professionals, such agreements shall provide for the  
26 payment of a salary and shall not include tenure rights in the  
27 municipality contracting to receive the service.

28 (cf: P.L.1973, c.208, s.5)

29

30 11. Section 2 of P.L.1990, c.33 (C.40:20-35.11a) is amended to  
31 read as follows:

32 2. a. When any vacancy occurs on the board of chosen freeholders  
33 otherwise than by expiration of term, it shall be filled by election for  
34 the unexpired term only at the next general election occurring not less  
35 than 60 days after the occurrence of the vacancy, except that no such  
36 vacancy shall be filled at the general election which immediately  
37 precedes the expiration of the term in which the vacancy occurs. In  
38 the event a vacancy eligible to be filled by election hereunder occurs  
39 on or before the sixth day preceding the last day for filing petitions for  
40 nomination for the primary election, such petitions may be prepared  
41 and filed for nomination in that primary election in the manner  
42 provided by article 3 of chapter 23 of Title 19 of the Revised Statutes.  
43 In the event the vacancy occurs after that sixth day preceding the last  
44 day for filing petitions for nomination for the primary election, or if the  
45 vacancy occurs on or before the sixth day preceding the last day for  
46 filing petitions for nomination for the primary election but no such

1 petition has been filed with respect to a given political party, each  
2 political party, or that party respectively, may select a candidate for  
3 the office in question in the manner prescribed in subsections a. and b.  
4 of R.S.19:13-20 for selecting candidates to fill vacancies among  
5 candidates nominated at primary elections. A statement of such  
6 selection under R.S.19:13-20 shall be filed with the county clerk not  
7 later than the 48th day preceding the date of the general election.

8 Besides the selection of candidates by each political party,  
9 candidates may also be nominated by petition in a manner similar to  
10 direct nomination by petition for the general election; but if the  
11 candidate of any party to fill the vacancy will be chosen at a primary  
12 election, such petition shall be filed with the county clerk at least  
13 55 days prior to the primary election; and if no candidate of any party  
14 will be chosen at a primary election, such petition shall be filed with  
15 the county clerk not later than 12 o'clock noon of the day on which the  
16 first selection meeting by any party is held under this section to select  
17 a nominee to fill the vacancy.

18 The county clerk shall print on the ballots for the territory affected,  
19 in the personal choice column, the title of office and leave a proper  
20 space under such title of office; and print the title of office and the  
21 names of such persons as have been duly nominated, in their proper  
22 columns.

23 b. Notwithstanding subsection a. of this section, if at any time after  
24 an election for a member of the board of chosen freeholders and before  
25 the time fixed for the commencement of the term of the office, the  
26 person elected to that office dies, the county committee of the political  
27 party of which the person elected was the nominee shall appoint  
28 another person to fill the position until the next general election. If the  
29 person elected was not the nominee of a political party, on or within  
30 30 days after the time fixed for the commencement of the term of  
31 office, the governing body shall appoint a successor to fill the office  
32 until the next general election without regard to party.

33 (cf: P.L.1990, c.33, s.2)

34

35 12. Section 5 of P.L.1990, c.33 (C.40:41A-145.1) is amended to  
36 read as follows:

37 5. a. When any vacancy occurs on the board of chosen freeholders  
38 otherwise than by expiration of term, it shall be filled by election for  
39 the unexpired term only at the next general election occurring not less  
40 than 60 days after the occurrence of the vacancy, except that no such  
41 vacancy shall be filled at the general election which immediately  
42 precedes the expiration of the term in which the vacancy occurs. In  
43 the event a vacancy eligible to be filled by election hereunder occurs  
44 on or before the sixth day preceding the last day for filing petitions for  
45 nomination for the primary election, such petitions may be prepared  
46 and filed for nomination in that primary election in the manner

1 provided by article 3 of chapter 23 of Title 19 of the Revised Statutes.  
2 In the event the vacancy occurs after that sixth day preceding the last  
3 day for filing petitions for nomination for the primary election, or if the  
4 vacancy occurs on or before the sixth day preceding the last day for  
5 filing petitions for nomination for the primary election but no such  
6 petition has been filed with respect to a given political party, each  
7 political party, or that party respectively, may select a candidate for  
8 the office in question in the manner prescribed in subsections a. and b.  
9 of R.S.19:13-20 for selecting candidates to fill vacancies among  
10 candidates nominated at primary elections. A statement of such  
11 selection under R.S.19:13-20 shall be filed with the county clerk not  
12 later than the 48th day preceding the date of the general election.

13 Besides the selection of candidates by each political party,  
14 candidates may also be nominated by petition in a manner similar to  
15 direct nomination by petition for the general election; but if the  
16 candidate of any party to fill the vacancy will be chosen at a primary  
17 election, such petition shall be filed with the county clerk at least  
18 55 days prior to the primary election; and if no candidate of any party  
19 will be chosen at a primary election, such petition shall be filed with  
20 the county clerk not later than 12 o'clock noon of the day on which the  
21 first selection meeting by any party is held under this section to select  
22 a nominee to fill the vacancy.

23 The county clerk shall print on the ballots for the territory affected,  
24 in the personal choice column, the title of office and leave a proper  
25 space under such title of office; and print the title of office and the  
26 names of such persons as have been duly nominated, in their proper  
27 columns.

28 b. Notwithstanding subsection a. of this section, if at any time after  
29 an election for the office of county executive or for a member of the  
30 freeholder board and before the time fixed for the commencement of  
31 the term of the office, the person elected to that office dies, the county  
32 committee of the political party of which the person elected was the  
33 nominee shall appoint another person to fill the position until the next  
34 general election. If the person elected was not the nominee of a  
35 political party, on or within 30 days after the time fixed for the  
36 commencement of the term of office, the governing body shall appoint  
37 a successor to fill the office until the next general election without  
38 regard to party.

39 (cf: P.L.1990, c.33, s.5)

40

41 13. Section 1 of P.L.1956, c.176 (C.40:45A-1) is amended to read  
42 as follows:

43 1. Notwithstanding any other provision of law, the governing body  
44 of a municipality in which any of the members of the governing body  
45 are elected for terms commencing January 1 may, by [ordinance]  
46 resolution, fix the date and time of its annual organization or

1 reorganization meeting at 12 o'clock noon on January 1, or at some  
2 other hour on any day during the first week in January.

3 (cf: P.L.1981, c.79, s.1)

4

5 14. Section 3 of P.L.1991, c.54 (C.40:66-10) is amended to read  
6 as follows:

7 3. The governing body of any municipality which operated a solid  
8 waste collection district as of December 31, 1989, shall [, by  
9 ordinance and subject to the approval of the Local Finance Board of  
10 the Department of Community Affairs,] determine the amount of  
11 money necessary for the support of the solid waste collection district.  
12 The amount so determined shall [be assessed on the value of all  
13 taxable property within the district and collected as taxes are collected  
14 and be controlled and expended by the municipality for the purposes  
15 herein specified. The ordinance shall specify that any assessment made  
16 pursuant to this section is to be used solely to provide for the support  
17 of the solid waste collection district. Any municipality which adopts  
18 an ordinance pursuant to this section shall, within 10 days following  
19 the adoption of the ordinance, forward a copy to the Division of Local  
20 Government Services in the Department of Community Affairs]  
21 become part of the municipal budget and subject to approval by the  
22 director.

23 (cf: P.L.1991, c.54, s.3)

24

25 15. N.J.S.40A:2-8 is amended to read as follows:

26 40A:2-8. a. A local unit, in anticipation of the issuance of bonds,  
27 may borrow money and issue negotiable notes if the bond ordinance  
28 or subsequent resolution so provides. Any such note shall be  
29 designated "bond anticipation note" and shall contain a recital that it  
30 is issued in anticipation of the issuance of bonds. Such notes may be  
31 issued for a period of not exceeding one year and may be renewed  
32 from time to time for periods of not exceeding one year, but all such  
33 notes, including renewals, shall mature and be paid not later than the  
34 [tenth anniversary of the date of the original notes] first day of the  
35 fifth month following the close of the tenth fiscal year next following  
36 the date of the original notes, provided, however, that no such notes  
37 shall be renewed beyond the third anniversary date of the original  
38 notes unless an amount of such notes, at least equal to the first legally  
39 payable installment of the bonds in anticipation of which said notes are  
40 issued, is paid and retired from funds other than the proceeds of  
41 obligations on or before each anniversary date of the original notes  
42 beginning with said third anniversary date [and, if such notes are  
43 renewed beyond the fourth anniversary date of the original notes, a  
44 like amount is paid or retired on or before said fourth anniversary date  
45 from funds other than the proceeds of obligations, except that:

46 1. Such notes shall mature and be paid not later than the first day

1 of the fifth month following the close of the tenth fiscal year next  
2 following the date of the original notes, provided that, in addition to  
3 amounts paid and retired pursuant to paragraph a. above, an amount  
4 of such notes equal to not less than the first legally payable installment  
5 of the bonds in anticipation of which such notes are issued has been  
6 paid and retired not later than the end of said fifth fiscal year from  
7 funds other than the proceeds of obligations; and

8 2. Notes issued to finance local improvements and in an amount  
9 not exceeding the amount of special assessments then confirmed and  
10 unpaid and not delinquent may be renewed for periods of not  
11 exceeding one year but shall mature and be paid not later than the fifth  
12 anniversary of the date of the original notes].

13 b. A local unit may finance any improvement which it has power to  
14 finance by obligations issued under this chapter by the issuance of  
15 "capital notes." The aggregate amount of all such notes outstanding  
16 at any one time shall not exceed the lesser of [\$200,000.00]  
17 \$1,000,000 or 1/2 of 1% of the equalized valuation basis. Such notes  
18 shall be authorized in the same manner as bond anticipation notes and  
19 shall be payable from funds other than the proceeds of obligations  
20 within five years from the date of the issuance of the first of said notes  
21 and not less than 20% thereof shall be paid in each succeeding year.  
22 The local unit shall provide for the payment of the principal of, and  
23 interest on such notes falling due in each year.

24 c. The local finance board shall issue, in the manner prescribed by  
25 law, such rules and regulations as are necessary to the implementation  
26 and execution of this act.

27 (cf: P.L.1990, c.112, s.1)

28

29 16. N.J.S.40A:2-17 is amended to read as follows:

30 40A:2-17. a. Introduction.

31 A bond ordinance shall be introduced in writing at a meeting of the  
32 governing body and shall be passed upon first reading, which may be  
33 by title.

34 b. Publication, hearing and adoption.

35 The bond ordinance, or a summary thereof, shall be published after  
36 first reading, together with notice of the introduction thereof and of  
37 the date, which shall be at least 10 days after introduction and first  
38 reading, and the time and place of further consideration for final  
39 passage, which may be at an adjournment of such meeting or another  
40 meeting. If a summary is published, the summary shall contain a clear  
41 and concise statement prepared by the clerk of the governing body  
42 setting forth the purpose of the ordinance and the time and place when  
43 and where a copy of the ordinance can be obtained, without cost, by  
44 any member of the general public residing in the local unit.

45 Such publication shall be at least 1 week prior to the date for  
46 further consideration. At the time and place so advertised, or at any

1 time and place to which such meeting or further consideration shall  
2 from time to time be adjourned, such bond ordinance may be read by  
3 its title, if,

4 (1) at least 1 week prior to such date or further consideration,  
5 there shall have been posted, on the bulletin board or other place upon  
6 which public notices are customarily posted in the principal municipal  
7 building of the municipality,

8 (a) a copy of such bond ordinance or summary, and

9 (b) a notice that copies of such bond ordinance will be made  
10 available during such week and up to and including the date of such  
11 meeting or further consideration to the members of the general public  
12 of the municipality who shall request such copies, naming the place at  
13 which such copies will be so made available, and

14 (2) such copies of said bond ordinance shall have been made  
15 available accordingly, but otherwise such bond ordinance shall be read  
16 in full. All persons interested shall then be given an opportunity to be  
17 heard.

18 After the duplicate of the supplemental debt statement has been  
19 filed in the office of the director, and after such hearing, the governing  
20 body may proceed to amend the bond ordinance and thereupon finally  
21 adopt or reject it, with or without amendments.

22 If any amendment is adopted substantially altering matters required  
23 by this chapter to be contained in the bond ordinance, such amended  
24 bond ordinance shall not be finally adopted until at least 1 week  
25 thereafter and until the bond ordinance or a summary of it shall have  
26 been published once at least 2 days prior to the date for further  
27 consideration, together with notice of the date, time and place at  
28 which it will be further considered for final adoption. At the time and  
29 place so advertised, or at any time and place to which such meeting or  
30 further consideration shall from time to time be adjourned, such  
31 amended bond ordinance may be read by its title, if,

32 (1) at least 1 week prior to such date or further consideration,  
33 there shall have been posted, on the bulletin board or other place upon  
34 which public notices are customarily posted in the principal municipal  
35 building of the municipality,

36 (a) a copy of such bond ordinance or summary, and

37 (b) a notice that copies of such bond ordinance will be made  
38 available during such week and up to and including the date of such  
39 meeting or further consideration to the members of the general public  
40 of the municipality who shall request such copies, naming the place at  
41 which such copies will be so made available, and

42 (2) such copies of said bond ordinance shall have been made  
43 available accordingly, but otherwise such bond ordinance shall be read  
44 in full. All persons interested shall again be given an opportunity to be  
45 heard. After such hearing, the governing body may proceed to reject,  
46 finally adopt or further amend such bond ordinance.

1 A bond ordinance shall be finally adopted by the recorded  
2 affirmative votes of at least 2/3 of the full membership of the  
3 governing body. In a local unit in which the approval of any officer is  
4 required to make an ordinance or resolution effective, such bond  
5 ordinance shall be so approved, or passed over veto before it shall be  
6 published after final adoption.

7 c. Final publication with statement.

8 Every bond ordinance shall be published either in full or in summary  
9 form after final adoption, together with a statement in substantially the  
10 following form:

11  
12 STATEMENT

13  
14 The bond ordinance published herewith has been finally adopted  
15 and the 20-day period of limitation within which a suit, action or  
16 proceeding questioning the validity of such ordinance can be  
17 commenced, as provided in the Local Bond Law has begun to run  
18 from the date of the first publication of this statement.

19 \_\_\_\_\_  
20 Clerk.

21 (cf: P.L.1963, c.153, s.1)

22  
23 17. N.J.S.40A:2-18 is amended to read as follows:

24 40A:2-18. A bond ordinance shall take effect 20 days after the first  
25 publication of the ordinance or of a summary thereof after final  
26 adoption. A bond ordinance which authorizes obligations to fund,  
27 refund, renew, extend or retire obligations issued or authorized  
28 pursuant to this chapter, or notes or bonds issued or authorized  
29 pursuant to any act of which this chapter is a revision shall not be  
30 subject to referendum.

31 (cf: N.J.S.40A:2-18)

32  
33 18. Section 2 of P.L.1991, c.75 (C.40A:4-3.1) is amended to read  
34 as follows:

35 2. [Except as provided hereunder, any municipality which has a  
36 population of over 35,000 according to the most recent federal  
37 decennial census or the latest available State population estimates,  
38 Population Estimates for New Jersey, issued by Occupational and  
39 Demographic Research in the Division of Labor Market and  
40 Demographic Research of the New Jersey Department of Labor,  
41 whichever is more recent, or any municipality which received in State  
42 fiscal year 1990 or 1991 State funds under the "Special Municipal Aid  
43 Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.) now referred to as the  
44 Municipal Revitalization Program, shall be required hereafter to  
45 operate on the State fiscal year. Any municipality whose fiscal year is  
46 changed pursuant to this section shall prepare a transition year budget

1 to cover the January 1 to June 30 period prior to the beginning of its  
2 first State fiscal year.

3 Any municipality which fulfills the abovementioned criteria may  
4 apply to the director to maintain its fiscal year on a calendar year  
5 basis. An application for an exception shall include a copy of a  
6 resolution to maintain the existing budget year, adopted by a majority  
7 vote of the governing body prior to or concurrent with the  
8 introduction of the municipal budget.

9 If the director determines that it is beneficial for the municipality or  
10 its taxpayers to change to the State fiscal year, the director may deny  
11 the application for an exception.] a. Except as provided in subsection  
12 b. of this section, any municipality operating under the State fiscal  
13 year as of January 1, 1997 shall continue to operate under the State  
14 fiscal year; and any municipality which was required to change to the  
15 State fiscal year but failed to implement the change shall continue to  
16 operate under the calendar year fiscal year.

17 b. Any municipality may apply to the Local Finance Board for  
18 approval to convert to the State fiscal year, and the Board shall  
19 approve the conversion if it finds it is in the interest of the taxpayers  
20 of the municipality to change. Any municipality whose fiscal year is  
21 changed pursuant to this section shall prepare a transition year budget  
22 to cover the period between January 1 and June 30 prior to the  
23 beginning of its first State fiscal year.

24 (cf: P.L.1991, c.75, s.2)

25

26 19. N.J.S.40A:4-27 is amended to read as follows:

27 40A:4-27. A local unit may anticipate as a miscellaneous revenue  
28 the total amount of all payments due and payable to the local unit  
29 during the fiscal year, directly or indirectly as a result of the sale of  
30 property by the local unit, when the obligation to make such payment  
31 is entered into prior to [February 10 of the calendar fiscal year, or by  
32 August 10 of the State fiscal year] the adoption of the budget.

33 (cf: P.L.1994, c.72, s.13)

34

35 20. N.J.S.40A:4-41 is amended to read as follows:

36 40A:4-41. a. For the purpose of determining the amount of the  
37 appropriation for "reserve for uncollected taxes" required to be  
38 included in each annual budget where less than 100% of current tax  
39 collections may be and are anticipated, anticipated cash receipts shall  
40 be as set forth in the budget of the current year, and in accordance  
41 with the limitations of statute for anticipated revenue from, surplus  
42 appropriated, miscellaneous revenues and receipts from delinquent  
43 taxes.

44 b. Receipts from the collection of taxes levied or to be levied in the  
45 municipality, or in the case of a county for general county purposes  
46 and payable in the fiscal year shall be anticipated in an amount which

1 is not in excess of the percentage of taxes levied and payable during  
2 the next preceding fiscal year which was received in cash by the last  
3 day of the preceding fiscal year.

4 c. (1) For any municipality in which tax appeal judgments have  
5 been awarded to property owners from action of the county tax board  
6 pursuant to R.S.54:3-21 et seq., or the State tax court pursuant to  
7 R.S.54:48-1 et seq. in the preceding fiscal year, the governing body of  
8 the municipality may elect to determine the reserve for uncollected  
9 taxes by using the average of the percentages of taxes levied which  
10 were received in cash by the last day of each of the three preceding  
11 fiscal years. Election of this choice shall be made by resolution,  
12 approved by a majority vote of the full membership of the governing  
13 body prior to the introduction of the annual budget pursuant to  
14 N.J.S.40A:4-5.

15 (2) If the amount of tax reductions resulting from tax appeal  
16 judgments of the county tax board pursuant to R.S.54:3-21 et seq., or  
17 the State tax court pursuant to R.S.54:48-1 et seq., for the previous  
18 fiscal year exceeds 1% of the tax levy for that previous fiscal year, the  
19 governing body of the municipality may elect to calculate the current  
20 year reserve for uncollected taxes by reducing the certified tax levy of  
21 the prior year by the amount of the tax levy adjustments resulting from  
22 those judgments. Election of this choice shall be made by resolution,  
23 approved by a majority vote of the full membership of the governing  
24 body prior to the introduction of the annual budget pursuant to  
25 N.J.S.40A:4-5.

26 d. The director may promulgate rules and regulations to permit a  
27 three-year average to be used to determine the amount required for the  
28 reserve for uncollected taxes for municipalities to which subsection c.  
29 of this section is not applicable.

30 (cf: P.L.1997, c.28, s.1)

31

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

34 3. In the preparation of its budget a municipality shall limit any  
35 increase in said budget to 5% or the index rate, whichever is less, over  
36 the previous year's final appropriations subject to the following  
37 exceptions:

38 a. (Deleted by amendment, P.L.1990, c.89.)

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

44 c. (1) An increase based upon emergency temporary appropriations  
45 made pursuant to N.J.S.40A:4-20 to meet an urgent situation or event  
46 which immediately endangers the health, safety or property of the

1 residents of the municipality, and over which the governing body had  
2 no control and for which it could not plan and emergency  
3 appropriations made pursuant to N.J.S.40A:4-46. Emergency  
4 temporary appropriations and emergency appropriations shall be  
5 approved by at least two-thirds of the governing body and by the  
6 Director of the Division of Local Government Services, and shall not  
7 exceed in the aggregate 3% of the previous year's final current  
8 operating appropriations.

9 (2) (Deleted by amendment, P.L.1990, c.89.)

10 The approval procedure in this subsection shall not apply to  
11 appropriations adopted for a purpose referred to in subsection d. or j.  
12 below;

13 d. All debt service, including that of a Type I school district;

14 e. Upon the approval of the Local Finance Board in the Division  
15 of Local Government Services, amounts required for funding a  
16 preceding year's deficit;

17 f. Amounts reserved for uncollected taxes;

18 g. (Deleted by amendment, P.L.1990, c.89.)

19 h. Expenditure of amounts derived from new or increased  
20 construction, housing, health or fire safety inspection or other service  
21 fees imposed by State law, rule or regulation or by local ordinance;

22 i. Any amount approved by any referendum;

23 j. Amounts required to be paid pursuant to (1) any contract with  
24 respect to use, service or provision of any project, facility or public  
25 improvement for water, sewerage, parking, senior citizen housing or  
26 any similar purpose, or payments on account of debt service therefor,  
27 between a municipality and any other municipality, county, school or  
28 other district, agency, authority, commission, instrumentality, public  
29 corporation, body corporate and politic or political subdivision of this  
30 State; (2) the provisions of article 9 of P.L.1968, c.404 (C.13:17-60  
31 through 13:17-76) by a constituent municipality to the intermunicipal  
32 account; (3) any lease of a facility owned by a county improvement  
33 authority when the lease payment represents the proportionate amount  
34 necessary to amortize the debt incurred by the authority in providing  
35 the facility which is leased, in whole or in part; and (4) any repayments  
36 under a loan agreement entered into in accordance with the provisions  
37 of section 5 of P.L.1992, c.89.

38 k. Deleted by amendment, P.L.1987, c.74.)

39 l. Appropriations of federal, county, independent authority or State  
40 funds, or by grants from private parties or nonprofit organizations for  
41 a specific purpose, and amounts received or to be received from such  
42 sources in reimbursement for local expenditures. If a municipality  
43 provides matching funds in order to receive the federal, county,  
44 independent authority or State funds, or the grants from private parties  
45 or nonprofit organizations for a specific purpose, the amount of the  
46 match which is required by law or agreement to be provided by the

- 1 municipality shall be excepted;
- 2 m. (Deleted by amendment, P.L.1987, c.74.)
- 3 n. (Deleted by amendment, P.L.1987, c.74.)
- 4 o. (Deleted by amendment, P.L.1990, c.89.)
- 5 p. (Deleted by amendment, P.L.1987, c.74.)
- 6 q. (Deleted by amendment, P.L.1990, c.89.)
- 7 r. Amounts expended to fund a free public library established
- 8 pursuant to the provisions of R.S.40:54-1 through 40:54-29, inclusive;
- 9 s. (Deleted by amendment, P.L.1990, c.89.)
- 10 t. Amounts expended in preparing and implementing a housing
- 11 element and fair share plan pursuant to the provisions of P.L.1985,
- 12 c.222 (C.52:27D-301 et al.) and any amounts received by a
- 13 municipality under a regional contribution agreement pursuant to
- 14 section 12 of that act;
- 15 u. Amounts expended to meet the standards established pursuant
- 16 to the "New Jersey Public Employees' Occupational Safety and Health
- 17 Act," P.L.1983, c.516 (C.34:6A-25 et seq.);
- 18 v. (Deleted by amendment, P.L.1990, c.89.)
- 19 w. Amounts appropriated for expenditures resulting from the
- 20 impact of a hazardous waste facility as described in subsection c. of
- 21 section 32 of P.L.1981, c.279 (C.13:1E-80);
- 22 x. Amounts expended to aid privately owned libraries and reading
- 23 rooms, pursuant to R.S.40:54-35;
- 24 y. (Deleted by amendment, P.L.1990, c.89.)
- 25 z. (Deleted by amendment, P.L.1990, c.89.)
- 26 aa. Extraordinary expenses, approved by the Local Finance Board,
- 27 required for the implementation of an interlocal services agreement;
- 28 bb. Any expenditure mandated as a result of a natural disaster, civil
- 29 disturbance or other emergency that is specifically authorized pursuant
- 30 to a declaration of an emergency by the President of the United States
- 31 or by the Governor;
- 32 cc. Expenditures for the cost of services mandated by any order of
- 33 court, by any federal or State statute, or by administrative rule,
- 34 directive, order, or other legally binding device issued by a State
- 35 agency which has identified such cost as mandated expenditures on
- 36 certification to the Local Finance Board by the State agency;
- 37 dd. Expenditures of amounts actually realized in the local budget
- 38 year from the sale of municipal assets if appropriated for non-recurring
- 39 purposes or otherwise approved by the director;
- 40 ee. Any local unit which is determined to be experiencing fiscal
- 41 distress pursuant to the provisions of P.L.1987, c.75
- 42 (C.52:27D-118.24 et seq.), whether or not a local unit is an "eligible
- 43 municipality" as defined in section 3 of P.L.1987, c.75
- 44 (C.52:27D-118.26), and which has available surplus pursuant to the
- 45 spending limitations imposed by P.L.1976, c.68 (C.40A:4-45.1 et
- 46 seq.), may appropriate and expend an amount of that surplus approved

1 by the director and the Local Finance Board as an exception to the  
2 spending limitation. Any determination approving the appropriation  
3 and expenditure of surplus as an exception to the spending limitations  
4 shall be based upon:

5 1) the local unit's revenue needs for the current local budget year  
6 and its revenue raising capacity;

7 2) the intended actions of the governing body of the local unit to  
8 meet the local unit's revenue needs;

9 3) the intended actions of the governing body of the local unit to  
10 expand its revenue generating capacity for subsequent local budget  
11 years;

12 4) the local unit's ability to demonstrate the source and existence  
13 of sufficient surplus as would be prudent to appropriate as an  
14 exception to the spending limitations to meet the operating expenses  
15 for the local unit's current budget year; and

16 5) the impact of utilization of surplus upon succeeding budgets of  
17 the local unit;

18 ff. Amounts expended for the staffing and operation of the  
19 municipal court;

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

24 hh. Amounts appropriated for the cost of implementing an  
25 estimated tax billing system and the issuance of tax bills thereunder  
26 pursuant to section 3 of P.L.1994, c.72 (C.54:4-66.2);

27 ii. Expenditures related to the cost of conducting and implementing  
28 a total property tax levy sale pursuant to section 16 of P.L.1997, c.99  
29 (C.54:5-113.5);

30 jj. Amounts expended for a length of service award program  
31 pursuant to P.L.1997, c.388 (C.40A:14-183 et al.);

32 kk. Amounts expended by a municipality under an interlocal  
33 services agreement entered into pursuant to the "Interlocal Services  
34 Act," P.L.1973, c.208 (C.40:8A-1 et seq.) entered into after the  
35 effective date of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (now pending  
36 before the Legislature as this bill). The governing body of the  
37 municipality that will receive the service may choose to allow the  
38 amount of projected annual savings to be added to the amount of final  
39 appropriations upon which its permissible expenditures are calculated  
40 pursuant to section 2 of P.L.1976, c.68 (C.40A:4-45.2);

41 ll. Amounts expended under a joint contract pursuant to the  
42 "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et  
43 seq.) entered into after the effective date of P.L. \_\_\_\_\_, c. \_\_\_\_\_  
44 (C. \_\_\_\_\_) (now pending before the Legislature as this bill). The  
45 governing body of each participating municipality may choose to allow  
46 the amount of projected annual savings to be added to the amount of

1 final appropriations upon which its permissible expenditures are  
2 calculated pursuant to section 2 of P.L.1976, c.68 (C.40A:4-45.2).

3 (cf: P.L.1997, c.388, s.12)

4

5 22. Section 4 of P.L.1976, c.68 (C.40A:4-45.4) is amended to read  
6 as follows:

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

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

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

21 c. (1) An increase based upon emergency temporary appropriations  
22 made pursuant to N.J.S.40A:4-20 to meet an urgent situation or event  
23 which immediately endangers the health, safety or property of the  
24 residents of the county, and over which the governing body had no  
25 control and for which it could not plan and emergency appropriations  
26 made pursuant to N.J.S.40A:4-46. Emergency temporary  
27 appropriations and emergency appropriations shall be approved by at  
28 least two-thirds of the governing body and by the Director of the  
29 Division of Local Government Services, and shall not exceed in the  
30 aggregate 3% of the previous year's final current operating  
31 appropriations.

32 (2) (Deleted by amendment, P.L.1990, c.89.)

33 The approval procedure in this subsection shall not apply to  
34 appropriations adopted for a purpose referred to in subsection d. or f.  
35 below;

36 d. All debt service;

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

38 f. Amounts required to be paid pursuant to (1) any contract with  
39 respect to use, service or provision of any project, facility or public  
40 improvement for water, sewerage, parking, senior citizen housing or  
41 any similar purpose, or payments on account of debt service therefor,  
42 between a county and any other county, municipality, school or other  
43 district, agency, authority, commission, instrumentality, public  
44 corporation, body corporate and politic or political subdivision of this  
45 State; and (2) any lease of a facility owned by a county improvement  
46 authority when the lease payment represents the proportionate amount

- 1 necessary to amortize the debt incurred by the authority in providing  
2 the facility which is leased, in whole or in part;
- 3 g. That portion of the county tax levy which represents funding to  
4 participate in any federal or State aid program and amounts received  
5 or to be received from federal, State or other funds in reimbursement  
6 for local expenditures. If a county provides matching funds in order  
7 to receive the federal or State or other funds, only the amount of the  
8 match which is required by law or agreement to be provided by the  
9 county shall be excepted;
- 10 h. (Deleted by amendment, P.L.1987, c.74.)
- 11 i. (Deleted by amendment, P.L.1990, c.89.)
- 12 j. (Deleted by amendment, P.L.1990, c.89.)
- 13 k. (Deleted by amendment, P.L.1990, c.89.)
- 14 l. Amounts expended to meet the standards established pursuant to  
15 the "New Jersey Public Employees' Occupational Safety and Health  
16 Act," P.L.1983, c.516 (C.34:6A-25 et seq.);
- 17 m. (Deleted by amendment, P.L.1990, c.89.)
- 18 n. (Deleted by amendment, P.L.1990, c.89.)
- 19 o. (Deleted by amendment, P.L.1990, c.89.)
- 20 p. Extraordinary expenses, approved by the Local Finance Board,  
21 required for the implementation of an interlocal services agreement;
- 22 q. Any expenditure mandated as a result of a natural disaster, civil  
23 disturbance or other emergency that is specifically authorized pursuant  
24 to a declaration of an emergency by the President of the United States  
25 or by the Governor;
- 26 r. Expenditures for the cost of services mandated by any order of  
27 court, by any federal or State statute, or by administrative rule,  
28 directive, order, or other legally binding device issued by a State  
29 agency which has identified such cost as mandated expenditures on  
30 certification to the Local Finance Board by the State agency;
- 31 s. That portion of the county tax levy which represents funding to  
32 a county college in excess of the county tax levy required to fund the  
33 county college in local budget year 1992;
- 34 t. Amounts appropriated for the cost of administering a joint  
35 insurance fund established pursuant to subsection b. of section 1 of  
36 P.L.1983, c.372 (C.40A:10-36), but not including appropriations for  
37 claims payments by local member units;
- 38 u. Expenditures for the administration of general public assistance  
39 pursuant to P.L.1995, c.259 (C.40A:4-6.1 et al.);
- 40 v. Amounts in a separate line item of a county budget that are  
41 expended on tick-borne disease vector management activities  
42 undertaken pursuant to P.L.1997, c.52 (C.26:2P-7 et al.);
- 43 w. Amounts expended by a county under an interlocal services  
44 agreement entered into pursuant to the "Interlocal Services Act,"  
45 P.L.1973, c.208 (C.40:8A-1 et seq.) entered into after the effective  
46 date of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (now pending before the

1 Legislature as this bill) or amounts expended under a joint contract  
2 pursuant to the "Consolidated Municipal Service Act," P.L.1952, c.72  
3 (C.40:48B-1 et seq.) entered into after the effective date of P.L. \_\_\_\_\_,  
4 c. \_\_\_\_\_ (C. \_\_\_\_\_) (now pending before the Legislature as this  
5 bill).  
6 (cf: P.L.1997, c.52, s.3)

7

8 23. N.J.S.40A:5-16 is amended to read as follows:

9 40A:5-16. The governing body of any local unit shall not pay out  
10 any of its moneys

11 a. unless the person claiming or receiving the same shall first  
12 present a detailed bill of items or demand, specifying particularly how  
13 the bill or demand is made up, with the certification of the party  
14 claiming payment that it is correct. The governing body may, by  
15 resolution, require an affidavit in lieu of the said certification, and the  
16 clerk or disbursing officer of the local unit may take such affidavit  
17 without cost, and

18 b. unless it carries a certification of some officer or duly designated  
19 employee of the local unit having knowledge of the facts that the  
20 goods have been received by, or the services rendered to, the local  
21 unit.

22 c. Notwithstanding the provisions of subsections a. and b. of this  
23 section, upon adoption by the Local Finance Board of rules adopted  
24 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
25 (C.52:14B-1 et seq.) that provide for procedures to be followed by  
26 local units and under those circumstances deemed appropriate by the  
27 board, a local unit shall be permitted to pay out its moneys without  
28 requiring a certification of the party claiming payment as otherwise  
29 required by subsection a. or b. of this section. Such circumstances  
30 may include, but shall not be limited to:

31 (1) when payment to vendors is required in advance of the delivery  
32 of certain materials or services that cannot be obtained from any other  
33 source at comparable prices; or

34 (2) when ordering, billing and payment transactions for goods or  
35 services are made through a computerized electronic transaction; or

36 (3) when claim or demand is less than a threshold set by the board  
37 and the certification is not readily obtainable by the contracting unit;  
38 but such exceptions shall not include reimbursement of employee  
39 expenses or payment for personal services.

40 (cf: N.J.S.40A:5-16)

41

42 24. N.J.S.40A:9-141 is amended to read as follows:

43 40A:9-141. Notwithstanding any other law the governing body or  
44 chief executive, as shall be appropriate to the form of government of  
45 the municipality, by ordinance, shall provide for the appointment of a  
46 municipal tax collector and the compensation of the tax collector shall

1 be fixed in the manner otherwise provided by law. The governing  
2 body may, by ~~[ordinance]~~ resolution, set appropriate hours of  
3 operation of the tax collector's office and the work hours of the tax  
4 collector, commensurate with the compensation paid to the tax  
5 collector, and all personnel assigned to the tax collector's office. The  
6 office of municipal tax collector and municipal treasurer, or municipal  
7 clerk may be held by the same person.

8 (cf: P.L.1994, c.75, s.1)

9

10 25. N.J.S.40A:9-146 is amended to read as follows:

11 40A:9-146. The governing body or chief executive, as shall be  
12 appropriate to the form of government of the municipality shall  
13 provide for the appointment of a tax assessor and such deputy tax  
14 assessors as it may determine necessary. The appointing authority  
15 may, by resolution or order as appropriate, set the total number of  
16 weekly hours of operation of the tax assessor's office and the total  
17 number of weekly work hours of the tax assessor, commensurate with  
18 the compensation paid to the tax assessor. The appointing authority  
19 shall not set the specific work hours of the tax assessor. The  
20 governing body, by ordinance, shall determine the amount of  
21 compensation of such assessors.

22 (cf: P.L.1981, c.393, s.1)

23

24 26. N.J.S.40A:10-6 is amended to read as follows:

25 40A:10-6. The governing body of any local unit may establish an  
26 insurance fund for the following purposes:

27 a. To insure against any loss or damage however caused to any  
28 property, motor vehicles, equipment or apparatus owned by it, or  
29 owned by or under the control of any of its departments, boards,  
30 agencies or commissions;

31 b. To insure against liability resulting from the use or operation of  
32 motor vehicles, equipment or apparatus owned by or controlled by it,  
33 or owned by or under the control of any of its departments, boards,  
34 agencies or commissions;

35 c. To insure against liability for its negligence and that of its  
36 officers, employees and servants, whether or not compensated or  
37 part-time, who are authorized to perform any act or services, but not  
38 including an independent contractor within the limitations of the "New  
39 Jersey Tort Claims Act" (N.J.S.59:1-1 et seq.);

40 d. To provide contributory or noncontributory self-funded, or  
41 partially self-funded, health insurance to employees or their  
42 dependants, or both, except for employees, or their dependents, of  
43 boards of education, jointure commissions, educational service  
44 commissions, county special services school districts, county  
45 vocational-technical schools, and county colleges, in accordance with  
46 rules and regulations of the Director of the Division of Local

1 Government Services in the Department of Community Affairs. The  
2 establishment and operation of an insurance fund to provide health  
3 insurance by a local unit prior to the effective date of P.L. , c.  
4 (C. ) (now pending before the Legislature as this bill) is hereby  
5 validated; however, any such insurance fund shall comply with all rules  
6 and regulations promulgated by the director pursuant to this  
7 subsection.

8 The governing body may appropriate the moneys necessary for the  
9 purposes of this section.

10 (cf: N.J.S.40A:10-6)

11  
12 27. Section 37 of P.L.1995, c.259 (C.40A:10-17.1) is amended to  
13 read as follows:

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

44 (cf: P.L.1995, c.259, s.37)

45  
46 28. Section 13 of P.L.1971, c.199 (C.40A:12-13) is amended to

1 read as follows:

2 13. Sales of real property, capital improvements or personal  
3 property; exceptions; procedure. Any county or municipality may sell  
4 any real property, capital improvement or personal property, or  
5 interests therein, not needed for public use, as set forth in the  
6 resolution or ordinance authorizing the sale, other than county or  
7 municipal lands, real property otherwise dedicated or restricted  
8 pursuant to law, and, except as otherwise provided by law, all such  
9 sales shall be made by one of the following methods:

10 (a) By open public sale at auction to the highest bidder after  
11 advertisement thereof in a newspaper circulating in the municipality or  
12 municipalities in which the lands are situated, by two insertions at least  
13 once a week during two consecutive weeks, the last publication to be  
14 not earlier than seven days prior to such sale. In the case of public  
15 sales, the governing body may by resolution fix a minimum price or  
16 prices, with or without the reservation of the right to reject all bids  
17 where the highest bid is not accepted. Notice of such reservation shall  
18 be included in the advertisement of the sale and public notice thereof  
19 shall be given at the time of sale. Such resolution may provide,  
20 without fixing a minimum price, that upon the completion of the  
21 bidding, the highest bid may be accepted or all the bids may be  
22 rejected. The invitation to bid may also impose restrictions on the use  
23 to be made of such real property, capital improvement or personal  
24 property, and any conditions of sale as to buildings or structures, or  
25 as to the type, size, or other specifications of buildings or structures  
26 to be constructed thereon, or as to demolition, repair, or  
27 reconstruction of buildings or structures, and the time within which  
28 such conditions shall be operative, or any other conditions of sale, in  
29 like manner and to the same extent as by any other vendor. Such  
30 conditions shall be included in the advertisement, as well as the nature  
31 of the interest retained by the county or municipality. Such  
32 restrictions or conditions shall be related to a lawful public purpose  
33 and encourage and promote fair and competitive bidding of the county  
34 or municipality and shall not, in the case of a municipality, be  
35 inconsistent with or impose a special or higher standard than any  
36 zoning ordinance or building, plumbing, electrical, or similar code or  
37 ordinance then in effect in the municipality.

38 In any case in which a county or municipality intends to retain an  
39 estate or interest in any real property, capital improvement or personal  
40 property, in the nature of an easement, contingent or reversionary, the  
41 invitation to bid and the advertisement required herein shall require  
42 each bidder to submit one bid under each Option A and Option B  
43 below.

44 (1) Option A shall be for the real property, capital improvement or  
45 personal property subject to the conditions or restrictions imposed, or  
46 interest or estate retained, which the county or municipality proposes

1 to retain or impose.

2 (2) Option B shall be for the real property, capital improvement or  
3 personal property to be sold free of all such restrictions, conditions,  
4 interests or estates on the part of the county or municipality.

5 The county or the municipality may elect or reject either or both  
6 options and the highest bid for each. Such acceptance or rejection  
7 shall be made not later than at the second regular meeting of the  
8 governing body following the sale, and, if the governing body shall not  
9 so accept such highest bid, or reject all bids, said bids shall be deemed  
10 to have been rejected. Any such sale may be adjourned at the time  
11 advertised for not more than one week without readvertising.

12 (b) At private sale, when authorized by resolution, in the case of  
13 a county, or by ordinance, in the case of a municipality, in the  
14 following cases:

15 (1) A sale to any political subdivision, agency, department,  
16 commission, board or body corporate and politic of the State of New  
17 Jersey or to an interstate agency or body of which the State of New  
18 Jersey is a member or to the United States of America or any  
19 department or agency thereof.

20 (2) A sale to a person submitting a bid pursuant to subsection (a)  
21 of this section, where all bids have been rejected, provided that the  
22 terms and price agreed to shall in no event be less than the highest bid  
23 rejected, and provided further that the terms and conditions of sale  
24 shall remain identical.

25 (3) A sale by any county or municipality, when it has or shall have  
26 conveyed its right, title and interest in any real property, capital  
27 improvement or personal property not needed for public use, and it  
28 was assumed and intended that there should be conveyed a good and  
29 sufficient title in fee simple to said real property, capital improvement  
30 or personal property, free of all encumbrances and the full  
31 consideration has been paid therefor, and it shall thereafter appear that  
32 the title conveyed was insufficient or that said county or municipality  
33 at the time of said conveyance was not the owner of some estate or  
34 interest in said real property, capital improvement or personal property  
35 or of some encumbrances thereon, and the county or municipality shall  
36 thereafter acquire a good and sufficient title in fee simple, free of all  
37 encumbrances of said real property, capital improvement or personal  
38 property or shall acquire such outstanding estate or interest therein or  
39 outstanding encumbrance thereon and said county or municipality, by  
40 resolution of the governing body and without the payment of any  
41 additional consideration, has deemed to convey or otherwise transfer  
42 to said purchaser, his heirs or assigns, such after-acquired title, or  
43 estate or interest in, or encumbrance upon, such real property, capital  
44 improvement or personal property to perfect the title or interest  
45 previously conveyed.

46 (4) A sale of an easement upon any real property previously

1 conveyed by any county or municipality may be made when the  
2 governing body of any county, by resolution, or any municipality, by  
3 ordinance, has elected to release the public rights in the nature of  
4 easements, in, on, over or under any real property within the county  
5 or the municipality, as the case may be, upon such terms as shall be  
6 agreed upon with the owner of such lands, if the use of such rights is  
7 no longer desirable, necessary or required for public purposes.

8 (5) A sale to the owner of the real property contiguous to the real  
9 property being sold; provided that the property being sold is less than  
10 the minimum size required for development under the municipal zoning  
11 ordinance and is without any capital improvement thereon; except that  
12 when there is more than one owner with real property contiguous  
13 thereto, said property shall be sold to the highest bidder from among  
14 all such owners. Any such sale shall be for not less than the fair  
15 market value of said real property. For the purposes of this paragraph,  
16 when there is only one owner with real property contiguous to the  
17 property being sold, and the property is less than an eighth of the  
18 minimum size required for development under the municipal zoning  
19 ordinance and is without any capital improvement thereon, the fair  
20 market value of that property may be determined by negotiation  
21 between the local unit and the owner of the contiguous real property.  
22 The negotiated sum shall be subject to approval by resolution of the  
23 governing body, but in no case shall that sum be less than one dollar.

24 In the case of any sale of real property hereafter made pursuant to  
25 subsection (b) of this section, in no event shall the price agreed upon  
26 with the owner be less than the difference between the highest bid  
27 accepted for the real property subject to easements (Option A) and the  
28 highest bid rejected for the real property not subject to easements  
29 (Option B). After the adoption of the resolution or ordinance, and  
30 compliance by the owner of said real property with the terms thereof,  
31 said real property shall be free, and entirely discharged of and from  
32 such rights of the public and of the county or municipality, as the case  
33 may be, but no such release shall affect the right of lawful occupancy  
34 or use of any such real property by any municipal or private utility to  
35 occupy or use any such real property lawfully occupied or used by it.

36 A list of the property so authorized to be sold, pursuant to  
37 subsection (b) of this section, together with the minimum prices,  
38 respectively, as determined by the governing body, shall be included  
39 in the resolution or ordinance authorizing the sale, and said list shall  
40 be posted on the bulletin board or other conspicuous space in the  
41 building which the governing body usually holds its regular meetings,  
42 and advertisement thereof made in a newspaper circulating in the  
43 municipality or municipalities in which the real property, capital  
44 improvement or personal property is situated, within five days  
45 following enactment of said resolution or ordinance. Offers for any or  
46 all properties so listed may thereafter be made to the governing body

1 or its designee for a period of 20 days following the advertisement  
2 herein required, at not less than said minimum prices, by any  
3 prospective purchaser, real estate broker, or other authorized  
4 representative. In any such case, the governing body may reconsider  
5 its resolution or ordinance, not later than 30 days after its enactment,  
6 and advertise the real property, capital improvement, or personal  
7 property in question for public sale pursuant to subsection (a) of this  
8 section.

9 Any county or municipality selling any real property, capital  
10 improvement or personal property pursuant to subsection (b) of this  
11 section shall file with the Director of the Division of Local  
12 Government Services in the Department of Community Affairs, sworn  
13 affidavits verifying the publication of advertisements as required by  
14 this subsection.

15 (c) By private sale of a municipality in the following case: A sale  
16 to a private developer by a municipality, when acting in accordance  
17 with the "Local Redevelopment and Housing Law," P.L.1992, c.79  
18 (C.40A:12A-1 et al.).

19 All sales, either public or private, may be made for cash or upon  
20 credit. A deposit not exceeding 10% of the minimum price or value of  
21 the property to be sold may be required of all bidders. When made  
22 upon credit, the county or municipality may accept a purchase-money  
23 mortgage, upon terms and conditions which shall be fixed by the  
24 resolution of the governing body; provided, however, that such  
25 mortgage shall be fully payable within five years from the date of the  
26 sale and shall bear interest at a rate equal to that authorized under  
27 Title 31 of the Revised Statutes, as amended and supplemented, and  
28 the regulations issued pursuant thereto, or the rate last paid by the  
29 county or municipality upon any issue of notes pursuant to the "Local  
30 Bond Law" (N.J.S.40A:2-1 et seq.), whichever is higher. The  
31 governing body may, by resolution, fix the time for closing of title and  
32 payment of the consideration.

33 In all sales made pursuant to this section, the governing body of any  
34 county or municipality may provide for the payment of a commission  
35 to any real estate broker, or authorized representative other than the  
36 purchaser actually consummating such sale; provided, however, that  
37 no commission shall be paid unless notice of the governing body's  
38 intention to pay such a commission shall have been included in the  
39 advertisement of sale and the recipient thereof shall have filed an  
40 affidavit with the governing body stating that said recipient is not the  
41 purchaser. Said commissions shall not exceed, in the aggregate, 5%  
42 of the sale price, and be paid, where there has been a public sale, only  
43 in the event that the sum of the commission and the highest bid price  
44 does not exceed the next highest bid price (exclusive of any real estate  
45 broker's commission). As used in this section, "purchaser" shall mean  
46 and include any person, corporation, company, association, society,

1 firm, partnership, or other business entity owning or controlling,  
2 directly or indirectly, more than 10% of the purchasing entity.

3 (cf: P.L.1992, c.79, s.51)

4

5 29. Section 22 of P.L.1971, c.199 (C.40A:12-22) is amended to  
6 read as follows:

7 22. Each municipality and county [shall] may establish and  
8 maintain a central registry of all real property in which it has acquired  
9 title or a leasehold interest for other than street or highway purposes  
10 as of the effective date of this act. This registry [shall] may also  
11 include a record of all real property which a county or municipality  
12 may hereafter acquire, sell or lease. [It shall be in such form and  
13 contain such information as the Division of Local Finance in the  
14 Department of Community Affairs shall prescribe within 180 days after  
15 the effective date of this act.]

16 The central registry referred to herein, if established and  
17 maintained, shall:

18 a. Constitute a public record;

19 b. Be entitled "Municipal Real Property Registry" or "County Real  
20 Property Registry" as may be appropriate;

21 c. Be [maintained and] available for inspection in the office of the  
22 municipal clerk or clerk of the board of chosen freeholders, as may be  
23 appropriate.

24 (cf: P.L.1972, c.126, s.1)

25

26 30. R.S.43:21-4 is amended to read as follows:

27 43:21-4. Benefit eligibility conditions. An unemployed individual  
28 shall be eligible to receive benefits with respect to any week only if:

29 (a) The individual has filed a claim at an unemployment insurance  
30 claims office and thereafter continues to report at an employment  
31 service office or unemployment insurance claims office, as directed by  
32 the division in accordance with such regulations as the division may  
33 prescribe, except that the division may, by regulation, waive or alter  
34 either or both of the requirements of this subsection as to individuals  
35 attached to regular jobs, and as to such other types of cases or  
36 situations with respect to which the division finds that compliance with  
37 such requirements would be oppressive, or would be inconsistent with  
38 the purpose of this act; provided that no such regulation shall conflict  
39 with subsection (a) of R.S.43:21-3.

40 (b) The individual has made a claim for benefits in accordance with  
41 the provisions of subsection (a) of R.S.43:21-6.

42 (c) (1) The individual is able to work, and is available for work,  
43 and has demonstrated to be actively seeking work, except as  
44 hereinafter provided in this subsection or in subsection (f) of this  
45 section.

46 (2) The director may modify the requirement of actively seeking

1 work if such modification of this requirement is warranted by  
2 economic conditions.

3 (3) No individual, who is otherwise eligible, shall be deemed  
4 ineligible, or unavailable for work, because the individual is on  
5 vacation, without pay, during said week, if said vacation is not the  
6 result of the individual's own action as distinguished from any  
7 collective action of a collective bargaining agent or other action  
8 beyond the individual's control.

9 (4) (A) Subject to such limitations and conditions as the division  
10 may prescribe, an individual, who is otherwise eligible, shall not be  
11 deemed unavailable for work or ineligible because the individual is  
12 attending a training program approved for the individual by the  
13 division to enhance the individual's employment opportunities or  
14 because the individual failed or refused to accept work while attending  
15 such program.

16 (B) For the purpose of this paragraph (4), any training program  
17 shall be regarded as approved by the division for the individual if the  
18 program and the individual meet the following requirements:

19 (i) The training is for a labor demand occupation and is likely to  
20 enhance the individual's marketable skills and earning power;

21 (ii) The training is provided by a competent and reliable private or  
22 public entity approved by the Commissioner of Labor pursuant to the  
23 provisions of section 8 of the "1992 New Jersey Employment and  
24 Workforce Development Act," P.L.1992, c.43 (C.34:15D-8);

25 (iii) The individual can reasonably be expected to complete the  
26 program, either during or after the period of benefits;

27 (iv) The training does not include on the job training or other  
28 training under which the individual is paid by an employer for work  
29 performed by the individual during the time that the individual receives  
30 benefits; and

31 (v) The individual enrolls in vocational training, remedial education  
32 or a combination of both on a full-time basis.

33 (C) If the requirements of subparagraph (B) of this paragraph (4)  
34 are met, the division shall not withhold approval of the training  
35 program for the individual for any of the following reasons:

36 (i) The training includes remedial basic skills education necessary  
37 for the individual to successfully complete the vocational component  
38 of the training;

39 (ii) The training is provided in connection with a program under  
40 which the individual may obtain a college degree, including a  
41 post-graduate degree;

42 (iii) The length of the training period under the program; or

43 (iv) The lack of a prior guarantee of employment upon completion  
44 of the training.

45 (D) For the purpose of this paragraph (4), "labor demand  
46 occupation" means an occupation for which there is or is likely to be

1 an excess of demand over supply for adequately trained workers,  
2 including, but not limited to, an occupation designated as a labor  
3 demand occupation by the New Jersey Occupational Information  
4 Coordinating Committee pursuant to the provisions of subsection h.  
5 of section 1 of P.L.1987, c.457 (C.34:1A-76) or section 12 of  
6 P.L.1992, c.43 (C.34:1A-78).

7 (5) An unemployed individual, who is otherwise eligible, shall not  
8 be deemed unavailable for work or ineligible solely by reason of the  
9 individual's attendance before a court in response to a summons for  
10 service on a jury.

11 (6) An unemployed individual, who is otherwise eligible, shall not  
12 be deemed unavailable for work or ineligible solely by reason of the  
13 individual's attendance at the funeral of an immediate family member,  
14 provided that the duration of the attendance does not extend beyond  
15 a two-day period.

16 For purposes of this paragraph, "immediate family member"  
17 includes any of the following individuals: father, mother,  
18 mother-in-law, father-in-law, grandmother, grandfather, grandchild,  
19 spouse, child, foster child, sister or brother of the unemployed  
20 individual and any relatives of the unemployed individual residing in  
21 the unemployed individual's household.

22 (7) No individual, who is otherwise eligible, shall be deemed  
23 ineligible or unavailable for work with respect to any week because,  
24 during that week, the individual fails or refuses to accept work while  
25 the individual is participating on a full-time basis in self-employment  
26 assistance activities authorized by the division, whether or not the  
27 individual is receiving a self-employment allowance during that week.

28 (8) Any individual who is determined to be likely to exhaust  
29 regular benefits and need reemployment services based on information  
30 obtained by the worker profiling system shall not be eligible to receive  
31 benefits if the individual fails to participate in available reemployment  
32 services to which the individual is referred by the division or in similar  
33 services, unless the division determines that:

34 (A) The individual has completed the reemployment services; or

35 (B) There is justifiable cause for the failure to participate, which  
36 shall include participation in employment and training,  
37 self-employment assistance activities or other activities authorized by  
38 the division to assist reemployment or enhance the marketable skills  
39 and earning power of the individual and which shall include any other  
40 circumstance indicated pursuant to this section in which an individual  
41 is not required to be available for and actively seeking work to receive  
42 benefits.

43 (d) The individual has been totally or partially unemployed for a  
44 waiting period of one week in the benefit year which includes that  
45 week. When benefits become payable with respect to the third  
46 consecutive week next following the waiting period, the individual

1 shall be eligible to receive benefits as appropriate with respect to the  
2 waiting period. No week shall be counted as a week of unemployment  
3 for the purposes of this subsection:

4 (1) If benefits have been paid, or are payable with respect thereto;  
5 provided that the requirements of this paragraph shall be waived with  
6 respect to any benefits paid or payable for a waiting period as provided  
7 in this subsection;

8 (2) If it has constituted a waiting period week under the  
9 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et  
10 seq.);

11 (3) Unless the individual fulfills the requirements of subsections (a)  
12 and (c) of this section;

13 (4) If with respect thereto, claimant was disqualified for benefits  
14 in accordance with the provisions of subsection (d) of R.S.43:21-5.

15 (e) (1) With respect to a base year as defined in subsection (c) of  
16 R.S.43:21-19, the individual has established at least 20 base weeks as  
17 defined in subsection (t) of R.S.43:21-19, or, in those instances in  
18 which the individual has not established 20 base weeks, except as  
19 otherwise provided in paragraph (3) of this subsection, for benefit  
20 years commencing on or after October 1, 1984 and before January 1,  
21 1996, the individual has earned 12 times the Statewide average  
22 weekly remuneration paid to workers, as determined under  
23 R.S.43:21-3(c), raised to the next higher multiple of \$100.00 if not  
24 already a multiple thereof, or more in the individual's base year.

25 (2) With respect to benefit years commencing on or after  
26 January 1, 1996, except as otherwise provided in paragraph (3) of this  
27 subsection, the individual has, during his base year as defined in  
28 subsection (c) of R.S.43:21-19:

29 (A) Established at least 20 base weeks as defined in paragraph (2)  
30 of subsection (t) of R.S.43:21-19; or

31 (B) If the individual has not met the requirements of subparagraph  
32 (A) of this paragraph (2), earned remuneration not less than an amount  
33 12 times the Statewide average weekly remuneration paid to workers,  
34 as determined under R.S.43:21-3(c), which amount shall be adjusted  
35 to the next higher multiple of \$100.00 if not already a multiple thereof;  
36 or

37 (C) If the individual has not met the requirements of subparagraph  
38 (A) or (B) of this paragraph (2), earned remuneration not less than an  
39 amount 1,000 times the minimum wage in effect pursuant to section  
40 5 of P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar  
41 year preceding the calendar year in which the benefit year commences,  
42 which amount shall be adjusted to the next higher multiple of \$100.00  
43 if not already a multiple thereof.

44 (3) Notwithstanding the provisions of paragraph (1) or paragraph  
45 (2) of this subsection, an unemployed individual claiming benefits on  
46 the basis of service performed in the production and harvesting of

1 agricultural crops shall, subject to the limitations of subsection (i) of  
2 R.S.43:21-19, be eligible to receive benefits if during his base year, as  
3 defined in subsection (c) of R.S.43:21-19, the individual:

4 (A) Has established at least 20 base weeks as defined in paragraph  
5 (1) of subsection (t) of R.S.43:21-19; or

6 (B) Has earned 12 times the Statewide average weekly  
7 remuneration paid to workers, as determined under R.S.43:21-3(c),  
8 raised to the next higher multiple of \$100.00 if not already a multiple  
9 thereof, or more; or

10 (C) Has performed at least 770 hours of service in the production  
11 and harvesting of agricultural crops.

12 (4) The individual applying for benefits in any successive benefit  
13 year has earned at least six times his previous weekly benefit amount  
14 and has had four weeks of employment since the beginning of the  
15 immediately preceding benefit year. This provision shall be in addition  
16 to the earnings requirements specified in paragraph (1), (2), or (3) of  
17 this subsection, as applicable.

18 (f) (1) The individual has suffered any accident or sickness not  
19 compensable under the workers' compensation law, R.S.34:15-1 et  
20 seq. and resulting in the individual's total disability to perform any  
21 work for remuneration, and would be eligible to receive benefits under  
22 this chapter (R.S.43:21-1 et seq.) (without regard to the maximum  
23 amount of benefits payable during any benefit year) except for the  
24 inability to work and has furnished notice and proof of claim to the  
25 division, in accordance with its rules and regulations, and payment is  
26 not precluded by the provisions of R.S.43:21-3(d); provided, however,  
27 that benefits paid under this subsection (f) shall be computed on the  
28 basis of only those base year wages earned by the claimant as a  
29 "covered individual," as defined in R.S.43:21-27(b); provided further  
30 that no benefits shall be payable under this subsection to any  
31 individual:

32 (A) For any period during which such individual is not under the  
33 care of a legally licensed physician, dentist, optometrist, podiatrist,  
34 practicing psychologist or chiropractor;

35 (B) (Deleted by amendment, P.L.1980, c.90.)

36 (C) For any period of disability due to willfully or intentionally  
37 self-inflicted injury, or to injuries sustained in the perpetration by the  
38 individual of a crime of the first, second or third degree;

39 (D) For any week with respect to which or a part of which the  
40 individual has received or is seeking benefits under any unemployment  
41 compensation or disability benefits law of any other state or of the  
42 United States; provided that if the appropriate agency of such other  
43 state or the United States finally determines that the individual is not  
44 entitled to such benefits, this disqualification shall not apply;

45 (E) For any week with respect to which or part of which the  
46 individual has received or is seeking disability benefits under the

1 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et  
2 seq.);

3 (F) For any period of disability commencing while such individual  
4 is a "covered individual," as defined in subsection (b) of section 3 of  
5 the "Temporary Disability Benefits Law," P.L.1948, c.110  
6 (C.43:21-27).

7 (2) Benefit payments under this subsection shall be charged to and  
8 paid from the State disability benefits fund established by the  
9 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et  
10 seq.), and shall not be charged to any employer account in computing  
11 any employer's experience rate for contributions payable under this  
12 chapter.

13 (g) Benefits based on service in employment defined in  
14 subparagraphs (B) and (C) of R.S.43:21-19(i)(1) shall be payable in  
15 the same amount and on the terms and subject to the same conditions  
16 as benefits payable on the basis of other service subject to the  
17 "unemployment compensation law"; except that, notwithstanding any  
18 other provisions of the "unemployment compensation law":

19 (1) With respect to service performed after December 31, 1977, in  
20 an instructional research, or principal administrative capacity for an  
21 educational institution, benefits shall not be paid based on such  
22 services for any week of unemployment commencing during the period  
23 between two successive academic years, or during a similar period  
24 between two regular terms, whether or not successive, or during a  
25 period of paid sabbatical leave provided for in the individual's contract,  
26 to any individual if such individual performs such services in the first  
27 of such academic years (or terms) and if there is a contract or a  
28 reasonable assurance that such individual will perform services in any  
29 such capacity for any educational institution in the second of such  
30 academic years or terms;

31 (2) With respect to weeks of unemployment beginning after  
32 September 3, 1982, on the basis of service performed in any other  
33 capacity for an educational institution, including as a school crossing  
34 guard, benefits shall not be paid on the basis of such services to any  
35 individual for any week which commences during a period between  
36 two successive academic years or terms if such individual performs  
37 such services in the first of such academic years or terms and there is  
38 a reasonable assurance that such individual will perform such services  
39 in the second of such academic years or terms, except that if benefits  
40 are denied to any individual under this paragraph (2) and the individual  
41 was not offered an opportunity to perform these services for the  
42 educational institution for the second of any academic years or terms,  
43 the individual shall be entitled to a retroactive payment of benefits for  
44 each week for which the individual filed a timely claim for benefits and  
45 for which benefits were denied solely by reason of this clause;

46 (3) With respect to those services described in paragraphs (1) and

1 (2) above, benefits shall not be paid on the basis of such services to  
2 any individual for any week which commences during an established  
3 and customary vacation period or holiday recess if such individual  
4 performs such services in the period immediately before such vacation  
5 period or holiday recess, and there is a reasonable assurance that such  
6 individual will perform such services in the period immediately  
7 following such period or holiday recess;

8 (4) With respect to any services described in paragraphs (1) and  
9 (2) above, benefits shall not be paid as specified in paragraphs (1), (2),  
10 and (3) above to any individual who performed those services in an  
11 educational institution while in the employ of an educational service  
12 agency, and for this purpose the term "educational service agency"  
13 means a governmental agency or governmental entity which is  
14 established and operated exclusively for the purpose of providing  
15 those services to one or more educational institutions.

16 (h) Benefits shall not be paid to any individual on the basis of any  
17 services, substantially all of which consist of participating in sports or  
18 athletic events or training or preparing to so participate, for any week  
19 which commences during the period between two successive sports  
20 seasons (or similar periods) if such individual performed such services  
21 in the first of such seasons (or similar periods) and there is a  
22 reasonable assurance that such individual will perform such services in  
23 the later of such seasons (or similar periods).

24 (i) (1) Benefits shall not be paid on the basis of services performed  
25 by an alien unless such alien is an individual who was lawfully admitted  
26 for permanent residence at the time the services were performed and  
27 was lawfully present for the purpose of performing the services or  
28 otherwise was permanently residing in the United States under color  
29 of law at the time the services were performed (including an alien who  
30 is lawfully present in the United States as a result of the application of  
31 the provisions of section 203(a)(7) (8 U.S.C.1153 (a)(7)) or section  
32 212(d)(5) (8 U.S.C.1182 (d)(5)) of the Immigration and Nationality  
33 Act (8 U.S.C.1101 et seq.)); provided that any modifications of the  
34 provisions of section 3304(a)(14) of the Federal Unemployment Tax  
35 Act (26 U.S.C.3304 (a)(14)), as provided by Pub.L.94-566, which  
36 specify other conditions or other effective dates than stated herein for  
37 the denial of benefits based on services performed by aliens and which  
38 modifications are required to be implemented under State law as a  
39 condition for full tax credit against the tax imposed by the Federal  
40 Unemployment Tax Act, shall be deemed applicable under the  
41 provisions of this section.

42 (2) Any data or information required of individuals applying for  
43 benefits to determine whether benefits are not payable to them because  
44 of their alien status shall be uniformly required from all applicants for  
45 benefits.

46 (3) In the case of an individual whose application for benefits

1 would otherwise be approved, no determination that benefits to such  
2 individual are not payable because of alien status shall be made except  
3 upon a preponderance of the evidence.

4 (j) Notwithstanding any other provision of this chapter, the  
5 director may, to the extent that it may be deemed efficient and  
6 economical, provide for consolidated administration by one or more  
7 representatives or deputies of claims made pursuant to subsection (f)  
8 of this section with those made pursuant to Article III (State plan) of  
9 the "Temporary Disability Benefits Law," P.L.1948, c.110  
10 (C.43:21-25 et seq.).  
11 (cf: P.L.1995, c.394, s.7)

12

13 31. Section 7 of P.L.1995, c.253 (C.46:3C-7) is amended to read  
14 as follows:

15 7. A municipality that receives and makes available the lists  
16 required under [this act] P.L.1995, c.253 (C.46:3C-1 et seq.) may  
17 charge purchasers [by the page for its actual reproduction costs] in  
18 accordance with the provisions of section 2 of P.L.1963, c.73  
19 (C.47:1A-2).

20 (cf: P.L.1995, c.253, s.7)

21

22 32. Section 8 of P.L.1975, c.217 (C.52:27D-126) is amended to  
23 read as follows:

24 8. a. The appointing authority of any municipality shall appoint a  
25 construction official and any necessary subcode officials to administer  
26 and enforce the code [and]. The appointing authority may, by  
27 resolution or order as appropriate, set the total number of weekly  
28 hours of operation of the construction official's office and the total  
29 number of weekly work hours of the construction official,  
30 commensurate with the compensation paid to the construction official.  
31 The appointing authority shall not set the specific work hours of the  
32 construction official. The appointing authority shall also appoint a  
33 construction board of appeals to hear and decide appeals from  
34 decisions made by said construction official and subcode officials, in  
35 the administration and enforcement of the code. Nothing herein,  
36 however, shall prevent a municipality from accepting inspections as to  
37 compliance with the code or any subcode thereof made by an  
38 inspection authority approved by the State of New Jersey pursuant to  
39 law.

40 b. To establish tenure rights or any other right or protection  
41 provided by the "State Uniform Construction Code Act" or Title [11]  
42 11A, Civil Service, of the [Revised] New Jersey Statutes, [Civil  
43 Service,] or any pension law or retirement system, the job title  
44 "construction official" shall be equivalent to that job title which, prior  
45 to the adoption of the State Uniform Construction Code as provided  
46 in section 5 of the "State Uniform Construction Code Act," entailed

1 the chief administrative responsibility to enforce all construction codes  
2 which had been adopted by the municipal governing body, the  
3 enforcement of which was not the responsibility of an authorized  
4 private inspection agency; and the job title "subcode official" shall be  
5 equivalent to that job title which, prior to the adoption of the State  
6 Uniform Construction Code, entailed subordinate administrative  
7 responsibility to enforce one or more of the following construction  
8 codes: building, plumbing, electrical or fire code.

9 Any person, in a municipality operating under Title [11] 11A, Civil  
10 Service, of the [Revised] New Jersey Statutes, who, prior to the  
11 adoption of the State Uniform Construction Code, held the equivalent  
12 of the job title "construction" official or "subcode" official, but who no  
13 longer holds his position as a result of a determination that his old job  
14 title was not equivalent to that of "construction" official or "subcode"  
15 official, shall be offered reappointment as a construction official or  
16 subcode official, as the case may be, and shall be granted permanent  
17 classified status in such position. Tenure shall continue for (1) any  
18 construction official or subcode official who is serving under tenure as  
19 otherwise provided by law on the effective date of this act or within 1  
20 year thereafter, or (2) any person certified pursuant to subsection c. of  
21 this section and who subsequently gains such tenure.

22 A construction official or subcode official appointed in a  
23 municipality operating under the provisions of Title [11] 11A, Civil  
24 Service, of the [Revised] New Jersey Statutes, who, at the time of  
25 adoption of the State Uniform Construction Code, January 1, 1977, or  
26 prior to January 1, 1981, had permanent classified status or was  
27 employed as a construction official or subcode official or in another  
28 position in the unclassified service, shall be included in the classified  
29 service without civil service examination in his respective title of  
30 construction official or subcode official. Any individual employed by  
31 a municipality, who, in his employment with the municipality between  
32 January 1, 1977 and prior to January 1, 1981, was charged with the  
33 chief administrative responsibility to enforce all existing municipal  
34 construction codes, shall be deemed as appointed to the position of  
35 construction official for the purposes of this act. Any individual  
36 employed by a municipality, who, in his employment with the  
37 municipality between January 1, 1977 and prior to January 1, 1981,  
38 was charged with chief responsibility to enforce the municipal building,  
39 plumbing, fire, or electrical code, shall be deemed as appointed to the  
40 position of subcode official for the purposes of this act. No person,  
41 on or after January 1, 1981, shall be appointed as construction or  
42 subcode official in a municipality operating under Title [11] 11A,  
43 Civil Service, of the [Revised] New Jersey Statutes without having  
44 passed an examination administered by the [Civil Service  
45 Commission] Merit System Board certifying the merit and fitness of  
46 the person to hold such position; provided that, whenever a noncivil

1 service municipality adopts the provisions of that Title, construction  
2 code officials and subcode officials of such municipality appointed  
3 prior to the filing of the petition for the adoption of civil service, shall  
4 attain permanent status in the classified service without examination.  
5 Any construction or subcode official appointed after January 1, 1981  
6 on a provisional basis in a municipality which has adopted the  
7 provisions of Title [11] 11A. Civil Service, of the [Revised] New  
8 Jersey Statutes, may not be removed from office except for just cause  
9 after a fair and impartial hearing has been held at the local level, with  
10 no further appeal to the [Civil Service Commission] Merit System  
11 Board; provided, however, that such a construction or subcode official  
12 may be removed to permit the appointment of a person certified for  
13 appointment by the [Civil Service Commission] Merit System Board.

14 A construction official or subcode official in a noncivil service  
15 municipality shall be appointed for a term of 4 years and shall, upon  
16 appointment to a second consecutive term or on or after the  
17 commencement of a fifth consecutive year of service, including years  
18 of service in an equivalent job title held prior to the adoption of the  
19 State Uniform Construction Code, be granted tenure and shall not be  
20 removed from office except for just cause after a fair and impartial  
21 hearing.

22 A construction or subcode official, to be eligible for appointment  
23 in civil service or noncivil service municipalities, shall be certified by  
24 the State of New Jersey in accordance with subsection c. of this  
25 section and shall have had at least 3 years' experience in construction,  
26 design or supervision as a licensed engineer or registered architect; or  
27 5 years' experience in construction, design, or supervision as an  
28 architect or engineer with a bachelor's degree from an accredited  
29 institution of higher education; or 10 years' experience in construction,  
30 design or supervision as a journeyman in a trade or as a contractor.  
31 A subcode official shall, pursuant to any subcode which he  
32 administers, pass upon:

33 (1) matters relative to the mode, manner of construction or  
34 materials to be used in the erection or alteration of buildings or  
35 structures, except as to any such matter foreclosed by State approval  
36 pursuant to this act, and (2) actual execution of the approved plans  
37 and the installation of the materials approved by the State. The  
38 construction official in each municipality shall be the chief  
39 administrator of the "enforcing agency." He shall have the power to  
40 overrule a determination of a subcode official based on an  
41 interpretation of a substantive provision of the subcode which such  
42 subcode official administers, only if the construction official is  
43 qualified to act pursuant to this act as a subcode official for such  
44 subcode. He may serve as subcode official for any subcode which he  
45 is qualified under this act to administer. A subcode official or  
46 municipal engineer may serve as a construction official if otherwise

1 qualified under the provisions of this act. The municipal enforcing  
2 agency shall require compliance with the provisions of the code, of all  
3 rules lawfully adopted and promulgated thereunder and of laws  
4 relating to the construction, alteration, repair, removal, demolition and  
5 integral equipment and location, occupancy and maintenance of  
6 buildings and structures, except as may be otherwise provided for.

7 Two or more municipalities may provide by ordinance, subject to  
8 regulations established by the commissioner, for the joint appointment  
9 of a construction official and subcode official for the purpose of  
10 enforcing the provisions of the code in the same manner.

11 c. No person shall act as a construction official or subcode official  
12 for any municipality unless the commissioner determines that said  
13 person is so qualified, except for the following:

14 (1) a municipal construction official or subcode official holding  
15 office under permanent civil service status, or tenure as otherwise  
16 provided by law on the effective date of this act or within 1 year  
17 thereafter and (2) a municipal construction official or subcode official  
18 holding office without such permanent civil service status or tenure on  
19 the effective date of this act or within 1 year thereafter; provided said  
20 construction official or subcode official not having such permanent  
21 civil service status or tenure shall be certified in accordance with this  
22 act within 4 years of the effective date thereof; provided further that  
23 a person holding on the effective date of this act a valid plumbing  
24 inspector's license from the Department of Health pursuant to Title 26  
25 of the Revised Statutes may serve as a plumbing subcode official and  
26 a person holding on the effective date of this act a valid electrical  
27 inspector's license from the Board of Public Utilities pursuant to Title  
28 48 of the Revised Statutes may serve as an electrical subcode official.  
29 The commissioner, after consultation with the code advisory board,  
30 may authorize the preparation and conducting of oral, written and  
31 practical examinations to determine if a person is qualified by this act  
32 to be eligible to be a construction official or subcode official or, in the  
33 alternative, may accept successful completion of programs of training  
34 as proof of qualification within the meaning of this act. Upon a  
35 determination of qualification the commissioner shall issue or cause to  
36 be issued a certificate to the construction official or subcode official  
37 or trainee stating that he is so certified. The commissioner, after  
38 consultation with the code advisory board, may establish classes of  
39 certification that will recognize the varying complexities of code  
40 enforcement in the municipalities within the State. The commissioner  
41 shall, after consultation with the code advisory board, provide for  
42 educational programs designed to train and assist construction officials  
43 and subcode officials in carrying out their responsibilities.

44 Whenever the commissioner is required by the terms of this  
45 subsection to consult with the code advisory board and the matter in  
46 question concerns plumbing subcode officials, the commissioner shall

1 also consult with the Public Health Council and Commissioner of  
2 Health.

3 d. The commissioner, after consultation with the code advisory  
4 board, may periodically require that each construction official and  
5 subcode official demonstrate a working knowledge of innovations in  
6 construction technology and materials, recent changes in and additions  
7 to the relevant portions of the State Uniform Construction Code, and  
8 current standards of professional ethics and legal responsibility; or, in  
9 the alternative, the commissioner, after consultation with the code  
10 advisory board, may accept successful completion of appropriate  
11 programs of training as proof of such working knowledge.

12 (cf: P.L.1982, c.210, s.1)

13

14 33. Section 11 of P.L.1985, c.222 (C.52:27D-311) is amended to  
15 read as follows:

16 11. a. In adopting its housing element, the municipality may  
17 provide for its fair share of low and moderate income housing by  
18 means of any technique or combination of techniques which provide  
19 a realistic opportunity for the provision of the fair share. The housing  
20 element shall contain an analysis demonstrating that it will provide  
21 such a realistic opportunity, and the municipality shall establish that its  
22 land use and other relevant ordinances have been revised to  
23 incorporate the provisions for low and moderate income housing. In  
24 preparing the housing element, the municipality shall consider the  
25 following techniques for providing low and moderate income housing  
26 within the municipality, as well as such other techniques as may be  
27 published by the council or proposed by the municipality:

28 (1) Rezoning for densities necessary to assure the economic  
29 viability of any inclusionary developments, either through mandatory  
30 set-asides or density bonuses, as may be necessary to meet all or part  
31 of the municipality's fair share;

32 (2) Determination of the total residential zoning necessary to  
33 assure that the municipality's fair share is achieved;

34 (3) Determination of measures that the municipality will take to  
35 assure that low and moderate income units remain affordable to low  
36 and moderate income households for an appropriate period of not less  
37 than six years;

38 (4) A plan for infrastructure expansion and rehabilitation if  
39 necessary to assure the achievement of the municipality's fair share of  
40 low and moderate income housing;

41 (5) Donation or use of municipally owned land or land condemned  
42 by the municipality for purposes of providing low and moderate  
43 income housing;

44 (6) Tax abatements for purposes of providing low and moderate  
45 income housing;

46 (7) Utilization of funds obtained from any State or federal subsidy

1 toward the construction of low and moderate income housing; [and]

2 (8) Utilization of municipally generated funds toward the  
3 construction of low and moderate income housing; and

4 (9) The purchase of privately owned residential property at the  
5 value of all encumbrances to which the property is subject, as set forth  
6 in section 45 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (now pending  
7 before the Legislature as this bill), notwithstanding any regulatory  
8 limitation concerning the write-down or buy-down of previously  
9 owned units.

10 b. The municipality may provide for a phasing schedule for the  
11 achievement of its fair share of low and moderate income housing  
12 [which is not inconsistent with section 23 of this act].

13 c. The municipality may propose that a portion of its fair share be  
14 met through a regional contribution agreement. The housing element  
15 shall demonstrate, however, the manner in which that portion will be  
16 provided within the municipality if the regional contribution agreement  
17 is not entered into. The municipality shall provide a statement of its  
18 reasons for the proposal.

19 d. Nothing in this act shall require a municipality to raise or expend  
20 municipal revenues in order to provide low and moderate income  
21 housing.

22 e. When a municipality's housing element includes the provision of  
23 rental housing units in a community residence for the developmentally  
24 disabled, as defined in section 2 of P.L.1977, c.448 (C.30:11B-2),  
25 which will be affordable to persons of low and moderate income, and  
26 for which adequate measures to retain such affordability pursuant to  
27 paragraph (3) of subsection a. of this section are included in the  
28 housing element, those housing units shall be fully credited as  
29 permitted under the rules of the council towards the fulfillment of the  
30 municipality's fair share of low and moderate income housing.

31 f. It having been determined by the Legislature that the provision  
32 of housing under this act is a public purpose, a municipality or  
33 municipalities may utilize public monies to make donations, grants or  
34 loans of public funds for the rehabilitation of deficient housing units  
35 and the provision of new or substantially rehabilitated housing for low  
36 and moderate income persons, providing that any private advantage is  
37 incidental.

38 (cf: P.L.1998, c.89, s.1)

39

40 34. Section 2 of P.L.1975, c.361 (C.54:3-27.2) is amended to read  
41 as follows:

42 2. In the event that a taxpayer is successful in an appeal from an  
43 assessment on real property, the respective taxing district shall refund  
44 any excess taxes paid, together with interest thereon from the date of  
45 payment at a rate of 5% per annum, less any amount of taxes, interest,  
46 or both, which may be applied against delinquencies pursuant to

1 P.L.1983, c.137 (C.54:4-134), or delinquencies on other real property  
2 located within the taxing district, owned wholly by that taxpayer and  
3 for which either no tax sale certificate has been issued or for which the  
4 municipality holds the tax sale certificate, within 60 days of the date  
5 of final judgment.

6 (cf: P.L.1983, c.137, s.1)

7

8 35. Section 2 of P.L.1976, c.63 (C.54:4-6.3) is amended to read as  
9 follows:

10 2. As used in this act unless the context clearly indicates a different  
11 meaning:

12 a. "Qualified real rental property" means any building or structure  
13 or complex of buildings or structures in which [four] five or more  
14 housing units are rented or leased or offered for rental or lease for  
15 residential purposes except:

16 (1) hotels, motels or other guesthouses serving transient or  
17 seasonal guests;

18 (2) buildings or structures which are subject to an abatement  
19 agreement under which reduced or no property taxes are paid on the  
20 improvements pursuant to statute, notwithstanding that payments in  
21 lieu of taxes are paid in accordance with the agreement;

22 (3) buildings or structures located in municipalities in which a rent  
23 control ordinance which does not provide for an automatic increase in  
24 the amount of rent permitted to be charged by a property owner upon  
25 an increase in the amount of property tax levied upon the property is  
26 in effect for the base year and the current year;

27 (4) dwelling units in a residential cooperative or mutual housing  
28 corporation;

29 (5) dwelling units in a condominium, other than those dwelling  
30 units which are occupied by qualified tenants under the "Tenant  
31 Protection Act of 1992," P.L.1991, c.509 (C.2A:18-61.40 et al.);

32 (6) dwelling units in a continuing care retirement community; or

33 (7) dwelling units within residential health care facilities; assisted  
34 living residences; facilities with a Class C license pursuant to  
35 P.L.1979, c.496 (C.55:13B-1 et al.), the "Rooming and Boarding  
36 House Act of 1979" or similar facilities for which occupancy is  
37 predicated upon the receipt of medical, nursing or personal care  
38 services for the residents and the cost thereof is included in the rent.

39 Owner occupation of a building shall not be a factor in whether a  
40 building is qualified real rental property under P.L.1976, c.63  
41 (C.54:4-6.2 et seq.).

42 b. "Property tax reduction" means the difference between the  
43 amount of property tax paid or payable on any qualified real rental  
44 property in the base year, and the amount of property taxes paid or  
45 payable in the current year if less than the amount of property taxes  
46 paid or payable in the base year.

1 c. Base year" means calendar year 1998.

2 If any of the following events occur, "base year" shall then mean:

3 (1) any calendar year after 1998 in which property taxes levied for  
4 qualified real rental property exceed the property taxes levied for 1998  
5 for that property;

6 (2) the first calendar year after 1998 during which qualified real  
7 rental property is first offered for rent or lease;

8 (3) the first full calendar year after 1998 in which qualified real  
9 rental property is no longer subject to a tax exemption or tax  
10 abatement program;

11 (4) a calendar year subsequent to 1998 for which the property tax  
12 calculation reflects an assessment reduction from the prior base year  
13 assessment; or

14 (5) a calendar year subsequent to 1998 in which the property taxes  
15 paid in the base year and the property taxes paid in the current year do  
16 not reflect consistent budgetary and tax item components because  
17 sewer, solid waste or similar services provided through a taxing entity  
18 budget and reflected in the tax rate are changed to a separately billed  
19 user fee.

20 d. "Assessment reduction" means a decrease in the amount of  
21 assessed value of qualified real rental property resulting from an  
22 agreement entered into with a municipal taxing authority, an  
23 abatement, exemption, change in assessment imposed administratively  
24 by a municipal tax assessor or county board of taxation, or a judgment  
25 entered by a county board of taxation, the tax court, or by a court of  
26 competent jurisdiction.

27 (cf: P.L.1998, c.15, s.1)

28

29 36. N.J.S.59:9-2 is amended to read as follows:

30 59:9-2. a. No interest shall accrue prior to the entry of judgment  
31 against a public entity or public employee.

32 b. No judgment shall be granted against a public entity or public  
33 employee on the basis of strict liability, implied warranty or products  
34 liability.

35 c. No punitive or exemplary damages shall be awarded against a  
36 public entity.

37 d. No damages shall be awarded against a public entity or public  
38 employee for pain and suffering resulting from any injury; provided,  
39 however, that this limitation on the recovery of damages for pain and  
40 suffering shall not apply in cases of permanent loss of a bodily  
41 function, permanent disfigurement or dismemberment where the  
42 medical treatment expenses are in excess of ~~[\$1,000.00]~~ \$3,600.00.  
43 For purposes of this section medical treatment expenses are defined as  
44 the reasonable value of services rendered for necessary surgical,  
45 medical and dental treatment of the claimant for such injury, sickness  
46 or disease, including prosthetic devices and ambulance, hospital or

1 professional nursing service.

2 e. If a claimant receives or is entitled to receive benefits for the  
3 injuries allegedly incurred from a policy or policies of insurance or any  
4 other source other than a joint tortfeasor, such benefits shall be  
5 disclosed to the court and the amount thereof which duplicates any  
6 benefit contained in the award shall be deducted from any award  
7 against a public entity or public employee recovered by such claimant;  
8 provided, however, that nothing in this provision shall be construed to  
9 limit the rights of a beneficiary under a life insurance policy. No  
10 insurer or other person shall be entitled to bring an action under a  
11 subrogation provision in an insurance contract against a public entity  
12 or public employee.

13 (cf: N.J.S.59:9-2)

14

15 37. (New section) Notwithstanding sections 4 and 5 of P.L.1970,  
16 c.39 (C.13:1E-4 and C.13:1E-5) and any regulations promulgated  
17 thereunder, the registration renewal of solid waste collection and  
18 disposal vehicles operated by a public entity shall be valid for a five-  
19 year period and the registration fee for the public entity shall be no  
20 greater than the fee in effect as of March 1, 1999 for the one-year  
21 registration.

22

23 38. (New section) Notwithstanding the provisions of the  
24 "Pesticide Control Act of 1971," P.L.1971, c.176 (C.13:1F-1 et seq.)  
25 or any rule or regulation promulgated thereunder to the contrary, the  
26 requirements for pesticide applicator or pesticide operator  
27 certification, licensing or record keeping shall not apply to any  
28 licensed sanitary or health inspector who applies a pesticide not  
29 classified for restricted use, on property or premises for the purpose  
30 of determining insect infestation.

31

32 39. (New section) Notwithstanding any rules or regulations to the  
33 contrary, no permit shall be required of a county or municipality by the  
34 Department of Environmental Protection for the purpose of  
35 performing restoration work on any manmade drainage ditch located  
36 in the jurisdiction, provided that the restoration activity does not  
37 deviate in any manner from the original cross sectional area and  
38 location. For the purposes of this section, "ditch" means a linear  
39 topographic depression with bed and banks of human construction  
40 which conveys water to or from a site, but does not include  
41 channelized or redirected water courses.

42

43 40. (New section) Notwithstanding any provision of P.L.1996,  
44 c.138 (C.18A:7F-1 et seq.) to the contrary, any school district which  
45 increases its net budget between the prebudget and budget years in an  
46 amount less than that authorized pursuant to subsection d. of section

1 5 of P.L.1996, c.138 (C.18A:7F-5d), shall be permitted to include the  
2 amount of the difference between its actual net budget and its  
3 permitted net budget in either of the next two succeeding budget  
4 years.

5  
6 41. (New section) The governing body of any county may enter  
7 into a contract with a private agency or firm for the purpose of  
8 collecting any delinquent fines owed to the county. Any such contract  
9 shall be made pursuant to the provisions of the "Local Public  
10 Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

11  
12 42. (New section) Notwithstanding the provisions of the "Local  
13 Fiscal Affairs Law," N.J.S.40A:5-1 et seq., or any other law, rule, or  
14 regulation to the contrary, the Local Finance Board, in consultation  
15 with the Commissioner of Education, may adopt rules and regulations  
16 permitting local government units and boards of education to contract  
17 with third-party disbursement service organizations in order to make  
18 payments and execute financial transactions for those purposes and  
19 under such conditions as permitted by the Local Finance Board.

20  
21 43. (New section) The Commissioner of Community Affairs after  
22 consultation with the State Board of Education, and the Administrator  
23 of the Office of Information Technology, may adopt regulations,  
24 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
25 (C.52:14B-1 et seq.), to charge appropriate fees; except that no fee  
26 shall be charged to local units of government and school districts for  
27 use of a computerized communication network that may be established  
28 by the State for the conduct of government activities. Such  
29 regulations may authorize any nonprofit corporation organized  
30 pursuant to Title 15A of the New Jersey Statutes, whose purposes  
31 support the administration of, or personnel engaged in, government or  
32 educational services, to utilize such network for communication with  
33 the members of such nonprofit corporations in the conduct of  
34 government or organizational activities; except that such networks  
35 shall not be used to directly lobby State officials with regard to  
36 legislation or by organizations that represent employees for the  
37 purpose of conducting collective negotiations with public employers.

38  
39 44. (New section) Notwithstanding any rules, regulations or  
40 guidelines promulgated by the Attorney General, State narcotics action  
41 plan reports, commonly referred to as "SNAP" reports, shall be made  
42 on a quarterly basis. The Department of Law and Public Safety shall  
43 develop and supply to all participating police departments a standard  
44 computer software program, which shall include all of the necessary

1 parameters for reporting, so that the SNAP reports may be generated  
2 by computer.

3  
4 45. (New section) a. Notwithstanding the provisions of the  
5 "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.),  
6 or of any other law, rule or regulation to the contrary, a municipality  
7 may provide for the purchase of privately owned residential property  
8 at the value of all encumbrances to which the property is subject and  
9 include those units toward the fulfillment of its fair share housing  
10 obligation pursuant to P.L.1985, c.222 (C.52:27D-301 et al.).

11 b. The Commissioner of Community Affairs shall, on or before the  
12 first day of the seventh month next following the effective date of  
13 P.L. , c. (C. ) (now pending before the Legislature as  
14 this bill) promulgate rules and regulations pursuant to the provisions  
15 of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
16 et seq.) to effectuate the provisions of subsection a. of this section.

17  
18 46. (New section) Notwithstanding any provision of section 2 of  
19 P.L.1983, c.312 (C.40A:4-45.19) to the contrary, any municipality  
20 that failed to print on a referendum ballot the amount of the cost  
21 increase for the proposed PERS to PFRS transfer for police officers  
22 may apply to the director for permission to include the 1999 budget  
23 year amount of the pension appropriation representing the increase due  
24 to the switch as an increase in the cap base upon which final  
25 appropriations are based.

26  
27 47. (New section) a. (1) There is hereby created a Police  
28 Paperwork Reduction Task Force. The task force shall have nine  
29 members, selected as follows: two representatives of the Attorney  
30 General's office and one member of the Division of State Police, to be  
31 appointed by the Governor; two representatives of local law  
32 enforcement agencies and one municipal court administrator, to be  
33 appointed by the President of the Senate; and two representatives of  
34 local law enforcement agencies and one municipal court administrator,  
35 to be appointed by the Speaker of the General Assembly.

36 (2) The task force shall organize as soon as practicable following  
37 the appointment of its members and shall select a chairperson and vice  
38 chairperson from among its members, and a secretary, who need not  
39 be a member of the task force.

40 b. The task force shall:

41 (1) Review State requirements for the collection, reporting and  
42 retention of information by local police officers and police agencies;

43 (2) Determine the approximate cost to local police agencies,  
44 including the costs of salaries, materials, equipment and space, of  
45 complying with State-mandated information requirements;

46 (3) Determine whether these requirements assist or hinder the

1 cost-effective provision of police services and whether a valid reason  
2 exists for the collection, reporting or retention of the information; and

3 (4) Determine the extent to which these requirements can be  
4 eliminated or streamlined to reduce unnecessary paperwork and costs  
5 of local police agencies.

6 c. Staff and related support services shall be provided to the task  
7 force by the Department of Law and Public Safety. The task force  
8 shall be entitled to call to its assistance the services of the department  
9 as well as the employees of any other State, county or municipal  
10 department, board, bureau commission or agency.

11 d. The task force may meet and hold hearings at the place or places  
12 it designates during the sessions or recesses of the Legislature. The  
13 task force shall issue a final report of its findings and  
14 recommendations, including any recommended legislation, to the  
15 Governor and the Legislature no later than six months following the  
16 original appointment of all members of the task force. The task force  
17 shall dissolve on the 60th day following submission of its final report.

18

19 48. (New section) a. The Legislature finds and declares that the  
20 proper management of solid waste is in the public interest and that the  
21 health, safety and welfare of the people of this State require safe,  
22 reliable, efficient and reasonable solid waste management services.

23 The Legislature further finds and declares that it is imperative that  
24 the State take appropriate action to authorize counties to implement  
25 measures which enable counties to continue to fund the  
26 implementation of comprehensive solid waste management plans in a  
27 manner which assures accountability to residents and businesses.

28 The Legislature further finds and declares that while counties may  
29 fund the costs associated with the implementation of a solid waste  
30 management plan through the county purposes tax, it is in the public  
31 interest to more precisely identify funds designated for the  
32 implementation of a solid waste management plan. One method of  
33 identifying such funds is through the adoption of a county wide tax to  
34 offset the expenses of a solid waste management plan. However, since  
35 the imposition of a new tax generally is not favored as a remedy to  
36 solid waste disposal problems, it is appropriate that the Legislature  
37 study the efficacy of this solution in one county before approving it as  
38 a Statewide solution. Therefore, it is in the public interest to allow the  
39 governing body of Monmouth County, as a pilot program, to impose  
40 a "waste management services tax" and have that governing body  
41 report back to the Legislature as to whether such a county tax is in the  
42 best interests of the county residents.

43 b. The governing body of Monmouth County may, by resolution,  
44 establish a "waste management services tax," which shall be assessed  
45 and collected in the same manner as the county purposes tax on real  
46 property, and which shall appear and be identified as a separate county

1 line item on the property tax bills. Monies collected from this tax shall  
2 be used exclusively to fund solid waste management programs,  
3 services and activities in Monmouth County.

4 Notwithstanding the provision of any other law to the contrary,  
5 Monmouth County debt obligations that were issued for solid waste  
6 management purposes and which were previously deductible from the  
7 calculation of gross debt of the county for debt limitation purposes  
8 because it was debt issued for a self-liquidating purpose pursuant to  
9 N.J.S.40A:2-44 shall continue to be deductible notwithstanding that  
10 the county may fund solid waste management costs with a "waste  
11 management services tax."

12 Notwithstanding the provisions of section 3 of P.L.1976, c.68  
13 (C:40A:4-45.3), increases to the Monmouth County budget in order  
14 to pay for solid waste management costs which were previously  
15 funded by tipping fees prior to the loss of flow control shall be exempt  
16 from budget cap requirements under applicable law.

17 c. The governing body of Monmouth County shall file a report with  
18 the Governor and the Legislature not later than two years following  
19 the adoption of the resolution establishing a "waste management  
20 services tax." The report shall detail the effects of the "waste  
21 management services tax" on the tipping fees for the county landfill  
22 and on the property tax burden of the average county taxpayer.

23  
24 49. Notwithstanding the provisions of section 2 of P.L.1999, c.59  
25 (C.43:8C-2) to the contrary, but subject to the other provisions of that  
26 law, a county governing body may, by resolution, adopt an incentive  
27 program to encourage the retirement or termination of employment of  
28 county government employees, regardless of whether the county is  
29 entering into an interlocal services contract or a joint services contract.  
30 The incentive program shall be submitted to the Director of the  
31 Division of Local Government Services in the Department of  
32 Community Affairs for approval. The director may condition  
33 approval on modifications to the incentive program. Following  
34 approval of the incentive program by the director, the county  
35 government may implement the program and offer the incentives to its  
36 employees.

37  
38 50. This act shall take effect immediately.

39  
40

#### 41 STATEMENT

42  
43 This bill revises certain mandates, requirements and procedures that  
44 are burdensome on counties, municipalities and school districts. The  
45 bill also resolves certain administrative ambiguities and encourages  
46 more business-like practices on the part of local units in order to

1 effectuate cost savings that will benefit property taxpayers.

2

3 GENERALLY APPLICABLE REGULATORY REQUIREMENTS

4 Section 37 of the bill provides that, notwithstanding sections 4 and  
5 5 of P.L.1970, c.39 (C.13:1E-4 and C.13:1E-5) and any regulations  
6 promulgated thereunder, the registration renewal of solid waste  
7 collection and disposal vehicles operated by a public entity will be  
8 valid for a period of five years, and the registration fee to be paid by  
9 the public entity will not be greater than the fee in effect as of March  
10 1, 1997 for the one-year registration.

11 Section 38 provides that the requirements for pesticide applicator  
12 or pesticide operator certification, licensing or record keeping of the  
13 "Pesticide Control Act of 1971," P.L.1971, c.176 (C.13:1F-1 et seq.)  
14 shall not apply to any licensed health or sanitary inspector who applies  
15 a pesticide not classified for restricted use, on property or premises to  
16 determine insect infestation.

17 Section 39 provides that notwithstanding any rules or regulations  
18 to the contrary, no permit shall be required of a county or municipality  
19 by the Department of Environmental Protection for the purpose of  
20 performing restoration work on any manmade drainage ditch located  
21 in the jurisdiction, provided that the restoration activity does not  
22 deviate in any manner from the original cross sectional area and  
23 location. For the purposes of this section, "ditch" is defined as a linear  
24 topographic depression with bed and banks of human construction  
25 which conveys water to or from a site, but does not include  
26 channelized or redirected water courses.

27 Section 48 authorizes as a pilot program the imposition of a "waste  
28 management services tax" to be used exclusively to fund solid waste  
29 management programs, services and activities.

30

31 MANDATES AFFECTING SCHOOLS

32 Section 2 of the bill requires the current yearly examination of every  
33 pupil between the ages of 10 and 18 for scoliosis to be done on a  
34 biennial basis.

35 Section 30 provides that school crossing guards shall not be eligible  
36 to receive unemployment benefits during the summer. Under current  
37 law, school crossing guards are eligible to receive these benefits during  
38 summer months, even though they will cease to be unemployed in  
39 September, when the new school year begins.

40 Section 40 authorizes any school district which increases its net  
41 budget between the prebudget and budget years in an amount less than  
42 that authorized pursuant to subsection d. of section 5 of P.L.1996,  
43 c.138 (C.18A:7F-5d), to include the amount of the difference between  
44 its actual net budget and its permitted net budget in either of the next  
45 two succeeding budget years, effectively permitting "cap banking" for  
46 school districts. Current law does not permit "cap banking" for school

1 districts.

2

3 LAWS AND REGULATIONS AFFECTING SALES OF PUBLIC  
4 PROPERTY, PUBLIC CONTRACTS, AND AGREEMENTS FOR  
5 CONSOLIDATION, INTERLOCAL AND JOINT SERVICES

6 Sections 8 and 9 amend sections 2 and 3 of P.L.1973, c.208, the  
7 "Interlocal Services Act," (C.40:8A-2 and C.40:8A-3). Section 8  
8 adds to the definition of "local unit" an authority subject to the "Local  
9 Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et  
10 seq.). Section 9 provides that local units may enter into contracts for  
11 the joint provision of services incidental to the primary purposes of the  
12 local unit with an authority subject to the "Local Authorities Fiscal  
13 Control Law." The effect of this section would allow, for example, a  
14 municipality to contract with a local authority for snow removal  
15 services if the authority has a truck equipped with a plow.

16 Section 10 amends section 5 of P.L.1973, c.208 (C.40:8A-5) to  
17 provide that, in the case of a joint agreement under the "Interlocal  
18 Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.) for the provision  
19 of services by State-certified professionals, the agreement shall  
20 provide for the payment of a salary, and shall not include tenure rights  
21 in the municipality contracting to receive the service.

22 Section 28 amends section 13 of P.L.1971, c.199 (C.40A:12-13) to  
23 facilitate the sale, by a local unit of very small parcels of land not  
24 needed for a public purpose, being less than an eighth of the minimum  
25 size required for development under the municipal zoning ordinance  
26 and without any capital improvement, to contiguous owners. Such  
27 sales would be facilitated by permitting the fair market value of the  
28 parcel to be determined by negotiation between the local unit and the  
29 owner of the contiguous real property. The negotiated sum would be  
30 subject to approval by resolution of the governing body, but in no case  
31 could that sum be less than one dollar. This provision would enable  
32 local units to return to the tax rolls small pieces of property that are  
33 not being used for a public purpose.

34

35 INITIATIVE TO INCREASE EFFICIENCIES THROUGH  
36 PRIVATIZATION

37 Section 41 permits the governing body of any county to enter into  
38 a contract with a private agency or firm to collect any delinquent fines  
39 owed to the county.

40

41 LOCAL FINANCE AND BUDGET REQUIREMENTS

42 Section 14 amends section 3 of P.L.1991, c.54 (C.40:66-10) to  
43 eliminate the current requirement that the Local Finance Board  
44 approve the budget of a municipal solid waste collection district.  
45 Under this amendment, budget approval is given by the Director of the  
46 Division of Local Government Services.

1 Section 15 modifies the requirements of the ten-year maximum  
2 repayment period for a bond anticipation note issued by a local unit.  
3 It requires the payment of a legally payable installment of the bonds  
4 prior to each anniversary date beginning with the third anniversary  
5 date of bond anticipation notes. Under current law, an installment  
6 must be paid at the end of the third year and the end of the fourth year,  
7 but not at the end of years five through nine, inclusive. This section  
8 also increases the maximum amount of capital notes permitted to be  
9 outstanding at one time from \$200,000 to \$1,000,000.

10 Sections 16 and 17 amend N.J.S.40A:2-17 and 40A:2-18  
11 respectively, to permit the publication of a summary of a bond  
12 ordinance instead of the entire bond ordinance, as is currently required  
13 by law.

14 Section 19 amends N.J.S.40A:4-27 to permit the anticipation in a  
15 local budget as a miscellaneous revenue of the total amount of  
16 payments payable to a local unit as a result of the sale of property  
17 when the obligation to make such a payment is entered into prior to  
18 the adoption of the budget. Current law requires that the obligation  
19 to pay must be entered into prior to February 10 of the calendar fiscal  
20 year, or August 10 of the State fiscal year in order for the amount of  
21 the sale to be included as miscellaneous revenue in a local budget.

22 Section 20 amends N.J.S.40A:4-41 to permit the Director of the  
23 Division of Local Government Services to promulgate rules and  
24 regulations to permit the use of a three-year average to determine the  
25 amount of reserve for uncollected taxes that must be included as part  
26 of a local budget. Under current law, except for municipalities in  
27 which tax appeal judgments have been awarded to property owners or  
28 for which the amount of tax reductions resulting from tax appeal  
29 judgments for the previous fiscal year exceeds 1% of the tax levy for  
30 that previous fiscal year, the minimum reserve for uncollected taxes is  
31 required to be calculated based on the amount of uncollected taxes in  
32 the previous year.

33 Sections 21 and 22 amend sections 3 and 4 of P.L.1976, c.68  
34 (C.40A:4-45.3 and 40A:4-45.4) to include as an exception to the limits  
35 of the "cap" law, P.L.1976, c.68 (C.40A:4-45.1 et seq.), the amounts  
36 expended by a municipality or a county under an interlocal service  
37 agreement entered into, following the enactment of this committee  
38 substitute, pursuant to P.L.1973, c.208 (C.40:8A-1 et seq.) or under  
39 a joint contract pursuant to the "Consolidated Municipal Service Act,"  
40 P.L.1952, c.72 (C.40:48B-1 et seq.).

41 Section 23 amends N.J.S.40A:5-16 to allow a local unit to pay out  
42 its moneys without requiring the certification of the party claiming  
43 payment. Such transactions would be authorized only after the  
44 adoption of rules by the Local Finance Board, and would be limited to  
45 certain types of circumstances. Current law requires a certification  
46 prior to the payment of any funds by local units.

1 Section 34 authorizes municipalities to apply excess taxes paid as  
2 the result of a property tax appeal to delinquencies on other real  
3 property located within the taxing district and owned wholly by that  
4 taxpayer, and for which no tax sale certificate has been issued or for  
5 which a tax sale certificate is held by the municipality. Under current  
6 law, municipalities must refund excess taxes paid as the result of a tax  
7 appeal to the taxpayer, even though he or she may be delinquent in the  
8 payment of property taxes on another property located in the same  
9 municipality.

10 Section 42 provides that, notwithstanding the provisions of the  
11 "Local Fiscal Affairs Law" (N.J.S.40A:5-1 et seq.) or any other law,  
12 rule, or regulation to the contrary, the Local Finance Board in  
13 consultation with the Commissioner of Education may adopt rules and  
14 regulations permitting local government units and boards of education  
15 to contract with third-party disbursement service organizations in  
16 order to make payments and execute financial transactions for those  
17 purposes and under such conditions as permitted by the Local Finance  
18 Board.

19 Section 43 authorizes the Commissioner of Community Affairs,  
20 after consultation with the State Board of Education and the  
21 Administrator of the Office of Telecommunications and Information  
22 Systems, to adopt regulations, pursuant to the "Administrative  
23 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to charge  
24 appropriate fees and authorize not-for-profit organizations, whose  
25 purposes support the administration of, or personnel engaged in,  
26 respectively, government or education services, to utilize any  
27 computerized communication networks that may be established by the  
28 State for the conduct of government or organizational activities, for  
29 communication with the members of such not-for-profit organizations  
30 in the conduct of such activities; except that such networks shall not  
31 be used to directly lobby State officials with regard to legislation, or  
32 by organizations that represent employees for the purpose of  
33 conducting collective negotiations with public employers.

34 Section 46 provides that notwithstanding the provisions of  
35 P.L.1983, c.312, s.2 (C.40A:4-45.19) to the contrary, any municipality  
36 that failed to print on the ballot the amount of the cost increase for the  
37 proposed PERS to PFRS transfer for police officers may apply to the  
38 director for permission to include the 1997 budget year amount of the  
39 pension appropriation representing the increase due to the switch as  
40 an increase in the cap base upon which final appropriations are based.

41

42 LAWS AND REGULATIONS AFFECTING LOCAL OFFICERS  
43 AND EMPLOYEES

44 Sections 4, 5 and 6 amend R.S.26:3-3, 26:3-9 and 26:3-10  
45 respectively to permit the governing body of a municipality, with the  
46 consent of the prospective appointee, to appoint a school nurse or the

1 municipal physician to the local Board of Health, notwithstanding that  
2 the person is not a resident of the municipality. Current law requires  
3 municipal residency for appointment to a Board of Health.

4 Sections 11 and 12 amend sections 2 and 5 of P.L.1990, c.33  
5 (C.40:20-35.11a and 40:41A-145.1) to provide that if at any time after  
6 the election of a member of a county board of chosen freeholders, and  
7 the commencement of the term of office of that person, the freeholder-  
8 elect dies, the county committee of the political party of which the  
9 deceased freeholder-elect was the nominee shall appoint another  
10 person to fill the position until the next general election. If the  
11 deceased freeholder-elect was not the nominee of a political party, on  
12 or within 30 days after the time fixed for the commencement of the  
13 term of office, the board of freeholders, without regard to party, shall  
14 appoint a successor to fill the position until the next general election.

15 Section 24 amends N.J.S.40A:9-141 to provide that the governing  
16 body of a municipality may, by resolution, set the hours of operation  
17 of the tax collector's office, the tax collector and all personnel assigned  
18 to the tax collector's office. Current law requires that this be done by  
19 ordinance.

20 Section 25 amends N.J.S.40A:9-146 to permit the governing body  
21 or the chief executive, as appropriate to the form of government of the  
22 municipality, by resolution or order, to set the hours of operation of  
23 the tax assessor's office and the tax assessor, commensurate with the  
24 compensation paid to the tax assessor. Current law contains no such  
25 provision. The bill clarifies that an appointing authority may set the  
26 total number of weekly hours of operation of the tax assessor's office  
27 and the total weekly number of work hours of the tax assessor, but  
28 may not set the specific work hours of the tax assessor.

29 Section 27 amends section 37 of P.L.1995, c.259 (C.40A:10-17.1)  
30 to permit a county employee who receives health benefits as the  
31 dependent of his or her spouse, to waive health coverage under the  
32 county plan. Such persons may, at the discretion of the county,  
33 receive annually a payment from the county that does not exceed 50%  
34 of the county's savings because of the employee's waiver of coverage.  
35 Municipal employees received this right to waive coverage as a result  
36 of the enactment of P.L.1995, c.259.

37 Section 32 amends section 8 of P.L.1975, c.217 (C.52:27D-126) to  
38 permit, by resolution or order as appropriate, the appointing authority  
39 of a municipality to set the hours of operation of the construction  
40 official's office and the construction official, commensurate with the  
41 compensation paid to the construction official.

42 Section 49 would permit a county governing body to adopt and  
43 implement an early retirement incentive program, upon the approval  
44 of the Director of the Division of Local Government Services in the  
45 Department of Community Affairs, regardless of whether the county  
46 participates in an interlocal services contract or joint services  
47 agreement with another local unit.

1 RECORD KEEPING REFORMS

2 Section 29 amends section 22 of P.L.1971, c.199 (C.40A:12-22) to  
3 make permissive the current statutory requirement that a municipality  
4 must establish and maintain a central registry of all real property  
5 acquired by it for purposes other than streets or highways.

6 Section 31 amends section 7 of P.L.1995, c.253 (C.46:3C-7) to  
7 provide that a municipality receiving and making available the lists  
8 required under the "New Residential Construction Off-site Conditions  
9 Disclosure Act," P.L.1995, c.253 (C.46:3C-1 et seq.) may charge  
10 purchasers of the information in the same manner as prices are charged  
11 for other public records pursuant to section 2 of P.L.1963, c.73  
12 (C.47:1A-2). Under current law, the price charged may reflect the  
13 actual reproduction costs. This amendment is intended to promote  
14 uniformity of municipal charges for all types of reproduced documents.

15 Section 44 provides that notwithstanding any rules, regulations or  
16 guidelines promulgated by the Attorney General, State narcotics action  
17 plan reports, commonly referred to as "SNAP" reports, shall be made  
18 on a quarterly basis. The Department of Law and Public Safety shall  
19 develop and supply to all participating police departments a standard  
20 computer software program, which shall include all of the necessary  
21 parameters for reporting, so that the SNAP reports may be generated  
22 by computer.

23 Section 47 establishes a Police Paperwork Reduction Task Force  
24 to study and recommend steps for reducing State requirements for  
25 information collection, reporting and retention by local police forces.  
26 The task force will have nine members, including two representatives  
27 of the Attorney General's office and one member of the Division of  
28 State Police, all appointed by the Governor; two representatives of  
29 local law enforcement agencies and one municipal court administrator,  
30 all appointed by the President of the Senate; and two representatives  
31 of local law enforcement agencies and one municipal court  
32 administrator, all appointed by the Speaker of the General Assembly.

33 The task force is charged with reviewing information requirements  
34 imposed by the State on local police and recommending ways in which  
35 these requirements may be reduced or streamlined. The task force is  
36 required to report its findings and recommendations to the Governor  
37 and the Legislature within six months and will dissolve on the 60th day  
38 after submission of its report.

39

40 COAH REFORMS

41 Section 33 amends section 11 of P.L.1985, c.222 (C.52:27D-311)  
42 to permit a municipality to purchase privately owned residential  
43 property as part of the municipality's housing element under the "Fair  
44 Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), at the value of  
45 all encumbrances to which the property is subject, even though the  
46 property may have a fair market value less than the mortgage amounts  
47 owed. This provision is intended to permit a rapid increase in the

1 stock of affordable housing in a municipality while saving money that  
2 would be required for new construction.

3 Section 45 contains the operative language which would permit a  
4 municipality to purchase privately owned residential property as part  
5 of the municipality's fair share housing obligation under the "Fair  
6 Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), for the balance  
7 owed on any mortgages to which the property is subject, even though  
8 the property may have a fair market value less than the mortgage  
9 amounts owed. This section also requires the Commissioner of  
10 Community Affairs to adopt rules and regulations, within six months  
11 following the effective date of this bill, to effectuate the purposes of  
12 this section.

13

#### 14 MISCELLANEOUS REFORMS

15 Section 3 amends R.S.19:31-2 to remove the current requirement  
16 of evening voter registration before the primary and general elections,  
17 and makes such evening voter registration optional in accordance with  
18 a plan established by the commissioner of registration and approved by  
19 the county board of elections.

20 Section 7 provides that no fire company, first aid or rescue squad,  
21 whether paid, part-paid, or volunteer, shall be liable to the Department  
22 of Labor or the Department of Health and Senior Services for any  
23 registration or inspection fee imposed by rule or regulation with regard  
24 to the filling of air cylinders for respiratory equipment used by the fire  
25 company, first aid or rescue squad. Current provisions of the New  
26 Jersey Administrative Code contain requirements concerning the filling  
27 of air cylinders for respiratory equipment, and registration and  
28 inspection fees are charged as part of those requirements. This section  
29 would eliminate those mandated fees.

30 Section 13 amends section 1 of P.L.1956, c.176 (C.40:45A-1) to  
31 provide that the governing body of a municipality in which any of the  
32 members are elected for terms beginning on January 1 may by  
33 resolution fix the date and time of its annual organization or  
34 reorganization meeting. Current law requires this procedure to be  
35 done by ordinance.

36 Section 18 concerns local budget years. It provides that any  
37 municipality that was required to change to the State fiscal year after  
38 January 1, 1997 but failed to do so shall continue to operate under a  
39 calendar fiscal year. It also makes conversion to the State fiscal year  
40 permissive. Currently, for any municipality with a population over  
41 35,000, this change in fiscal year is mandatory.

42 Section 26 amends N.J.S.40A:10-6 to permit local units to establish  
43 insurance funds for the provision of contributory or non-contributory  
44 self-funded, or partially self-funded, health insurance for employees or  
45 their dependants, or both, except for employees, or their dependents,  
46 of boards of education, jointure commissions, educational service  
47 commissions, county special services school districts, county

1 vocational-technical schools, and county colleges. Current law only  
2 permits local units to enter into contracts for health insurance and so  
3 it is not clear that local units can be self insured for health insurance  
4 without specific statutory authority. This provision also validates self  
5 insurance funds operating prior to the effective date of this bill.

6 Section 35 amends section 2 of P.L.1976, c.63 (C.54:4-6.3) amends  
7 the definition of "qualified real rental property" in the "Tenant's  
8 Property Tax Rebate Act" to mean any building or structure or  
9 complex of buildings or structures in which five or more housing units  
10 are rented or leased. Current law defines a "qualified real rental  
11 property" as one having four such units. This section is necessary to  
12 correct an inconsistency between the intent of P.L.1998, c.15 and  
13 existing law.

14 Section 36 amends N.J.S.59:9-2 to increase the lawsuit threshold  
15 for the Tort Claims Act from the current limit of \$1,000 to \$3,600.  
16 This amendment is being made to update the \$1,000 figure to more  
17 accurately reflect its current value. This value has remain unchanged  
18 since the law's inception in 1972.

# ASSEMBLY LOCAL GOVERNMENT COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 1183

# STATE OF NEW JERSEY

DATED: JANUARY 27, 2000

The Assembly Local Government Committee reports favorably Assembly Bill No. 1183.

This bill revises certain mandates, requirements and procedures that are burdensome on counties, municipalities and school districts. The bill also resolves certain administrative ambiguities and encourages more business-like practices on the part of local units in order to effectuate cost savings that will benefit property taxpayers.

#### GENERALLY APPLICABLE REGULATORY REQUIREMENTS

Section 37 of the bill provides that, notwithstanding sections 4 and 5 of P.L.1970, c.39 (C.13:1E-4 and C.13:1E-5) and any regulations promulgated thereunder, the registration renewal of solid waste collection and disposal vehicles operated by a public entity will be valid for a period of five years, and the registration fee to be paid by the public entity will not be greater than the fee in effect as of March 1, 1997 for the one-year registration.

Section 38 provides that the requirements for pesticide applicator or pesticide operator certification, licensing or record keeping of the "Pesticide Control Act of 1971," P.L.1971, c.176 (C.13:1F-1 et seq.) shall not apply to any licensed health or sanitary inspector who applies a pesticide not classified for restricted use, on property or premises to determine insect infestation.

Section 39 provides that notwithstanding any rules or regulations to the contrary, no permit shall be required of a county or municipality by the Department of Environmental Protection for the purpose of performing restoration work on any manmade drainage ditch located in the jurisdiction, provided that the restoration activity does not deviate in any manner from the original cross sectional area and location. For the purposes of this section, "ditch" is defined as a linear topographic depression with bed and banks of human construction which conveys water to or from a site, but does not include channelized or redirected water courses.

Section 48 authorizes as a pilot program the imposition of a "waste management services tax" to be used exclusively to fund solid waste management programs, services and activities.

### MANDATES AFFECTING SCHOOLS

Section 2 of the bill requires the current yearly examination of every pupil between the ages of 10 and 18 for scoliosis to be done on a biennial basis.

Section 30 provides that school crossing guards shall not be eligible to receive unemployment benefits during the summer. Under current law, school crossing guards are eligible to receive these benefits during summer months, even though they will cease to be unemployed in September, when the new school year begins.

Section 40 authorizes any school district which increases its net budget between the prebudget and budget years in an amount less than that authorized pursuant to subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5d), to include the amount of the difference between its actual net budget and its permitted net budget in either of the next two succeeding budget years, effectively permitting "cap banking" for school districts. Current law does not permit "cap banking" for school districts.

### LAWS AND REGULATIONS AFFECTING SALES OF PUBLIC PROPERTY, PUBLIC CONTRACTS, AND AGREEMENTS FOR CONSOLIDATION, INTERLOCAL AND JOINT SERVICES

Sections 8 and 9 amend sections 2 and 3 of P.L.1973, c.208, the "Interlocal Services Act," (C.40:8A-2 and C.40:8A-3). Section 8 adds to the definition of "local unit" an authority subject to the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.). Section 9 provides that local units may enter into contracts for the joint provision of services incidental to the primary purposes of the local unit with an authority subject to the "Local Authorities Fiscal Control Law." The effect of this section would allow, for example, a municipality to contract with a local authority for snow removal services if the authority has a truck equipped with a plow.

Section 10 amends section 5 of P.L.1973, c.208 (C.40:8A-5) to provide that, in the case of a joint agreement under the "Interlocal Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.) for the provision of services by State-certified professionals, the agreement shall provide for the payment of a salary, and shall not include tenure rights in the municipality contracting to receive the service.

Section 28 amends section 13 of P.L.1971, c.199 (C.40A:12-13) to facilitate the sale, by a local unit of very small parcels of land not needed for a public purpose, being less than an eighth of the minimum size required for development under the municipal zoning ordinance and without any capital improvement, to contiguous owners. Such sales would be facilitated by permitting the fair market value of the parcel to be determined by negotiation between the local unit and the owner of the contiguous real property. The negotiated sum would be subject to approval by resolution of the governing body, but in no case could that sum be less than one dollar. This provision would enable

local units to return to the tax rolls small pieces of property that are not being used for a public purpose.

INITIATIVE TO INCREASE EFFICIENCIES THROUGH PRIVATIZATION

Section 41 permits the governing body of any county to enter into a contract with a private agency or firm to collect any delinquent fines owed to the county.

LOCAL FINANCE AND BUDGET REQUIREMENTS

Section 14 amends section 3 of P.L.1991, c.54 (C.40:66-10) to eliminate the current requirement that the Local Finance Board approve the budget of a municipal solid waste collection district. Under this amendment, budget approval is given by the Director of the Division of Local Government Services.

Section 15 modifies the requirements of the ten-year maximum repayment period for a bond anticipation note issued by a local unit. It requires the payment of a legally payable installment of the bonds prior to each anniversary date beginning with the third anniversary date of bond anticipation notes. Under current law, an installment must be paid at the end of the third year and the end of the fourth year, but not at the end of years five through nine, inclusive. This section also increases the maximum amount of capital notes permitted to be outstanding at one time from \$200,000 to \$1,000,000.

Sections 16 and 17 amend N.J.S.40A:2-17 and 40A:2-18 respectively, to permit the publication of a summary of a bond ordinance instead of the entire bond ordinance, as is currently required by law.

Section 19 amends N.J.S.40A:4-27 to permit the anticipation in a local budget as a miscellaneous revenue of the total amount of payments payable to a local unit as a result of the sale of property when the obligation to make such a payment is entered into prior to the adoption of the budget. Current law requires that the obligation to pay must be entered into prior to February 10 of the calendar fiscal year, or August 10 of the State fiscal year in order for the amount of the sale to be included as miscellaneous revenue in a local budget.

Section 20 amends N.J.S.40A:4-41 to permit the Director of the Division of Local Government Services to promulgate rules and regulations to permit the use of a three-year average to determine the amount of reserve for uncollected taxes that must be included as part of a local budget. Under current law, except for municipalities in which tax appeal judgments have been awarded to property owners or for which the amount of tax reductions resulting from tax appeal judgments for the previous fiscal year exceeds 1% of the tax levy for that previous fiscal year, the minimum reserve for uncollected taxes is required to be calculated based on the amount of uncollected taxes in the previous year.

Sections 21 and 22 amend sections 3 and 4 of P.L.1976, c.68

(C.40A:4-45.3 and 40A:4-45.4) to include as an exception to the limits of the "cap" law, P.L.1976, c.68 (C.40A:4-45.1 et seq.), the amounts expended by a municipality or a county under an interlocal service agreement entered into, following the enactment of this committee substitute, pursuant to P.L.1973, c.208 (C.40:8A-1 et seq.) or under a joint contract pursuant to the "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et seq.).

Section 23 amends N.J.S.40A:5-16 to allow a local unit to pay out its moneys without requiring the certification of the party claiming payment. Such transactions would be authorized only after the adoption of rules by the Local Finance Board, and would be limited to certain types of circumstances. Current law requires a certification prior to the payment of any funds by local units.

Section 34 authorizes municipalities to apply excess taxes paid as the result of a property tax appeal to delinquencies on other real property located within the taxing district and owned wholly by that taxpayer, and for which no tax sale certificate has been issued or for which a tax sale certificate is held by the municipality. Under current law, municipalities must refund excess taxes paid as the result of a tax appeal to the taxpayer, even though he or she may be delinquent in the payment of property taxes on another property located in the same municipality.

Section 42 provides that, notwithstanding the provisions of the "Local Fiscal Affairs Law" (N.J.S.40A:5-1 et seq.) or any other law, rule, or regulation to the contrary, the Local Finance Board in consultation with the Commissioner of Education may adopt rules and regulations permitting local government units and boards of education to contract with third-party disbursement service organizations in order to make payments and execute financial transactions for those purposes and under such conditions as permitted by the Local Finance Board.

Section 43 authorizes the Commissioner of Community Affairs, after consultation with the State Board of Education and the Administrator of the Office of Telecommunications and Information Systems, to adopt regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to charge appropriate fees and authorize not-for-profit organizations, whose purposes support the administration of, or personnel engaged in, respectively, government or education services, to utilize any computerized communication networks that may be established by the State for the conduct of government or organizational activities, for communication with the members of such not-for-profit organizations in the conduct of such activities; except that such networks shall not be used to directly lobby State officials with regard to legislation, or by organizations that represent employees for the purpose of conducting collective negotiations with public employers.

Section 46 provides that notwithstanding the provisions of P.L.1983, c.312, s.2 (C.40A:4-45.19) to the contrary, any municipality

that failed to print on the ballot the amount of the cost increase for the proposed PERS to PFRS transfer for police officers may apply to the director for permission to include the 1997 budget year amount of the pension appropriation representing the increase due to the switch as an increase in the cap base upon which final appropriations are based.

#### LAWS AND REGULATIONS AFFECTING LOCAL OFFICERS AND EMPLOYEES

Sections 4, 5 and 6 amend R.S.26:3-3, 26:3-9 and 26:3-10 respectively to permit the governing body of a municipality, with the consent of the prospective appointee, to appoint a school nurse or the municipal physician to the local Board of Health, notwithstanding that the person is not a resident of the municipality. Current law requires municipal residency for appointment to a Board of Health.

Sections 11 and 12 amend sections 2 and 5 of P.L.1990, c.33 (C.40:20-35.11a and 40:41A-145.1) to provide that if at any time after the election of a member of a county board of chosen freeholders, and the commencement of the term of office of that person, the freeholder-elect dies, the county committee of the political party of which the deceased freeholder-elect was the nominee shall appoint another person to fill the position until the next general election. If the deceased freeholder-elect was not the nominee of a political party, on or within 30 days after the time fixed for the commencement of the term of office, the board of freeholders, without regard to party, shall appoint a successor to fill the position until the next general election.

Section 24 amends N.J.S.40A:9-141 to provide that the governing body of a municipality may, by resolution, set the hours of operation of the tax collector's office, the tax collector and all personnel assigned to the tax collector's office. Current law requires that this be done by ordinance.

Section 25 amends N.J.S.40A:9-146 to permit the governing body or the chief executive, as appropriate to the form of government of the municipality, by resolution or order, to set the hours of operation of the tax assessor's office and the tax assessor, commensurate with the compensation paid to the tax assessor. Current law contains no such provision. The bill clarifies that an appointing authority may set the total number of weekly hours of operation of the tax assessor's office and the total weekly number of work hours of the tax assessor, but may not set the specific work hours of the tax assessor.

Section 27 amends section 37 of P.L.1995, c.259 (C.40A:10-17.1) to permit a county employee who receives health benefits as the dependent of his or her spouse, to waive health coverage under the county plan. Such persons may, at the discretion of the county, receive annually a payment from the county that does not exceed 50% of the county's savings because of the employee's waiver of coverage. Municipal employees received this right to waive coverage as a result of the enactment of P.L.1995, c.259.

Section 32 amends section 8 of P.L.1975, c.217 (C.52:27D-126)

to permit, by resolution or order as appropriate, the appointing authority of a municipality to set the hours of operation of the construction official's office and the construction official, commensurate with the compensation paid to the construction official.

Section 49 would permit a county governing body to adopt and implement an early retirement incentive program, upon the approval of the Director of the Division of Local Government Services in the Department of Community Affairs, regardless of whether the county participates in an interlocal services contract or joint services agreement with another local unit.

#### RECORD KEEPING REFORMS

Section 29 amends section 22 of P.L.1971, c.199 (C.40A:12-22) to make permissive the current statutory requirement that a municipality must establish and maintain a central registry of all real property acquired by it for purposes other than streets or highways.

Section 31 amends section 7 of P.L.1995, c.253 (C.46:3C-7) to provide that a municipality receiving and making available the lists required under the "New Residential Construction Off-site Conditions Disclosure Act," P.L.1995, c.253 (C.46:3C-1 et seq.) may charge purchasers of the information in the same manner as prices are charged for other public records pursuant to section 2 of P.L.1963, c.73 (C.47:1A-2). Under current law, the price charged may reflect the actual reproduction costs. This amendment is intended to promote uniformity of municipal charges for all types of reproduced documents.

Section 44 provides that notwithstanding any rules, regulations or guidelines promulgated by the Attorney General, State narcotics action plan reports, commonly referred to as "SNAP" reports, shall be made on a quarterly basis. The Department of Law and Public Safety shall develop and supply to all participating police departments a standard computer software program, which shall include all of the necessary parameters for reporting, so that the SNAP reports may be generated by computer.

Section 47 establishes a Police Paperwork Reduction Task Force to study and recommend steps for reducing State requirements for information collection, reporting and retention by local police forces. The task force will have nine members, including two representatives of the Attorney General's office and one member of the Division of State Police, all appointed by the Governor; two representatives of local law enforcement agencies and one municipal court administrator, all appointed by the President of the Senate; and two representatives of local law enforcement agencies and one municipal court administrator, all appointed by the Speaker of the General Assembly.

The task force is charged with reviewing information requirements imposed by the State on local police and recommending ways in which these requirements may be reduced or streamlined. The task force is required to report its findings and recommendations to the Governor and the Legislature within six months and will dissolve on the 60th day

after submission of its report.

### COAH REFORMS

Section 33 amends section 11 of P.L.1985, c.222 (C.52:27D-311) to permit a municipality to purchase privately owned residential property as part of the municipality's housing element under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), at the value of all encumbrances to which the property is subject, even though the property may have a fair market value less than the mortgage amounts owed. This provision is intended to permit a rapid increase in the stock of affordable housing in a municipality while saving money that would be required for new construction.

Section 45 contains the operative language which would permit a municipality to purchase privately owned residential property as part of the municipality's fair share housing obligation under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), for the balance owed on any mortgages to which the property is subject, even though the property may have a fair market value less than the mortgage amounts owed. This section also requires the Commissioner of Community Affairs to adopt rules and regulations, within six months following the effective date of this bill, to effectuate the purposes of this section.

### MISCELLANEOUS REFORMS

Section 3 amends R.S.19:31-2 to remove the current requirement of evening voter registration before the primary and general elections, and makes such evening voter registration optional in accordance with a plan established by the commissioner of registration and approved by the county board of elections.

Section 7 provides that no fire company, first aid or rescue squad, whether paid, part-paid, or volunteer, shall be liable to the Department of Labor or the Department of Health and Senior Services for any registration or inspection fee imposed by rule or regulation with regard to the filling of air cylinders for respiratory equipment used by the fire company, first aid or rescue squad. Current provisions of the New Jersey Administrative Code contain requirements concerning the filling of air cylinders for respiratory equipment, and registration and inspection fees are charged as part of those requirements. This section would eliminate those mandated fees.

Section 13 amends section 1 of P.L.1956, c.176 (C.40:45A-1) to provide that the governing body of a municipality in which any of the members are elected for terms beginning on January 1 may by resolution fix the date and time of its annual organization or reorganization meeting. Current law requires this procedure to be done by ordinance.

Section 18 concerns local budget years. It provides that any municipality that was required to change to the State fiscal year after January 1, 1997 but failed to do so shall continue to operate under a

calendar fiscal year. It also makes conversion to the State fiscal year permissive. Currently, for any municipality with a population over 35,000, this change in fiscal year is mandatory.

Section 26 amends N.J.S.40A:10-6 to permit local units to establish insurance funds for the provision of contributory or non-contributory self-funded, or partially self-funded, health insurance for employees or their dependants, or both, except for employees, or their dependents, of boards of education, jointure commissions, educational service commissions, county special services school districts, county vocational-technical schools, and county colleges. Current law only permits local units to enter into contracts for health insurance and so it is not clear that local units can be self insured for health insurance without specific statutory authority. This provision also validates self insurance funds operating prior to the effective date of this bill.

Section 35 amends section 2 of P.L.1976, c.63 (C.54:4-6.3) amends the definition of "qualified real rental property" in the "Tenant's Property Tax Rebate Act" to mean any building or structure or complex of buildings or structures in which five or more housing units are rented or leased. Current law defines a "qualified real rental property" as one having four such units. This section is necessary to correct an inconsistency between the intent of P.L.1998, c.15 and existing law.

Section 36 amends N.J.S.59:9-2 to increase the lawsuit threshold for the Tort Claims Act from the current limit of \$1,000 to \$3,600. This amendment is being made to update the \$1,000 figure to more accurately reflect its current value. This value has remain unchanged since the law's inception in 1972.

This bill was prefiled for introduction in the 2000 session pending technical review. As reported, the bill includes changes required by technical review, which has been performed.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1183**

**STATE OF NEW JERSEY**

DATED: MARCH 2, 2000

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1183.

Assembly Bill No. 1183 revises certain mandates, requirements and procedures that are burdensome on counties, municipalities and school districts. The bill also resolves certain administrative ambiguities and encourages more business-like practices on the part of local units in order to effectuate cost savings that will benefit property taxpayers.

Concerning section 48, which authorizes a pilot program allowing the imposition of a "waste management services tax" to be used exclusively to fund solid waste management programs, services and activities, it is the understanding of the committee that the section does not authorize Statewide, and has no impact on pending litigation concerning, environmental impact charges.

FISCAL IMPACT:

Assembly Bill No.1183 contains some 43 separate operative provisions. Due to the permissive nature of many of these provisions and without specific information, it is not possible to estimate the overall fiscal impact upon local municipalities, counties, and or school districts.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 1183**  
**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

DATED: MARCH 14, 2000

**SUMMARY**

**Synopsis:** Revises certain mandates, requirements and procedures for local governments and school districts.

**Type of Impact:** State fee losses and report preparation costs, indeterminate local revenue gains and cost reductions for local governments and school districts.

**Agencies Affected:** Department of Labor (DOL), Department of Environmental Protection (DEP), Department of Health and Senior Services (DHSS), Department of Law and Public Safety (DLPS), municipal and county governments and school districts.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>			
<b>DEP</b>	Minimal	Minimal	Minimal
<b>DLPS</b>	Minimal	Minimal	Minimal
<b>DOL</b>	Minimal	Minimal	Minimal
<b>DHSS</b>	Minimal	Minimal	Minimal
<b>State Revenue</b>			
<b>DCA</b>	Minimal	Minimal	Minimal
<b>Local Cost</b>	None	None	None
<b>Local Revenue</b>	Indeterminate	Indeterminate	Indeterminate

- ! The bill is intended to provide long term relief from certain State mandates on counties, municipalities and school districts by reducing State regulatory fees on them, and by providing them with greater budgetary flexibility so they can reduce local property taxes.
- ! The bill also resolves many administrative ambiguities and encourages more businesslike practices on the part of local units and school districts in order to effectuate local cost reductions that will benefit property taxpayers.
- ! Due to the permissive nature of many of the 43 operative sections in this bill impacting on State and local finance matters and a lack of available information, it is not possible to estimate the overall fiscal impact upon the State or municipalities, counties, and school

districts.

## **BILL DESCRIPTION**

This bill revises certain burdensome mandates, requirements, and procedures in the operations of municipalities, counties, and school districts, which if enacted, could allow these entities more flexible, practical, and efficient administration in order to effectuate cost reductions that will benefit property taxpayers. The bill also resolves certain administrative ambiguities and encourages more businesslike practices on the part of these entities in order to effectuate cost reductions so that these entities can reduce property taxes.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

<b>SUMMARY TABLE</b>							
<b>STATE AND LOCAL GOVERNMENT PROVISION CHANGES IN BILL BY LEVEL OF GOVERNMENT</b>							
<b>ITEM</b>	<b>State Cost</b>	<b>State Revenue</b>	<b>Local Cost</b>	<b>Local Revenue</b>	<b>Local Cost Reductions</b>	<b>Other Local Changes</b>	<b>Total Changes</b>
<b>Number</b>	6	1	0	9	51	11	78
<b>Percent</b>	8%	1%	0%	12%	65%	14%	100%

### **STATE FISCAL IMPACT**

The Office of Legislative Services (OLS) notes that six provisions in the bill may have a minimal State cost because four of those provisions eliminate or limit the State's authority, vested in the DLPS, DOL, DHSS, and the DEP, to impose registration or inspection fees, and two provisions require the DLPS to produce a report for the benefit of local governments. As shown in the summary table above, one provision in the bill may produce a minimal amount of State revenue for the Department of Community Affairs by permitting it to charge fees to non-government entities for the use of a future State computerized communication network.

### **LOCAL FISCAL IMPACT**

No provision in this bill produces a cost to a local government or local school district. Nine provisions in the bill may, by minimal amounts, enhance local government and school district revenue by providing local governments and school districts with greater flexibility in managing their local finances and budget requirements. The bill has 51 provisions that resolve many administrative ambiguities and encourages more businesslike practices on the part of local governments and school districts in order to effectuate local cost reductions that will benefit property taxpayers. Of those 51 provisions, 26 reduce municipal costs, 8 reduce school costs and 17 reduce county costs. Eleven provisions in the bill have no direct fiscal impact on local

governments. Of those, seven change laws and regulations affecting local officers and employees, and two concern property taxation billing matters.

Section: *Local Government*

Analyst: *Cindy Hesse, Senior Research Analyst and Gerald M. Dowgin, Lead Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

[First Reprint]

**ASSEMBLY, No. 1183**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Assemblyman MICHAEL J. ARNONE**

**District 12 (Monmouth)**

**Assemblyman JOSEPH V. DORIA, JR.**

**District 31 (Hudson)**

**Co-Sponsored by:**

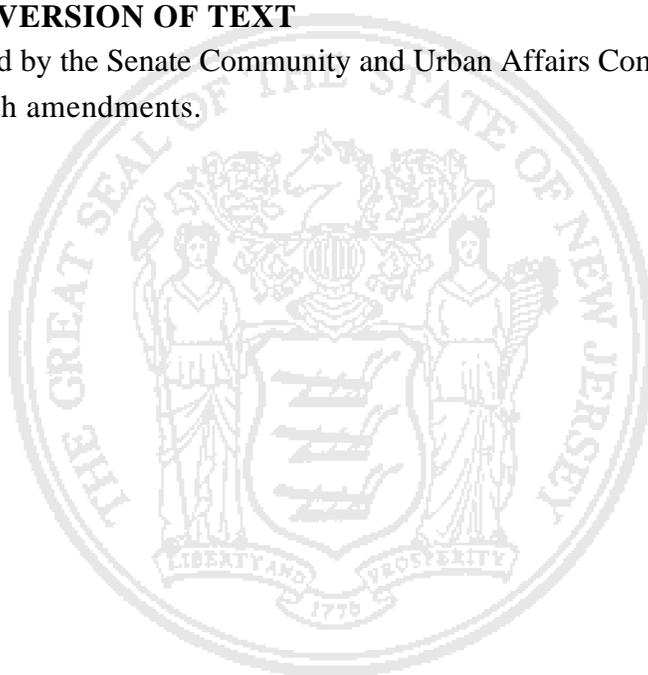
**Senators Bennett, Palaia and Kyrillos**

**SYNOPSIS**

Revises certain mandates, requirements and procedures for local governments and school districts.

**CURRENT VERSION OF TEXT**

As reported by the Senate Community and Urban Affairs Committee on June 15, 2000, with amendments.



**(Sponsorship Updated As Of: 6/30/2000)**

1 AN ACT revising certain mandates, requirements and procedures for  
2 local governments and school districts and amending and  
3 supplementing various parts of the statutory law.

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

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

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

25 In response to this decades long pattern of seemingly inexorable  
26 increases in burdensome mandates from Trenton, local officials  
27 repeatedly petition the Legislature for relief. In response to entreaties  
28 of local officials, various committees of several Legislatures have  
29 determined to continue to address the problem of burdensome  
30 mandates on an expedited basis through the enactment of omnibus acts  
31 that repeal or modify many of those mandates, resolve administrative  
32 ambiguities and encourage more businesslike practices. This is the  
33 third such omnibus mandate relief act.

34  
35 2. Section 1 of P.L.1978, c.97 (C.18A:40-4.3) is amended to read  
36 as follows:

37 1. Every board of education shall provide for the **[yearly]** biennial  
38 examination of every pupil between the ages of 10 and 18 for the  
39 condition known as scoliosis in accordance with standards jointly  
40 established and promulgated by the Departments of Health and Senior  
41 Services and Education. Such examination shall be carried out by a

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SCU committee amendments adopted June 15, 2000.

1 school physician, school nurse, physical education instructor or other  
2 school personnel properly trained in the screening process for  
3 scoliosis. Every board of education shall further provide for the  
4 notification of the parents or guardian of any pupil suspected of  
5 having scoliosis. Such notification shall include an explanation of  
6 scoliosis, the significance of treating it at an early stage, and the  
7 public services available, after diagnosis, for such treatment.

8 (cf: P.L.1978, c.97, s.1)

9

10 <sup>1</sup>[3. R.S.19:31-2 is amended to read as follows:

11 19:31-2. In all counties having a superintendent of elections, the  
12 superintendent of elections is hereby constituted the commissioner of  
13 registration and in all other counties the secretary of the county board  
14 is hereby constituted the commissioner of registration.

15 The commissioner of registration shall have complete charge of the  
16 registration of all eligible voters within their respective counties.

17 The commissioner of registration shall have power to appoint  
18 temporarily, and the commissioner of registration in counties of the  
19 first class having more than 800,000 inhabitants shall have power to  
20 appoint on a permanent, or temporary basis, such number of persons,  
21 as in the commissioner's judgment may be necessary in order to carry  
22 out the provisions of this Title. All persons appointed by the  
23 commissioner of registration in counties of the first class having more  
24 than 850,000 inhabitants according to the latest federal decennial  
25 census to serve for terms of more than six months in any one year shall  
26 be in the career service of the civil service and shall be appointed, and  
27 hold their positions, in accordance with the provisions of Title 11A,  
28 Civil Service. All persons appointed by the commissioner of  
29 registration in counties of the first class having more than 600,000 but  
30 less than 850,000 inhabitants according to the latest federal decennial  
31 census to serve for terms of more than six months in any one year,  
32 other than the chief deputy and chief clerk and confidential secretary  
33 and chief custodian, shall be in the career service of the civil service  
34 and shall be appointed and hold their positions, in accordance with the  
35 provisions of Title 11A, Civil Service. Persons appointed by the  
36 commissioner of registration in such counties to serve for terms of six  
37 months or less in any one year and persons appointed by the  
38 commissioner of registration shall not be subject to any of the  
39 provisions of Title 11A, Civil Service, but shall be in the unclassified  
40 service.

41 [In each county the commissioner of registration shall submit to the  
42 Secretary of State on or before February 15 of each year a plan  
43 providing for evening registration for the primary election and on or  
44 before July 1 plans providing for evening registration for the general  
45 election, which plans shall be subject to approval by the Secretary of  
46 State.] Evening registration [shall] may be made available in the

1 office of each commissioner of registration [between the hours of  
2 4 p.m. and 9 p.m. on the 29th day preceding the primary and general  
3 elections and, in any year in which municipal elections are to be held  
4 in any municipality within the county, on the 29th day preceding those  
5 municipal elections] in accordance with a plan established by each  
6 commissioner and approved by the county board of elections.

7 In each county, the commissioner of registration may also establish  
8 a plan for out-of-office registration, including door-to-door  
9 registration.

10 Nothing in this section shall preclude [the commissioner from  
11 providing pursuant to plan evening registration in excess of the  
12 requirements of this section, or shall preclude] or in any way limit  
13 out-of-office registration conducted by persons or groups other than  
14 the commissioner.

15 The commissioner of registration shall provide such printed forms,  
16 blanks, supplies and office telephone and transportation equipment and  
17 shall prescribe such reasonable rules and regulations not inconsistent  
18 with those of the Secretary of State as are necessary in the opinion of  
19 the commissioner to carry out the provisions of this Title and any  
20 amendments or supplements thereto.

21 Subject to the limitations set forth in chapter 32 of this Title, all  
22 necessary expenses incurred, as and when certified and approved by  
23 the commissioner of registration shall be paid by the county treasurer  
24 of the county.

25 Nothing in the provisions of subtitle 2 of the Title, Municipalities  
26 and Counties (R.S.40:16-1 et seq.), shall in anywise be construed to  
27 affect, restrict or abridge the powers herein conferred on the  
28 commissioners of registration of the several counties.

29 All powers granted to the commissioner in all counties not having  
30 superintendents of elections by the provisions of this Title are hereby  
31 conferred on the county board in such counties and any and all duties  
32 conferred upon the commissioner in all counties not having a  
33 superintendent of elections by the provisions of this Title shall only be  
34 exercised and performed by such commissioner under the instructions  
35 and directions of and subject to the approval of the county board of  
36 such counties.

37 (cf: P.L.1994, c.182, s.2)]<sup>1</sup>

38

39 <sup>1</sup>[4.] 3.<sup>1</sup> R.S.26:3-3 is amended to read as follows:

40 26:3-3. The local board in every municipality, other than a  
41 township, which is subject to the provisions of subdivision C of this  
42 article, shall be composed of not less than five nor more than seven  
43 members, except that in a city of the first class the board shall consist  
44 of 10 members, and in a city having a population of over 80,000, but  
45 not of the first class, the board shall consist of not less than five nor  
46 more than 10 members. Upon the consent of the prospective

1 appointee, the governing body of a municipality may appoint a school  
2 nurse or the municipal physician to the local board, notwithstanding  
3 that the nurse or physician is not a resident of the municipality.

4 The local board may, by ordinance, provide for the appointment of  
5 two alternate members. Notwithstanding the provisions of any other  
6 law or charter heretofore adopted, the ordinance shall provide the  
7 method of appointment of the alternate members. Alternate members  
8 shall be designated at the time of appointment by the authority  
9 appointing them as "Alternate No. 1" and "Alternate No. 2."

10 The terms of the alternate members shall be for two years, except  
11 that the terms of the alternate members first appointed shall be two  
12 years for Alternate No. 1 and one year for Alternate No. 2, so that the  
13 term of not more than one alternate member shall expire in any one  
14 year. A vacancy occurring otherwise than by expiration of term shall  
15 be filled by the appointing authority for the unexpired term only.

16 An alternate member shall not be permitted to act on any matter in  
17 which he has either directly or indirectly any personal or financial  
18 interest. An alternate member may, after public hearing if he requests  
19 one, be removed by the governing body for cause.

20 An alternate member may participate in discussions of the  
21 proceedings but may not vote except in the absence or disqualification  
22 of a regular member. A vote shall not be delayed in order that a  
23 regular member may vote instead of an alternate member. In the event  
24 that a choice must be made as to which alternate member is to vote,  
25 Alternate No. 1 shall vote first.

26 (cf: P.L.1989, c.168, s.1)

27  
28 <sup>1</sup>[5.] 4.<sup>1</sup> R.S.26:3-9 is amended to read as follows:

29 26:3-9. a. The local board in every township having a population  
30 of not more than 20,000 inhabitants [shall] may be composed of the  
31 members of the township committee, the township assessor or, if the  
32 township has a board of assessors, the township clerk, and one  
33 physician or school nurse, to be appointed by the township committee  
34 for a term of three years from the time of his appointment and until the  
35 successor is appointed. Upon the consent of the prospective  
36 appointee, the township committee may appoint, as the physician or  
37 school nurse appointment, the township physician or a school nurse to  
38 the local board, notwithstanding that the physician or nurse is not a  
39 resident of the township. The township committee may by ordinance  
40 provide for the appointment of not more than two alternate members.  
41 Alternate members shall be designated at the time of appointment as  
42 "Alternate No. 1" and "Alternate No. 2." The term of the alternate  
43 members shall be for two years, except that of the first two alternate  
44 members appointed, one shall be appointed for a term of one year so  
45 that the term of not more than one alternate member shall expire in any  
46 one year. A vacancy occurring otherwise than by expiration of term

1 shall be filled by the appointing authority for the unexpired term only.  
2 Alternate members may participate in discussions of the proceedings  
3 but may not vote except in the absence or disqualification of a regular  
4 member. A vote shall not be delayed in order that a regular member  
5 may vote instead of an alternate member. In the event that a choice  
6 must be made as to which alternate member is to vote, Alternate No.  
7 1 shall vote.

8 b. Any such township may by ordinance adopt the provisions of  
9 subdivision B of this article and thereafter shall be subject to the  
10 provisions thereof and shall not be subject to the provisions of this  
11 subdivision of this article.

12 (cf: P.L.1986, c.78, s.1)

13

14 <sup>1</sup>[6.] 5.<sup>1</sup> R.S.26:3-10 is amended to read as follows:

15 26:3-10. The local board in every township having a population of  
16 more than twenty thousand inhabitants shall be composed of not less  
17 than five nor more than seven members who shall be appointed in such  
18 manner and hold their respective offices for such terms, not exceeding  
19 four years, as the township committee or other governing body may by  
20 ordinance provide, but the terms of not more than three members shall  
21 expire in any one year, but any such township may by ordinance adopt  
22 the provisions of subdivision B of this article and thereafter shall be  
23 subject to the provisions thereof and shall not be subject to the  
24 provisions of this subdivision of this article. Upon the consent of the  
25 prospective appointee, the township committee may appoint a school  
26 nurse or the township physician to the local board, notwithstanding  
27 that the nurse or physician is not a resident of the township.

28 (cf: P.L.1953, c.349, s.6)

29

30 <sup>1</sup>[7.] 6.<sup>1</sup> Section 8 of P.L.1983, c.516 (C. 34:6A-32) is amended  
31 to read as follows:

32 8. The commissioner shall, in consultation with the Commissioner  
33 of Health <sup>1</sup>and Senior Services<sup>1</sup> and the Commissioner of Community  
34 Affairs and with the advice of the advisory board, promulgate all  
35 regulations which he deems necessary for the proper administration  
36 and enforcement of this act. A variance may be granted if the  
37 commissioner determines that the applicant is in compliance with the  
38 requirements for a permanent variance as set forth in subsection c. of  
39 section 15 of this act. The variance shall not be deemed to be a  
40 variation approved pursuant to the "State Uniform Construction Code  
41 Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or the "Uniform Fire  
42 Safety Act," P.L.1983, c.383 (C.52:27D-192 et al.) or any other  
43 building or fire safety standard or code.

44 Space leased by a public employer shall be subject to current health  
45 or safety rules and regulations. Any deficiency, including a deficiency  
46 resulting either from occupant use or deferred maintenance by the

1 lessor, shall be subject to correction in accordance with the governing  
2 rules and regulations at the time that the deficiency is cited by the  
3 commissioner or the Commissioner of Health <sup>1</sup>and Senior Services<sup>1</sup> .  
4 However, a lease of any duration may not be entered into unless the  
5 leased property is in conformance with such rules and regulations as  
6 are in effect at the time the lease is executed.

7 No fire company, first aid or rescue squad, whether paid, part-paid,  
8 or volunteer, shall be <sup>1</sup>[liable]required to pay<sup>1</sup> to the Department of  
9 Labor or the Department of Health and Senior Services <sup>1</sup>[for]<sup>1</sup> any  
10 registration or inspection fee imposed by rule or regulation with regard  
11 to the filling of air cylinders for respiratory equipment used by the fire  
12 company, first aid or rescue squad.

13 (cf: P.L.1995, c.186, s.4)

14

15 <sup>1</sup>[8.] 7.<sup>1</sup> Section 2 of P.L.1973, c.208 (C.40:8A-2) is amended to  
16 read as follows:

17 2. As used in this act, unless the context indicates otherwise:

18 a. "Local unit" means a municipality, county, school district,  
19 authority subject to the "Local Authorities Fiscal Control Law,"  
20 P.L.1983, c.313 (C.40A:5A-1 et seq.), or a regional authority or  
21 district other than an interstate authority or district.

22 b. "Governing body" means the board, commission, council or  
23 other body having the control of the finances of a local unit; and in  
24 those local units in which an executive officer is authorized by law to  
25 participate in such control through powers of recommendation,  
26 approval or veto, the term includes such executive officer to the extent  
27 of such participation.

28 c. "Chief executive officer" means the mayor of a municipality, the  
29 elected county executive of a county, the director of the board of  
30 chosen freeholders in a county not having an elected county executive,  
31 and the chairman or other presiding officer of any other governing  
32 body.

33 d. "Service" means any of the powers, duties and functions  
34 exercised or performed by a local unit by or pursuant to law.

35 e. "Contract" means a contract authorized under section 3 of this  
36 act.

37 (cf: P.L.1973, c.208, s.2)

38

39 <sup>1</sup>[9.] 8.<sup>1</sup> Section 3 of P.L.1973, c.208 (C.40:8A-3) is amended to  
40 read as follows:

41 3. Any local unit of this State may enter into a contract with any  
42 other local unit or units for the joint provision within their several  
43 jurisdictions of any service, including services incidental to the primary  
44 purposes of the local unit which any party to the agreement is  
45 empowered to render within its own jurisdiction. An [autonomous]  
46 authority[, board, commission or district] subject to the "Local

1 Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et  
2 seq.). <sup>1</sup>and any other board, commission or district<sup>1</sup> established by and  
3 within a single local unit and providing service within such local unit  
4 or a part thereof may become a party to such contract with the consent  
5 of the governing body of the local unit, by resolution thereof adopted  
6 in the manner provided in section 4 of <sup>1</sup>[this act] P.L.1973, c.208  
7 (C.40:8A-4)<sup>1</sup> ; and after such consent duly given, such authority[,  
8 board, commission or district] <sup>1</sup>, board, commission or district<sup>1</sup> may  
9 enter into such contract by resolution without need of publication or  
10 hearing.

11 (cf: P.L.1995, c.356, s.1)

12

13 <sup>1</sup>[10.] 9.<sup>1</sup> Section 5 of P.L.1973, c.208 (C.40:8A-5) is amended  
14 to read as follows:

15 5. a. The parties to a contract authorized by <sup>1</sup>[this act] P.L.1973,  
16 c.208 (C.40:8A-1 et seq.)<sup>1</sup> may agree to provide jointly, or through  
17 the agency of one more of them on behalf of any or all of them, any  
18 service or aspect of a service which any of the parties on whose behalf  
19 such services are to be performed may legally perform for itself. Such  
20 services shall include, but not be limited to, the areas of general  
21 government administration, health, police and fire protection, code  
22 enforcement, assessment and collection of taxes, financial  
23 administration, environmental services, joint municipal courts, youth,  
24 senior citizens, welfare and social services programs. Nothing in  
25 <sup>1</sup>[this act] P.L.1973, c.208 (C.40:8A-1 et seq.)<sup>1</sup> shall be deemed to  
26 amend or repeal any procedures for or powers of approval of any  
27 consolidated local service program which any State agency may now  
28 exercise pursuant to law.

29 b. In the case of<sup>1</sup>[joint agreements] a contract<sup>1</sup> for the<sup>1</sup>joint<sup>1</sup>  
30 provision of services by<sup>1</sup>[State-certified professionals, such  
31 agreements] an officer or employee of a local unit who is required to  
32 comply with a State certification requirement as a condition of  
33 employment, the contract<sup>1</sup> shall provide for the payment of a salary<sup>1</sup> to  
34 the officer or employee<sup>1</sup> and shall<sup>1</sup>[not include] designate one of the  
35 local units as the primary employer of the officer or employee for the  
36 purpose of that person's<sup>1</sup> tenure rights<sup>1</sup> [in the municipality  
37 contracting to receive the service]<sup>1</sup>.

38 (cf: P.L.1973, c.208, s.5)

39

40 <sup>1</sup>[11.] 10.<sup>1</sup> Section 2 of P.L.1990, c.33 (C.40:20-35.11a) is  
41 amended to read as follows:

42 2. a. When any vacancy occurs on the board of chosen freeholders  
43 otherwise than by expiration of term, it shall be filled by election for  
44 the unexpired term only at the next general election occurring not less  
45 than 60 days after the occurrence of the vacancy, except that no such

1 vacancy shall be filled at the general election which immediately  
2 precedes the expiration of the term in which the vacancy occurs. In  
3 the event a vacancy eligible to be filled by election hereunder occurs  
4 on or before the sixth day preceding the last day for filing petitions for  
5 nomination for the primary election, such petitions may be prepared  
6 and filed for nomination in that primary election in the manner  
7 provided by article 3 of chapter 23 of Title 19 of the Revised Statutes.  
8 In the event the vacancy occurs after that sixth day preceding the last  
9 day for filing petitions for nomination for the primary election, or if the  
10 vacancy occurs on or before the sixth day preceding the last day for  
11 filing petitions for nomination for the primary election but no such  
12 petition has been filed with respect to a given political party, each  
13 political party, or that party respectively, may select a candidate for  
14 the office in question in the manner prescribed in subsections a. and b.  
15 of R.S.19:13-20 for selecting candidates to fill vacancies among  
16 candidates nominated at primary elections. A statement of such  
17 selection under R.S.19:13-20 shall be filed with the county clerk not  
18 later than the 48th day preceding the date of the general election.

19 Besides the selection of candidates by each political party,  
20 candidates may also be nominated by petition in a manner similar to  
21 direct nomination by petition for the general election; but if the  
22 candidate of any party to fill the vacancy will be chosen at a primary  
23 election, such petition shall be filed with the county clerk at least  
24 55 days prior to the primary election; and if no candidate of any party  
25 will be chosen at a primary election, such petition shall be filed with  
26 the county clerk not later than 12 o'clock noon of the day on which the  
27 first selection meeting by any party is held under this section to select  
28 a nominee to fill the vacancy.

29 The county clerk shall print on the ballots for the territory affected,  
30 in the personal choice column, the title of office and leave a proper  
31 space under such title of office; and print the title of office and the  
32 names of such persons as have been duly nominated, in their proper  
33 columns.

34 b. Notwithstanding subsection a. of this section, if at any time after  
35 an election for a member of the board of chosen freeholders and before  
36 the time fixed for the commencement of the term of the office, the  
37 person elected to that office dies <sup>1</sup>or otherwise becomes unable to  
38 assume office<sup>1</sup>, the county committee of the political party of which  
39 the person elected was the nominee shall appoint another person to fill  
40 the position until the next general election. If the person elected was  
41 not the nominee of a political party, on or within 30 days after the time  
42 fixed for the commencement of the term of office, the governing body  
43 shall appoint a successor to fill the office until the next general  
44 election without regard to party.

45 (cf: P.L.1990, c.33, s.2)

1       <sup>1</sup>[12.] 11.<sup>1</sup> Section 5 of P.L.1990, c.33 (C.40:41A-145.1) is  
2 amended to read as follows:

3       5. a. When any vacancy occurs on the board of chosen freeholders  
4 otherwise than by expiration of term, it shall be filled by election for  
5 the unexpired term only at the next general election occurring not less  
6 than 60 days after the occurrence of the vacancy, except that no such  
7 vacancy shall be filled at the general election which immediately  
8 precedes the expiration of the term in which the vacancy occurs. In  
9 the event a vacancy eligible to be filled by election hereunder occurs  
10 on or before the sixth day preceding the last day for filing petitions for  
11 nomination for the primary election, such petitions may be prepared  
12 and filed for nomination in that primary election in the manner  
13 provided by article 3 of chapter 23 of Title 19 of the Revised Statutes.  
14 In the event the vacancy occurs after that sixth day preceding the last  
15 day for filing petitions for nomination for the primary election, or if the  
16 vacancy occurs on or before the sixth day preceding the last day for  
17 filing petitions for nomination for the primary election but no such  
18 petition has been filed with respect to a given political party, each  
19 political party, or that party respectively, may select a candidate for  
20 the office in question in the manner prescribed in subsections a. and b.  
21 of R.S.19:13-20 for selecting candidates to fill vacancies among  
22 candidates nominated at primary elections. A statement of such  
23 selection under R.S.19:13-20 shall be filed with the county clerk not  
24 later than the 48th day preceding the date of the general election.

25       Besides the selection of candidates by each political party,  
26 candidates may also be nominated by petition in a manner similar to  
27 direct nomination by petition for the general election; but if the  
28 candidate of any party to fill the vacancy will be chosen at a primary  
29 election, such petition shall be filed with the county clerk at least  
30 55 days prior to the primary election; and if no candidate of any party  
31 will be chosen at a primary election, such petition shall be filed with  
32 the county clerk not later than 12 o'clock noon of the day on which the  
33 first selection meeting by any party is held under this section to select  
34 a nominee to fill the vacancy.

35       The county clerk shall print on the ballots for the territory affected,  
36 in the personal choice column, the title of office and leave a proper  
37 space under such title of office; and print the title of office and the  
38 names of such persons as have been duly nominated, in their proper  
39 columns.

40       b. Notwithstanding subsection a. of this section, if at any time after  
41 an election for the office of county executive or for a member of the  
42 freeholder board and before the time fixed for the commencement of  
43 the term of the office, the person elected to that office dies <sup>1</sup>or  
44 otherwise becomes unable to assume office<sup>1</sup>, the county committee of  
45 the political party of which the person elected was the nominee shall  
46 appoint another person to fill the position until the next general

1 election. If the person elected was not the nominee of a political  
2 party, on or within 30 days after the time fixed for the commencement  
3 of the term of office, the governing body shall appoint a successor to  
4 fill the office until the next general election without regard to party.

5 (cf: P.L.1990, c.33, s.5)

6

7 <sup>1</sup>[13.] 12.<sup>1</sup> Section 1 of P.L.1956, c.176 (C.40:45A-1) is amended  
8 to read as follows:

9 1. Notwithstanding any other provision of law, the governing body  
10 of a municipality in which any of the members of the governing body  
11 are elected for terms commencing January 1 may, by **[ordinance]**  
12 resolution, fix the date and time of its annual organization or  
13 reorganization meeting at 12 o'clock noon on January 1, or at some  
14 other hour on any day during the first week in January.

15 (cf: P.L.1981, c.79, s.1)

16

17 <sup>1</sup>[14.] 13.<sup>1</sup> Section 3 of P.L.1991, c.54 (C.40:66-10) is amended  
18 to read as follows:

19 3. The governing body of any municipality which operated a solid  
20 waste collection district as of December 31, 1989, shall **[, by**  
21 **ordinance and subject to the approval of the Local Finance Board of**  
22 **the Department of Community Affairs,]** determine the amount of  
23 money necessary for the support of the solid waste collection district.  
24 The amount so determined shall **[be assessed on the value of all**  
25 **taxable property within the district and collected as taxes are collected**  
26 **and be controlled and expended by the municipality for the purposes**  
27 **herein specified. The ordinance shall specify that any assessment made**  
28 **pursuant to this section is to be used solely to provide for the support**  
29 **of the solid waste collection district. Any municipality which adopts**  
30 **an ordinance pursuant to this section shall, within 10 days following**  
31 **the adoption of the ordinance, forward a copy to the Division of Local**  
32 **Government Services in the Department of Community Affairs]**  
33 become part of the municipal budget and subject to approval by the  
34 director.

35 (cf: P.L.1991, c.54, s.3)

36

37 <sup>1</sup>[15. N.J.S.40A:2-8 is amended to read as follows:

38 40A:2-8. a. A local unit, in anticipation of the issuance of bonds,  
39 may borrow money and issue negotiable notes if the bond ordinance  
40 or subsequent resolution so provides. Any such note shall be  
41 designated "bond anticipation note" and shall contain a recital that it  
42 is issued in anticipation of the issuance of bonds. Such notes may be  
43 issued for a period of not exceeding one year and may be renewed  
44 from time to time for periods of not exceeding one year, but all such  
45 notes, including renewals, shall mature and be paid not later than the

1 [tenth anniversary of the date of the original notes] first day of the  
 2 fifth month following the close of the tenth fiscal year next following  
 3 the date of the original notes, provided, however, that no such notes  
 4 shall be renewed beyond the third anniversary date of the original  
 5 notes unless an amount of such notes, at least equal to the first legally  
 6 payable installment of the bonds in anticipation of which said notes are  
 7 issued, is paid and retired from funds other than the proceeds of  
 8 obligations on or before each anniversary date of the original notes  
 9 beginning with said third anniversary date [and, if such notes are  
 10 renewed beyond the fourth anniversary date of the original notes, a  
 11 like amount is paid or retired on or before said fourth anniversary date  
 12 from funds other than the proceeds of obligations, except that:

13 1. Such notes shall mature and be paid not later than the first day  
 14 of the fifth month following the close of the tenth fiscal year next  
 15 following the date of the original notes, provided that, in addition to  
 16 amounts paid and retired pursuant to paragraph a. above, an amount  
 17 of such notes equal to not less than the first legally payable installment  
 18 of the bonds in anticipation of which such notes are issued has been  
 19 paid and retired not later than the end of said fifth fiscal year from  
 20 funds other than the proceeds of obligations; and

21 2. Notes issued to finance local improvements and in an amount  
 22 not exceeding the amount of special assessments then confirmed and  
 23 unpaid and not delinquent may be renewed for periods of not  
 24 exceeding one year but shall mature and be paid not later than the fifth  
 25 anniversary of the date of the original notes].

26 b. A local unit may finance any improvement which it has power to  
 27 finance by obligations issued under this chapter by the issuance of  
 28 "capital notes." The aggregate amount of all such notes outstanding  
 29 at any one time shall not exceed the lesser of ~~[\$200,000.00]~~  
 30 \$1,000,000 or 1/2 of 1% of the equalized valuation basis. Such notes  
 31 shall be authorized in the same manner as bond anticipation notes and  
 32 shall be payable from funds other than the proceeds of obligations  
 33 within five years from the date of the issuance of the first of said notes  
 34 and not less than 20% thereof shall be paid in each succeeding year.  
 35 The local unit shall provide for the payment of the principal of, and  
 36 interest on such notes falling due in each year.

37 c. The local finance board shall issue, in the manner prescribed by  
 38 law, such rules and regulations as are necessary to the implementation  
 39 and execution of this act.

40 (cf: P.L.1990, c.112, s.1)]<sup>1</sup>

41

42

43 <sup>1</sup>[16.] 14.<sup>1</sup> N.J.S.40A:2-17 is amended to read as follows:

44 40A:2-17. a. Introduction.

45 A bond ordinance shall be introduced in writing at a meeting of the  
 46 governing body and shall be passed upon first reading, which may be

1 by title.

2 b. Publication, hearing and adoption.

3 The bond ordinance, or a summary thereof, <sup>1</sup>in a form prescribed  
4 by the Local Finance Board, <sup>1</sup> shall be published after first reading,  
5 together with notice of the introduction thereof and of the date, which  
6 shall be at least 10 days after introduction and first reading, and the  
7 time and place of further consideration for final passage, which may be  
8 at an adjournment of such meeting or another meeting. If a summary  
9 is published, the summary shall contain a clear and concise statement  
10 prepared by the clerk of the governing body setting forth the purpose  
11 of the ordinance <sup>1</sup>, the amount of indebtedness being authorized <sup>1</sup> and  
12 the time and place when and where a copy of the ordinance can be  
13 obtained, without cost, by any member of the general public residing  
14 in the local unit.

15 Such publication shall be at least 1 week prior to the date for  
16 further consideration. At the time and place so advertised, or at any  
17 time and place to which such meeting or further consideration shall  
18 from time to time be adjourned, such bond ordinance may be read by  
19 its title, if,

20 (1) at least 1 week prior to such date or further consideration,  
21 there shall have been posted, on the bulletin board or other place upon  
22 which public notices are customarily posted in the principal municipal  
23 building of the municipality,

24 (a) a copy of such bond ordinance or summary, and

25 (b) a notice that copies of such bond ordinance will be made  
26 available during such week and up to and including the date of such  
27 meeting or further consideration to the members of the general public  
28 of the municipality who shall request such copies, naming the place at  
29 which such copies will be so made available, and

30 (2) such copies of said bond ordinance shall have been made  
31 available accordingly, but otherwise such bond ordinance shall be read  
32 in full. All persons interested shall then be given an opportunity to be  
33 heard.

34 After the duplicate of the supplemental debt statement has been  
35 filed in the office of the director, and after such hearing, the governing  
36 body may proceed to amend the bond ordinance and thereupon finally  
37 adopt or reject it, with or without amendments.

38 If any amendment is adopted substantially altering matters required  
39 by this chapter to be contained in the bond ordinance, such amended  
40 bond ordinance shall not be finally adopted until at least 1 week  
41 thereafter and until the bond ordinance or a summary of it shall have  
42 been published once at least 2 days prior to the date for further  
43 consideration, together with notice of the date, time and place at  
44 which it will be further considered for final adoption. At the time and  
45 place so advertised, or at any time and place to which such meeting or  
46 further consideration shall from time to time be adjourned, such

1 amended bond ordinance may be read by its title, if,

2 (1) at least 1 week prior to such date or further consideration,  
3 there shall have been posted, on the bulletin board or other place upon  
4 which public notices are customarily posted in the principal municipal  
5 building of the municipality,

6 (a) a copy of such bond ordinance or summary, and

7 (b) a notice that copies of such bond ordinance will be made  
8 available during such week and up to and including the date of such  
9 meeting or further consideration to the members of the general public  
10 of the municipality who shall request such copies, naming the place at  
11 which such copies will be so made available, and

12 (2) such copies of said bond ordinance shall have been made  
13 available accordingly, but otherwise such bond ordinance shall be read  
14 in full. All persons interested shall again be given an opportunity to be  
15 heard. After such hearing, the governing body may proceed to reject,  
16 finally adopt or further amend such bond ordinance.

17 A bond ordinance shall be finally adopted by the recorded  
18 affirmative votes of at least 2/3 of the full membership of the  
19 governing body. In a local unit in which the approval of any officer is  
20 required to make an ordinance or resolution effective, such bond  
21 ordinance shall be so approved, or passed over veto before it shall be  
22 published after final adoption.

23 c. Final publication with statement.

24 Every bond ordinance shall be published either in full or in summary  
25 form after final adoption, together with a statement in substantially the  
26 following form:

27

28 STATEMENT

29

30 The bond ordinance published herewith has been finally adopted  
31 and the 20-day period of limitation within which a suit, action or  
32 proceeding questioning the validity of such ordinance can be  
33 commenced, as provided in the Local Bond Law has begun to run  
34 from the date of the first publication of this statement.

35

36

\_\_\_\_\_  
Clerk.

37 (cf: P.L.1963, c.153, s.1)

38

39 <sup>1</sup>[17.] 15.<sup>1</sup> N.J.S.40A:2-18 is amended to read as follows:

40 40A:2-18. A bond ordinance shall take effect 20 days after the first  
41 publication of the ordinance or of a summary thereof after final  
42 adoption. A bond ordinance which authorizes obligations to fund,  
43 refund, renew, extend or retire obligations issued or authorized  
44 pursuant to this chapter, or notes or bonds issued or authorized  
45 pursuant to any act of which this chapter is a revision shall not be  
46 subject to referendum.

1 (cf: N.J.S.40A:2-18)

2

3 <sup>1</sup>[18.] 16.<sup>1</sup> Section 2 of P.L.1991, c.75 (C.40A:4-3.1) is amended  
4 to read as follows:

5 2. [Except as provided hereunder, any municipality which has a  
6 population of over 35,000 according to the most recent federal  
7 decennial census or the latest available State population estimates,  
8 Population Estimates for New Jersey, issued by Occupational and  
9 Demographic Research in the Division of Labor Market and  
10 Demographic Research of the New Jersey Department of Labor,  
11 whichever is more recent, or any municipality which received in State  
12 fiscal year 1990 or 1991 State funds under the "Special Municipal Aid  
13 Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.) now referred to as the  
14 Municipal Revitalization Program, shall be required hereafter to  
15 operate on the State fiscal year. Any municipality whose fiscal year is  
16 changed pursuant to this section shall prepare a transition year budget  
17 to cover the January 1 to June 30 period prior to the beginning of its  
18 first State fiscal year.

19 Any municipality which fulfills the abovementioned criteria may  
20 apply to the director to maintain its fiscal year on a calendar year  
21 basis. An application for an exception shall include a copy of a  
22 resolution to maintain the existing budget year, adopted by a majority  
23 vote of the governing body prior to or concurrent with the  
24 introduction of the municipal budget.

25 If the director determines that it is beneficial for the municipality or  
26 its taxpayers to change to the State fiscal year, the director may deny  
27 the application for an exception.] a. Except as provided in subsection  
28 b. of this section, any municipality operating under the State fiscal  
29 year as of January 1, 1997 shall continue to operate under the State  
30 fiscal year; and any municipality which was required to change to the  
31 State fiscal year but failed to implement the change shall continue to  
32 operate under the calendar year fiscal year.

33 b. Any municipality may apply to the Local Finance Board for  
34 approval to convert to the State fiscal year, and the Board shall  
35 approve the conversion if it finds it is in the interest of the taxpayers  
36 of the municipality to change. Any municipality whose fiscal year is  
37 changed pursuant to this section shall prepare a transition year budget  
38 to cover the period between January 1 and June 30 prior to the  
39 beginning of its first State fiscal year.

40 (cf: P.L.1991, c.75, s.2)

41

42 <sup>1</sup>[19.] 17.<sup>1</sup> N.J.S.40A:4-27 is amended to read as follows:

43 40A:4-27. A local unit may anticipate as a miscellaneous revenue  
44 the total amount of all payments due and payable to the local unit  
45 during the fiscal year, directly or indirectly as a result of the sale of  
46 property by the local unit, when the obligation to make such payment

1 is entered into prior to [February 10 of the calendar fiscal year, or by  
2 August 10 of the State fiscal year] the adoption of the budget.

3 (cf: P.L.1994, c.72, s.13)

4 <sup>1</sup>[20.] 18.<sup>1</sup> N.J.S.40A:4-41 is amended to read as follows:

5 40A:4-41. a. For the purpose of determining the amount of the  
6 appropriation for "reserve for uncollected taxes" required to be  
7 included in each annual budget where less than 100% of current tax  
8 collections may be and are anticipated, anticipated cash receipts shall  
9 be as set forth in the budget of the current year, and in accordance  
10 with the limitations of statute for anticipated revenue from, surplus  
11 appropriated, miscellaneous revenues and receipts from delinquent  
12 taxes.

13 b. Receipts from the collection of taxes levied or to be levied in the  
14 municipality, or in the case of a county for general county purposes  
15 and payable in the fiscal year shall be anticipated in an amount which  
16 is not in excess of the percentage of taxes levied and payable during  
17 the next preceding fiscal year which was received in cash by the last  
18 day of the preceding fiscal year.

19 c. (1) For any municipality in which tax appeal judgments have  
20 been awarded to property owners from action of the county tax board  
21 pursuant to R.S.54:3-21 et seq., or the State tax court pursuant to  
22 R.S.54:48-1 et seq. in the preceding fiscal year, the governing body of  
23 the municipality may elect to determine the reserve for uncollected  
24 taxes by using the average of the percentages of taxes levied which  
25 were received in cash by the last day of each of the three preceding  
26 fiscal years. Election of this choice shall be made by resolution,  
27 approved by a majority vote of the full membership of the governing  
28 body prior to the introduction of the annual budget pursuant to  
29 N.J.S.40A:4-5.

30 (2) If the amount of tax reductions resulting from tax appeal  
31 judgments of the county tax board pursuant to R.S.54:3-21 et seq., or  
32 the State tax court pursuant to R.S.54:48-1 et seq., for the previous  
33 fiscal year exceeds 1% of the tax levy for that previous fiscal year, the  
34 governing body of the municipality may elect to calculate the current  
35 year reserve for uncollected taxes by reducing the certified tax levy of  
36 the prior year by the amount of the tax levy adjustments resulting from  
37 those judgments. Election of this choice shall be made by resolution,  
38 approved by a majority vote of the full membership of the governing  
39 body prior to the introduction of the annual budget pursuant to  
40 N.J.S.40A:4-5.

41 d. The director may promulgate rules and regulations to permit a  
42 three-year average to be used to determine the amount required for the  
43 reserve for uncollected taxes for municipalities to which subsection c.  
44 of this section is not applicable.

45 (cf: P.L.1997, c.28, s.1)

46

1       <sup>1</sup>[21.] 19.<sup>1</sup> Section 3 of P.L.1976, c.68 (C.40A:4-45.3) is  
2 amended to read as follows:

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

7       a. (Deleted by amendment, P.L.1990, c.89.)

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

13       c. (1) An increase based upon emergency temporary appropriations  
14 made pursuant to N.J.S.40A:4-20 to meet an urgent situation or event  
15 which immediately endangers the health, safety or property of the  
16 residents of the municipality, and over which the governing body had  
17 no control and for which it could not plan and emergency  
18 appropriations made pursuant to N.J.S.40A:4-46. Emergency  
19 temporary appropriations and emergency appropriations shall be  
20 approved by at least two-thirds of the governing body and by the  
21 Director of the Division of Local Government Services, and shall not  
22 exceed in the aggregate 3% of the previous year's final current  
23 operating appropriations.

24       (2) (Deleted by amendment, P.L.1990, c.89.)

25       The approval procedure in this subsection shall not apply to  
26 appropriations adopted for a purpose referred to in subsection d. or j.  
27 below;

28       d. All debt service, including that of a Type I school district;

29       e. Upon the approval of the Local Finance Board in the Division  
30 of Local Government Services, amounts required for funding a  
31 preceding year's deficit;

32       f. Amounts reserved for uncollected taxes;

33       g. (Deleted by amendment, P.L.1990, c.89.)

34       h. Expenditure of amounts derived from new or increased  
35 construction, housing, health or fire safety inspection or other service  
36 fees imposed by State law, rule or regulation or by local ordinance;

37       i. Any amount approved by any referendum;

38       j. Amounts required to be paid pursuant to (1) any contract with  
39 respect to use, service or provision of any project, facility or public  
40 improvement for water, sewerage, parking, senior citizen housing or  
41 any similar purpose, or payments on account of debt service therefor,  
42 between a municipality and any other municipality, county, school or  
43 other district, agency, authority, commission, instrumentality, public  
44 corporation, body corporate and politic or political subdivision of this  
45 State; (2) the provisions of article 9 of P.L.1968, c.404 (C.13:17-60  
46 through 13:17-76) by a constituent municipality to the intermunicipal

1 account; (3) any lease of a facility owned by a county improvement  
2 authority when the lease payment represents the proportionate amount  
3 necessary to amortize the debt incurred by the authority in providing  
4 the facility which is leased, in whole or in part; and (4) any repayments  
5 under a loan agreement entered into in accordance with the provisions  
6 of section 5 of P.L.1992, c.89.

7 k. Deleted by amendment, P.L.1987, c.74.)

8 l. Appropriations of federal, county, independent authority or State  
9 funds, or by grants from private parties or nonprofit organizations for  
10 a specific purpose, and amounts received or to be received from such  
11 sources in reimbursement for local expenditures. If a municipality  
12 provides matching funds in order to receive the federal, county,  
13 independent authority or State funds, or the grants from private parties  
14 or nonprofit organizations for a specific purpose, the amount of the  
15 match which is required by law or agreement to be provided by the  
16 municipality shall be excepted;

17 m. (Deleted by amendment, P.L.1987, c.74.)

18 n. (Deleted by amendment, P.L.1987, c.74.)

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

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

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

22 r. Amounts expended to fund a free public library established  
23 pursuant to the provisions of R.S.40:54-1 through 40:54-29, inclusive;

24 s. (Deleted by amendment, P.L.1990, c.89.)

25 t. Amounts expended in preparing and implementing a housing  
26 element and fair share plan pursuant to the provisions of P.L.1985,  
27 c.222 (C.52:27D-301 et al.) and any amounts received by a  
28 municipality under a regional contribution agreement pursuant to  
29 section 12 of that act;

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

33 v. (Deleted by amendment, P.L.1990, c.89.)

34 w. Amounts appropriated for expenditures resulting from the  
35 impact of a hazardous waste facility as described in subsection c. of  
36 section 32 of P.L.1981, c.279 (C.13:1E-80);

37 x. Amounts expended to aid privately owned libraries and reading  
38 rooms, pursuant to R.S.40:54-35;

39 y. (Deleted by amendment, P.L.1990, c.89.)

40 z. (Deleted by amendment, P.L.1990, c.89.)

41 aa. Extraordinary expenses, approved by the Local Finance Board,  
42 required for the implementation of an interlocal services agreement;

43 bb. Any expenditure mandated as a result of a natural disaster, civil  
44 disturbance or other emergency that is specifically authorized pursuant  
45 to a declaration of an emergency by the President of the United States  
46 or by the Governor;

- 1 cc. Expenditures for the cost of services mandated by any order of  
2 court, by any federal or State statute, or by administrative rule,  
3 directive, order, or other legally binding device issued by a State  
4 agency which has identified such cost as mandated expenditures on  
5 certification to the Local Finance Board by the State agency;
- 6 dd. Expenditures of amounts actually realized in the local budget  
7 year from the sale of municipal assets if appropriated for non-recurring  
8 purposes or otherwise approved by the director;
- 9 ee. Any local unit which is determined to be experiencing fiscal  
10 distress pursuant to the provisions of P.L.1987, c.75  
11 (C.52:27D-118.24 et seq.), whether or not a local unit is an "eligible  
12 municipality" as defined in section 3 of P.L.1987, c.75  
13 (C.52:27D-118.26), and which has available surplus pursuant to the  
14 spending limitations imposed by P.L.1976, c.68 (C.40A:4-45.1 et  
15 seq.), may appropriate and expend an amount of that surplus approved  
16 by the director and the Local Finance Board as an exception to the  
17 spending limitation. Any determination approving the appropriation  
18 and expenditure of surplus as an exception to the spending limitations  
19 shall be based upon:
- 20 1) the local unit's revenue needs for the current local budget year  
21 and its revenue raising capacity;
- 22 2) the intended actions of the governing body of the local unit to  
23 meet the local unit's revenue needs;
- 24 3) the intended actions of the governing body of the local unit to  
25 expand its revenue generating capacity for subsequent local budget  
26 years;
- 27 4) the local unit's ability to demonstrate the source and existence  
28 of sufficient surplus as would be prudent to appropriate as an  
29 exception to the spending limitations to meet the operating expenses  
30 for the local unit's current budget year; and
- 31 5) the impact of utilization of surplus upon succeeding budgets of  
32 the local unit;
- 33 ff. Amounts expended for the staffing and operation of the  
34 municipal court;
- 35 gg. Amounts appropriated for the cost of administering a joint  
36 insurance fund established pursuant to subsection b. of section 1 of  
37 P.L.1983, c.372 (C.40A:10-36), but not including appropriations for  
38 claims payments by local member units;
- 39 hh. Amounts appropriated for the cost of implementing an  
40 estimated tax billing system and the issuance of tax bills thereunder  
41 pursuant to section 3 of P.L.1994, c.72 (C.54:4-66.2);
- 42 ii. Expenditures related to the cost of conducting and implementing  
43 a total property tax levy sale pursuant to section 16 of P.L.1997, c.99  
44 (C.54:5-113.5);
- 45 jj. Amounts expended for a length of service award program  
46 pursuant to P.L.1997, c.388 (C.40A:14-183 et al.);

1 kk. Amounts expended to provide municipal services or  
2 reimbursement amounts to qualified apartment buildings and garden  
3 apartment complexes for the collection and disposal of solid waste  
4 generated by the residents of the qualified apartment buildings and  
5 garden apartment complexes. This exception shall apply to all  
6 agreements for reimbursement entered into after July 27, 1999;

7 ll. Amounts expended by a municipality under an interlocal services  
8 agreement entered into pursuant to the "Interlocal Services Act,"  
9 P.L.1973, c.208 (C.40:8A-1 et seq.) entered into after the effective  
10 date of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (now pending before the  
11 Legislature as this bill). The governing body of the municipality that  
12 will receive the service may choose to allow the amount of projected  
13 annual savings to be added to the amount of final appropriations upon  
14 which its permissible expenditures are calculated pursuant to section  
15 2 of P.L.1976, c.68 (C.40A:4-45.2);

16 mm. Amounts expended under a joint contract pursuant to the  
17 "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et  
18 seq.) entered into after the effective date of P.L. \_\_\_\_\_, c. \_\_\_\_\_  
19 (C. \_\_\_\_\_) (now pending before the Legislature as this bill). The  
20 governing body of each participating municipality may choose to allow  
21 the amount of projected annual savings to be added to the amount of  
22 final appropriations upon which its permissible expenditures are  
23 calculated pursuant to section 2 of P.L.1976, c.68 (C.40A:4-45.2).

24 (cf: P.L.2000, c.26, s.4)

25  
26 <sup>1</sup>[22.] 20.<sup>1</sup> Section 4 of P.L.1976, c.68 (C.40A:4-45.4) is  
27 amended to read as follows:

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

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

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

42 c. (1) An increase based upon emergency temporary appropriations  
43 made pursuant to N.J.S.40A:4-20 to meet an urgent situation or event  
44 which immediately endangers the health, safety or property of the  
45 residents of the county, and over which the governing body had no  
46 control and for which it could not plan and emergency appropriations

1 made pursuant to N.J.S.40A:4-46. Emergency temporary  
2 appropriations and emergency appropriations shall be approved by at  
3 least two-thirds of the governing body and by the Director of the  
4 Division of Local Government Services, and shall not exceed in the  
5 aggregate 3% of the previous year's final current operating  
6 appropriations.

7 (2) (Deleted by amendment, P.L.1990, c.89.)

8 The approval procedure in this subsection shall not apply to  
9 appropriations adopted for a purpose referred to in subsection d. or f.  
10 below;

11 d. All debt service;

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

13 f. Amounts required to be paid pursuant to (1) any contract with  
14 respect to use, service or provision of any project, facility or public  
15 improvement for water, sewerage, parking, senior citizen housing or  
16 any similar purpose, or payments on account of debt service therefor,  
17 between a county and any other county, municipality, school or other  
18 district, agency, authority, commission, instrumentality, public  
19 corporation, body corporate and politic or political subdivision of this  
20 State; and (2) any lease of a facility owned by a county improvement  
21 authority when the lease payment represents the proportionate amount  
22 necessary to amortize the debt incurred by the authority in providing  
23 the facility which is leased, in whole or in part;

24 g. That portion of the county tax levy which represents funding to  
25 participate in any federal or State aid program and amounts received  
26 or to be received from federal, State or other funds in reimbursement  
27 for local expenditures. If a county provides matching funds in order  
28 to receive the federal or State or other funds, only the amount of the  
29 match which is required by law or agreement to be provided by the  
30 county shall be excepted;

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

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

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

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

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

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

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

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

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

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

1 r. Expenditures for the cost of services mandated by any order of  
2 court, by any federal or State statute, or by administrative rule,  
3 directive, order, or other legally binding device issued by a State  
4 agency which has identified such cost as mandated expenditures on  
5 certification to the Local Finance Board by the State agency;

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

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

13 u. Expenditures for the administration of general public assistance  
14 pursuant to P.L.1995, c.259 (C.40A:4-6.1 et al.);

15 v. Amounts in a separate line item of a county budget that are  
16 expended on tick-borne disease vector management activities  
17 undertaken pursuant to P.L.1997, c.52 (C.26:2P-7 et al.);

18 w. Amounts expended by a county under an interlocal services  
19 agreement entered into pursuant to the "Interlocal Services Act,"  
20 P.L.1973, c.208 (C.40:8A-1 et seq.) entered into after the effective  
21 date of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (now pending before the  
22 Legislature as this bill) or amounts expended under a joint contract  
23 pursuant to the "Consolidated Municipal Service Act," P.L.1952, c.72  
24 (C.40:48B-1 et seq.) entered into after the effective date of P.L. \_\_\_\_\_,  
25 c. \_\_\_\_\_ (C. \_\_\_\_\_) (now pending before the Legislature as this  
26 bill).

27 (cf: P.L.1997, c.52, s.3)

28  
29 <sup>1</sup>[23.] 21.<sup>1</sup> N.J.S.40A:5-16 is amended to read as follows:

30 40A:5-16. The governing body of any local unit shall not pay out  
31 any of its moneys

32 a. unless the person claiming or receiving the same shall first  
33 present a detailed bill of items or demand, specifying particularly how  
34 the bill or demand is made up, with the certification of the party  
35 claiming payment that it is correct. The governing body may, by  
36 resolution, require an affidavit in lieu of the said certification, and the  
37 clerk or disbursing officer of the local unit may take such affidavit  
38 without cost, and

39 b. unless it carries a <sup>1</sup>written or electronic<sup>1</sup> certification of some  
40 officer or duly designated employee of the local unit having knowledge  
41 of the facts that the goods have been received by, or the services  
42 rendered to, the local unit.

43 c. Notwithstanding the provisions of <sup>1</sup>[subsections a. and b.]  
44 subsection a.<sup>1</sup> of this section, upon adoption by the Local Finance  
45 Board of rules adopted pursuant to the "Administrative Procedure  
46 Act," P.L.1968, c.410 (C.52:14B-1 et seq.) that provide for

1 procedures to be followed by local units and under those  
2 circumstances deemed appropriate by the board, a local unit shall be  
3 permitted to pay out its moneys without requiring a certification of the  
4 party claiming payment as otherwise required by subsection a. <sup>1</sup>[or  
5 b.] <sup>1</sup> of this section. Such circumstances may include, but shall not be  
6 limited to:

7 (1) when payment to vendors is required in advance of the delivery  
8 of certain materials or services that cannot be obtained from any other  
9 source at comparable prices; or

10 (2) when ordering, billing and payment transactions for goods or  
11 services are made through a computerized electronic transaction; or

12 (3) when claim or demand is less than a threshold set by the board  
13 and the certification is not readily obtainable by the contracting unit;  
14 but such exceptions shall not include reimbursement of employee  
15 expenses or payment for personal services.

16 (cf: N.J.S.40A:5-16)

17  
18 <sup>1</sup>[24.] 22.<sup>1</sup> N.J.S.40A:9-141 is amended to read as follows:

19 40A:9-141. Notwithstanding any other law the governing body or  
20 chief executive, as shall be appropriate to the form of government of  
21 the municipality, by ordinance, shall provide for the appointment of a  
22 municipal tax collector and the compensation of the tax collector shall  
23 be fixed in the manner otherwise provided by law. The governing  
24 body may, by [ordinance] resolution, set appropriate hours of  
25 operation of the tax collector's office and the work hours of the tax  
26 collector, commensurate with the compensation paid to the tax  
27 collector, and all personnel assigned to the tax collector's office. The  
28 office of municipal tax collector and municipal treasurer, or municipal  
29 clerk may be held by the same person.

30 (cf: P.L.1994, c.75, s.1)

31  
32 <sup>1</sup>[25.] 23.<sup>1</sup> N.J.S.40A:9-146 is amended to read as follows:

33 40A:9-146. The governing body or chief executive, as shall be  
34 appropriate to the form of government of the municipality shall  
35 provide for the appointment of a tax assessor and such deputy tax  
36 assessors as it may determine necessary. The appointing authority  
37 may, by resolution or order as appropriate, set the total number of  
38 weekly hours of operation of the tax assessor's office and the total  
39 number of weekly work hours of the tax assessor, commensurate with  
40 the compensation paid to the tax assessor. The appointing authority  
41 shall not set the specific work hours of the tax assessor. The  
42 governing body, by ordinance, shall determine the amount of  
43 compensation of such assessors.

44 (cf: P.L.1981, c.393, s.1)

45  
46 <sup>1</sup>[26.] 24.<sup>1</sup> N.J.S.40A:10-6 is amended to read as follows:

1 40A:10-6. The governing body of any local unit may establish an  
2 insurance fund for the following purposes:

3 a. To insure against any loss or damage however caused to any  
4 property, motor vehicles, equipment or apparatus owned by it, or  
5 owned by or under the control of any of its departments, boards,  
6 agencies or commissions;

7 b. To insure against liability resulting from the use or operation of  
8 motor vehicles, equipment or apparatus owned by or controlled by it,  
9 or owned by or under the control of any of its departments, boards,  
10 agencies or commissions;

11 c. To insure against liability for its negligence and that of its  
12 officers, employees and servants, whether or not compensated or  
13 part-time, who are authorized to perform any act or services, but not  
14 including an independent contractor within the limitations of the "New  
15 Jersey Tort Claims Act" (N.J.S.59:1-1 et seq.); <sup>1</sup>[and] <sup>1</sup>

16 d. To insure against any loss or damage from liability as  
17 established by chapter 15 of Title 34 of the Revised Statutes;

18 <sup>1</sup>[d.] e. <sup>1</sup> To provide contributory or noncontributory self-funded,  
19 or partially self-funded, health <sup>1</sup>[insurance] benefits<sup>1</sup> to employees or  
20 their dependants, or both, except for employees, or their dependents,  
21 of boards of education, jointure commissions, educational service  
22 commissions, county special services school districts, county  
23 vocational-technical schools, and county colleges, in accordance with  
24 rules and regulations of the Director of the Division of Local  
25 Government Services in the Department of Community Affairs. The  
26 establishment and operation of <sup>1</sup>[an insurance]a<sup>1</sup> fund to provide  
27 health <sup>1</sup>[insurance]benefits<sup>1</sup> by a local unit prior to the effective date  
28 of P.L. , c. (C. ) (now pending before the Legislature as this  
29 bill) is hereby validated; however, any such <sup>1</sup>[insurance] health  
30 benefits<sup>1</sup> fund shall comply with all rules and regulations promulgated  
31 by the director pursuant to this subsection.

32 The governing body may appropriate the moneys necessary for the  
33 purposes of this section.

34 (cf: P.L.1999, c.434, s.1)

35

36 <sup>1</sup>[27.] 25. <sup>1</sup> Section 37 of P.L.1995, c.259 (C.40A:10-17.1) is  
37 amended to read as follows:

38 37. Notwithstanding the provisions of any other law to the  
39 contrary, a county or municipality which enters into a contract  
40 providing group health care benefits to its employees pursuant to  
41 N.J.S.40A:10-16 et seq., may allow any employee who is eligible for  
42 coverage as a dependent of the employee's spouse under that plan or  
43 another plan, including the State Health Benefits Program established  
44 pursuant to P.L.1961, c.49 (C.52:14-17.25 et seq.), offered by the  
45 spouse's employer, whether a public or private employer, to waive  
46 coverage under the county's or municipality's plan to which the

1 employee is entitled by virtue of employment with the county or  
2 municipality. The waiver shall be in such form as the county or  
3 municipality shall prescribe and shall be filed with the county or  
4 municipality. In consideration of filing such a waiver, a county or  
5 municipality may pay to the employee annually an amount, to be  
6 established in the sole discretion of the county or municipality, which  
7 shall not exceed 50% of the amount saved by the county or  
8 municipality because of the employee's waiver of coverage. An  
9 employee who waives coverage shall be permitted to resume coverage  
10 under the same terms and conditions as apply to initial coverage if the  
11 employee ceases to be covered through the employee's spouse for any  
12 reason, including, but not limited to, the retirement or death of the  
13 spouse or divorce. An employee who resumes coverage shall repay,  
14 on a pro rata basis, any amount received which represents an advance  
15 payment for a period of time during which coverage is resumed. An  
16 employee who wishes to resume coverage shall file a declaration with  
17 the county or municipality, in such form as the county or municipality  
18 shall prescribe, that the waiver is revoked. The decision of a county  
19 or municipality to allow its employees to waive coverage and the  
20 amount of consideration to be paid therefor shall not be subject to the  
21 collective bargaining process.

22 (cf: P.L.1995, c.259, s.37)

23

24 <sup>1</sup>[28.] 26.<sup>1</sup> Section 13 of P.L.1971, c.199 (C.40A:12-13) is  
25 amended to read as follows:

26 13. Sales of real property, capital improvements or personal  
27 property; exceptions; procedure. Any county or municipality may sell  
28 any real property, capital improvement or personal property, or  
29 interests therein, not needed for public use, as set forth in the  
30 resolution or ordinance authorizing the sale, other than county or  
31 municipal lands, real property otherwise dedicated or restricted  
32 pursuant to law, and, except as otherwise provided by law, all such  
33 sales shall be made by one of the following methods:

34 (a) By open public sale at auction to the highest bidder after  
35 advertisement thereof in a newspaper circulating in the municipality or  
36 municipalities in which the lands are situated, by two insertions at least  
37 once a week during two consecutive weeks, the last publication to be  
38 not earlier than seven days prior to such sale. In the case of public  
39 sales, the governing body may by resolution fix a minimum price or  
40 prices, with or without the reservation of the right to reject all bids  
41 where the highest bid is not accepted. Notice of such reservation shall  
42 be included in the advertisement of the sale and public notice thereof  
43 shall be given at the time of sale. Such resolution may provide,  
44 without fixing a minimum price, that upon the completion of the  
45 bidding, the highest bid may be accepted or all the bids may be  
46 rejected. The invitation to bid may also impose restrictions on the use

1 to be made of such real property, capital improvement or personal  
2 property, and any conditions of sale as to buildings or structures, or  
3 as to the type, size, or other specifications of buildings or structures  
4 to be constructed thereon, or as to demolition, repair, or  
5 reconstruction of buildings or structures, and the time within which  
6 such conditions shall be operative, or any other conditions of sale, in  
7 like manner and to the same extent as by any other vendor. Such  
8 conditions shall be included in the advertisement, as well as the nature  
9 of the interest retained by the county or municipality. Such  
10 restrictions or conditions shall be related to a lawful public purpose  
11 and encourage and promote fair and competitive bidding of the county  
12 or municipality and shall not, in the case of a municipality, be  
13 inconsistent with or impose a special or higher standard than any  
14 zoning ordinance or building, plumbing, electrical, or similar code or  
15 ordinance then in effect in the municipality.

16 In any case in which a county or municipality intends to retain an  
17 estate or interest in any real property, capital improvement or personal  
18 property, in the nature of an easement, contingent or reversionary, the  
19 invitation to bid and the advertisement required herein shall require  
20 each bidder to submit one bid under each Option A and Option B  
21 below.

22 (1) Option A shall be for the real property, capital improvement or  
23 personal property subject to the conditions or restrictions imposed, or  
24 interest or estate retained, which the county or municipality proposes  
25 to retain or impose.

26 (2) Option B shall be for the real property, capital improvement or  
27 personal property to be sold free of all such restrictions, conditions,  
28 interests or estates on the part of the county or municipality.

29 The county or the municipality may elect or reject either or both  
30 options and the highest bid for each. Such acceptance or rejection  
31 shall be made not later than at the second regular meeting of the  
32 governing body following the sale, and, if the governing body shall not  
33 so accept such highest bid, or reject all bids, said bids shall be deemed  
34 to have been rejected. Any such sale may be adjourned at the time  
35 advertised for not more than one week without readvertising.

36 (b) At private sale, when authorized by resolution, in the case of  
37 a county, or by ordinance, in the case of a municipality, in the  
38 following cases:

39 (1) A sale to any political subdivision, agency, department,  
40 commission, board or body corporate and politic of the State of New  
41 Jersey or to an interstate agency or body of which the State of New  
42 Jersey is a member or to the United States of America or any  
43 department or agency thereof.

44 (2) A sale to a person submitting a bid pursuant to subsection (a)  
45 of this section, where all bids have been rejected, provided that the  
46 terms and price agreed to shall in no event be less than the highest bid

1 rejected, and provided further that the terms and conditions of sale  
2 shall remain identical.

3 (3) A sale by any county or municipality, when it has or shall have  
4 conveyed its right, title and interest in any real property, capital  
5 improvement or personal property not needed for public use, and it  
6 was assumed and intended that there should be conveyed a good and  
7 sufficient title in fee simple to said real property, capital improvement  
8 or personal property, free of all encumbrances and the full  
9 consideration has been paid therefor, and it shall thereafter appear that  
10 the title conveyed was insufficient or that said county or municipality  
11 at the time of said conveyance was not the owner of some estate or  
12 interest in said real property, capital improvement or personal property  
13 or of some encumbrances thereon, and the county or municipality shall  
14 thereafter acquire a good and sufficient title in fee simple, free of all  
15 encumbrances of said real property, capital improvement or personal  
16 property or shall acquire such outstanding estate or interest therein or  
17 outstanding encumbrance thereon and said county or municipality, by  
18 resolution of the governing body and without the payment of any  
19 additional consideration, has deemed to convey or otherwise transfer  
20 to said purchaser, his heirs or assigns, such after-acquired title, or  
21 estate or interest in, or encumbrance upon, such real property, capital  
22 improvement or personal property to perfect the title or interest  
23 previously conveyed.

24 (4) A sale of an easement upon any real property previously  
25 conveyed by any county or municipality may be made when the  
26 governing body of any county, by resolution, or any municipality, by  
27 ordinance, has elected to release the public rights in the nature of  
28 easements, in, on, over or under any real property within the county  
29 or the municipality, as the case may be, upon such terms as shall be  
30 agreed upon with the owner of such lands, if the use of such rights is  
31 no longer desirable, necessary or required for public purposes.

32 (5) A sale to the owner of the real property contiguous to the real  
33 property being sold; provided that the property being sold is less than  
34 the minimum size required for development under the municipal zoning  
35 ordinance and is without any capital improvement thereon; except that  
36 when there is more than one owner with real property contiguous  
37 thereto, said property shall be sold to the highest bidder from among  
38 all such owners. Any such sale shall be for not less than the fair  
39 market value of said real property. <sup>1</sup>[For the purposes of this  
40 paragraph, when] When<sup>1</sup> there is only one owner with real property  
41 contiguous to the property being sold, and the property is less than an  
42 eighth of the minimum size required for development under the  
43 municipal zoning ordinance and is without any capital improvement  
44 thereon, the fair market value of that property may be determined by  
45 negotiation between the local unit and the owner of the contiguous  
46 real property. The negotiated sum shall be subject to approval by

1 resolution of the governing body, but in no case shall that sum be less  
2 than one dollar.

3 In the case of any sale of real property hereafter made pursuant to  
4 subsection (b) of this section, in no event shall the price agreed upon  
5 with the owner be less than the difference between the highest bid  
6 accepted for the real property subject to easements (Option A) and the  
7 highest bid rejected for the real property not subject to easements  
8 (Option B). After the adoption of the resolution or ordinance, and  
9 compliance by the owner of said real property with the terms thereof,  
10 said real property shall be free, and entirely discharged of and from  
11 such rights of the public and of the county or municipality, as the case  
12 may be, but no such release shall affect the right of lawful occupancy  
13 or use of any such real property by any municipal or private utility to  
14 occupy or use any such real property lawfully occupied or used by it.

15 A list of the property so authorized to be sold, pursuant to  
16 subsection (b) of this section, together with the minimum prices,  
17 respectively, as determined by the governing body, shall be included  
18 in the resolution or ordinance authorizing the sale, and said list shall  
19 be posted on the bulletin board or other conspicuous space in the  
20 building which the governing body usually holds its regular meetings,  
21 and advertisement thereof made in a newspaper circulating in the  
22 municipality or municipalities in which the real property, capital  
23 improvement or personal property is situated, within five days  
24 following enactment of said resolution or ordinance. Offers for any or  
25 all properties so listed may thereafter be made to the governing body  
26 or its designee for a period of 20 days following the advertisement  
27 herein required, at not less than said minimum prices, by any  
28 prospective purchaser, real estate broker, or other authorized  
29 representative. In any such case, the governing body may reconsider  
30 its resolution or ordinance, not later than 30 days after its enactment,  
31 and advertise the real property, capital improvement, or personal  
32 property in question for public sale pursuant to subsection (a) of this  
33 section.

34 Any county or municipality selling any real property, capital  
35 improvement or personal property pursuant to subsection (b) of this  
36 section shall file with the Director of the Division of Local  
37 Government Services in the Department of Community Affairs, sworn  
38 affidavits verifying the publication of advertisements as required by  
39 this subsection.

40 (c) By private sale of a municipality in the following case: A sale  
41 to a private developer by a municipality, when acting in accordance  
42 with the "Local Redevelopment and Housing Law," P.L.1992, c.79  
43 (C.40A:12A-1 et al.).

44 All sales, either public or private, may be made for cash or upon  
45 credit. A deposit not exceeding 10% of the minimum price or value of  
46 the property to be sold may be required of all bidders. When made

1 upon credit, the county or municipality may accept a purchase-money  
2 mortgage, upon terms and conditions which shall be fixed by the  
3 resolution of the governing body; provided, however, that such  
4 mortgage shall be fully payable within five years from the date of the  
5 sale and shall bear interest at a rate equal to that authorized under  
6 Title 31 of the Revised Statutes, as amended and supplemented, and  
7 the regulations issued pursuant thereto, or the rate last paid by the  
8 county or municipality upon any issue of notes pursuant to the "Local  
9 Bond Law" (N.J.S.40A:2-1 et seq.), whichever is higher. The  
10 governing body may, by resolution, fix the time for closing of title and  
11 payment of the consideration.

12 In all sales made pursuant to this section, the governing body of any  
13 county or municipality may provide for the payment of a commission  
14 to any real estate broker, or authorized representative other than the  
15 purchaser actually consummating such sale; provided, however, that  
16 no commission shall be paid unless notice of the governing body's  
17 intention to pay such a commission shall have been included in the  
18 advertisement of sale and the recipient thereof shall have filed an  
19 affidavit with the governing body stating that said recipient is not the  
20 purchaser. Said commissions shall not exceed, in the aggregate, 5%  
21 of the sale price, and be paid, where there has been a public sale, only  
22 in the event that the sum of the commission and the highest bid price  
23 does not exceed the next highest bid price (exclusive of any real estate  
24 broker's commission). As used in this section, "purchaser" shall mean  
25 and include any person, corporation, company, association, society,  
26 firm, partnership, or other business entity owning or controlling,  
27 directly or indirectly, more than 10% of the purchasing entity.  
28 (cf: P.L.1992, c.79, s.51)

29

30 <sup>1</sup>[29.] 27.<sup>1</sup> Section 22 of P.L.1971, c.199 (C.40A:12-22) is  
31 amended to read as follows:

32 22. Each municipality and county [shall] may establish and  
33 maintain a central registry of all real property in which it has acquired  
34 title or a leasehold interest for other than street or highway purposes  
35 as of the effective date of this act. This registry [shall] may also  
36 include a record of all real property which a county or municipality  
37 may hereafter acquire, sell or lease. [It shall be in such form and  
38 contain such information as the Division of Local Finance in the  
39 Department of Community Affairs shall prescribe within 180 days after  
40 the effective date of this act.]

41 The central registry referred to herein, if established and  
42 maintained, shall:

- 43 a. Constitute a public record;  
44 b. Be entitled "Municipal Real Property Registry" or "County Real  
45 Property Registry" as may be appropriate;  
46 c. Be [maintained and] available for inspection in the office of the

1 municipal clerk or clerk of the board of chosen freeholders, as may be  
2 appropriate.

3 (cf: P.L.1972, c.126, s.1)

4

5 <sup>1</sup>[30. R.S.43:21-4 is amended to read as follows:

6 43:21-4. Benefit eligibility conditions. An unemployed individual  
7 shall be eligible to receive benefits with respect to any week only if:

8 (a) The individual has filed a claim at an unemployment insurance  
9 claims office and thereafter continues to report at an employment  
10 service office or unemployment insurance claims office, as directed by  
11 the division in accordance with such regulations as the division may  
12 prescribe, except that the division may, by regulation, waive or alter  
13 either or both of the requirements of this subsection as to individuals  
14 attached to regular jobs, and as to such other types of cases or  
15 situations with respect to which the division finds that compliance with  
16 such requirements would be oppressive, or would be inconsistent with  
17 the purpose of this act; provided that no such regulation shall conflict  
18 with subsection (a) of R.S.43:21-3.

19 (b) The individual has made a claim for benefits in accordance with  
20 the provisions of subsection (a) of R.S.43:21-6.

21 (c) (1) The individual is able to work, and is available for work,  
22 and has demonstrated to be actively seeking work, except as  
23 hereinafter provided in this subsection or in subsection (f) of this  
24 section.

25 (2) The director may modify the requirement of actively seeking  
26 work if such modification of this requirement is warranted by  
27 economic conditions.

28 (3) No individual, who is otherwise eligible, shall be deemed  
29 ineligible, or unavailable for work, because the individual is on  
30 vacation, without pay, during said week, if said vacation is not the  
31 result of the individual's own action as distinguished from any  
32 collective action of a collective bargaining agent or other action  
33 beyond the individual's control.

34 (4) (A) Subject to such limitations and conditions as the division  
35 may prescribe, an individual, who is otherwise eligible, shall not be  
36 deemed unavailable for work or ineligible because the individual is  
37 attending a training program approved for the individual by the  
38 division to enhance the individual's employment opportunities or  
39 because the individual failed or refused to accept work while attending  
40 such program.

41 (B) For the purpose of this paragraph (4), any training program  
42 shall be regarded as approved by the division for the individual if the  
43 program and the individual meet the following requirements:

44 (i) The training is for a labor demand occupation and is likely to  
45 enhance the individual's marketable skills and earning power;

46 (ii) The training is provided by a competent and reliable private or

1 public entity approved by the Commissioner of Labor pursuant to the  
2 provisions of section 8 of the "1992 New Jersey Employment and  
3 Workforce Development Act," P.L.1992, c.43 (C.34:15D-8);

4 (iii) The individual can reasonably be expected to complete the  
5 program, either during or after the period of benefits;

6 (iv) The training does not include on the job training or other  
7 training under which the individual is paid by an employer for work  
8 performed by the individual during the time that the individual receives  
9 benefits; and

10 (v) The individual enrolls in vocational training, remedial education  
11 or a combination of both on a full-time basis.

12 (C) If the requirements of subparagraph (B) of this paragraph (4)  
13 are met, the division shall not withhold approval of the training  
14 program for the individual for any of the following reasons:

15 (i) The training includes remedial basic skills education necessary  
16 for the individual to successfully complete the vocational component  
17 of the training;

18 (ii) The training is provided in connection with a program under  
19 which the individual may obtain a college degree, including a  
20 post-graduate degree;

21 (iii) The length of the training period under the program; or

22 (iv) The lack of a prior guarantee of employment upon completion  
23 of the training.

24 (D) For the purpose of this paragraph (4), "labor demand  
25 occupation" means an occupation for which there is or is likely to be  
26 an excess of demand over supply for adequately trained workers,  
27 including, but not limited to, an occupation designated as a labor  
28 demand occupation by the New Jersey Occupational Information  
29 Coordinating Committee pursuant to the provisions of subsection h.  
30 of section 1 of P.L.1987, c.457 (C.34:1A-76) or section 12 of  
31 P.L.1992, c.43 (C.34:1A-78).

32 (5) An unemployed individual, who is otherwise eligible, shall not  
33 be deemed unavailable for work or ineligible solely by reason of the  
34 individual's attendance before a court in response to a summons for  
35 service on a jury.

36 (6) An unemployed individual, who is otherwise eligible, shall not  
37 be deemed unavailable for work or ineligible solely by reason of the  
38 individual's attendance at the funeral of an immediate family member,  
39 provided that the duration of the attendance does not extend beyond  
40 a two-day period.

41 For purposes of this paragraph, "immediate family member"  
42 includes any of the following individuals: father, mother,  
43 mother-in-law, father-in-law, grandmother, grandfather, grandchild,  
44 spouse, child, foster child, sister or brother of the unemployed  
45 individual and any relatives of the unemployed individual residing in  
46 the unemployed individual's household.

1 (7) No individual, who is otherwise eligible, shall be deemed  
2 ineligible or unavailable for work with respect to any week because,  
3 during that week, the individual fails or refuses to accept work while  
4 the individual is participating on a full-time basis in self-employment  
5 assistance activities authorized by the division, whether or not the  
6 individual is receiving a self-employment allowance during that week.

7 (8) Any individual who is determined to be likely to exhaust  
8 regular benefits and need reemployment services based on information  
9 obtained by the worker profiling system shall not be eligible to receive  
10 benefits if the individual fails to participate in available reemployment  
11 services to which the individual is referred by the division or in similar  
12 services, unless the division determines that:

13 (A) The individual has completed the reemployment services; or

14 (B) There is justifiable cause for the failure to participate, which  
15 shall include participation in employment and training,  
16 self-employment assistance activities or other activities authorized by  
17 the division to assist reemployment or enhance the marketable skills  
18 and earning power of the individual and which shall include any other  
19 circumstance indicated pursuant to this section in which an individual  
20 is not required to be available for and actively seeking work to receive  
21 benefits.

22 (d) The individual has been totally or partially unemployed for a  
23 waiting period of one week in the benefit year which includes that  
24 week. When benefits become payable with respect to the third  
25 consecutive week next following the waiting period, the individual  
26 shall be eligible to receive benefits as appropriate with respect to the  
27 waiting period. No week shall be counted as a week of unemployment  
28 for the purposes of this subsection:

29 (1) If benefits have been paid, or are payable with respect thereto;  
30 provided that the requirements of this paragraph shall be waived with  
31 respect to any benefits paid or payable for a waiting period as provided  
32 in this subsection;

33 (2) If it has constituted a waiting period week under the  
34 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et  
35 seq.);

36 (3) Unless the individual fulfills the requirements of subsections (a)  
37 and (c) of this section;

38 (4) If with respect thereto, claimant was disqualified for benefits  
39 in accordance with the provisions of subsection (d) of R.S.43:21-5.

40 (e) (1) With respect to a base year as defined in subsection (c) of  
41 R.S.43:21-19, the individual has established at least 20 base weeks as  
42 defined in subsection (t) of R.S.43:21-19, or, in those instances in  
43 which the individual has not established 20 base weeks, except as  
44 otherwise provided in paragraph (3) of this subsection, for benefit  
45 years commencing on or after October 1, 1984 and before January 1,  
46 1996 , the individual has earned 12 times the Statewide average

1 weekly remuneration paid to workers, as determined under  
2 R.S.43:21-3(c), raised to the next higher multiple of \$100.00 if not  
3 already a multiple thereof, or more in the individual's base year.

4 (2) With respect to benefit years commencing on or after  
5 January 1, 1996, except as otherwise provided in paragraph (3) of this  
6 subsection, the individual has, during his base year as defined in  
7 subsection (c) of R.S.43:21-19:

8 (A) Established at least 20 base weeks as defined in paragraph (2)  
9 of subsection (t) of R.S.43:21-19; or

10 (B) If the individual has not met the requirements of subparagraph  
11 (A) of this paragraph (2), earned remuneration not less than an amount  
12 12 times the Statewide average weekly remuneration paid to workers,  
13 as determined under R.S.43:21-3(c), which amount shall be adjusted  
14 to the next higher multiple of \$100.00 if not already a multiple thereof;  
15 or

16 (C) If the individual has not met the requirements of subparagraph  
17 (A) or (B) of this paragraph (2), earned remuneration not less than an  
18 amount 1,000 times the minimum wage in effect pursuant to section  
19 5 of P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar  
20 year preceding the calendar year in which the benefit year commences,  
21 which amount shall be adjusted to the next higher multiple of \$100.00  
22 if not already a multiple thereof.

23 (3) Notwithstanding the provisions of paragraph (1) or paragraph  
24 (2) of this subsection, an unemployed individual claiming benefits on  
25 the basis of service performed in the production and harvesting of  
26 agricultural crops shall, subject to the limitations of subsection (i) of  
27 R.S.43:21-19, be eligible to receive benefits if during his base year, as  
28 defined in subsection (c) of R.S.43:21-19, the individual:

29 (A) Has established at least 20 base weeks as defined in paragraph  
30 (1) of subsection (t) of R.S.43:21-19; or

31 (B) Has earned 12 times the Statewide average weekly  
32 remuneration paid to workers, as determined under R.S.43:21-3(c),  
33 raised to the next higher multiple of \$100.00 if not already a multiple  
34 thereof, or more; or

35 (C) Has performed at least 770 hours of service in the production  
36 and harvesting of agricultural crops.

37 (4) The individual applying for benefits in any successive benefit  
38 year has earned at least six times his previous weekly benefit amount  
39 and has had four weeks of employment since the beginning of the  
40 immediately preceding benefit year. This provision shall be in addition  
41 to the earnings requirements specified in paragraph (1), (2), or (3) of  
42 this subsection, as applicable.

43 (f) (1) The individual has suffered any accident or sickness not  
44 compensable under the workers' compensation law, R.S.34:15-1 et  
45 seq. and resulting in the individual's total disability to perform any  
46 work for remuneration, and would be eligible to receive benefits under

1 this chapter (R.S.43:21-1 et seq.) (without regard to the maximum  
2 amount of benefits payable during any benefit year) except for the  
3 inability to work and has furnished notice and proof of claim to the  
4 division, in accordance with its rules and regulations, and payment is  
5 not precluded by the provisions of R.S.43:21-3(d); provided, however,  
6 that benefits paid under this subsection (f) shall be computed on the  
7 basis of only those base year wages earned by the claimant as a  
8 "covered individual," as defined in R.S.43:21-27(b); provided further  
9 that no benefits shall be payable under this subsection to any  
10 individual:

11 (A) For any period during which such individual is not under the  
12 care of a legally licensed physician, dentist, optometrist, podiatrist,  
13 practicing psychologist or chiropractor;

14 (B) (Deleted by amendment, P.L.1980, c.90.)

15 (C) For any period of disability due to willfully or intentionally  
16 self-inflicted injury, or to injuries sustained in the perpetration by the  
17 individual of a crime of the first, second or third degree;

18 (D) For any week with respect to which or a part of which the  
19 individual has received or is seeking benefits under any unemployment  
20 compensation or disability benefits law of any other state or of the  
21 United States; provided that if the appropriate agency of such other  
22 state or the United States finally determines that the individual is not  
23 entitled to such benefits, this disqualification shall not apply;

24 (E) For any week with respect to which or part of which the  
25 individual has received or is seeking disability benefits under the  
26 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et  
27 seq.);

28 (F) For any period of disability commencing while such individual  
29 is a "covered individual," as defined in subsection (b) of section 3 of  
30 the "Temporary Disability Benefits Law," P.L.1948, c.110  
31 (C.43:21-27).

32 (2) Benefit payments under this subsection shall be charged to and  
33 paid from the State disability benefits fund established by the  
34 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et  
35 seq.), and shall not be charged to any employer account in computing  
36 any employer's experience rate for contributions payable under this  
37 chapter.

38 (g) Benefits based on service in employment defined in  
39 subparagraphs (B) and (C) of R.S.43:21-19(i)(1) shall be payable in  
40 the same amount and on the terms and subject to the same conditions  
41 as benefits payable on the basis of other service subject to the  
42 "unemployment compensation law"; except that, notwithstanding any  
43 other provisions of the "unemployment compensation law":

44 (1) With respect to service performed after December 31, 1977, in  
45 an instructional research, or principal administrative capacity for an  
46 educational institution, benefits shall not be paid based on such

1 services for any week of unemployment commencing during the period  
2 between two successive academic years, or during a similar period  
3 between two regular terms, whether or not successive, or during a  
4 period of paid sabbatical leave provided for in the individual's contract,  
5 to any individual if such individual performs such services in the first  
6 of such academic years (or terms) and if there is a contract or a  
7 reasonable assurance that such individual will perform services in any  
8 such capacity for any educational institution in the second of such  
9 academic years or terms;

10 (2) With respect to weeks of unemployment beginning after  
11 September 3, 1982, on the basis of service performed in any other  
12 capacity for an educational institution, including as a school crossing  
13 guard, benefits shall not be paid on the basis of such services to any  
14 individual for any week which commences during a period between  
15 two successive academic years or terms if such individual performs  
16 such services in the first of such academic years or terms and there is  
17 a reasonable assurance that such individual will perform such services  
18 in the second of such academic years or terms, except that if benefits  
19 are denied to any individual under this paragraph (2) and the individual  
20 was not offered an opportunity to perform these services for the  
21 educational institution for the second of any academic years or terms,  
22 the individual shall be entitled to a retroactive payment of benefits for  
23 each week for which the individual filed a timely claim for benefits and  
24 for which benefits were denied solely by reason of this clause;

25 (3) With respect to those services described in paragraphs (1) and  
26 (2) above, benefits shall not be paid on the basis of such services to  
27 any individual for any week which commences during an established  
28 and customary vacation period or holiday recess if such individual  
29 performs such services in the period immediately before such vacation  
30 period or holiday recess, and there is a reasonable assurance that such  
31 individual will perform such services in the period immediately  
32 following such period or holiday recess;

33 (4) With respect to any services described in paragraphs (1) and  
34 (2) above, benefits shall not be paid as specified in paragraphs (1), (2),  
35 and (3) above to any individual who performed those services in an  
36 educational institution while in the employ of an educational service  
37 agency, and for this purpose the term "educational service agency"  
38 means a governmental agency or governmental entity which is  
39 established and operated exclusively for the purpose of providing  
40 those services to one or more educational institutions.

41 (h) Benefits shall not be paid to any individual on the basis of any  
42 services, substantially all of which consist of participating in sports or  
43 athletic events or training or preparing to so participate, for any week  
44 which commences during the period between two successive sports  
45 seasons (or similar periods) if such individual performed such services  
46 in the first of such seasons (or similar periods) and there is a

1 reasonable assurance that such individual will perform such services in  
2 the later of such seasons (or similar periods).

3 (i) (1) Benefits shall not be paid on the basis of services performed  
4 by an alien unless such alien is an individual who was lawfully admitted  
5 for permanent residence at the time the services were performed and  
6 was lawfully present for the purpose of performing the services or  
7 otherwise was permanently residing in the United States under color  
8 of law at the time the services were performed (including an alien who  
9 is lawfully present in the United States as a result of the application of  
10 the provisions of section 203(a)(7) (8 U.S.C.1153 (a)(7)) or section  
11 212(d)(5) (8 U.S.C.1182 (d)(5)) of the Immigration and Nationality  
12 Act (8 U.S.C.1101 et seq.)); provided that any modifications of the  
13 provisions of section 3304(a)(14) of the Federal Unemployment Tax  
14 Act (26 U.S.C.3304 (a)(14)), as provided by Pub.L.94-566, which  
15 specify other conditions or other effective dates than stated herein for  
16 the denial of benefits based on services performed by aliens and which  
17 modifications are required to be implemented under State law as a  
18 condition for full tax credit against the tax imposed by the Federal  
19 Unemployment Tax Act, shall be deemed applicable under the  
20 provisions of this section.

21 (2) Any data or information required of individuals applying for  
22 benefits to determine whether benefits are not payable to them because  
23 of their alien status shall be uniformly required from all applicants for  
24 benefits.

25 (3) In the case of an individual whose application for benefits  
26 would otherwise be approved, no determination that benefits to such  
27 individual are not payable because of alien status shall be made except  
28 upon a preponderance of the evidence.

29 (j) Notwithstanding any other provision of this chapter, the  
30 director may, to the extent that it may be deemed efficient and  
31 economical, provide for consolidated administration by one or more  
32 representatives or deputies of claims made pursuant to subsection (f)  
33 of this section with those made pursuant to Article III (State plan) of  
34 the "Temporary Disability Benefits Law," P.L.1948, c.110  
35 (C.43:21-25 et seq.).

36 (cf: P.L.1995, c.394, s.7)]<sup>1</sup>

37

38 <sup>1</sup>[31.] 28.<sup>1</sup> Section 7 of P.L.1995, c.253 (C.46:3C-7) is amended  
39 to read as follows:

40 7. A municipality that receives and makes available the lists  
41 required under [this act] P.L.1995, c.253 (C.46:3C-1 et seq.) may  
42 charge purchasers [by the page for its actual reproduction costs] in  
43 accordance with the provisions of section 2 of P.L.1963, c.73  
44 (C.47:1A-2).

45 (cf: P.L.1995, c.253, s.7)

46

1       <sup>1</sup>[32.] 29.<sup>1</sup> Section 8 of P.L.1975, c.217 (C.52:27D-126) is  
2 amended to read as follows:

3       8. a. The appointing authority of any municipality shall appoint a  
4 construction official and any necessary subcode officials to administer  
5 and enforce the code ~~[and].~~ The appointing authority may, by  
6 resolution or order as appropriate, set the total number of weekly  
7 hours of operation of the construction official's office and the total  
8 number of weekly work hours of the construction official,  
9 commensurate with the compensation paid to the construction official.  
10 The appointing authority shall not set the specific work hours of the  
11 construction official. The appointing authority shall also appoint a  
12 construction board of appeals to hear and decide appeals from  
13 decisions made by said construction official and subcode officials, in  
14 the administration and enforcement of the code. Nothing herein,  
15 however, shall prevent a municipality from accepting inspections as to  
16 compliance with the code or any subcode thereof made by an  
17 inspection authority approved by the State of New Jersey pursuant to  
18 law.

19       b. To establish tenure rights or any other right or protection  
20 provided by the "State Uniform Construction Code Act" or Title [11]  
21 11A, Civil Service, of the [Revised] New Jersey Statutes, [Civil  
22 Service,] or any pension law or retirement system, the job title  
23 "construction official" shall be equivalent to that job title which, prior  
24 to the adoption of the State Uniform Construction Code as provided  
25 in section 5 of the "State Uniform Construction Code Act," entailed  
26 the chief administrative responsibility to enforce all construction codes  
27 which had been adopted by the municipal governing body, the  
28 enforcement of which was not the responsibility of an authorized  
29 private inspection agency; and the job title "subcode official" shall be  
30 equivalent to that job title which, prior to the adoption of the State  
31 Uniform Construction Code, entailed subordinate administrative  
32 responsibility to enforce one or more of the following construction  
33 codes: building, plumbing, electrical or fire code.

34       Any person, in a municipality operating under Title [11] 11A, Civil  
35 Service, of the [Revised] New Jersey Statutes, who, prior to the  
36 adoption of the State Uniform Construction Code, held the equivalent  
37 of the job title "construction" official or "subcode" official, but who no  
38 longer holds his position as a result of a determination that his old job  
39 title was not equivalent to that of "construction" official or "subcode"  
40 official, shall be offered reappointment as a construction official or  
41 subcode official, as the case may be, and shall be granted permanent  
42 classified status in such position. Tenure shall continue for (1) any  
43 construction official or subcode official who is serving under tenure as  
44 otherwise provided by law on the effective date of this act or within 1  
45 year thereafter, or (2) any person certified pursuant to subsection c. of  
46 this section and who subsequently gains such tenure.

1 A construction official or subcode official appointed in a  
2 municipality operating under the provisions of Title [11] 11A, Civil  
3 Service, of the [Revised] New Jersey Statutes, who, at the time of  
4 adoption of the State Uniform Construction Code, January 1, 1977, or  
5 prior to January 1, 1981, had permanent classified status or was  
6 employed as a construction official or subcode official or in another  
7 position in the unclassified service, shall be included in the classified  
8 service without civil service examination in his respective title of  
9 construction official or subcode official. Any individual employed by  
10 a municipality, who, in his employment with the municipality between  
11 January 1, 1977 and prior to January 1, 1981, was charged with the  
12 chief administrative responsibility to enforce all existing municipal  
13 construction codes, shall be deemed as appointed to the position of  
14 construction official for the purposes of this act. Any individual  
15 employed by a municipality, who, in his employment with the  
16 municipality between January 1, 1977 and prior to January 1, 1981,  
17 was charged with chief responsibility to enforce the municipal building,  
18 plumbing, fire, or electrical code, shall be deemed as appointed to the  
19 position of subcode official for the purposes of this act. No person,  
20 on or after January 1, 1981, shall be appointed as construction or  
21 subcode official in a municipality operating under Title [11] 11A,  
22 Civil Service, of the [Revised] New Jersey Statutes without having  
23 passed an examination administered by the [Civil Service  
24 Commission] Merit System Board certifying the merit and fitness of  
25 the person to hold such position; provided that, whenever a noncivil  
26 service municipality adopts the provisions of that Title, construction  
27 code officials and subcode officials of such municipality appointed  
28 prior to the filing of the petition for the adoption of civil service, shall  
29 attain permanent status in the classified service without examination.  
30 Any construction or subcode official appointed after January 1, 1981  
31 on a provisional basis in a municipality which has adopted the  
32 provisions of Title [11] 11A, Civil Service, of the [Revised] New  
33 Jersey Statutes, may not be removed from office except for just cause  
34 after a fair and impartial hearing has been held at the local level, with  
35 no further appeal to the [Civil Service Commission] Merit System  
36 Board; provided, however, that such a construction or subcode official  
37 may be removed to permit the appointment of a person certified for  
38 appointment by the [Civil Service Commission] Merit System Board.

39 A construction official or subcode official in a noncivil service  
40 municipality shall be appointed for a term of 4 years and shall, upon  
41 appointment to a second consecutive term or on or after the  
42 commencement of a fifth consecutive year of service, including years  
43 of service in an equivalent job title held prior to the adoption of the  
44 State Uniform Construction Code, be granted tenure and shall not be  
45 removed from office except for just cause after a fair and impartial

1 hearing.

2 A construction or subcode official, to be eligible for appointment  
3 in civil service or noncivil service municipalities, shall be certified by  
4 the State of New Jersey in accordance with subsection c. of this  
5 section and shall have had at least 3 years' experience in construction,  
6 design or supervision as a licensed engineer or registered architect; or  
7 5 years' experience in construction, design, or supervision as an  
8 architect or engineer with a bachelor's degree from an accredited  
9 institution of higher education; or 10 years' experience in construction,  
10 design or supervision as a journeyman in a trade or as a contractor.

11 A subcode official shall, pursuant to any subcode which he  
12 administers, pass upon:

13 (1) matters relative to the mode, manner of construction or  
14 materials to be used in the erection or alteration of buildings or  
15 structures, except as to any such matter foreclosed by State approval  
16 pursuant to this act, and (2) actual execution of the approved plans  
17 and the installation of the materials approved by the State. The  
18 construction official in each municipality shall be the chief  
19 administrator of the "enforcing agency." He shall have the power to  
20 overrule a determination of a subcode official based on an  
21 interpretation of a substantive provision of the subcode which such  
22 subcode official administers, only if the construction official is  
23 qualified to act pursuant to this act as a subcode official for such  
24 subcode. He may serve as subcode official for any subcode which he  
25 is qualified under this act to administer. A subcode official or  
26 municipal engineer may serve as a construction official if otherwise  
27 qualified under the provisions of this act. The municipal enforcing  
28 agency shall require compliance with the provisions of the code, of all  
29 rules lawfully adopted and promulgated thereunder and of laws  
30 relating to the construction, alteration, repair, removal, demolition and  
31 integral equipment and location, occupancy and maintenance of  
32 buildings and structures, except as may be otherwise provided for.

33 Two or more municipalities may provide by ordinance, subject to  
34 regulations established by the commissioner, for the joint appointment  
35 of a construction official and subcode official for the purpose of  
36 enforcing the provisions of the code in the same manner.

37 c. No person shall act as a construction official or subcode official  
38 for any municipality unless the commissioner determines that said  
39 person is so qualified, except for the following:

40 (1) a municipal construction official or subcode official holding  
41 office under permanent civil service status, or tenure as otherwise  
42 provided by law on the effective date of this act or within 1 year  
43 thereafter and (2) a municipal construction official or subcode official  
44 holding office without such permanent civil service status or tenure on  
45 the effective date of this act or within 1 year thereafter; provided said  
46 construction official or subcode official not having such permanent

1 civil service status or tenure shall be certified in accordance with this  
2 act within 4 years of the effective date thereof; provided further that  
3 a person holding on the effective date of this act a valid plumbing  
4 inspector's license from the Department of Health pursuant to Title 26  
5 of the Revised Statutes may serve as a plumbing subcode official and  
6 a person holding on the effective date of this act a valid electrical  
7 inspector's license from the Board of Public Utilities pursuant to Title  
8 48 of the Revised Statutes may serve as an electrical subcode official.  
9 The commissioner, after consultation with the code advisory board,  
10 may authorize the preparation and conducting of oral, written and  
11 practical examinations to determine if a person is qualified by this act  
12 to be eligible to be a construction official or subcode official or, in the  
13 alternative, may accept successful completion of programs of training  
14 as proof of qualification within the meaning of this act. Upon a  
15 determination of qualification the commissioner shall issue or cause to  
16 be issued a certificate to the construction official or subcode official  
17 or trainee stating that he is so certified. The commissioner, after  
18 consultation with the code advisory board, may establish classes of  
19 certification that will recognize the varying complexities of code  
20 enforcement in the municipalities within the State. The commissioner  
21 shall, after consultation with the code advisory board, provide for  
22 educational programs designed to train and assist construction officials  
23 and subcode officials in carrying out their responsibilities.

24 Whenever the commissioner is required by the terms of this  
25 subsection to consult with the code advisory board and the matter in  
26 question concerns plumbing subcode officials, the commissioner shall  
27 also consult with the Public Health Council and Commissioner of  
28 Health.

29 d. The commissioner, after consultation with the code advisory  
30 board, may periodically require that each construction official and  
31 subcode official demonstrate a working knowledge of innovations in  
32 construction technology and materials, recent changes in and additions  
33 to the relevant portions of the State Uniform Construction Code, and  
34 current standards of professional ethics and legal responsibility; or, in  
35 the alternative, the commissioner, after consultation with the code  
36 advisory board, may accept successful completion of appropriate  
37 programs of training as proof of such working knowledge.

38 (cf: P.L.1982, c.210, s.1)

39

40 <sup>1</sup>[33.] 30.<sup>1</sup> Section 11 of P.L.1985, c.222 (C.52:27D-311) is  
41 amended to read as follows:

42 11. a. In adopting its housing element, the municipality may  
43 provide for its fair share of low and moderate income housing by  
44 means of any technique or combination of techniques which provide  
45 a realistic opportunity for the provision of the fair share. The housing  
46 element shall contain an analysis demonstrating that it will provide

1 such a realistic opportunity, and the municipality shall establish that its  
2 land use and other relevant ordinances have been revised to  
3 incorporate the provisions for low and moderate income housing. In  
4 preparing the housing element, the municipality shall consider the  
5 following techniques for providing low and moderate income housing  
6 within the municipality, as well as such other techniques as may be  
7 published by the council or proposed by the municipality:

8 (1) Rezoning for densities necessary to assure the economic  
9 viability of any inclusionary developments, either through mandatory  
10 set-asides or density bonuses, as may be necessary to meet all or part  
11 of the municipality's fair share;

12 (2) Determination of the total residential zoning necessary to  
13 assure that the municipality's fair share is achieved;

14 (3) Determination of measures that the municipality will take to  
15 assure that low and moderate income units remain affordable to low  
16 and moderate income households for an appropriate period of not less  
17 than six years;

18 (4) A plan for infrastructure expansion and rehabilitation if  
19 necessary to assure the achievement of the municipality's fair share of  
20 low and moderate income housing;

21 (5) Donation or use of municipally owned land or land condemned  
22 by the municipality for purposes of providing low and moderate  
23 income housing;

24 (6) Tax abatements for purposes of providing low and moderate  
25 income housing;

26 (7) Utilization of funds obtained from any State or federal subsidy  
27 toward the construction of low and moderate income housing; [and]

28 (8) Utilization of municipally generated funds toward the  
29 construction of low and moderate income housing; and

30 (9) The purchase of privately owned <sup>1</sup>[residential] real<sup>1</sup> property  
31 <sup>1</sup>used for residential purposes<sup>1</sup> at the value of all <sup>1</sup>[encumbrances to  
32 which] liens secured by<sup>1</sup> the property <sup>1</sup>[is subject, as set forth in  
33 section 45 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (now pending before the  
34 Legislature as this bill), notwithstanding any regulatory limitation  
35 concerning the write-down or buy-down of previously owned units],  
36 excluding any tax liens, notwithstanding that the total amount of debt  
37 secured by liens exceeds the appraised value of the property, pursuant  
38 to regulations promulgated by the Commissioner of Community  
39 Affairs pursuant to subsection b. of section 41 of P.L. \_\_\_\_\_, c. \_\_\_\_\_  
40 (C. \_\_\_\_\_) (now pending before the Legislature as this bill)<sup>1</sup>.

41 b. The municipality may provide for a phasing schedule for the  
42 achievement of its fair share of low and moderate income housing  
43 [which is not inconsistent with section 23 of this act].

44 c. The municipality may propose that a portion of its fair share be  
45 met through a regional contribution agreement. The housing element  
46 shall demonstrate, however, the manner in which that portion will be

1 provided within the municipality if the regional contribution agreement  
2 is not entered into. The municipality shall provide a statement of its  
3 reasons for the proposal.

4 d. Nothing in this act shall require a municipality to raise or expend  
5 municipal revenues in order to provide low and moderate income  
6 housing.

7 e. When a municipality's housing element includes the provision of  
8 rental housing units in a community residence for the developmentally  
9 disabled, as defined in section 2 of P.L.1977, c.448 (C.30:11B-2),  
10 which will be affordable to persons of low and moderate income, and  
11 for which adequate measures to retain such affordability pursuant to  
12 paragraph (3) of subsection a. of this section are included in the  
13 housing element, those housing units shall be fully credited as  
14 permitted under the rules of the council towards the fulfillment of the  
15 municipality's fair share of low and moderate income housing.

16 f. It having been determined by the Legislature that the provision  
17 of housing under this act is a public purpose, a municipality or  
18 municipalities may utilize public monies to make donations, grants or  
19 loans of public funds for the rehabilitation of deficient housing units  
20 and the provision of new or substantially rehabilitated housing for low  
21 and moderate income persons, providing that any private advantage is  
22 incidental.

23 (cf: P.L.1998, c.89, s.1)

24

25 <sup>1</sup>[34. Section 2 of P.L.1975, c.361 (C.54:3-27.2) is amended to  
26 read as follows:

27 2. In the event that a taxpayer is successful in an appeal from an  
28 assessment on real property, the respective taxing district shall refund  
29 any excess taxes paid, together with interest thereon from the date of  
30 payment at a rate of 5% per annum, less any amount of taxes, interest,  
31 or both, which may be applied against delinquencies pursuant to  
32 P.L.1983, c.137 (C.54:4-134), or delinquencies on other real property  
33 located within the taxing district, owned wholly by that taxpayer and  
34 for which either no tax sale certificate has been issued or for which the  
35 municipality holds the tax sale certificate, within 60 days of the date  
36 of final judgment.

37 (cf: P.L.1983, c.137, s.1)]<sup>1</sup>

38

39 <sup>1</sup>[35.] 31.<sup>1</sup> Section 2 of P.L.1976, c.63 (C.54:4-6.3) is amended  
40 to read as follows:

41 2. As used in this act unless the context clearly indicates a different  
42 meaning:

43 a. "Qualified real rental property" means any building or structure  
44 or complex of buildings or structures in which **[four]** five or more  
45 housing units are rented or leased or offered for rental or lease for  
46 residential purposes except:

1 (1) hotels, motels or other guesthouses serving transient or  
2 seasonal guests;

3 (2) buildings or structures which are subject to an abatement  
4 agreement under which reduced or no property taxes are paid on the  
5 improvements pursuant to statute, notwithstanding that payments in  
6 lieu of taxes are paid in accordance with the agreement;

7 (3) buildings or structures located in municipalities in which a rent  
8 control ordinance which does not provide for an automatic increase in  
9 the amount of rent permitted to be charged by a property owner upon  
10 an increase in the amount of property tax levied upon the property is  
11 in effect for the base year and the current year;

12 (4) dwelling units in a residential cooperative or mutual housing  
13 corporation;

14 (5) dwelling units in a condominium, other than those dwelling  
15 units which are occupied by qualified tenants under the "Tenant  
16 Protection Act of 1992," P.L.1991, c.509 (C.2A:18-61.40 et al.);

17 (6) dwelling units in a continuing care retirement community; or

18 (7) dwelling units within residential health care facilities; assisted  
19 living residences; facilities with a Class C license pursuant to  
20 P.L.1979, c.496 (C.55:13B-1 et al.), the "Rooming and Boarding  
21 House Act of 1979" or similar facilities for which occupancy is  
22 predicated upon the receipt of medical, nursing or personal care  
23 services for the residents and the cost thereof is included in the rent.

24 Owner occupation of a building shall not be a factor in whether a  
25 building is qualified real rental property under P.L.1976, c.63  
26 (C.54:4-6.2 et seq.).

27 b. "Property tax reduction" means the difference between the  
28 amount of property tax paid or payable on any qualified real rental  
29 property in the base year, and the amount of property taxes paid or  
30 payable in the current year if less than the amount of property taxes  
31 paid or payable in the base year.

32 c. Base year" means calendar year 1998.

33 If any of the following events occur, "base year" shall then mean:

34 (1) any calendar year after 1998 in which property taxes levied for  
35 qualified real rental property exceed the property taxes levied for 1998  
36 for that property;

37 (2) the first calendar year after 1998 during which qualified real  
38 rental property is first offered for rent or lease;

39 (3) the first full calendar year after 1998 in which qualified real  
40 rental property is no longer subject to a tax exemption or tax  
41 abatement program;

42 (4) a calendar year subsequent to 1998 for which the property tax  
43 calculation reflects an assessment reduction from the prior base year  
44 assessment; or

45 (5) a calendar year subsequent to 1998 in which the property taxes  
46 paid in the base year and the property taxes paid in the current year do

1 not reflect consistent budgetary and tax item components because  
2 sewer, solid waste or similar services provided through a taxing entity  
3 budget and reflected in the tax rate are changed to a separately billed  
4 user fee.

5 d. "Assessment reduction" means a decrease in the amount of  
6 assessed value of qualified real rental property resulting from an  
7 agreement entered into with a municipal taxing authority, an  
8 abatement, exemption, change in assessment imposed administratively  
9 by a municipal tax assessor or county board of taxation, or a judgment  
10 entered by a county board of taxation, the tax court, or by a court of  
11 competent jurisdiction.

12 (cf: P.L.1998, c.15, s.1)

13

14 <sup>1</sup>[36.] 32.<sup>1</sup> N.J.S.59:9-2 is amended to read as follows:

15 59:9-2. a. No interest shall accrue prior to the entry of judgment  
16 against a public entity or public employee.

17 b. No judgment shall be granted against a public entity or public  
18 employee on the basis of strict liability, implied warranty or products  
19 liability.

20 c. No punitive or exemplary damages shall be awarded against a  
21 public entity.

22 d. No damages shall be awarded against a public entity or public  
23 employee for pain and suffering resulting from any injury; provided,  
24 however, that this limitation on the recovery of damages for pain and  
25 suffering shall not apply in cases of permanent loss of a bodily  
26 function, permanent disfigurement or dismemberment where the  
27 medical treatment expenses are in excess of ~~[\$1,000.00]~~ \$3,600.00.  
28 For purposes of this section medical treatment expenses are defined as  
29 the reasonable value of services rendered for necessary surgical,  
30 medical and dental treatment of the claimant for such injury, sickness  
31 or disease, including prosthetic devices and ambulance, hospital or  
32 professional nursing service.

33 e. If a claimant receives or is entitled to receive benefits for the  
34 injuries allegedly incurred from a policy or policies of insurance or any  
35 other source other than a joint tortfeasor, such benefits shall be  
36 disclosed to the court and the amount thereof which duplicates any  
37 benefit contained in the award shall be deducted from any award  
38 against a public entity or public employee recovered by such claimant;  
39 provided, however, that nothing in this provision shall be construed to  
40 limit the rights of a beneficiary under a life insurance policy. No  
41 insurer or other person shall be entitled to bring an action under a  
42 subrogation provision in an insurance contract against a public entity  
43 or public employee.

44 (cf: N.J.S.59:9-2)

45

46 <sup>1</sup>[37.] 33.<sup>1</sup> (New section) Notwithstanding sections 4 and 5 of

1 P.L.1970, c.39 (C.13:1E-4 and C.13:1E-5) and any regulations  
2 promulgated thereunder, the registration renewal of solid waste  
3 collection and disposal vehicles operated by a public entity shall be  
4 valid for a five-year period and the registration fee for the public entity  
5 shall be no greater than the fee in effect as of March 1, 1999 for the  
6 one-year registration.

7  
8 <sup>1</sup>[38.] 34.<sup>1</sup> (New section) Notwithstanding the provisions of the  
9 "Pesticide Control Act of 1971," P.L.1971, c.176 (C.13:1F-1 et seq.)  
10 or any rule or regulation promulgated thereunder to the contrary, the  
11 requirements for pesticide applicator or pesticide operator  
12 certification, licensing or record keeping shall not apply to any  
13 licensed sanitary or health inspector who applies a pesticide not  
14 classified for restricted use, on property or premises for the purpose  
15 of determining insect infestation.

16  
17 <sup>1</sup>[39.] 35.<sup>1</sup> (New section) Notwithstanding any rules or  
18 regulations to the contrary, no permit shall be required of a county or  
19 municipality by the Department of Environmental Protection for the  
20 purpose of performing restoration work on any manmade drainage  
21 ditch located in the jurisdiction, provided that the restoration activity  
22 does not deviate in any manner from the original cross sectional area  
23 and location. For the purposes of this section, "ditch" means a linear  
24 topographic depression with bed and banks of human construction  
25 which conveys water to or from a site, but does not include  
26 channelized or redirected water courses.

27  
28 <sup>1</sup>[40.] 36.<sup>1</sup> (New section) Notwithstanding any provision of  
29 P.L.1996, c.138 (C.18A:7F-1 et seq.) to the contrary, any school  
30 district which increases its net budget between the prebudget and  
31 budget years in an amount less than that authorized pursuant to  
32 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5d), shall be  
33 permitted to include the amount of the difference between its actual  
34 net budget and its permitted net budget in either of the next two  
35 succeeding budget years.

36  
37 <sup>1</sup>[41] 37<sup>1</sup>. (New section) The governing body of any county may  
38 enter into a contract with a private agency or firm for the purpose of  
39 collecting any delinquent <sup>1</sup>fees or<sup>1</sup> fines owed to the county. Any such  
40 contract shall be made pursuant to the provisions of the "Local Public  
41 Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

42  
43 <sup>1</sup>[42.] 38.<sup>1</sup> (New section) Notwithstanding the provisions of the  
44 "Local Fiscal Affairs Law," N.J.S.40A:5-1 et seq., or any other law,  
45 rule, or regulation to the contrary, the Local Finance Board, in  
46 consultation with the Commissioner of Education, may adopt rules and

1 regulations permitting local government units and boards of education  
2 to contract with third-party disbursement service organizations in  
3 order to make payments and execute financial transactions for those  
4 purposes and under such conditions as permitted by the Local Finance  
5 Board.

6 <sup>1</sup>[43.] 39.<sup>1</sup> (New section) The Commissioner of Community  
7 Affairs after consultation with the State Board of Education, and the  
8 Administrator of the Office of Information Technology, may adopt  
9 regulations, pursuant to the "Administrative Procedure Act,"  
10 P.L.1968, c.410 (C.52:14B-1 et seq.), to charge appropriate fees <sup>1</sup> [  
11 except that no fee shall be charged to local units of government and  
12 school districts]<sup>1</sup> for use of a computerized communication network  
13 that may be established by the State for the conduct of government  
14 activities <sup>1</sup>except that no fee shall be charged to local units of  
15 government and school districts<sup>1</sup> . Such regulations may authorize any  
16 nonprofit corporation organized pursuant to Title 15A of the New  
17 Jersey Statutes, whose purposes support the administration of, or  
18 personnel engaged in, government or educational services, to utilize  
19 such network for communication with the members of such nonprofit  
20 corporations in the conduct of government or organizational activities;  
21 except that such networks shall not be used to directly lobby State  
22 officials with regard to legislation or by organizations that represent  
23 employees for the purpose of conducting collective negotiations with  
24 public employers.

25  
26 <sup>1</sup>[44.] 40.<sup>1</sup> (New section) Notwithstanding any rules, regulations  
27 or guidelines promulgated by the Attorney General, State narcotics  
28 action plan reports, commonly referred to as "SNAP" reports, shall be  
29 made on a quarterly basis. The Department of Law and Public Safety  
30 shall develop and supply to all participating police departments a  
31 standard computer software program, which shall include all of the  
32 necessary parameters for reporting, so that the SNAP reports may be  
33 generated by computer.

34  
35 <sup>1</sup>[45.] 41.<sup>1</sup> (New section) a. Notwithstanding the provisions of  
36 the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et  
37 seq.), or of any other law, rule or regulation to the contrary, a  
38 municipality may provide for the purchase of privately owned  
39 residential property at the value of all <sup>1</sup>[encumbrances] liens secured  
40 by real property, excluding any tax lien<sup>1</sup> to which the property is  
41 subject and include those units toward the fulfillment of its fair share  
42 housing obligation pursuant to P.L.1985, c.222 (C.52:27D-301 et al.).  
43 <sup>1</sup>Any such purchase under this section shall be made pursuant to and  
44 consistent with regulations promulgated by the Commissioner of  
45 Community Affairs pursuant to subsection b. of this section.<sup>1</sup>

46 b. The Commissioner of Community Affairs shall, on or before the

1 first day of the seventh month next following the effective date of  
2 P.L. , c. (C. ) (now pending before the Legislature as  
3 this bill) promulgate rules and regulations pursuant to the provisions  
4 of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
5 et seq.) to effectuate the provisions of subsection a. of this section.

6 <sup>1</sup>[46.] 42.<sup>1</sup> (New section) Notwithstanding any provision of  
7 section 2 of P.L.1983, c.312 (C.40A:4-45.19) to the contrary, any  
8 municipality that failed to print on a referendum ballot the amount of  
9 the cost increase for the proposed PERS to PFRS transfer for police  
10 officers may apply to the director for permission to include the 1999  
11 budget year amount of the pension appropriation representing the  
12 increase due to the switch as an increase in the cap base upon which  
13 final appropriations are based.

14

15 <sup>1</sup>[47.] 43.<sup>1</sup> (New section) a. (1) There is hereby created a Police  
16 Paperwork Reduction Task Force. The task force shall have nine  
17 members, selected as follows: two representatives of the Attorney  
18 General's office and one member of the Division of State Police, to be  
19 appointed by the Governor; two representatives of local law  
20 enforcement agencies and one municipal court administrator, to be  
21 appointed by the President of the Senate; and two representatives of  
22 local law enforcement agencies and one municipal court administrator,  
23 to be appointed by the Speaker of the General Assembly.

24 (2) The task force shall organize as soon as practicable following  
25 the appointment of its members and shall select a chairperson and vice  
26 chairperson from among its members, and a secretary, who need not  
27 be a member of the task force.

28 b. The task force shall:

29 (1) Review State requirements for the collection, reporting and  
30 retention of information by local police officers and police agencies;

31 (2) Determine the approximate cost to local police agencies,  
32 including the costs of salaries, materials, equipment and space, of  
33 complying with State-mandated information requirements;

34 (3) Determine whether these requirements assist or hinder the  
35 cost-effective provision of police services and whether a valid reason  
36 exists for the collection, reporting or retention of the information; and

37 (4) Determine the extent to which these requirements can be  
38 eliminated or streamlined to reduce unnecessary paperwork and costs  
39 of local police agencies.

40 c. Staff and related support services shall be provided to the task  
41 force by the Department of Law and Public Safety. The task force  
42 shall be entitled to call to its assistance the services of the department  
43 as well as the employees of any other State, county or municipal  
44 department, board, bureau commission or agency.

45 d. The task force may meet and hold hearings at the place or places  
46 it designates during the sessions or recesses of the Legislature. The

1 task force shall issue a final report of its findings and  
2 recommendations, including any recommended legislation, to the  
3 Governor and the Legislature no later than six months following the  
4 original appointment of all members of the task force. The task force  
5 shall dissolve on the 60th day following submission of its final report.

6  
7 <sup>1</sup>[48. (New section) a. The Legislature finds and declares that the  
8 proper management of solid waste is in the public interest and that the  
9 health, safety and welfare of the people of this State require safe,  
10 reliable, efficient and reasonable solid waste management services.

11 The Legislature further finds and declares that it is imperative that  
12 the State take appropriate action to authorize counties to implement  
13 measures which enable counties to continue to fund the  
14 implementation of comprehensive solid waste management plans in a  
15 manner which assures accountability to residents and businesses.

16 The Legislature further finds and declares that while counties may  
17 fund the costs associated with the implementation of a solid waste  
18 management plan through the county purposes tax, it is in the public  
19 interest to more precisely identify funds designated for the  
20 implementation of a solid waste management plan. One method of  
21 identifying such funds is through the adoption of a county wide tax to  
22 offset the expenses of a solid waste management plan. However, since  
23 the imposition of a new tax generally is not favored as a remedy to  
24 solid waste disposal problems, it is appropriate that the Legislature  
25 study the efficacy of this solution in one county before approving it as  
26 a Statewide solution. Therefore, it is in the public interest to allow the  
27 governing body of Monmouth County, as a pilot program, to impose  
28 a "waste management services tax" and have that governing body  
29 report back to the Legislature as to whether such a county tax is in the  
30 best interests of the county residents.

31 b. The governing body of Monmouth County may, by resolution,  
32 establish a "waste management services tax," which shall be assessed  
33 and collected in the same manner as the county purposes tax on real  
34 property, and which shall appear and be identified as a separate county  
35 line item on the property tax bills. Monies collected from this tax shall  
36 be used exclusively to fund solid waste management programs,  
37 services and activities in Monmouth County.

38 Notwithstanding the provision of any other law to the contrary,  
39 Monmouth County debt obligations that were issued for solid waste  
40 management purposes and which were previously deductible from the  
41 calculation of gross debt of the county for debt limitation purposes  
42 because it was debt issued for a self-liquidating purpose pursuant to  
43 N.J.S.40A:2-44 shall continue to be deductible notwithstanding that  
44 the county may fund solid waste management costs with a "waste  
45 management services tax."

46 Notwithstanding the provisions of section 3 of P.L.1976, c.68

1 (C:40A:4-45.3), increases to the Monmouth County budget in order  
2 to pay for solid waste management costs which were previously  
3 funded by tipping fees prior to the loss of flow control shall be exempt  
4 from budget cap requirements under applicable law.

5 c. The governing body of Monmouth County shall file a report with  
6 the Governor and the Legislature not later than two years following  
7 the adoption of the resolution establishing a "waste management  
8 services tax." The report shall detail the effects of the "waste  
9 management services tax" on the tipping fees for the county landfill  
10 and on the property tax burden of the average county taxpayer.]<sup>1</sup>

11

12 <sup>1</sup>[49.] 44.<sup>1</sup> Notwithstanding the provisions of section 2 of  
13 P.L.1999, c.59 (C.43:8C-2) to the contrary, but subject to the other  
14 provisions of that law, a county governing body may, by resolution,  
15 adopt an incentive program to encourage the retirement or termination  
16 of employment of county government employees, regardless of  
17 whether the county is entering into an interlocal services contract or  
18 a joint services contract. The incentive program shall be submitted to  
19 the Director of the Division of Local Government Services in the  
20 Department of Community Affairs for approval. The director may  
21 condition approval on modifications to the incentive program.  
22 Following approval of the incentive program by the director, the  
23 county government may implement the program and offer the  
24 incentives to its employees.

25

26 <sup>1</sup>[50.] 45.<sup>1</sup> This act shall take effect immediately.

# SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 1183**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 15, 2000

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Assembly Bill No. 1183.

As amended by the committee, this bill would revise certain mandates, requirements and procedures that are burdensome on counties, municipalities and school districts. The bill would also resolve certain administrative ambiguities and encourage more business-like practices on the part of local units in order to effectuate cost savings that will benefit property taxpayers.

#### GENERALLY APPLICABLE REGULATORY REQUIREMENTS

Section 33 of the bill provides that the registration renewal of solid waste collection and disposal vehicles operated by a public entity would be valid for five years, and that the registration fee to be paid by the public entity would be no greater than the "one-year" registration fee in effect on March 1, 1999.

Section 34 provides that the requirements for pesticide applicator or pesticide operator certification, licensing or record keeping under the "Pesticide Control Act of 1971," P.L.1971, c.176 (C.13:1F-1 et seq.) would not apply to any licensed health or sanitary inspector who applies a pesticide not classified for restricted use on property or premises in order to determine insect infestation.

Section 35 would prohibit the Department of Environmental Protection from requiring a county or municipality to obtain a permit for the purpose of performing restoration work on any manmade drainage ditch located in the county or municipality, as appropriate, provided that the restoration activity does not deviate in any manner from the original cross sectional area and location. This section defines the term "ditch" as a linear topographic depression with bed and banks of human construction which conveys water to or from a site, but does not include channelized or redirected water courses.

#### MANDATES AFFECTING SCHOOLS

Current law requires boards of education to annually examine pupils between the ages of 10 and 18 for scoliosis. Section 2 of the

bill would revise this so that boards of education would be required to conduct scoliosis examinations on a biennial basis

Section 36 would authorize any school district which increases its net budget between the prebudget and budget years in an amount less than that authorized pursuant to subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5d), to include the amount of the difference between its actual net budget and its permitted net budget in either of the next two succeeding budget years, effectively permitting "cap banking" for school districts. Current law does not permit "cap banking" for school districts.

LAWS AND REGULATIONS AFFECTING SALES OF PUBLIC PROPERTY, PUBLIC CONTRACTS, AND AGREEMENTS FOR CONSOLIDATION, INTERLOCAL AND JOINT SERVICES

Sections 7 through 9 would amend the "Interlocal Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.).

Section 7 would add to the definition of "local unit" to include an authority subject to the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.).

Section 8 would allow local units to enter into contracts for the joint provision of services incidental to the primary purposes of the local unit with an authority subject to the "Local Authorities Fiscal Control Law." The committee amended this section to provide that any board, commission or district established by a single local unit that is not subject to the "Local Authorities Fiscal Control Law" may become a party to an interlocal service contract, subject to obtaining the consent of the governing body of the local unit.

Section 9 would provide that any contract for the joint provision of services by an officer or employee who is subject to State certification requirements must provide for the payment of a salary to the officer or employee and designate one of the local units as the primary employer of the officer or employee for the purpose of that person's tenure rights. The committee amended this section to clarify terminology describing the officers and employees contemplated by the section and to provide that officers and employees could accrue tenure rights in one of the local units.

Section 26 would amend section 13 of P.L.1971, c.199 (C.40A:12-13), the section of law that controls local units' ability to sell property not needed for public use, to address the sale of certain very small parcels of land. Under this section, when there is only one owner with real property contiguous to a parcel of public property which is less than an eighth of the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon, the fair market value of the parcel may be determined by negotiation between the local unit and the owner of the contiguous real property. The negotiated sum would be subject to approval by resolution of the governing body, but in no case could that sum be less than one dollar. This provision would enable local units

to return to the tax rolls small pieces of property that are not being used for a public purpose. The committee amended this section to effectuate a technical change requested by the sponsor.

#### INITIATIVE TO INCREASE EFFICIENCIES THROUGH PRIVATIZATION

Section 37 would authorize the governing body of a county to contract with a private agency or firm to collect any delinquent fees or fines owed to the county. The committee amended this section to allow such contracts to provide for the collection of delinquent fees.

#### LOCAL FINANCE AND BUDGET REQUIREMENTS

Section 13 would eliminate the current requirement that the Local Finance Board approve the budget of a municipal solid waste collection district. Under this amendment, the amount necessary to support the district would become part of the municipal budget and subject to approval by the Director of the Division of Local Government Services.

Sections 14 and 15 would amend N.J.S.40A:2-17 and 40A:2-18 respectively, to permit a local unit to publish a summary of a bond ordinance instead of the entire bond ordinance. Current law requires the ordinance to be published in its entirety. The committee amended section 14 to provide that the summary must be in a form prescribed by the Local Finance Board and to specify that the summary must set forth the amount of indebtedness being authorized.

Section 17 would authorize a local unit to anticipate as a miscellaneous revenue the total amount of payments due and payable to a local unit as a result of the sale of property by the local unit when the obligation to make such a payment is entered into prior to the adoption of its budget. Current law requires that the obligation to pay must be entered into prior to February 10 of the calendar fiscal year, or August 10 of the State fiscal year in order for the amount of the sale to be included as miscellaneous revenue in a local budget.

Section 18 would amend N.J.S.40A:4-41 to authorize the Director of the Division of Local Government Services to permit local units to use a three-year average to determine the amount of reserve for uncollected taxes that must be included as part of a local budget. Under current law, except for municipalities in which tax appeal judgments have been awarded to property owners or for which the amount of tax reductions resulting from tax appeal judgments for the previous fiscal year exceeds 1% of the tax levy for that previous fiscal year, the minimum reserve for uncollected taxes is required to be calculated based on the amount of uncollected taxes in the previous year.

Sections 19 and 20 would amend sections 3 and 4 of P.L.1976, c.68 (C.40A:4-45.3 and 40A:4-45.4) to include as an exception to the limits of the "cap" law, P.L.1976, c.68 (C.40A:4-45.1 et seq.), the amounts expended by a municipality or a county under an interlocal

service agreement entered into, following the enactment of this bill, pursuant to the "Interlocal Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.) or under a joint contract pursuant to the "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et seq.).

Section 21 would amend N.J.S.40A:5-16 to allow a local unit to pay out its moneys without requiring the certification of the party claiming payment. Such transactions would be authorized only after the adoption of rules by the Local Finance Board, and would be limited to certain types of circumstances. Current law requires a certification prior to the payment of any funds by local units. The committee amended the bill to pay out monies on the basis of an electronic or written certification.

Section 38 would authorize the Local Finance Board, in consultation with the Commissioner of Education, to permit local government units and boards of education to contract with third-party disbursement service organizations in order to make payments and execute financial transactions for those purposes and under such conditions as permitted by the Local Finance Board.

Section 39 would authorize the Commissioner of Community Affairs, after consultation with the State Board of Education and the Administrator of the Office of Telecommunications and Information Systems, to charge appropriate fees for the use of a computerized communications network for the conduct of government activities, except that local units and school districts could not be charged. The committee amendment to this section is technical in nature.

Section 42 provides that notwithstanding the provisions of P.L.1983, c.312, s.2 (C.40A:4-45.19) to the contrary, any municipality that failed to print on the ballot the amount of the cost increase for the proposed PERS to PFRS transfer for police officers could apply to the director for permission to include the 1999 budget year amount of the pension appropriation representing the increase due to the switch as an increase in the cap base upon which final appropriations are based.

#### LAWS AND REGULATIONS AFFECTING LOCAL OFFICERS AND EMPLOYEES

Sections 3, 4 and 5 would amend R.S.26:3-3, 26:3-9 and 26:3-10 respectively to permit the governing body of a municipality, with the consent of the prospective appointee, to appoint a school nurse or the municipal physician to the local Board of Health, notwithstanding that the person is not a resident of the municipality. Current law requires municipal residency for appointment to a Board of Health.

Sections 10 and 11 would amend sections 2 and 5 of P.L.1990, c.33 (C.40:20-35.11a and 40:41A-145.1) to provide that if at any time after the election of a member of a county board of chosen freeholders, and the commencement of the term of office of that person, the freeholder-elect dies or otherwise becomes unable to assume office, the county committee of the political party of which the deceased freeholder-elect was the nominee would appoint another person to fill

the position until the next general election. If the deceased freeholder-elect was not the nominee of a political party, on or within 30 days after the time fixed for the commencement of the term of office, the board of freeholders, without regard to party, would appoint a successor to fill the position until the next general election. The committee amended these sections to make their provisions applicable to the inability of a freeholder-elect to assume office for reasons other than death.

Section 22 would authorize municipal governing bodies to set the hours of operation of the tax collector's office and the work hours of the tax collector and all personnel assigned to the tax collector's office by resolution. Current law requires that this be done by ordinance.

Section 23 would permit the governing body or the chief executive of a municipality, as appropriate to the form of government, by resolution or order, to set the hours of operation of the tax assessor's office and the work hours of the tax assessor, commensurate with the compensation paid to the tax assessor. Current law contains no such provision. Under the bill, the appointing authority could set the total number of weekly hours of operation of the tax assessor's office and the total weekly number of work hours of the tax assessor, but not set the specific work hours of the tax assessor.

Section 25 would amend section 37 of P.L.1995, c.259 (C.40A:10-17.1) to permit a county employee who receives health benefits as the dependent of his or her spouse, to waive health coverage under the county plan. Such persons could, at the discretion of the county, receive annually a payment from the county that does not exceed 50% of the county's savings because of the employee's waiver of coverage. Municipal employees received this right to waive coverage as a result of the enactment of P.L.1995, c.259.

Section 29 would permit the appointing authority of a municipality to set, by resolution or order as appropriate, the total number of weekly hours of operation of the construction official's office and the total number of weekly work hours of the construction official, commensurate with the compensation paid to the construction official.

Section 44 would permit a county governing body to adopt and implement an early retirement incentive program, upon the approval of the Director of the Division of Local Government Services in the Department of Community Affairs, regardless of whether the county participates in an interlocal services contract or joint services agreement with another local unit.

#### RECORD KEEPING REFORMS

Section 27 would amend section 22 of P.L.1971, c.199 (C.40A:12-22) to make permissive the current statutory requirement that a municipality establish and maintain a central registry of all real property acquired by it for purposes other than streets or highways.

Section 28 would authorize a municipality receiving and making available the lists required under the "New Residential Construction

Off-site Conditions Disclosure Act," P.L.1995, c.253 (C.46:3C-1 et seq.) to charge purchasers of the information in the same manner as prices are charged for other public records pursuant to section 2 of P.L.1963, c.73 (C.47:1A-2). Current law allows municipalities to charge by the page for its actual reproduction costs.

Under section 40, State narcotics action plan reports, commonly referred to as "SNAP" reports, would be made on a quarterly basis. This section would require the Department of Law and Public Safety to develop and supply to all participating police departments a standard computer software program, which would include all of the necessary parameters for reporting, so that the SNAP reports may be generated by computer.

Section 43 would establish a Police Paperwork Reduction Task Force to study and recommend steps for reducing State requirements for information collection, reporting and retention by local police forces. The task force would have nine members, including representatives of the Attorney General's office, the Division of State Police, local law enforcement agencies and municipal court administrators. The task force would review information requirements imposed by the State on local police, recommend ways in which these requirements may be reduced or streamlined and report its findings and recommendations to the Governor and the Legislature.

#### COAH REFORMS

Sections 30 and 41 would amend and supplement the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) to set forth an additional technique for municipalities to utilize as a means for fulfilling their fair share of low and moderate income housing. This new technique is for municipalities to purchase privately owned real property used for residential purposes at the value of all liens secured by the property, excluding tax liens, although the amount of debt exceeds the appraised value of the property. The Commissioner of Community Affairs would be required to adopt rules and regulations to effectuate these purposes.

#### MISCELLANEOUS REFORMS

Section 6 provides that no fire company, first aid or rescue squad, whether paid, part-paid, or volunteer, would be liable to the Department of Labor or the Department of Health and Senior Services for any registration or inspection fee imposed by rule or regulation with regard to the filling of air cylinders for respiratory equipment used by the fire company, first aid or rescue squad. Current provisions of the New Jersey Administrative Code contain requirements concerning the filling of air cylinders for respiratory equipment, and registration and inspection fees are charged as part of those requirements. This section would eliminate those mandated fees. The committee amended this section to clarify that no fire company, first aid or rescue squad would be required to pay the above stated fees.

Section 12 would authorize the governing body of a municipality in which any of the members are elected for terms beginning on January 1 to fix, by resolution, the date and time of its annual organization or reorganization meeting. Current law requires this procedure to be done by ordinance.

Section 16 concerns local budget years. It provides that any municipality that was required to change to the State fiscal year after January 1, 1997 but failed to do so must continue to operate under a calendar fiscal year. It would also make conversion to the State fiscal year permissive. Currently, for any municipality with a population over 35,000, this change in fiscal year is mandatory.

Section 24 would amend N.J.S.40A:10-6 to permit local units to establish health benefits funds for the provision of contributory or non-contributory self-funded, or partially self-funded, health benefits for employees or their dependants, or both, except for employees, or their dependents, of boards of education, jointure commissions, educational service commissions, county special services school districts, county vocational-technical schools, and county colleges. Current law only permits local units to enter into contracts for health insurance and so it is not clear that local units can be self insured for health insurance without specific statutory authority. This provision also would validate local unit health benefits funds operating prior to the effective date of this bill. The committee amended this section to clarify terminology used.

Section 31 would amend the definition of "qualified real rental property" in the "Tenant's Property Tax Rebate Act," P.L.1976, c.63 (C.54:4-6.2 et seq.) to mean any building or structure or complex of buildings or structures in which five or more housing units are rented or leased. Current law defines a "qualified real rental property" as one having four such units. This section is necessary to correct an inconsistency between the intent of P.L.1998, c.15 and existing law.

Section 32 would amend the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., to increase the lawsuit threshold thereunder from the current limit of \$1,000 to \$3,600.

The committee amendments delete five sections from the bill: a provision that would have amended R.S.19:31-2 to make voter registration optional; a provision that would have amended N.J.S.40A:2-8 to modify the requirements of the ten-year maximum repayment period for a bond anticipation note issued by a local unit; a provision that would have amended R.S.43:21-4 to make school crossing guards ineligible to receive unemployment insurance; a provision that would have amended P.L.1975, c.361 (C.54:3-27.2) that would have authorized municipalities to apply excess taxes paid as the result of a property tax appeal to delinquencies on other real property located within the taxing district and owned wholly by the same taxpayer; and a provision that would have authorized as a pilot program the imposition of a "waste management services tax" to be used exclusively to fund solid waste management programs, services

and activities.

This bill was prefiled for introduction in the 2000 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

§1 - C.52:13H-21  
§33 - C.13:1E-5a  
§34 - C.13:1F-1a  
§35 - C.13:9B-13.1  
§36 - C.18A:7F-5a  
§37 - C.40:23-6.53  
§38 - C.52:27D-20.1  
§39 - C.52:27D-10.1  
§40 - C.52:17B-4a  
§41 -  
C.52:27D-311.2  
§42 - T & E & Note  
to 40A:4-45.19  
§43 - T & E  
§44 - C.43:8C-2.1

P.L. 2000, CHAPTER 126, *approved September 21, 2000*  
Assembly, No. 1183 (*First Reprint*)

1 **AN ACT** revising certain mandates, requirements and procedures for  
2 local governments and school districts and amending and  
3 supplementing various parts of the statutory law.

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

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

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

25 In response to this decades long pattern of seemingly inexorable  
26 increases in burdensome mandates from Trenton, local officials  
27 repeatedly petition the Legislature for relief. In response to entreaties  
28 of local officials, various committees of several Legislatures have

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Senate SCU committee amendments adopted June 15, 2000.**

1 determined to continue to address the problem of burdensome  
2 mandates on an expedited basis through the enactment of omnibus acts  
3 that repeal or modify many of those mandates, resolve administrative  
4 ambiguities and encourage more businesslike practices. This is the  
5 third such omnibus mandate relief act.

6

7 2. Section 1 of P.L.1978, c.97 (C.18A:40-4.3) is amended to read  
8 as follows:

9 1. Every board of education shall provide for the [yearly] biennial  
10 examination of every pupil between the ages of 10 and 18 for the  
11 condition known as scoliosis in accordance with standards jointly  
12 established and promulgated by the Departments of Health and Senior  
13 Services and Education. Such examination shall be carried out by a  
14 school physician, school nurse, physical education instructor or other  
15 school personnel properly trained in the screening process for  
16 scoliosis. Every board of education shall further provide for the  
17 notification of the parents or guardian of any pupil suspected of  
18 having scoliosis. Such notification shall include an explanation of  
19 scoliosis, the significance of treating it at an early stage, and the  
20 public services available, after diagnosis, for such treatment.  
21 (cf: P.L.1978, c.97, s.1)

22

23 <sup>1</sup>[3. R.S.19:31-2 is amended to read as follows:

24 19:31-2. In all counties having a superintendent of elections, the  
25 superintendent of elections is hereby constituted the commissioner of  
26 registration and in all other counties the secretary of the county board  
27 is hereby constituted the commissioner of registration.

28 The commissioner of registration shall have complete charge of the  
29 registration of all eligible voters within their respective counties.

30 The commissioner of registration shall have power to appoint  
31 temporarily, and the commissioner of registration in counties of the  
32 first class having more than 800,000 inhabitants shall have power to  
33 appoint on a permanent, or temporary basis, such number of persons,  
34 as in the commissioner's judgment may be necessary in order to carry  
35 out the provisions of this Title. All persons appointed by the  
36 commissioner of registration in counties of the first class having more  
37 than 850,000 inhabitants according to the latest federal decennial  
38 census to serve for terms of more than six months in any one year shall  
39 be in the career service of the civil service and shall be appointed, and  
40 hold their positions, in accordance with the provisions of Title 11A,  
41 Civil Service. All persons appointed by the commissioner of  
42 registration in counties of the first class having more than 600,000 but  
43 less than 850,000 inhabitants according to the latest federal decennial  
44 census to serve for terms of more than six months in any one year,  
45 other than the chief deputy and chief clerk and confidential secretary  
46 and chief custodian, shall be in the career service of the civil service

1 and shall be appointed and hold their positions, in accordance with the  
2 provisions of Title 11A, Civil Service. Persons appointed by the  
3 commissioner of registration in such counties to serve for terms of six  
4 months or less in any one year and persons appointed by the  
5 commissioner of registration shall not be subject to any of the  
6 provisions of Title 11A, Civil Service, but shall be in the unclassified  
7 service.

8 [In each county the commissioner of registration shall submit to the  
9 Secretary of State on or before February 15 of each year a plan  
10 providing for evening registration for the primary election and on or  
11 before July 1 plans providing for evening registration for the general  
12 election, which plans shall be subject to approval by the Secretary of  
13 State.] Evening registration [shall] may be made available in the  
14 office of each commissioner of registration [between the hours of  
15 4 p.m. and 9 p.m. on the 29th day preceding the primary and general  
16 elections and, in any year in which municipal elections are to be held  
17 in any municipality within the county, on the 29th day preceding those  
18 municipal elections] in accordance with a plan established by each  
19 commissioner and approved by the county board of elections.

20 In each county, the commissioner of registration may also establish  
21 a plan for out-of-office registration, including door-to-door  
22 registration.

23 Nothing in this section shall preclude [the commissioner from  
24 providing pursuant to plan evening registration in excess of the  
25 requirements of this section, or shall preclude] or in any way limit  
26 out-of-office registration conducted by persons or groups other than  
27 the commissioner.

28 The commissioner of registration shall provide such printed forms,  
29 blanks, supplies and office telephone and transportation equipment and  
30 shall prescribe such reasonable rules and regulations not inconsistent  
31 with those of the Secretary of State as are necessary in the opinion of  
32 the commissioner to carry out the provisions of this Title and any  
33 amendments or supplements thereto.

34 Subject to the limitations set forth in chapter 32 of this Title, all  
35 necessary expenses incurred, as and when certified and approved by  
36 the commissioner of registration shall be paid by the county treasurer  
37 of the county.

38 Nothing in the provisions of subtitle 2 of the Title, Municipalities  
39 and Counties (R.S.40:16-1 et seq.), shall in anywise be construed to  
40 affect, restrict or abridge the powers herein conferred on the  
41 commissioners of registration of the several counties.

42 All powers granted to the commissioner in all counties not having  
43 superintendents of elections by the provisions of this Title are hereby  
44 conferred on the county board in such counties and any and all duties  
45 conferred upon the commissioner in all counties not having a  
46 superintendent of elections by the provisions of this Title shall only be

1 exercised and performed by such commissioner under the instructions  
2 and directions of and subject to the approval of the county board of  
3 such counties.

4 (cf: P.L.1994, c.182, s.2)]<sup>1</sup>

5

6 <sup>1</sup>[4.] 3.<sup>1</sup> R.S.26:3-3 is amended to read as follows:

7 26:3-3. The local board in every municipality, other than a  
8 township, which is subject to the provisions of subdivision C of this  
9 article, shall be composed of not less than five nor more than seven  
10 members, except that in a city of the first class the board shall consist  
11 of 10 members, and in a city having a population of over 80,000, but  
12 not of the first class, the board shall consist of not less than five nor  
13 more than 10 members. Upon the consent of the prospective  
14 appointee, the governing body of a municipality may appoint a school  
15 nurse or the municipal physician to the local board, notwithstanding  
16 that the nurse or physician is not a resident of the municipality.

17 The local board may, by ordinance, provide for the appointment of  
18 two alternate members. Notwithstanding the provisions of any other  
19 law or charter heretofore adopted, the ordinance shall provide the  
20 method of appointment of the alternate members. Alternate members  
21 shall be designated at the time of appointment by the authority  
22 appointing them as "Alternate No. 1" and "Alternate No. 2."

23 The terms of the alternate members shall be for two years, except  
24 that the terms of the alternate members first appointed shall be two  
25 years for Alternate No. 1 and one year for Alternate No. 2, so that the  
26 term of not more than one alternate member shall expire in any one  
27 year. A vacancy occurring otherwise than by expiration of term shall  
28 be filled by the appointing authority for the unexpired term only.

29 An alternate member shall not be permitted to act on any matter in  
30 which he has either directly or indirectly any personal or financial  
31 interest. An alternate member may, after public hearing if he requests  
32 one, be removed by the governing body for cause.

33 An alternate member may participate in discussions of the  
34 proceedings but may not vote except in the absence or disqualification  
35 of a regular member. A vote shall not be delayed in order that a  
36 regular member may vote instead of an alternate member. In the event  
37 that a choice must be made as to which alternate member is to vote,  
38 Alternate No. 1 shall vote first.

39 (cf: P.L.1989, c.168, s.1)

40

41 <sup>1</sup>[5.] 4.<sup>1</sup> R.S.26:3-9 is amended to read as follows:

42 26:3-9. a. The local board in every township having a population  
43 of not more than 20,000 inhabitants [~~shall~~] may be composed of the  
44 members of the township committee, the township assessor or, if the  
45 township has a board of assessors, the township clerk, and one  
46 physician or school nurse, to be appointed by the township committee

1 for a term of three years from the time of his appointment and until the  
2 successor is appointed. Upon the consent of the prospective  
3 appointee, the township committee may appoint, as the physician or  
4 school nurse appointment, the township physician or a school nurse to  
5 the local board, notwithstanding that the physician or nurse is not a  
6 resident of the township. The township committee may by ordinance  
7 provide for the appointment of not more than two alternate members.  
8 Alternate members shall be designated at the time of appointment as  
9 "Alternate No. 1" and "Alternate No 2." The term of the alternate  
10 members shall be for two years, except that of the first two alternate  
11 members appointed, one shall be appointed for a term of one year so  
12 that the term of not more than one alternate member shall expire in any  
13 one year. A vacancy occurring otherwise than by expiration of term  
14 shall be filled by the appointing authority for the unexpired term only.  
15 Alternate members may participate in discussions of the proceedings  
16 but may not vote except in the absence or disqualification of a regular  
17 member. A vote shall not be delayed in order that a regular member  
18 may vote instead of an alternate member. In the event that a choice  
19 must be made as to which alternate member is to vote, Alternate No.  
20 1 shall vote.

21 b. Any such township may by ordinance adopt the provisions of  
22 subdivision B of this article and thereafter shall be subject to the  
23 provisions thereof and shall not be subject to the provisions of this  
24 subdivision of this article.

25 (cf: P.L.1986, c.78, s.1)

26

27 <sup>1</sup>[6.] 5.<sup>1</sup> R.S.26:3-10 is amended to read as follows:

28 26:3-10. The local board in every township having a population of  
29 more than twenty thousand inhabitants shall be composed of not less  
30 than five nor more than seven members who shall be appointed in such  
31 manner and hold their respective offices for such terms, not exceeding  
32 four years, as the township committee or other governing body may by  
33 ordinance provide, but the terms of not more than three members shall  
34 expire in any one year, but any such township may by ordinance adopt  
35 the provisions of subdivision B of this article and thereafter shall be  
36 subject to the provisions thereof and shall not be subject to the  
37 provisions of this subdivision of this article. Upon the consent of the  
38 prospective appointee, the township committee may appoint a school  
39 nurse or the township physician to the local board, notwithstanding  
40 that the nurse or physician is not a resident of the township.

41 (cf: P.L.1953, c.349, s.6)

42

43 <sup>1</sup>[7.] 6.<sup>1</sup> Section 8 of P.L.1983, c.516 (C. 34:6A-32) is amended  
44 to read as follows:

45 8. The commissioner shall, in consultation with the Commissioner  
46 of Health <sup>1</sup>and Senior Services<sup>1</sup> and the Commissioner of Community

1 Affairs and with the advice of the advisory board, promulgate all  
2 regulations which he deems necessary for the proper administration  
3 and enforcement of this act. A variance may be granted if the  
4 commissioner determines that the applicant is in compliance with the  
5 requirements for a permanent variance as set forth in subsection c. of  
6 section 15 of this act. The variance shall not be deemed to be a  
7 variation approved pursuant to the "State Uniform Construction Code  
8 Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or the "Uniform Fire  
9 Safety Act," P.L.1983, c.383 (C.52:27D-192 et al.) or any other  
10 building or fire safety standard or code.

11 Space leased by a public employer shall be subject to current health  
12 or safety rules and regulations. Any deficiency, including a deficiency  
13 resulting either from occupant use or deferred maintenance by the  
14 lessor, shall be subject to correction in accordance with the governing  
15 rules and regulations at the time that the deficiency is cited by the  
16 commissioner or the Commissioner of Health <sup>1</sup>and Senior Services<sup>1</sup> .  
17 However, a lease of any duration may not be entered into unless the  
18 leased property is in conformance with such rules and regulations as  
19 are in effect at the time the lease is executed.

20 No fire company, first aid or rescue squad, whether paid, part-paid,  
21 or volunteer, shall be <sup>1</sup>[liable]required to pay<sup>1</sup> to the Department of  
22 Labor or the Department of Health and Senior Services <sup>1</sup>[for] <sup>1</sup>any  
23 registration or inspection fee imposed by rule or regulation with regard  
24 to the filling of air cylinders for respiratory equipment used by the fire  
25 company, first aid or rescue squad.

26 (cf: P.L.1995, c.186, s.4)

27

28 <sup>1</sup>[8.] 7.<sup>1</sup> Section 2 of P.L.1973, c.208 (C.40:8A-2) is amended to  
29 read as follows:

30 2. As used in this act, unless the context indicates otherwise:

31 a. "Local unit" means a municipality, county, school district,  
32 authority subject to the "Local Authorities Fiscal Control Law,"  
33 P.L.1983, c.313 (C.40A:5A-1 et seq.), or a regional authority or  
34 district other than an interstate authority or district.

35 b. "Governing body" means the board, commission, council or  
36 other body having the control of the finances of a local unit; and in  
37 those local units in which an executive officer is authorized by law to  
38 participate in such control through powers of recommendation,  
39 approval or veto, the term includes such executive officer to the extent  
40 of such participation.

41 c. "Chief executive officer" means the mayor of a municipality, the  
42 elected county executive of a county, the director of the board of  
43 chosen freeholders in a county not having an elected county executive,  
44 and the chairman or other presiding officer of any other governing  
45 body.

46 d. "Service" means any of the powers, duties and functions

1 exercised or performed by a local unit by or pursuant to law.

2 e. "Contract" means a contract authorized under section 3 of this  
3 act.

4 (cf: P.L.1973, c.208, s.2)

5

6 <sup>1</sup>[9.] 8.<sup>1</sup> Section 3 of P.L.1973, c.208 (C.40:8A-3) is amended to  
7 read as follows:

8 3. Any local unit of this State may enter into a contract with any  
9 other local unit or units for the joint provision within their several  
10 jurisdictions of any service, including services incidental to the primary  
11 purposes of the local unit which any party to the agreement is  
12 empowered to render within its own jurisdiction. An [autonomous]  
13 authority[, board, commission or district] subject to the "Local  
14 Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et  
15 seq.), <sup>1</sup>and any other board, commission or district<sup>1</sup> established by and  
16 within a single local unit and providing service within such local unit  
17 or a part thereof may become a party to such contract with the consent  
18 of the governing body of the local unit, by resolution thereof adopted  
19 in the manner provided in section 4 of <sup>1</sup>[this act] P.L.1973, c.208  
20 (C.40:8A-4)<sup>1</sup> ; and after such consent duly given, such authority[,  
21 board, commission or district] <sup>1</sup>, board, commission or district<sup>1</sup> may  
22 enter into such contract by resolution without need of publication or  
23 hearing.

24 (cf: P.L.1995, c.356, s.1)

25

26 <sup>1</sup>[10.] 9.<sup>1</sup> Section 5 of P.L.1973, c.208 (C.40:8A-5) is amended  
27 to read as follows:

28 5. a. The parties to a contract authorized by <sup>1</sup>[this act] P.L.1973,  
29 c.208 (C.40:8A-1 et seq.)<sup>1</sup> may agree to provide jointly, or through  
30 the agency of one more of them on behalf of any or all of them, any  
31 service or aspect of a service which any of the parties on whose behalf  
32 such services are to be performed may legally perform for itself. Such  
33 services shall include, but not be limited to, the areas of general  
34 government administration, health, police and fire protection, code  
35 enforcement, assessment and collection of taxes, financial  
36 administration, environmental services, joint municipal courts, youth,  
37 senior citizens, welfare and social services programs. Nothing in  
38 <sup>1</sup>[this act] P.L.1973, c.208 (C.40:8A-1 et seq.)<sup>1</sup> shall be deemed to  
39 amend or repeal any procedures for or powers of approval of any  
40 consolidated local service program which any State agency may now  
41 exercise pursuant to law.

42 b. In the case of <sup>1</sup>[joint agreements] a contract<sup>1</sup> for the <sup>1</sup>joint<sup>1</sup>  
43 provision of services by <sup>1</sup>[State-certified professionals, such  
44 agreements] an officer or employee of a local unit who is required to  
45 comply with a State certification requirement as a condition of

1 employment, the contract<sup>1</sup> shall provide for the payment of a salary<sup>1</sup> to  
2 the officer or employee<sup>1</sup> and shall<sup>1</sup> [not include] designate one of the  
3 local units as the primary employer of the officer or employee for the  
4 purpose of that person's<sup>1</sup> tenure rights<sup>1</sup> [in the municipality  
5 contracting to receive the service]<sup>1</sup>.

6 (cf: P.L.1973, c.208, s.5)

7

8 <sup>1</sup>[11.] 10.<sup>1</sup> Section 2 of P.L.1990, c.33 (C.40:20-35.11a) is  
9 amended to read as follows:

10 2. a. When any vacancy occurs on the board of chosen freeholders  
11 otherwise than by expiration of term, it shall be filled by election for  
12 the unexpired term only at the next general election occurring not less  
13 than 60 days after the occurrence of the vacancy, except that no such  
14 vacancy shall be filled at the general election which immediately  
15 precedes the expiration of the term in which the vacancy occurs. In  
16 the event a vacancy eligible to be filled by election hereunder occurs  
17 on or before the sixth day preceding the last day for filing petitions for  
18 nomination for the primary election, such petitions may be prepared  
19 and filed for nomination in that primary election in the manner  
20 provided by article 3 of chapter 23 of Title 19 of the Revised Statutes.  
21 In the event the vacancy occurs after that sixth day preceding the last  
22 day for filing petitions for nomination for the primary election, or if the  
23 vacancy occurs on or before the sixth day preceding the last day for  
24 filing petitions for nomination for the primary election but no such  
25 petition has been filed with respect to a given political party, each  
26 political party, or that party respectively, may select a candidate for  
27 the office in question in the manner prescribed in subsections a. and b.  
28 of R.S.19:13-20 for selecting candidates to fill vacancies among  
29 candidates nominated at primary elections. A statement of such  
30 selection under R.S.19:13-20 shall be filed with the county clerk not  
31 later than the 48th day preceding the date of the general election.

32 Besides the selection of candidates by each political party,  
33 candidates may also be nominated by petition in a manner similar to  
34 direct nomination by petition for the general election; but if the  
35 candidate of any party to fill the vacancy will be chosen at a primary  
36 election, such petition shall be filed with the county clerk at least  
37 55 days prior to the primary election; and if no candidate of any party  
38 will be chosen at a primary election, such petition shall be filed with  
39 the county clerk not later than 12 o'clock noon of the day on which the  
40 first selection meeting by any party is held under this section to select  
41 a nominee to fill the vacancy.

42 The county clerk shall print on the ballots for the territory affected,  
43 in the personal choice column, the title of office and leave a proper  
44 space under such title of office; and print the title of office and the  
45 names of such persons as have been duly nominated, in their proper  
46 columns.

1        b. Notwithstanding subsection a. of this section, if at any time after  
2 an election for a member of the board of chosen freeholders and before  
3 the time fixed for the commencement of the term of the office, the  
4 person elected to that office dies <sup>1</sup>or otherwise becomes unable to  
5 assume office<sup>1</sup>, the county committee of the political party of which  
6 the person elected was the nominee shall appoint another person to fill  
7 the position until the next general election. If the person elected was  
8 not the nominee of a political party, on or within 30 days after the time  
9 fixed for the commencement of the term of office, the governing body  
10 shall appoint a successor to fill the office until the next general  
11 election without regard to party.

12 (cf: P.L.1990, c.33, s.2)

13

14        <sup>1</sup>[12.] 11.<sup>1</sup> Section 5 of P.L.1990, c.33 (C.40:41A-145.1) is  
15 amended to read as follows:

16        5. a. When any vacancy occurs on the board of chosen freeholders  
17 otherwise than by expiration of term, it shall be filled by election for  
18 the unexpired term only at the next general election occurring not less  
19 than 60 days after the occurrence of the vacancy, except that no such  
20 vacancy shall be filled at the general election which immediately  
21 precedes the expiration of the term in which the vacancy occurs. In  
22 the event a vacancy eligible to be filled by election hereunder occurs  
23 on or before the sixth day preceding the last day for filing petitions for  
24 nomination for the primary election, such petitions may be prepared  
25 and filed for nomination in that primary election in the manner  
26 provided by article 3 of chapter 23 of Title 19 of the Revised Statutes.  
27 In the event the vacancy occurs after that sixth day preceding the last  
28 day for filing petitions for nomination for the primary election, or if the  
29 vacancy occurs on or before the sixth day preceding the last day for  
30 filing petitions for nomination for the primary election but no such  
31 petition has been filed with respect to a given political party, each  
32 political party, or that party respectively, may select a candidate for  
33 the office in question in the manner prescribed in subsections a. and b.  
34 of R.S.19:13-20 for selecting candidates to fill vacancies among  
35 candidates nominated at primary elections. A statement of such  
36 selection under R.S.19:13-20 shall be filed with the county clerk not  
37 later than the 48th day preceding the date of the general election.

38        Besides the selection of candidates by each political party,  
39 candidates may also be nominated by petition in a manner similar to  
40 direct nomination by petition for the general election; but if the  
41 candidate of any party to fill the vacancy will be chosen at a primary  
42 election, such petition shall be filed with the county clerk at least  
43 55 days prior to the primary election; and if no candidate of any party  
44 will be chosen at a primary election, such petition shall be filed with  
45 the county clerk not later than 12 o'clock noon of the day on which the  
46 first selection meeting by any party is held under this section to select

1 a nominee to fill the vacancy.

2 The county clerk shall print on the ballots for the territory affected,  
3 in the personal choice column, the title of office and leave a proper  
4 space under such title of office; and print the title of office and the  
5 names of such persons as have been duly nominated, in their proper  
6 columns.

7 b. Notwithstanding subsection a. of this section, if at any time after  
8 an election for the office of county executive or for a member of the  
9 freeholder board and before the time fixed for the commencement of  
10 the term of the office, the person elected to that office dies<sup>1</sup> or  
11 otherwise becomes unable to assume office<sup>1</sup>, the county committee of  
12 the political party of which the person elected was the nominee shall  
13 appoint another person to fill the position until the next general  
14 election. If the person elected was not the nominee of a political  
15 party, on or within 30 days after the time fixed for the commencement  
16 of the term of office, the governing body shall appoint a successor to  
17 fill the office until the next general election without regard to party.  
18 (cf: P.L.1990, c.33, s.5)

19

20 <sup>1</sup>[13.] 12.<sup>1</sup> Section 1 of P.L.1956, c.176 (C.40:45A-1) is amended  
21 to read as follows:

22 1. Notwithstanding any other provision of law, the governing body  
23 of a municipality in which any of the members of the governing body  
24 are elected for terms commencing January 1 may, by [ordinance]  
25 resolution, fix the date and time of its annual organization or  
26 reorganization meeting at 12 o'clock noon on January 1, or at some  
27 other hour on any day during the first week in January.

28 (cf: P.L.1981, c.79, s.1)

29

30 <sup>1</sup>[14.] 13.<sup>1</sup> Section 3 of P.L.1991, c.54 (C.40:66-10) is amended  
31 to read as follows:

32 3. The governing body of any municipality which operated a solid  
33 waste collection district as of December 31, 1989, shall [, by  
34 ordinance and subject to the approval of the Local Finance Board of  
35 the Department of Community Affairs,] determine the amount of  
36 money necessary for the support of the solid waste collection district.  
37 The amount so determined shall [be assessed on the value of all  
38 taxable property within the district and collected as taxes are collected  
39 and be controlled and expended by the municipality for the purposes  
40 herein specified. The ordinance shall specify that any assessment made  
41 pursuant to this section is to be used solely to provide for the support  
42 of the solid waste collection district. Any municipality which adopts  
43 an ordinance pursuant to this section shall, within 10 days following  
44 the adoption of the ordinance, forward a copy to the Division of Local  
45 Government Services in the Department of Community Affairs]  
46 become part of the municipal budget and subject to approval by the

1 director.

2 (cf: P.L.1991, c.54, s.3)

3

4 <sup>1</sup>[15. N.J.S.40A:2-8 is amended to read as follows:

5 40A:2-8. a. A local unit, in anticipation of the issuance of bonds,  
6 may borrow money and issue negotiable notes if the bond ordinance  
7 or subsequent resolution so provides. Any such note shall be  
8 designated "bond anticipation note" and shall contain a recital that it  
9 is issued in anticipation of the issuance of bonds. Such notes may be  
10 issued for a period of not exceeding one year and may be renewed  
11 from time to time for periods of not exceeding one year, but all such  
12 notes, including renewals, shall mature and be paid not later than the  
13 **[tenth anniversary of the date of the original notes]** first day of the  
14 fifth month following the close of the tenth fiscal year next following  
15 the date of the original notes, provided, however, that no such notes  
16 shall be renewed beyond the third anniversary date of the original  
17 notes unless an amount of such notes, at least equal to the first legally  
18 payable installment of the bonds in anticipation of which said notes are  
19 issued, is paid and retired from funds other than the proceeds of  
20 obligations on or before each anniversary date of the original notes  
21 beginning with said third anniversary date [and, if such notes are  
22 renewed beyond the fourth anniversary date of the original notes, a  
23 like amount is paid or retired on or before said fourth anniversary date  
24 from funds other than the proceeds of obligations, except that:

25 1. Such notes shall mature and be paid not later than the first day  
26 of the fifth month following the close of the tenth fiscal year next  
27 following the date of the original notes, provided that, in addition to  
28 amounts paid and retired pursuant to paragraph a. above, an amount  
29 of such notes equal to not less than the first legally payable installment  
30 of the bonds in anticipation of which such notes are issued has been  
31 paid and retired not later than the end of said fifth fiscal year from  
32 funds other than the proceeds of obligations; and

33 2. Notes issued to finance local improvements and in an amount  
34 not exceeding the amount of special assessments then confirmed and  
35 unpaid and not delinquent may be renewed for periods of not  
36 exceeding one year but shall mature and be paid not later than the fifth  
37 anniversary of the date of the original notes].

38 b. A local unit may finance any improvement which it has power to  
39 finance by obligations issued under this chapter by the issuance of  
40 "capital notes." The aggregate amount of all such notes outstanding  
41 at any one time shall not exceed the lesser of **[\$200,000.00]**  
42 \$1,000,000 or 1/2 of 1% of the equalized valuation basis. Such notes  
43 shall be authorized in the same manner as bond anticipation notes and  
44 shall be payable from funds other than the proceeds of obligations  
45 within five years from the date of the issuance of the first of said notes  
46 and not less than 20% thereof shall be paid in each succeeding year.

1 The local unit shall provide for the payment of the principal of, and  
2 interest on such notes falling due in each year.

3 c. The local finance board shall issue, in the manner prescribed by  
4 law, such rules and regulations as are necessary to the implementation  
5 and execution of this act.

6 (cf: P.L.1990, c.112, s.1)]<sup>1</sup>

7

8

9 <sup>1</sup>[16.] 14.<sup>1</sup> N.J.S.40A:2-17 is amended to read as follows:

10 40A:2-17. a. Introduction.

11 A bond ordinance shall be introduced in writing at a meeting of the  
12 governing body and shall be passed upon first reading, which may be  
13 by title.

14 b. Publication, hearing and adoption.

15 The bond ordinance, or a summary thereof, <sup>1</sup>in a form prescribed  
16 by the Local Finance Board,<sup>1</sup> shall be published after first reading,  
17 together with notice of the introduction thereof and of the date, which  
18 shall be at least 10 days after introduction and first reading, and the  
19 time and place of further consideration for final passage, which may be  
20 at an adjournment of such meeting or another meeting. If a summary  
21 is published, the summary shall contain a clear and concise statement  
22 prepared by the clerk of the governing body setting forth the purpose  
23 of the ordinance <sup>1</sup>, the amount of indebtedness being authorized<sup>1</sup> and  
24 the time and place when and where a copy of the ordinance can be  
25 obtained, without cost, by any member of the general public residing  
26 in the local unit.

27 Such publication shall be at least 1 week prior to the date for  
28 further consideration. At the time and place so advertised, or at any  
29 time and place to which such meeting or further consideration shall  
30 from time to time be adjourned, such bond ordinance may be read by  
31 its title, if,

32 (1) at least 1 week prior to such date or further consideration,  
33 there shall have been posted, on the bulletin board or other place upon  
34 which public notices are customarily posted in the principal municipal  
35 building of the municipality,

36 (a) a copy of such bond ordinance or summary, and

37 (b) a notice that copies of such bond ordinance will be made  
38 available during such week and up to and including the date of such  
39 meeting or further consideration to the members of the general public  
40 of the municipality who shall request such copies, naming the place at  
41 which such copies will be so made available, and

42 (2) such copies of said bond ordinance shall have been made  
43 available accordingly, but otherwise such bond ordinance shall be read  
44 in full. All persons interested shall then be given an opportunity to be  
45 heard.

46 After the duplicate of the supplemental debt statement has been

1 filed in the office of the director, and after such hearing, the governing  
2 body may proceed to amend the bond ordinance and thereupon finally  
3 adopt or reject it, with or without amendments.

4 If any amendment is adopted substantially altering matters required  
5 by this chapter to be contained in the bond ordinance, such amended  
6 bond ordinance shall not be finally adopted until at least 1 week  
7 thereafter and until the bond ordinance or a summary of it shall have  
8 been published once at least 2 days prior to the date for further  
9 consideration, together with notice of the date, time and place at  
10 which it will be further considered for final adoption. At the time and  
11 place so advertised, or at any time and place to which such meeting or  
12 further consideration shall from time to time be adjourned, such  
13 amended bond ordinance may be read by its title, if,

14 (1) at least 1 week prior to such date or further consideration,  
15 there shall have been posted, on the bulletin board or other place upon  
16 which public notices are customarily posted in the principal municipal  
17 building of the municipality,

18 (a) a copy of such bond ordinance or summary, and

19 (b) a notice that copies of such bond ordinance will be made  
20 available during such week and up to and including the date of such  
21 meeting or further consideration to the members of the general public  
22 of the municipality who shall request such copies, naming the place at  
23 which such copies will be so made available, and

24 (2) such copies of said bond ordinance shall have been made  
25 available accordingly, but otherwise such bond ordinance shall be read  
26 in full. All persons interested shall again be given an opportunity to be  
27 heard. After such hearing, the governing body may proceed to reject,  
28 finally adopt or further amend such bond ordinance.

29 A bond ordinance shall be finally adopted by the recorded  
30 affirmative votes of at least 2/3 of the full membership of the  
31 governing body. In a local unit in which the approval of any officer is  
32 required to make an ordinance or resolution effective, such bond  
33 ordinance shall be so approved, or passed over veto before it shall be  
34 published after final adoption.

35 c. Final publication with statement.

36 Every bond ordinance shall be published either in full or in summary  
37 form after final adoption, together with a statement in substantially the  
38 following form:

39

40

#### STATEMENT

41

42 The bond ordinance published herewith has been finally adopted  
43 and the 20-day period of limitation within which a suit, action or  
44 proceeding questioning the validity of such ordinance can be  
45 commenced, as provided in the Local Bond Law has begun to run  
46 from the date of the first publication of this statement.

1

2

Clerk.

3 (cf: P.L.1963, c.153, s.1)

4

5 <sup>1</sup>[17.] 15.<sup>1</sup> N.J.S.40A:2-18 is amended to read as follows:

6 40A:2-18. A bond ordinance shall take effect 20 days after the first  
7 publication of the ordinance or of a summary thereof after final  
8 adoption. A bond ordinance which authorizes obligations to fund,  
9 refund, renew, extend or retire obligations issued or authorized  
10 pursuant to this chapter, or notes or bonds issued or authorized  
11 pursuant to any act of which this chapter is a revision shall not be  
12 subject to referendum.

13 (cf: N.J.S.40A:2-18)

14

15 <sup>1</sup>[18.] 16.<sup>1</sup> Section 2 of P.L.1991, c.75 (C.40A:4-3.1) is amended  
16 to read as follows:

17 2. [Except as provided hereunder, any municipality which has a  
18 population of over 35,000 according to the most recent federal  
19 decennial census or the latest available State population estimates,  
20 Population Estimates for New Jersey, issued by Occupational and  
21 Demographic Research in the Division of Labor Market and  
22 Demographic Research of the New Jersey Department of Labor,  
23 whichever is more recent, or any municipality which received in State  
24 fiscal year 1990 or 1991 State funds under the "Special Municipal Aid  
25 Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.) now referred to as the  
26 Municipal Revitalization Program, shall be required hereafter to  
27 operate on the State fiscal year. Any municipality whose fiscal year is  
28 changed pursuant to this section shall prepare a transition year budget  
29 to cover the January 1 to June 30 period prior to the beginning of its  
30 first State fiscal year.

31 Any municipality which fulfills the abovementioned criteria may  
32 apply to the director to maintain its fiscal year on a calendar year  
33 basis. An application for an exception shall include a copy of a  
34 resolution to maintain the existing budget year, adopted by a majority  
35 vote of the governing body prior to or concurrent with the  
36 introduction of the municipal budget.

37 If the director determines that it is beneficial for the municipality or  
38 its taxpayers to change to the State fiscal year, the director may deny  
39 the application for an exception.] a. Except as provided in subsection  
40 b. of this section, any municipality operating under the State fiscal  
41 year as of January 1, 1997 shall continue to operate under the State  
42 fiscal year; and any municipality which was required to change to the  
43 State fiscal year but failed to implement the change shall continue to  
44 operate under the calendar year fiscal year.

45 b. Any municipality may apply to the Local Finance Board for  
46 approval to convert to the State fiscal year, and the Board shall

1 approve the conversion if it finds it is in the interest of the taxpayers  
2 of the municipality to change. Any municipality whose fiscal year is  
3 changed pursuant to this section shall prepare a transition year budget  
4 to cover the period between January 1 and June 30 prior to the  
5 beginning of its first State fiscal year.

6 (cf: P.L.1991, c.75, s.2)

7

8 <sup>1</sup>[19.] 17.<sup>1</sup> N.J.S.40A:4-27 is amended to read as follows:

9 40A:4-27. A local unit may anticipate as a miscellaneous revenue  
10 the total amount of all payments due and payable to the local unit  
11 during the fiscal year, directly or indirectly as a result of the sale of  
12 property by the local unit, when the obligation to make such payment  
13 is entered into prior to [February 10 of the calendar fiscal year, or by  
14 August 10 of the State fiscal year] the adoption of the budget.

15 (cf: P.L.1994, c.72, s.13)

16

17 <sup>1</sup>[20.] 18.<sup>1</sup> N.J.S.40A:4-41 is amended to read as follows:

18 40A:4-41. a. For the purpose of determining the amount of the  
19 appropriation for "reserve for uncollected taxes" required to be  
20 included in each annual budget where less than 100% of current tax  
21 collections may be and are anticipated, anticipated cash receipts shall  
22 be as set forth in the budget of the current year, and in accordance  
23 with the limitations of statute for anticipated revenue from, surplus  
24 appropriated, miscellaneous revenues and receipts from delinquent  
25 taxes.

26 b. Receipts from the collection of taxes levied or to be levied in the  
27 municipality, or in the case of a county for general county purposes  
28 and payable in the fiscal year shall be anticipated in an amount which  
29 is not in excess of the percentage of taxes levied and payable during  
30 the next preceding fiscal year which was received in cash by the last  
31 day of the preceding fiscal year.

32 c. (1) For any municipality in which tax appeal judgments have  
33 been awarded to property owners from action of the county tax board  
34 pursuant to R.S.54:3-21 et seq., or the State tax court pursuant to  
35 R.S.54:48-1 et seq. in the preceding fiscal year, the governing body of  
36 the municipality may elect to determine the reserve for uncollected  
37 taxes by using the average of the percentages of taxes levied which  
38 were received in cash by the last day of each of the three preceding  
39 fiscal years. Election of this choice shall be made by resolution,  
40 approved by a majority vote of the full membership of the governing  
41 body prior to the introduction of the annual budget pursuant to  
42 N.J.S.40A:4-5.

43 (2) If the amount of tax reductions resulting from tax appeal  
44 judgments of the county tax board pursuant to R.S.54:3-21 et seq., or  
45 the State tax court pursuant to R.S.54:48-1 et seq., for the previous  
46 fiscal year exceeds 1% of the tax levy for that previous fiscal year, the

1 governing body of the municipality may elect to calculate the current  
2 year reserve for uncollected taxes by reducing the certified tax levy of  
3 the prior year by the amount of the tax levy adjustments resulting from  
4 those judgments. Election of this choice shall be made by resolution,  
5 approved by a majority vote of the full membership of the governing  
6 body prior to the introduction of the annual budget pursuant to  
7 N.J.S.40A:4-5.

8 d. The director may promulgate rules and regulations to permit a  
9 three-year average to be used to determine the amount required for the  
10 reserve for uncollected taxes for municipalities to which subsection c.  
11 of this section is not applicable.

12 (cf: P.L.1997, c.28, s.1)

13  
14 <sup>1</sup>[21.] 19.<sup>1</sup> Section 3 of P.L.1976, c.68 (C.40A:4-45.3) is  
15 amended to read as follows:

16 3. In the preparation of its budget a municipality shall limit any  
17 increase in said budget to 5% or the index rate, whichever is less, over  
18 the previous year's final appropriations subject to the following  
19 exceptions:

20 a. (Deleted by amendment, P.L.1990, c.89.)

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

26 c. (1) An increase based upon emergency temporary appropriations  
27 made pursuant to N.J.S.40A:4-20 to meet an urgent situation or event  
28 which immediately endangers the health, safety or property of the  
29 residents of the municipality, and over which the governing body had  
30 no control and for which it could not plan and emergency  
31 appropriations made pursuant to N.J.S.40A:4-46. Emergency  
32 temporary appropriations and emergency appropriations shall be  
33 approved by at least two-thirds of the governing body and by the  
34 Director of the Division of Local Government Services, and shall not  
35 exceed in the aggregate 3% of the previous year's final current  
36 operating appropriations.

37 (2) (Deleted by amendment, P.L.1990, c.89.)

38 The approval procedure in this subsection shall not apply to  
39 appropriations adopted for a purpose referred to in subsection d. or j.  
40 below;

41 d. All debt service, including that of a Type I school district;

42 e. Upon the approval of the Local Finance Board in the Division  
43 of Local Government Services, amounts required for funding a  
44 preceding year's deficit;

45 f. Amounts reserved for uncollected taxes;

46 g. (Deleted by amendment, P.L.1990, c.89.)

- 1 h. Expenditure of amounts derived from new or increased  
2 construction, housing, health or fire safety inspection or other service  
3 fees imposed by State law, rule or regulation or by local ordinance;
- 4 i. Any amount approved by any referendum;
- 5 j. Amounts required to be paid pursuant to (1) any contract with  
6 respect to use, service or provision of any project, facility or public  
7 improvement for water, sewerage, parking, senior citizen housing or  
8 any similar purpose, or payments on account of debt service therefor,  
9 between a municipality and any other municipality, county, school or  
10 other district, agency, authority, commission, instrumentality, public  
11 corporation, body corporate and politic or political subdivision of this  
12 State; (2) the provisions of article 9 of P.L.1968, c.404 (C.13:17-60  
13 through 13:17-76) by a constituent municipality to the intermunicipal  
14 account; (3) any lease of a facility owned by a county improvement  
15 authority when the lease payment represents the proportionate amount  
16 necessary to amortize the debt incurred by the authority in providing  
17 the facility which is leased, in whole or in part; and (4) any repayments  
18 under a loan agreement entered into in accordance with the provisions  
19 of section 5 of P.L.1992, c.89.
- 20 k. Deleted by amendment, P.L.1987, c.74.)
- 21 l. Appropriations of federal, county, independent authority or State  
22 funds, or by grants from private parties or nonprofit organizations for  
23 a specific purpose, and amounts received or to be received from such  
24 sources in reimbursement for local expenditures. If a municipality  
25 provides matching funds in order to receive the federal, county,  
26 independent authority or State funds, or the grants from private parties  
27 or nonprofit organizations for a specific purpose, the amount of the  
28 match which is required by law or agreement to be provided by the  
29 municipality shall be excepted;
- 30 m. (Deleted by amendment, P.L.1987, c.74.)
- 31 n. (Deleted by amendment, P.L.1987, c.74.)
- 32 o. (Deleted by amendment, P.L.1990, c.89.)
- 33 p. (Deleted by amendment, P.L.1987, c.74.)
- 34 q. (Deleted by amendment, P.L.1990, c.89.)
- 35 r. Amounts expended to fund a free public library established  
36 pursuant to the provisions of R.S.40:54-1 through 40:54-29, inclusive;
- 37 s. (Deleted by amendment, P.L.1990, c.89.)
- 38 t. Amounts expended in preparing and implementing a housing  
39 element and fair share plan pursuant to the provisions of P.L.1985,  
40 c.222 (C.52:27D-301 et al.) and any amounts received by a  
41 municipality under a regional contribution agreement pursuant to  
42 section 12 of that act;
- 43 u. Amounts expended to meet the standards established pursuant  
44 to the "New Jersey Public Employees' Occupational Safety and Health  
45 Act," P.L.1983, c.516 (C.34:6A-25 et seq.);
- 46 v. (Deleted by amendment, P.L.1990, c.89.)

- 1 w. Amounts appropriated for expenditures resulting from the  
2 impact of a hazardous waste facility as described in subsection c. of  
3 section 32 of P.L.1981, c.279 (C.13:1E-80);
- 4 x. Amounts expended to aid privately owned libraries and reading  
5 rooms, pursuant to R.S.40:54-35;
- 6 y. (Deleted by amendment, P.L.1990, c.89.)
- 7 z. (Deleted by amendment, P.L.1990, c.89.)
- 8 aa. Extraordinary expenses, approved by the Local Finance Board,  
9 required for the implementation of an interlocal services agreement;
- 10 bb. Any expenditure mandated as a result of a natural disaster, civil  
11 disturbance or other emergency that is specifically authorized pursuant  
12 to a declaration of an emergency by the President of the United States  
13 or by the Governor;
- 14 cc. Expenditures for the cost of services mandated by any order of  
15 court, by any federal or State statute, or by administrative rule,  
16 directive, order, or other legally binding device issued by a State  
17 agency which has identified such cost as mandated expenditures on  
18 certification to the Local Finance Board by the State agency;
- 19 dd. Expenditures of amounts actually realized in the local budget  
20 year from the sale of municipal assets if appropriated for non-recurring  
21 purposes or otherwise approved by the director;
- 22 ee. Any local unit which is determined to be experiencing fiscal  
23 distress pursuant to the provisions of P.L.1987, c.75  
24 (C.52:27D-118.24 et seq.), whether or not a local unit is an "eligible  
25 municipality" as defined in section 3 of P.L.1987, c.75  
26 (C.52:27D-118.26), and which has available surplus pursuant to the  
27 spending limitations imposed by P.L.1976, c.68 (C.40A:4-45.1 et  
28 seq.), may appropriate and expend an amount of that surplus approved  
29 by the director and the Local Finance Board as an exception to the  
30 spending limitation. Any determination approving the appropriation  
31 and expenditure of surplus as an exception to the spending limitations  
32 shall be based upon:
- 33 1) the local unit's revenue needs for the current local budget year  
34 and its revenue raising capacity;
- 35 2) the intended actions of the governing body of the local unit to  
36 meet the local unit's revenue needs;
- 37 3) the intended actions of the governing body of the local unit to  
38 expand its revenue generating capacity for subsequent local budget  
39 years;
- 40 4) the local unit's ability to demonstrate the source and existence  
41 of sufficient surplus as would be prudent to appropriate as an  
42 exception to the spending limitations to meet the operating expenses  
43 for the local unit's current budget year; and
- 44 5) the impact of utilization of surplus upon succeeding budgets of  
45 the local unit;
- 46 ff. Amounts expended for the staffing and operation of the

1 municipal court;

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

6 hh. Amounts appropriated for the cost of implementing an  
7 estimated tax billing system and the issuance of tax bills thereunder  
8 pursuant to section 3 of P.L.1994, c.72 (C.54:4-66.2);

9 ii. Expenditures related to the cost of conducting and implementing  
10 a total property tax levy sale pursuant to section 16 of P.L.1997, c.99  
11 (C.54:5-113.5);

12 jj. Amounts expended for a length of service award program  
13 pursuant to P.L.1997, c.388 (C.40A:14-183 et al.);

14 kk. Amounts expended to provide municipal services or  
15 reimbursement amounts to qualified apartment buildings and garden  
16 apartment complexes for the collection and disposal of solid waste  
17 generated by the residents of the qualified apartment buildings and  
18 garden apartment complexes. This exception shall apply to all  
19 agreements for reimbursement entered into after July 27, 1999;

20 ll. Amounts expended by a municipality under an interlocal services  
21 agreement entered into pursuant to the "Interlocal Services Act,"  
22 P.L.1973, c.208 (C.40:8A-1 et seq.) entered into after the effective  
23 date of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (now pending before the  
24 Legislature as this bill). The governing body of the municipality that  
25 will receive the service may choose to allow the amount of projected  
26 annual savings to be added to the amount of final appropriations upon  
27 which its permissible expenditures are calculated pursuant to section  
28 2 of P.L.1976, c.68 (C.40A:4-45.2);

29 mm. Amounts expended under a joint contract pursuant to the  
30 "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et  
31 seq.) entered into after the effective date of P.L. \_\_\_\_\_, c. \_\_\_\_\_  
32 (C. \_\_\_\_\_) (now pending before the Legislature as this bill). The  
33 governing body of each participating municipality may choose to allow  
34 the amount of projected annual savings to be added to the amount of  
35 final appropriations upon which its permissible expenditures are  
36 calculated pursuant to section 2 of P.L.1976, c.68 (C.40A:4-45.2).

37 (cf: P.L.2000, c.26, s.4)

38

39 <sup>1</sup>[22.] 20.<sup>1</sup> Section 4 of P.L.1976, c.68 (C.40A:4-45.4) is  
40 amended to read as follows:

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

45 a. The amount of revenue generated by the increase in valuations  
46 within the county, based solely on applying the preceding year's county

1 tax rate to the apportionment valuation of new construction or  
2 improvements within the county, and such increase shall be levied in  
3 direct proportion to said valuation;

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

9 c. (1) An increase based upon emergency temporary appropriations  
10 made pursuant to N.J.S.40A:4-20 to meet an urgent situation or event  
11 which immediately endangers the health, safety or property of the  
12 residents of the county, and over which the governing body had no  
13 control and for which it could not plan and emergency appropriations  
14 made pursuant to N.J.S.40A:4-46. Emergency temporary  
15 appropriations and emergency appropriations shall be approved by at  
16 least two-thirds of the governing body and by the Director of the  
17 Division of Local Government Services, and shall not exceed in the  
18 aggregate 3% of the previous year's final current operating  
19 appropriations.

20 (2) (Deleted by amendment, P.L.1990, c.89.)

21 The approval procedure in this subsection shall not apply to  
22 appropriations adopted for a purpose referred to in subsection d. or f.  
23 below;

24 d. All debt service;

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

26 f. Amounts required to be paid pursuant to (1) any contract with  
27 respect to use, service or provision of any project, facility or public  
28 improvement for water, sewerage, parking, senior citizen housing or  
29 any similar purpose, or payments on account of debt service therefor,  
30 between a county and any other county, municipality, school or other  
31 district, agency, authority, commission, instrumentality, public  
32 corporation, body corporate and politic or political subdivision of this  
33 State; and (2) any lease of a facility owned by a county improvement  
34 authority when the lease payment represents the proportionate amount  
35 necessary to amortize the debt incurred by the authority in providing  
36 the facility which is leased, in whole or in part;

37 g. That portion of the county tax levy which represents funding to  
38 participate in any federal or State aid program and amounts received  
39 or to be received from federal, State or other funds in reimbursement  
40 for local expenditures. If a county provides matching funds in order  
41 to receive the federal or State or other funds, only the amount of the  
42 match which is required by law or agreement to be provided by the  
43 county shall be excepted;

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

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

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

- 1 k. (Deleted by amendment, P.L.1990, c.89.)
- 2 l. Amounts expended to meet the standards established pursuant to  
3 the "New Jersey Public Employees' Occupational Safety and Health  
4 Act," P.L.1983, c.516 (C.34:6A-25 et seq.);
- 5 m. (Deleted by amendment, P.L.1990, c.89.)
- 6 n. (Deleted by amendment, P.L.1990, c.89.)
- 7 o. (Deleted by amendment, P.L.1990, c.89.)
- 8 p. Extraordinary expenses, approved by the Local Finance Board,  
9 required for the implementation of an interlocal services agreement;
- 10 q. Any expenditure mandated as a result of a natural disaster, civil  
11 disturbance or other emergency that is specifically authorized pursuant  
12 to a declaration of an emergency by the President of the United States  
13 or by the Governor;
- 14 r. Expenditures for the cost of services mandated by any order of  
15 court, by any federal or State statute, or by administrative rule,  
16 directive, order, or other legally binding device issued by a State  
17 agency which has identified such cost as mandated expenditures on  
18 certification to the Local Finance Board by the State agency;
- 19 s. That portion of the county tax levy which represents funding to  
20 a county college in excess of the county tax levy required to fund the  
21 county college in local budget year 1992;
- 22 t. Amounts appropriated for the cost of administering a joint  
23 insurance fund established pursuant to subsection b. of section 1 of  
24 P.L.1983, c.372 (C.40A:10-36), but not including appropriations for  
25 claims payments by local member units;
- 26 u. Expenditures for the administration of general public assistance  
27 pursuant to P.L.1995, c.259 (C.40A:4-6.1 et al.);
- 28 v. Amounts in a separate line item of a county budget that are  
29 expended on tick-borne disease vector management activities  
30 undertaken pursuant to P.L.1997, c.52 (C.26:2P-7 et al.);
- 31 w. Amounts expended by a county under an interlocal services  
32 agreement entered into pursuant to the "Interlocal Services Act,"  
33 P.L.1973, c.208 (C.40:8A-1 et seq.) entered into after the effective  
34 date of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (now pending before the  
35 Legislature as this bill) or amounts expended under a joint contract  
36 pursuant to the "Consolidated Municipal Service Act," P.L.1952, c.72  
37 (C.40:48B-1 et seq.) entered into after the effective date of P.L. \_\_\_\_\_,  
38 c. \_\_\_\_\_ (C. \_\_\_\_\_) (now pending before the Legislature as this  
39 bill).  
40 (cf: P.L.1997, c.52, s.3)

41

42 <sup>1</sup>[23.] 21.<sup>1</sup> N.J.S.40A:5-16 is amended to read as follows:

43 40A:5-16. The governing body of any local unit shall not pay out  
44 any of its moneys

45 a. unless the person claiming or receiving the same shall first  
46 present a detailed bill of items or demand, specifying particularly how

1 the bill or demand is made up, with the certification of the party  
2 claiming payment that it is correct. The governing body may, by  
3 resolution, require an affidavit in lieu of the said certification, and the  
4 clerk or disbursing officer of the local unit may take such affidavit  
5 without cost, and

6 b. unless it carries a <sup>1</sup>written or electronic<sup>1</sup> certification of some  
7 officer or duly designated employee of the local unit having knowledge  
8 of the facts that the goods have been received by, or the services  
9 rendered to, the local unit.

10 c. Notwithstanding the provisions of <sup>1</sup>[subsections a. and b.]  
11 subsection a.<sup>1</sup> of this section, upon adoption by the Local Finance  
12 Board of rules adopted pursuant to the "Administrative Procedure  
13 Act," P.L.1968, c.410 (C.52:14B-1 et seq.) that provide for  
14 procedures to be followed by local units and under those  
15 circumstances deemed appropriate by the board, a local unit shall be  
16 permitted to pay out its moneys without requiring a certification of the  
17 party claiming payment as otherwise required by subsection a.<sup>1</sup>[or  
18 b.]<sup>1</sup> of this section. Such circumstances may include, but shall not be  
19 limited to:

20 (1) when payment to vendors is required in advance of the delivery  
21 of certain materials or services that cannot be obtained from any other  
22 source at comparable prices; or

23 (2) when ordering, billing and payment transactions for goods or  
24 services are made through a computerized electronic transaction; or

25 (3) when claim or demand is less than a threshold set by the board  
26 and the certification is not readily obtainable by the contracting unit;  
27 but such exceptions shall not include reimbursement of employee  
28 expenses or payment for personal services.

29 (cf: N.J.S.40A:5-16)

30

31 <sup>1</sup>[24.] 22.<sup>1</sup> N.J.S.40A:9-141 is amended to read as follows:

32 40A:9-141. Notwithstanding any other law the governing body or  
33 chief executive, as shall be appropriate to the form of government of  
34 the municipality, by ordinance, shall provide for the appointment of a  
35 municipal tax collector and the compensation of the tax collector shall  
36 be fixed in the manner otherwise provided by law. The governing  
37 body may, by **[ordinance]** resolution, set appropriate hours of  
38 operation of the tax collector's office and the work hours of the tax  
39 collector, commensurate with the compensation paid to the tax  
40 collector, and all personnel assigned to the tax collector's office. The  
41 office of municipal tax collector and municipal treasurer, or municipal  
42 clerk may be held by the same person.

43 (cf: P.L.1994, c.75, s.1)

44

45 <sup>1</sup>[25.] 23.<sup>1</sup> N.J.S.40A:9-146 is amended to read as follows:

46 40A:9-146. The governing body or chief executive, as shall be

1 appropriate to the form of government of the municipality shall  
2 provide for the appointment of a tax assessor and such deputy tax  
3 assessors as it may determine necessary. The appointing authority  
4 may, by resolution or order as appropriate, set the total number of  
5 weekly hours of operation of the tax assessor's office and the total  
6 number of weekly work hours of the tax assessor, commensurate with  
7 the compensation paid to the tax assessor. The appointing authority  
8 shall not set the specific work hours of the tax assessor. The  
9 governing body, by ordinance, shall determine the amount of  
10 compensation of such assessors.

11 (cf: P.L.1981, c.393, s.1)

12

13 <sup>1</sup>[26.] 24.<sup>1</sup> N.J.S.40A:10-6 is amended to read as follows:

14 40A:10-6. The governing body of any local unit may establish an  
15 insurance fund for the following purposes:

16 a. To insure against any loss or damage however caused to any  
17 property, motor vehicles, equipment or apparatus owned by it, or  
18 owned by or under the control of any of its departments, boards,  
19 agencies or commissions;

20 b. To insure against liability resulting from the use or operation of  
21 motor vehicles, equipment or apparatus owned by or controlled by it,  
22 or owned by or under the control of any of its departments, boards,  
23 agencies or commissions;

24 c. To insure against liability for its negligence and that of its  
25 officers, employees and servants, whether or not compensated or  
26 part-time, who are authorized to perform any act or services, but not  
27 including an independent contractor within the limitations of the "New  
28 Jersey Tort Claims Act" (N.J.S.59:1-1 et seq.); <sup>1</sup>[and] <sup>1</sup>

29 d. To insure against any loss or damage from liability as  
30 established by chapter 15 of Title 34 of the Revised Statutes;

31 <sup>1</sup>[d.] e.<sup>1</sup> To provide contributory or noncontributory self-funded,  
32 or partially self-funded, health <sup>1</sup>[insurance] benefits<sup>1</sup> to employees or  
33 their dependants, or both, except for employees, or their dependents,  
34 of boards of education, jointure commissions, educational service  
35 commissions, county special services school districts, county  
36 vocational-technical schools, and county colleges, in accordance with  
37 rules and regulations of the Director of the Division of Local  
38 Government Services in the Department of Community Affairs. The  
39 establishment and operation of <sup>1</sup>[an insurance]a<sup>1</sup> fund to provide  
40 health <sup>1</sup>[insurance]benefits<sup>1</sup> by a local unit prior to the effective date  
41 of P.L. , c. (C. ) (now pending before the Legislature as this  
42 bill) is hereby validated; however, any such <sup>1</sup>[insurance] health  
43 benefits<sup>1</sup> fund shall comply with all rules and regulations promulgated  
44 by the director pursuant to this subsection.

1 The governing body may appropriate the moneys necessary for the  
2 purposes of this section.

3 (cf: P.L.1999, c.434, s.1)

4

5 <sup>1</sup>[27.] 25.<sup>1</sup> Section 37 of P.L.1995, c.259 (C.40A:10-17.1) is  
6 amended to read as follows:

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

37 (cf: P.L.1995, c.259, s.37)

38

39 <sup>1</sup>[28.] 26.<sup>1</sup> Section 13 of P.L.1971, c.199 (C.40A:12-13) is  
40 amended to read as follows:

41 13. Sales of real property, capital improvements or personal  
42 property; exceptions; procedure. Any county or municipality may sell  
43 any real property, capital improvement or personal property, or  
44 interests therein, not needed for public use, as set forth in the  
45 resolution or ordinance authorizing the sale, other than county or  
46 municipal lands, real property otherwise dedicated or restricted

1 pursuant to law, and, except as otherwise provided by law, all such  
2 sales shall be made by one of the following methods:

3 (a) By open public sale at auction to the highest bidder after  
4 advertisement thereof in a newspaper circulating in the municipality or  
5 municipalities in which the lands are situated, by two insertions at least  
6 once a week during two consecutive weeks, the last publication to be  
7 not earlier than seven days prior to such sale. In the case of public  
8 sales, the governing body may by resolution fix a minimum price or  
9 prices, with or without the reservation of the right to reject all bids  
10 where the highest bid is not accepted. Notice of such reservation shall  
11 be included in the advertisement of the sale and public notice thereof  
12 shall be given at the time of sale. Such resolution may provide,  
13 without fixing a minimum price, that upon the completion of the  
14 bidding, the highest bid may be accepted or all the bids may be  
15 rejected. The invitation to bid may also impose restrictions on the use  
16 to be made of such real property, capital improvement or personal  
17 property, and any conditions of sale as to buildings or structures, or  
18 as to the type, size, or other specifications of buildings or structures  
19 to be constructed thereon, or as to demolition, repair, or  
20 reconstruction of buildings or structures, and the time within which  
21 such conditions shall be operative, or any other conditions of sale, in  
22 like manner and to the same extent as by any other vendor. Such  
23 conditions shall be included in the advertisement, as well as the nature  
24 of the interest retained by the county or municipality. Such  
25 restrictions or conditions shall be related to a lawful public purpose  
26 and encourage and promote fair and competitive bidding of the county  
27 or municipality and shall not, in the case of a municipality, be  
28 inconsistent with or impose a special or higher standard than any  
29 zoning ordinance or building, plumbing, electrical, or similar code or  
30 ordinance then in effect in the municipality.

31 In any case in which a county or municipality intends to retain an  
32 estate or interest in any real property, capital improvement or personal  
33 property, in the nature of an easement, contingent or reversionary, the  
34 invitation to bid and the advertisement required herein shall require  
35 each bidder to submit one bid under each Option A and Option B  
36 below.

37 (1) Option A shall be for the real property, capital improvement or  
38 personal property subject to the conditions or restrictions imposed, or  
39 interest or estate retained, which the county or municipality proposes  
40 to retain or impose.

41 (2) Option B shall be for the real property, capital improvement or  
42 personal property to be sold free of all such restrictions, conditions,  
43 interests or estates on the part of the county or municipality.

44 The county or the municipality may elect or reject either or both  
45 options and the highest bid for each. Such acceptance or rejection  
46 shall be made not later than at the second regular meeting of the

1 governing body following the sale, and, if the governing body shall not  
2 so accept such highest bid, or reject all bids, said bids shall be deemed  
3 to have been rejected. Any such sale may be adjourned at the time  
4 advertised for not more than one week without readvertising.

5 (b) At private sale, when authorized by resolution, in the case of  
6 a county, or by ordinance, in the case of a municipality, in the  
7 following cases:

8 (1) A sale to any political subdivision, agency, department,  
9 commission, board or body corporate and politic of the State of New  
10 Jersey or to an interstate agency or body of which the State of New  
11 Jersey is a member or to the United States of America or any  
12 department or agency thereof.

13 (2) A sale to a person submitting a bid pursuant to subsection (a)  
14 of this section, where all bids have been rejected, provided that the  
15 terms and price agreed to shall in no event be less than the highest bid  
16 rejected, and provided further that the terms and conditions of sale  
17 shall remain identical.

18 (3) A sale by any county or municipality, when it has or shall have  
19 conveyed its right, title and interest in any real property, capital  
20 improvement or personal property not needed for public use, and it  
21 was assumed and intended that there should be conveyed a good and  
22 sufficient title in fee simple to said real property, capital improvement  
23 or personal property, free of all encumbrances and the full  
24 consideration has been paid therefor, and it shall thereafter appear that  
25 the title conveyed was insufficient or that said county or municipality  
26 at the time of said conveyance was not the owner of some estate or  
27 interest in said real property, capital improvement or personal property  
28 or of some encumbrances thereon, and the county or municipality shall  
29 thereafter acquire a good and sufficient title in fee simple, free of all  
30 encumbrances of said real property, capital improvement or personal  
31 property or shall acquire such outstanding estate or interest therein or  
32 outstanding encumbrance thereon and said county or municipality, by  
33 resolution of the governing body and without the payment of any  
34 additional consideration, has deemed to convey or otherwise transfer  
35 to said purchaser, his heirs or assigns, such after-acquired title, or  
36 estate or interest in, or encumbrance upon, such real property, capital  
37 improvement or personal property to perfect the title or interest  
38 previously conveyed.

39 (4) A sale of an easement upon any real property previously  
40 conveyed by any county or municipality may be made when the  
41 governing body of any county, by resolution, or any municipality, by  
42 ordinance, has elected to release the public rights in the nature of  
43 easements, in, on, over or under any real property within the county  
44 or the municipality, as the case may be, upon such terms as shall be  
45 agreed upon with the owner of such lands, if the use of such rights is  
46 no longer desirable, necessary or required for public purposes.

1 (5) A sale to the owner of the real property contiguous to the real  
2 property being sold; provided that the property being sold is less than  
3 the minimum size required for development under the municipal zoning  
4 ordinance and is without any capital improvement thereon; except that  
5 when there is more than one owner with real property contiguous  
6 thereto, said property shall be sold to the highest bidder from among  
7 all such owners. Any such sale shall be for not less than the fair  
8 market value of said real property. <sup>1</sup>[For the purposes of this  
9 paragraph, when] When<sup>1</sup> there is only one owner with real property  
10 contiguous to the property being sold, and the property is less than an  
11 eighth of the minimum size required for development under the  
12 municipal zoning ordinance and is without any capital improvement  
13 thereon, the fair market value of that property may be determined by  
14 negotiation between the local unit and the owner of the contiguous  
15 real property. The negotiated sum shall be subject to approval by  
16 resolution of the governing body, but in no case shall that sum be less  
17 than one dollar.

18 In the case of any sale of real property hereafter made pursuant to  
19 subsection (b) of this section, in no event shall the price agreed upon  
20 with the owner be less than the difference between the highest bid  
21 accepted for the real property subject to easements (Option A) and the  
22 highest bid rejected for the real property not subject to easements  
23 (Option B). After the adoption of the resolution or ordinance, and  
24 compliance by the owner of said real property with the terms thereof,  
25 said real property shall be free, and entirely discharged of and from  
26 such rights of the public and of the county or municipality, as the case  
27 may be, but no such release shall affect the right of lawful occupancy  
28 or use of any such real property by any municipal or private utility to  
29 occupy or use any such real property lawfully occupied or used by it.

30 A list of the property so authorized to be sold, pursuant to  
31 subsection (b) of this section, together with the minimum prices,  
32 respectively, as determined by the governing body, shall be included  
33 in the resolution or ordinance authorizing the sale, and said list shall  
34 be posted on the bulletin board or other conspicuous space in the  
35 building which the governing body usually holds its regular meetings,  
36 and advertisement thereof made in a newspaper circulating in the  
37 municipality or municipalities in which the real property, capital  
38 improvement or personal property is situated, within five days  
39 following enactment of said resolution or ordinance. Offers for any or  
40 all properties so listed may thereafter be made to the governing body  
41 or its designee for a period of 20 days following the advertisement  
42 herein required, at not less than said minimum prices, by any  
43 prospective purchaser, real estate broker, or other authorized  
44 representative. In any such case, the governing body may reconsider  
45 its resolution or ordinance, not later than 30 days after its enactment,  
46 and advertise the real property, capital improvement, or personal

1 property in question for public sale pursuant to subsection (a) of this  
2 section.

3 Any county or municipality selling any real property, capital  
4 improvement or personal property pursuant to subsection (b) of this  
5 section shall file with the Director of the Division of Local  
6 Government Services in the Department of Community Affairs, sworn  
7 affidavits verifying the publication of advertisements as required by  
8 this subsection.

9 (c) By private sale of a municipality in the following case: A sale  
10 to a private developer by a municipality, when acting in accordance  
11 with the "Local Redevelopment and Housing Law," P.L.1992, c.79  
12 (C.40A:12A-1 et al.).

13 All sales, either public or private, may be made for cash or upon  
14 credit. A deposit not exceeding 10% of the minimum price or value of  
15 the property to be sold may be required of all bidders. When made  
16 upon credit, the county or municipality may accept a purchase-money  
17 mortgage, upon terms and conditions which shall be fixed by the  
18 resolution of the governing body; provided, however, that such  
19 mortgage shall be fully payable within five years from the date of the  
20 sale and shall bear interest at a rate equal to that authorized under  
21 Title 31 of the Revised Statutes, as amended and supplemented, and  
22 the regulations issued pursuant thereto, or the rate last paid by the  
23 county or municipality upon any issue of notes pursuant to the "Local  
24 Bond Law" (N.J.S.40A:2-1 et seq.), whichever is higher. The  
25 governing body may, by resolution, fix the time for closing of title and  
26 payment of the consideration.

27 In all sales made pursuant to this section, the governing body of any  
28 county or municipality may provide for the payment of a commission  
29 to any real estate broker, or authorized representative other than the  
30 purchaser actually consummating such sale; provided, however, that  
31 no commission shall be paid unless notice of the governing body's  
32 intention to pay such a commission shall have been included in the  
33 advertisement of sale and the recipient thereof shall have filed an  
34 affidavit with the governing body stating that said recipient is not the  
35 purchaser. Said commissions shall not exceed, in the aggregate, 5%  
36 of the sale price, and be paid, where there has been a public sale, only  
37 in the event that the sum of the commission and the highest bid price  
38 does not exceed the next highest bid price (exclusive of any real estate  
39 broker's commission). As used in this section, "purchaser" shall mean  
40 and include any person, corporation, company, association, society,  
41 firm, partnership, or other business entity owning or controlling,  
42 directly or indirectly, more than 10% of the purchasing entity.  
43 (cf: P.L.1992, c.79, s.51)

44

45 <sup>1</sup>[29.] 27<sup>1</sup> Section 22 of P.L.1971, c.199 (C.40A:12-22) is  
46 amended to read as follows:

1       22. Each municipality and county ~~shall~~ may establish and  
2 maintain a central registry of all real property in which it has acquired  
3 title or a leasehold interest for other than street or highway purposes  
4 as of the effective date of this act. This registry ~~shall~~ may also  
5 include a record of all real property which a county or municipality  
6 may hereafter acquire, sell or lease. ~~[It shall be in such form and~~  
7 ~~contain such information as the Division of Local Finance in the~~  
8 ~~Department of Community Affairs shall prescribe within 180 days after~~  
9 ~~the effective date of this act.]~~

10       The central registry referred to herein, if established and  
11 maintained, shall:

12       a. Constitute a public record;

13       b. Be entitled "Municipal Real Property Registry" or "County Real  
14 Property Registry" as may be appropriate;

15       c. Be ~~[maintained and]~~ available for inspection in the office of the  
16 municipal clerk or clerk of the board of chosen freeholders, as may be  
17 appropriate.

18 (cf: P.L.1972, c.126, s.1)

19  
20       <sup>1</sup>[30. R.S.43:21-4 is amended to read as follows:

21       43:21-4. Benefit eligibility conditions. An unemployed individual  
22 shall be eligible to receive benefits with respect to any week only if:

23       (a) The individual has filed a claim at an unemployment insurance  
24 claims office and thereafter continues to report at an employment  
25 service office or unemployment insurance claims office, as directed by  
26 the division in accordance with such regulations as the division may  
27 prescribe, except that the division may, by regulation, waive or alter  
28 either or both of the requirements of this subsection as to individuals  
29 attached to regular jobs, and as to such other types of cases or  
30 situations with respect to which the division finds that compliance with  
31 such requirements would be oppressive, or would be inconsistent with  
32 the purpose of this act; provided that no such regulation shall conflict  
33 with subsection (a) of R.S.43:21-3.

34       (b) The individual has made a claim for benefits in accordance with  
35 the provisions of subsection (a) of R.S.43:21-6.

36       (c) (1) The individual is able to work, and is available for work,  
37 and has demonstrated to be actively seeking work, except as  
38 hereinafter provided in this subsection or in subsection (f) of this  
39 section.

40       (2) The director may modify the requirement of actively seeking  
41 work if such modification of this requirement is warranted by  
42 economic conditions.

43       (3) No individual, who is otherwise eligible, shall be deemed  
44 ineligible, or unavailable for work, because the individual is on  
45 vacation, without pay, during said week, if said vacation is not the  
46 result of the individual's own action as distinguished from any

1 collective action of a collective bargaining agent or other action  
2 beyond the individual's control.

3 (4) (A) Subject to such limitations and conditions as the division  
4 may prescribe, an individual, who is otherwise eligible, shall not be  
5 deemed unavailable for work or ineligible because the individual is  
6 attending a training program approved for the individual by the  
7 division to enhance the individual's employment opportunities or  
8 because the individual failed or refused to accept work while attending  
9 such program.

10 (B) For the purpose of this paragraph (4), any training program  
11 shall be regarded as approved by the division for the individual if the  
12 program and the individual meet the following requirements:

13 (i) The training is for a labor demand occupation and is likely to  
14 enhance the individual's marketable skills and earning power;

15 (ii) The training is provided by a competent and reliable private or  
16 public entity approved by the Commissioner of Labor pursuant to the  
17 provisions of section 8 of the "1992 New Jersey Employment and  
18 Workforce Development Act," P.L.1992, c.43 (C.34:15D-8);

19 (iii) The individual can reasonably be expected to complete the  
20 program, either during or after the period of benefits;

21 (iv) The training does not include on the job training or other  
22 training under which the individual is paid by an employer for work  
23 performed by the individual during the time that the individual receives  
24 benefits; and

25 (v) The individual enrolls in vocational training, remedial education  
26 or a combination of both on a full-time basis.

27 (C) If the requirements of subparagraph (B) of this paragraph (4)  
28 are met, the division shall not withhold approval of the training  
29 program for the individual for any of the following reasons:

30 (i) The training includes remedial basic skills education necessary  
31 for the individual to successfully complete the vocational component  
32 of the training;

33 (ii) The training is provided in connection with a program under  
34 which the individual may obtain a college degree, including a  
35 post-graduate degree;

36 (iii) The length of the training period under the program; or

37 (iv) The lack of a prior guarantee of employment upon completion  
38 of the training.

39 (D) For the purpose of this paragraph (4), "labor demand  
40 occupation" means an occupation for which there is or is likely to be  
41 an excess of demand over supply for adequately trained workers,  
42 including, but not limited to, an occupation designated as a labor  
43 demand occupation by the New Jersey Occupational Information  
44 Coordinating Committee pursuant to the provisions of subsection h.  
45 of section 1 of P.L.1987, c.457 (C.34:1A-76) or section 12 of  
46 P.L.1992, c.43 (C.34:1A-78).

1 (5) An unemployed individual, who is otherwise eligible, shall not  
2 be deemed unavailable for work or ineligible solely by reason of the  
3 individual's attendance before a court in response to a summons for  
4 service on a jury.

5 (6) An unemployed individual, who is otherwise eligible, shall not  
6 be deemed unavailable for work or ineligible solely by reason of the  
7 individual's attendance at the funeral of an immediate family member,  
8 provided that the duration of the attendance does not extend beyond  
9 a two-day period.

10 For purposes of this paragraph, "immediate family member"  
11 includes any of the following individuals: father, mother,  
12 mother-in-law, father-in-law, grandmother, grandfather, grandchild,  
13 spouse, child, foster child, sister or brother of the unemployed  
14 individual and any relatives of the unemployed individual residing in  
15 the unemployed individual's household.

16 (7) No individual, who is otherwise eligible, shall be deemed  
17 ineligible or unavailable for work with respect to any week because,  
18 during that week, the individual fails or refuses to accept work while  
19 the individual is participating on a full-time basis in self-employment  
20 assistance activities authorized by the division, whether or not the  
21 individual is receiving a self-employment allowance during that week.

22 (8) Any individual who is determined to be likely to exhaust  
23 regular benefits and need reemployment services based on information  
24 obtained by the worker profiling system shall not be eligible to receive  
25 benefits if the individual fails to participate in available reemployment  
26 services to which the individual is referred by the division or in similar  
27 services, unless the division determines that:

28 (A) The individual has completed the reemployment services; or

29 (B) There is justifiable cause for the failure to participate, which  
30 shall include participation in employment and training,  
31 self-employment assistance activities or other activities authorized by  
32 the division to assist reemployment or enhance the marketable skills  
33 and earning power of the individual and which shall include any other  
34 circumstance indicated pursuant to this section in which an individual  
35 is not required to be available for and actively seeking work to receive  
36 benefits.

37 (d) The individual has been totally or partially unemployed for a  
38 waiting period of one week in the benefit year which includes that  
39 week. When benefits become payable with respect to the third  
40 consecutive week next following the waiting period, the individual  
41 shall be eligible to receive benefits as appropriate with respect to the  
42 waiting period. No week shall be counted as a week of unemployment  
43 for the purposes of this subsection:

44 (1) If benefits have been paid, or are payable with respect thereto;  
45 provided that the requirements of this paragraph shall be waived with  
46 respect to any benefits paid or payable for a waiting period as provided

1 in this subsection;

2 (2) If it has constituted a waiting period week under the  
3 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et  
4 seq.);

5 (3) Unless the individual fulfills the requirements of subsections (a)  
6 and (c) of this section;

7 (4) If with respect thereto, claimant was disqualified for benefits  
8 in accordance with the provisions of subsection (d) of R.S.43:21-5.

9 (e) (1) With respect to a base year as defined in subsection (c) of  
10 R.S.43:21-19, the individual has established at least 20 base weeks as  
11 defined in subsection (t) of R.S.43:21-19, or, in those instances in  
12 which the individual has not established 20 base weeks, except as  
13 otherwise provided in paragraph (3) of this subsection, for benefit  
14 years commencing on or after October 1, 1984 and before January 1,  
15 1996 , the individual has earned 12 times the Statewide average  
16 weekly remuneration paid to workers, as determined under  
17 R.S.43:21-3(c), raised to the next higher multiple of \$100.00 if not  
18 already a multiple thereof, or more in the individual's base year.

19 (2) With respect to benefit years commencing on or after  
20 January 1, 1996, except as otherwise provided in paragraph (3) of this  
21 subsection, the individual has, during his base year as defined in  
22 subsection (c) of R.S.43:21-19:

23 (A) Established at least 20 base weeks as defined in paragraph (2)  
24 of subsection (t) of R.S.43:21-19; or

25 (B) If the individual has not met the requirements of subparagraph  
26 (A) of this paragraph (2), earned remuneration not less than an amount  
27 12 times the Statewide average weekly remuneration paid to workers,  
28 as determined under R.S.43:21-3(c), which amount shall be adjusted  
29 to the next higher multiple of \$100.00 if not already a multiple thereof;  
30 or

31 (C) If the individual has not met the requirements of subparagraph  
32 (A) or (B) of this paragraph (2), earned remuneration not less than an  
33 amount 1,000 times the minimum wage in effect pursuant to section  
34 5 of P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar  
35 year preceding the calendar year in which the benefit year commences,  
36 which amount shall be adjusted to the next higher multiple of \$100.00  
37 if not already a multiple thereof.

38 (3) Notwithstanding the provisions of paragraph (1) or paragraph  
39 (2) of this subsection, an unemployed individual claiming benefits on  
40 the basis of service performed in the production and harvesting of  
41 agricultural crops shall, subject to the limitations of subsection (i) of  
42 R.S.43:21-19, be eligible to receive benefits if during his base year, as  
43 defined in subsection (c) of R.S.43:21-19, the individual:

44 (A) Has established at least 20 base weeks as defined in paragraph  
45 (1) of subsection (t) of R.S.43:21-19; or

46 (B) Has earned 12 times the Statewide average weekly

1 remuneration paid to workers, as determined under R.S.43:21-3(c),  
2 raised to the next higher multiple of \$100.00 if not already a multiple  
3 thereof, or more; or

4 (C) Has performed at least 770 hours of service in the production  
5 and harvesting of agricultural crops.

6 (4) The individual applying for benefits in any successive benefit  
7 year has earned at least six times his previous weekly benefit amount  
8 and has had four weeks of employment since the beginning of the  
9 immediately preceding benefit year. This provision shall be in addition  
10 to the earnings requirements specified in paragraph (1), (2), or (3) of  
11 this subsection, as applicable.

12 (f) (1) The individual has suffered any accident or sickness not  
13 compensable under the workers' compensation law, R.S.34:15-1 et  
14 seq. and resulting in the individual's total disability to perform any  
15 work for remuneration, and would be eligible to receive benefits under  
16 this chapter (R.S.43:21-1 et seq.) (without regard to the maximum  
17 amount of benefits payable during any benefit year) except for the  
18 inability to work and has furnished notice and proof of claim to the  
19 division, in accordance with its rules and regulations, and payment is  
20 not precluded by the provisions of R.S.43:21-3(d); provided, however,  
21 that benefits paid under this subsection (f) shall be computed on the  
22 basis of only those base year wages earned by the claimant as a  
23 "covered individual," as defined in R.S.43:21-27(b); provided further  
24 that no benefits shall be payable under this subsection to any  
25 individual:

26 (A) For any period during which such individual is not under the  
27 care of a legally licensed physician, dentist, optometrist, podiatrist,  
28 practicing psychologist or chiropractor;

29 (B) (Deleted by amendment, P.L.1980, c.90.)

30 (C) For any period of disability due to willfully or intentionally  
31 self-inflicted injury, or to injuries sustained in the perpetration by the  
32 individual of a crime of the first, second or third degree;

33 (D) For any week with respect to which or a part of which the  
34 individual has received or is seeking benefits under any unemployment  
35 compensation or disability benefits law of any other state or of the  
36 United States; provided that if the appropriate agency of such other  
37 state or the United States finally determines that the individual is not  
38 entitled to such benefits, this disqualification shall not apply;

39 (E) For any week with respect to which or part of which the  
40 individual has received or is seeking disability benefits under the  
41 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et  
42 seq.);

43 (F) For any period of disability commencing while such individual  
44 is a "covered individual," as defined in subsection (b) of section 3 of  
45 the "Temporary Disability Benefits Law," P.L.1948, c.110  
46 (C.43:21-27).

1 (2) Benefit payments under this subsection shall be charged to and  
2 paid from the State disability benefits fund established by the  
3 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et  
4 seq.), and shall not be charged to any employer account in computing  
5 any employer's experience rate for contributions payable under this  
6 chapter.

7 (g) Benefits based on service in employment defined in  
8 subparagraphs (B) and (C) of R.S.43:21-19(i)(1) shall be payable in  
9 the same amount and on the terms and subject to the same conditions  
10 as benefits payable on the basis of other service subject to the  
11 "unemployment compensation law"; except that, notwithstanding any  
12 other provisions of the "unemployment compensation law":

13 (1) With respect to service performed after December 31, 1977, in  
14 an instructional research, or principal administrative capacity for an  
15 educational institution, benefits shall not be paid based on such  
16 services for any week of unemployment commencing during the period  
17 between two successive academic years, or during a similar period  
18 between two regular terms, whether or not successive, or during a  
19 period of paid sabbatical leave provided for in the individual's contract,  
20 to any individual if such individual performs such services in the first  
21 of such academic years (or terms) and if there is a contract or a  
22 reasonable assurance that such individual will perform services in any  
23 such capacity for any educational institution in the second of such  
24 academic years or terms;

25 (2) With respect to weeks of unemployment beginning after  
26 September 3, 1982, on the basis of service performed in any other  
27 capacity for an educational institution, including as a school crossing  
28 guard, benefits shall not be paid on the basis of such services to any  
29 individual for any week which commences during a period between  
30 two successive academic years or terms if such individual performs  
31 such services in the first of such academic years or terms and there is  
32 a reasonable assurance that such individual will perform such services  
33 in the second of such academic years or terms, except that if benefits  
34 are denied to any individual under this paragraph (2) and the individual  
35 was not offered an opportunity to perform these services for the  
36 educational institution for the second of any academic years or terms,  
37 the individual shall be entitled to a retroactive payment of benefits for  
38 each week for which the individual filed a timely claim for benefits and  
39 for which benefits were denied solely by reason of this clause;

40 (3) With respect to those services described in paragraphs (1) and  
41 (2) above, benefits shall not be paid on the basis of such services to  
42 any individual for any week which commences during an established  
43 and customary vacation period or holiday recess if such individual  
44 performs such services in the period immediately before such vacation  
45 period or holiday recess, and there is a reasonable assurance that such  
46 individual will perform such services in the period immediately

1 following such period or holiday recess;

2 (4) With respect to any services described in paragraphs (1) and  
3 (2) above, benefits shall not be paid as specified in paragraphs (1), (2),  
4 and (3) above to any individual who performed those services in an  
5 educational institution while in the employ of an educational service  
6 agency, and for this purpose the term "educational service agency"  
7 means a governmental agency or governmental entity which is  
8 established and operated exclusively for the purpose of providing  
9 those services to one or more educational institutions.

10 (h) Benefits shall not be paid to any individual on the basis of any  
11 services, substantially all of which consist of participating in sports or  
12 athletic events or training or preparing to so participate, for any week  
13 which commences during the period between two successive sports  
14 seasons (or similar periods) if such individual performed such services  
15 in the first of such seasons (or similar periods) and there is a  
16 reasonable assurance that such individual will perform such services in  
17 the later of such seasons (or similar periods).

18 (i) (1) Benefits shall not be paid on the basis of services performed  
19 by an alien unless such alien is an individual who was lawfully admitted  
20 for permanent residence at the time the services were performed and  
21 was lawfully present for the purpose of performing the services or  
22 otherwise was permanently residing in the United States under color  
23 of law at the time the services were performed (including an alien who  
24 is lawfully present in the United States as a result of the application of  
25 the provisions of section 203(a)(7) (8 U.S.C.1153 (a)(7)) or section  
26 212(d)(5) (8 U.S.C.1182 (d)(5)) of the Immigration and Nationality  
27 Act (8 U.S.C.1101 et seq.)); provided that any modifications of the  
28 provisions of section 3304(a)(14) of the Federal Unemployment Tax  
29 Act (26 U.S.C.3304 (a)(14)), as provided by Pub.L.94-566, which  
30 specify other conditions or other effective dates than stated herein for  
31 the denial of benefits based on services performed by aliens and which  
32 modifications are required to be implemented under State law as a  
33 condition for full tax credit against the tax imposed by the Federal  
34 Unemployment Tax Act, shall be deemed applicable under the  
35 provisions of this section.

36 (2) Any data or information required of individuals applying for  
37 benefits to determine whether benefits are not payable to them because  
38 of their alien status shall be uniformly required from all applicants for  
39 benefits.

40 (3) In the case of an individual whose application for benefits  
41 would otherwise be approved, no determination that benefits to such  
42 individual are not payable because of alien status shall be made except  
43 upon a preponderance of the evidence.

44 (j) Notwithstanding any other provision of this chapter, the  
45 director may, to the extent that it may be deemed efficient and  
46 economical, provide for consolidated administration by one or more

1 representatives or deputies of claims made pursuant to subsection (f)  
2 of this section with those made pursuant to Article III (State plan) of  
3 the "Temporary Disability Benefits Law," P.L.1948, c.110  
4 (C.43:21-25 et seq.).  
5 (cf: P.L.1995, c.394, s.7)]<sup>1</sup>

6

7 <sup>1</sup>[31.] 28.<sup>1</sup> Section 7 of P.L.1995, c.253 (C.46:3C-7) is amended  
8 to read as follows:

9 7. A municipality that receives and makes available the lists  
10 required under [this act] P.L.1995, c.253 (C.46:3C-1 et seq.) may  
11 charge purchasers [by the page for its actual reproduction costs] in  
12 accordance with the provisions of section 2 of P.L.1963, c.73  
13 (C.47:1A-2).

14 (cf: P.L.1995, c.253, s.7)

15

16 <sup>1</sup>[32.] 29.<sup>1</sup> Section 8 of P.L.1975, c.217 (C.52:27D-126) is  
17 amended to read as follows:

18 8. a. The appointing authority of any municipality shall appoint a  
19 construction official and any necessary subcode officials to administer  
20 and enforce the code [and]. The appointing authority may, by  
21 resolution or order as appropriate, set the total number of weekly  
22 hours of operation of the construction official's office and the total  
23 number of weekly work hours of the construction official,  
24 commensurate with the compensation paid to the construction official.  
25 The appointing authority shall not set the specific work hours of the  
26 construction official. The appointing authority shall also appoint a  
27 construction board of appeals to hear and decide appeals from  
28 decisions made by said construction official and subcode officials, in  
29 the administration and enforcement of the code. Nothing herein,  
30 however, shall prevent a municipality from accepting inspections as to  
31 compliance with the code or any subcode thereof made by an  
32 inspection authority approved by the State of New Jersey pursuant to  
33 law.

34 b. To establish tenure rights or any other right or protection  
35 provided by the "State Uniform Construction Code Act" or Title [11]  
36 11A, Civil Service, of the [Revised] New Jersey Statutes, [Civil  
37 Service,] or any pension law or retirement system, the job title  
38 "construction official" shall be equivalent to that job title which, prior  
39 to the adoption of the State Uniform Construction Code as provided  
40 in section 5 of the "State Uniform Construction Code Act," entailed  
41 the chief administrative responsibility to enforce all construction codes  
42 which had been adopted by the municipal governing body, the  
43 enforcement of which was not the responsibility of an authorized  
44 private inspection agency; and the job title "subcode official" shall be  
45 equivalent to that job title which, prior to the adoption of the State

1 Uniform Construction Code, entailed subordinate administrative  
2 responsibility to enforce one or more of the following construction  
3 codes: building, plumbing, electrical or fire code.

4 Any person, in a municipality operating under Title [11] 11A, Civil  
5 Service, of the [Revised] New Jersey Statutes, who, prior to the  
6 adoption of the State Uniform Construction Code, held the equivalent  
7 of the job title "construction" official or "subcode" official, but who no  
8 longer holds his position as a result of a determination that his old job  
9 title was not equivalent to that of "construction" official or "subcode"  
10 official, shall be offered reappointment as a construction official or  
11 subcode official, as the case may be, and shall be granted permanent  
12 classified status in such position. Tenure shall continue for (1) any  
13 construction official or subcode official who is serving under tenure as  
14 otherwise provided by law on the effective date of this act or within 1  
15 year thereafter, or (2) any person certified pursuant to subsection c. of  
16 this section and who subsequently gains such tenure.

17 A construction official or subcode official appointed in a  
18 municipality operating under the provisions of Title [11] 11A, Civil  
19 Service, of the [Revised] New Jersey Statutes, who, at the time of  
20 adoption of the State Uniform Construction Code, January 1, 1977, or  
21 prior to January 1, 1981, had permanent classified status or was  
22 employed as a construction official or subcode official or in another  
23 position in the unclassified service, shall be included in the classified  
24 service without civil service examination in his respective title of  
25 construction official or subcode official. Any individual employed by  
26 a municipality, who, in his employment with the municipality between  
27 January 1, 1977 and prior to January 1, 1981, was charged with the  
28 chief administrative responsibility to enforce all existing municipal  
29 construction codes, shall be deemed as appointed to the position of  
30 construction official for the purposes of this act. Any individual  
31 employed by a municipality, who, in his employment with the  
32 municipality between January 1, 1977 and prior to January 1, 1981,  
33 was charged with chief responsibility to enforce the municipal building,  
34 plumbing, fire, or electrical code, shall be deemed as appointed to the  
35 position of subcode official for the purposes of this act. No person,  
36 on or after January 1, 1981, shall be appointed as construction or  
37 subcode official in a municipality operating under Title [11] 11A,  
38 Civil Service, of the [Revised] New Jersey Statutes without having  
39 passed an examination administered by the [Civil Service  
40 Commission] Merit System Board certifying the merit and fitness of  
41 the person to hold such position; provided that, whenever a noncivil  
42 service municipality adopts the provisions of that Title, construction  
43 code officials and subcode officials of such municipality appointed  
44 prior to the filing of the petition for the adoption of civil service, shall  
45 attain permanent status in the classified service without examination.  
46 Any construction or subcode official appointed after January 1, 1981

1 on a provisional basis in a municipality which has adopted the  
2 provisions of Title [11] 11A, Civil Service, of the [Revised] New  
3 Jersey Statutes, may not be removed from office except for just cause  
4 after a fair and impartial hearing has been held at the local level, with  
5 no further appeal to the [Civil Service Commission] Merit System  
6 Board; provided, however, that such a construction or subcode official  
7 may be removed to permit the appointment of a person certified for  
8 appointment by the [Civil Service Commission] Merit System Board.

9 A construction official or subcode official in a noncivil service  
10 municipality shall be appointed for a term of 4 years and shall, upon  
11 appointment to a second consecutive term or on or after the  
12 commencement of a fifth consecutive year of service, including years  
13 of service in an equivalent job title held prior to the adoption of the  
14 State Uniform Construction Code, be granted tenure and shall not be  
15 removed from office except for just cause after a fair and impartial  
16 hearing.

17 A construction or subcode official, to be eligible for appointment  
18 in civil service or noncivil service municipalities, shall be certified by  
19 the State of New Jersey in accordance with subsection c. of this  
20 section and shall have had at least 3 years' experience in construction,  
21 design or supervision as a licensed engineer or registered architect; or  
22 5 years' experience in construction, design, or supervision as an  
23 architect or engineer with a bachelor's degree from an accredited  
24 institution of higher education; or 10 years' experience in construction,  
25 design or supervision as a journeyman in a trade or as a contractor.  
26 A subcode official shall, pursuant to any subcode which he  
27 administers, pass upon:

28 (1) matters relative to the mode, manner of construction or  
29 materials to be used in the erection or alteration of buildings or  
30 structures, except as to any such matter foreclosed by State approval  
31 pursuant to this act, and (2) actual execution of the approved plans  
32 and the installation of the materials approved by the State. The  
33 construction official in each municipality shall be the chief  
34 administrator of the "enforcing agency." He shall have the power to  
35 overrule a determination of a subcode official based on an  
36 interpretation of a substantive provision of the subcode which such  
37 subcode official administers, only if the construction official is  
38 qualified to act pursuant to this act as a subcode official for such  
39 subcode. He may serve as subcode official for any subcode which he  
40 is qualified under this act to administer. A subcode official or  
41 municipal engineer may serve as a construction official if otherwise  
42 qualified under the provisions of this act. The municipal enforcing  
43 agency shall require compliance with the provisions of the code, of all  
44 rules lawfully adopted and promulgated thereunder and of laws  
45 relating to the construction, alteration, repair, removal, demolition and  
46 integral equipment and location, occupancy and maintenance of

1 buildings and structures, except as may be otherwise provided for.

2 Two or more municipalities may provide by ordinance, subject to  
3 regulations established by the commissioner, for the joint appointment  
4 of a construction official and subcode official for the purpose of  
5 enforcing the provisions of the code in the same manner.

6 c. No person shall act as a construction official or subcode official  
7 for any municipality unless the commissioner determines that said  
8 person is so qualified, except for the following:

9 (1) a municipal construction official or subcode official holding  
10 office under permanent civil service status, or tenure as otherwise  
11 provided by law on the effective date of this act or within 1 year  
12 thereafter and (2) a municipal construction official or subcode official  
13 holding office without such permanent civil service status or tenure on  
14 the effective date of this act or within 1 year thereafter; provided said  
15 construction official or subcode official not having such permanent  
16 civil service status or tenure shall be certified in accordance with this  
17 act within 4 years of the effective date thereof; provided further that  
18 a person holding on the effective date of this act a valid plumbing  
19 inspector's license from the Department of Health pursuant to Title 26  
20 of the Revised Statutes may serve as a plumbing subcode official and  
21 a person holding on the effective date of this act a valid electrical  
22 inspector's license from the Board of Public Utilities pursuant to Title  
23 48 of the Revised Statutes may serve as an electrical subcode official.  
24 The commissioner, after consultation with the code advisory board,  
25 may authorize the preparation and conducting of oral, written and  
26 practical examinations to determine if a person is qualified by this act  
27 to be eligible to be a construction official or subcode official or, in the  
28 alternative, may accept successful completion of programs of training  
29 as proof of qualification within the meaning of this act. Upon a  
30 determination of qualification the commissioner shall issue or cause to  
31 be issued a certificate to the construction official or subcode official  
32 or trainee stating that he is so certified. The commissioner, after  
33 consultation with the code advisory board, may establish classes of  
34 certification that will recognize the varying complexities of code  
35 enforcement in the municipalities within the State. The commissioner  
36 shall, after consultation with the code advisory board, provide for  
37 educational programs designed to train and assist construction officials  
38 and subcode officials in carrying out their responsibilities.

39 Whenever the commissioner is required by the terms of this  
40 subsection to consult with the code advisory board and the matter in  
41 question concerns plumbing subcode officials, the commissioner shall  
42 also consult with the Public Health Council and Commissioner of  
43 Health.

44 d. The commissioner, after consultation with the code advisory  
45 board, may periodically require that each construction official and  
46 subcode official demonstrate a working knowledge of innovations in

1 construction technology and materials, recent changes in and additions  
2 to the relevant portions of the State Uniform Construction Code, and  
3 current standards of professional ethics and legal responsibility; or, in  
4 the alternative, the commissioner, after consultation with the code  
5 advisory board, may accept successful completion of appropriate  
6 programs of training as proof of such working knowledge.

7 (cf: P.L.1982, c.210, s.1)

8

9 <sup>1</sup>[33.] 30.<sup>1</sup> Section 11 of P.L.1985, c.222 (C.52:27D-311) is  
10 amended to read as follows:

11 11. a. In adopting its housing element, the municipality may  
12 provide for its fair share of low and moderate income housing by  
13 means of any technique or combination of techniques which provide  
14 a realistic opportunity for the provision of the fair share. The housing  
15 element shall contain an analysis demonstrating that it will provide  
16 such a realistic opportunity, and the municipality shall establish that its  
17 land use and other relevant ordinances have been revised to  
18 incorporate the provisions for low and moderate income housing. In  
19 preparing the housing element, the municipality shall consider the  
20 following techniques for providing low and moderate income housing  
21 within the municipality, as well as such other techniques as may be  
22 published by the council or proposed by the municipality:

23 (1) Rezoning for densities necessary to assure the economic  
24 viability of any inclusionary developments, either through mandatory  
25 set-asides or density bonuses, as may be necessary to meet all or part  
26 of the municipality's fair share;

27 (2) Determination of the total residential zoning necessary to  
28 assure that the municipality's fair share is achieved;

29 (3) Determination of measures that the municipality will take to  
30 assure that low and moderate income units remain affordable to low  
31 and moderate income households for an appropriate period of not less  
32 than six years;

33 (4) A plan for infrastructure expansion and rehabilitation if  
34 necessary to assure the achievement of the municipality's fair share of  
35 low and moderate income housing;

36 (5) Donation or use of municipally owned land or land condemned  
37 by the municipality for purposes of providing low and moderate  
38 income housing;

39 (6) Tax abatements for purposes of providing low and moderate  
40 income housing;

41 (7) Utilization of funds obtained from any State or federal subsidy  
42 toward the construction of low and moderate income housing; **[and]**

43 (8) Utilization of municipally generated funds toward the  
44 construction of low and moderate income housing; and

45 (9) The purchase of privately owned <sup>1</sup>**[residential]** real<sup>1</sup> property  
46 <sup>1</sup>used for residential purposes<sup>1</sup> at the value of all <sup>1</sup>**[encumbrances to**

1 which] liens secured by<sup>1</sup> the property <sup>1</sup>[is subject, as set forth in  
 2 section 45 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (now pending before the  
 3 Legislature as this bill), notwithstanding any regulatory limitation  
 4 concerning the write-down or buy-down of previously owned units],  
 5 excluding any tax liens, notwithstanding that the total amount of debt  
 6 secured by liens exceeds the appraised value of the property, pursuant  
 7 to regulations promulgated by the Commissioner of Community  
 8 Affairs pursuant to subsection b. of section 41 of P.L. \_\_\_\_\_, c. \_\_\_\_\_  
 9 (C. \_\_\_\_\_) (now pending before the Legislature as this bill)<sup>1</sup>.

10 b. The municipality may provide for a phasing schedule for the  
 11 achievement of its fair share of low and moderate income housing  
 12 [which is not inconsistent with section 23 of this act].

13 c. The municipality may propose that a portion of its fair share be  
 14 met through a regional contribution agreement. The housing element  
 15 shall demonstrate, however, the manner in which that portion will be  
 16 provided within the municipality if the regional contribution agreement  
 17 is not entered into. The municipality shall provide a statement of its  
 18 reasons for the proposal.

19 d. Nothing in this act shall require a municipality to raise or expend  
 20 municipal revenues in order to provide low and moderate income  
 21 housing.

22 e. When a municipality's housing element includes the provision of  
 23 rental housing units in a community residence for the developmentally  
 24 disabled, as defined in section 2 of P.L.1977, c.448 (C.30:11B-2),  
 25 which will be affordable to persons of low and moderate income, and  
 26 for which adequate measures to retain such affordability pursuant to  
 27 paragraph (3) of subsection a. of this section are included in the  
 28 housing element, those housing units shall be fully credited as  
 29 permitted under the rules of the council towards the fulfillment of the  
 30 municipality's fair share of low and moderate income housing.

31 f. It having been determined by the Legislature that the provision  
 32 of housing under this act is a public purpose, a municipality or  
 33 municipalities may utilize public monies to make donations, grants or  
 34 loans of public funds for the rehabilitation of deficient housing units  
 35 and the provision of new or substantially rehabilitated housing for low  
 36 and moderate income persons, providing that any private advantage is  
 37 incidental.

38 (cf: P.L.1998, c.89, s.1)

39

40 <sup>1</sup>[34. Section 2 of P.L.1975, c.361 (C.54:3-27.2) is amended to  
 41 read as follows:

42 2. In the event that a taxpayer is successful in an appeal from an  
 43 assessment on real property, the respective taxing district shall refund  
 44 any excess taxes paid, together with interest thereon from the date of  
 45 payment at a rate of 5% per annum, less any amount of taxes, interest,  
 46 or both, which may be applied against delinquencies pursuant to

1 P.L.1983, c.137 (C.54:4-134), or delinquencies on other real property  
2 located within the taxing district, owned wholly by that taxpayer and  
3 for which either no tax sale certificate has been issued or for which the  
4 municipality holds the tax sale certificate, within 60 days of the date  
5 of final judgment.

6 (cf: P.L.1983, c.137, s.1)]<sup>1</sup>

7

8 <sup>1</sup>[35.] 31.<sup>1</sup> Section 2 of P.L.1976, c.63 (C.54:4-6.3) is amended  
9 to read as follows:

10 2. As used in this act unless the context clearly indicates a different  
11 meaning:

12 a. "Qualified real rental property" means any building or structure  
13 or complex of buildings or structures in which ~~[four]~~ five or more  
14 housing units are rented or leased or offered for rental or lease for  
15 residential purposes except:

16 (1) hotels, motels or other guesthouses serving transient or  
17 seasonal guests;

18 (2) buildings or structures which are subject to an abatement  
19 agreement under which reduced or no property taxes are paid on the  
20 improvements pursuant to statute, notwithstanding that payments in  
21 lieu of taxes are paid in accordance with the agreement;

22 (3) buildings or structures located in municipalities in which a rent  
23 control ordinance which does not provide for an automatic increase in  
24 the amount of rent permitted to be charged by a property owner upon  
25 an increase in the amount of property tax levied upon the property is  
26 in effect for the base year and the current year;

27 (4) dwelling units in a residential cooperative or mutual housing  
28 corporation;

29 (5) dwelling units in a condominium, other than those dwelling  
30 units which are occupied by qualified tenants under the "Tenant  
31 Protection Act of 1992," P.L.1991, c.509 (C.2A:18-61.40 et al.);

32 (6) dwelling units in a continuing care retirement community; or

33 (7) dwelling units within residential health care facilities; assisted  
34 living residences; facilities with a Class C license pursuant to  
35 P.L.1979, c.496 (C.55:13B-1 et al.), the "Rooming and Boarding  
36 House Act of 1979" or similar facilities for which occupancy is  
37 predicated upon the receipt of medical, nursing or personal care  
38 services for the residents and the cost thereof is included in the rent.

39 Owner occupation of a building shall not be a factor in whether a  
40 building is qualified real rental property under P.L.1976, c.63  
41 (C.54:4-6.2 et seq.).

42 b. "Property tax reduction" means the difference between the  
43 amount of property tax paid or payable on any qualified real rental  
44 property in the base year, and the amount of property taxes paid or  
45 payable in the current year if less than the amount of property taxes  
46 paid or payable in the base year.

1 c. Base year" means calendar year 1998.

2 If any of the following events occur, "base year" shall then mean:

3 (1) any calendar year after 1998 in which property taxes levied for  
4 qualified real rental property exceed the property taxes levied for 1998  
5 for that property;

6 (2) the first calendar year after 1998 during which qualified real  
7 rental property is first offered for rent or lease;

8 (3) the first full calendar year after 1998 in which qualified real  
9 rental property is no longer subject to a tax exemption or tax  
10 abatement program;

11 (4) a calendar year subsequent to 1998 for which the property tax  
12 calculation reflects an assessment reduction from the prior base year  
13 assessment; or

14 (5) a calendar year subsequent to 1998 in which the property taxes  
15 paid in the base year and the property taxes paid in the current year do  
16 not reflect consistent budgetary and tax item components because  
17 sewer, solid waste or similar services provided through a taxing entity  
18 budget and reflected in the tax rate are changed to a separately billed  
19 user fee.

20 d. "Assessment reduction" means a decrease in the amount of  
21 assessed value of qualified real rental property resulting from an  
22 agreement entered into with a municipal taxing authority, an  
23 abatement, exemption, change in assessment imposed administratively  
24 by a municipal tax assessor or county board of taxation, or a judgment  
25 entered by a county board of taxation, the tax court, or by a court of  
26 competent jurisdiction.

27 (cf: P.L.1998, c.15, s.1)

28

29 <sup>1</sup>[36.] 32.<sup>1</sup> N.J.S.59:9-2 is amended to read as follows:

30 59:9-2. a. No interest shall accrue prior to the entry of judgment  
31 against a public entity or public employee.

32 b. No judgment shall be granted against a public entity or public  
33 employee on the basis of strict liability, implied warranty or products  
34 liability.

35 c. No punitive or exemplary damages shall be awarded against a  
36 public entity.

37 d. No damages shall be awarded against a public entity or public  
38 employee for pain and suffering resulting from any injury; provided,  
39 however, that this limitation on the recovery of damages for pain and  
40 suffering shall not apply in cases of permanent loss of a bodily  
41 function, permanent disfigurement or dismemberment where the  
42 medical treatment expenses are in excess of ~~[\$1,000.00]~~ \$3,600.00.  
43 For purposes of this section medical treatment expenses are defined as  
44 the reasonable value of services rendered for necessary surgical,  
45 medical and dental treatment of the claimant for such injury, sickness  
46 or disease, including prosthetic devices and ambulance, hospital or

1 professional nursing service.

2 e. If a claimant receives or is entitled to receive benefits for the  
3 injuries allegedly incurred from a policy or policies of insurance or any  
4 other source other than a joint tortfeasor, such benefits shall be  
5 disclosed to the court and the amount thereof which duplicates any  
6 benefit contained in the award shall be deducted from any award  
7 against a public entity or public employee recovered by such claimant;  
8 provided, however, that nothing in this provision shall be construed to  
9 limit the rights of a beneficiary under a life insurance policy. No  
10 insurer or other person shall be entitled to bring an action under a  
11 subrogation provision in an insurance contract against a public entity  
12 or public employee.

13 (cf: N.J.S.59:9-2)

14

15 <sup>1</sup>[37.] 33.<sup>1</sup> (New section) Notwithstanding sections 4 and 5 of  
16 P.L.1970, c.39 (C.13:1E-4 and C.13:1E-5) and any regulations  
17 promulgated thereunder, the registration renewal of solid waste  
18 collection and disposal vehicles operated by a public entity shall be  
19 valid for a five-year period and the registration fee for the public entity  
20 shall be no greater than the fee in effect as of March 1, 1999 for the  
21 one-year registration.

22

23 <sup>1</sup>[38.] 34.<sup>1</sup> (New section) Notwithstanding the provisions of the  
24 "Pesticide Control Act of 1971," P.L.1971, c.176 (C.13:1F-1 et seq.)  
25 or any rule or regulation promulgated thereunder to the contrary, the  
26 requirements for pesticide applicator or pesticide operator  
27 certification, licensing or record keeping shall not apply to any  
28 licensed sanitary or health inspector who applies a pesticide not  
29 classified for restricted use, on property or premises for the purpose  
30 of determining insect infestation.

31

32 <sup>1</sup>[39.] 35.<sup>1</sup> (New section) Notwithstanding any rules or  
33 regulations to the contrary, no permit shall be required of a county or  
34 municipality by the Department of Environmental Protection for the  
35 purpose of performing restoration work on any manmade drainage  
36 ditch located in the jurisdiction, provided that the restoration activity  
37 does not deviate in any manner from the original cross sectional area  
38 and location. For the purposes of this section, "ditch" means a linear  
39 topographic depression with bed and banks of human construction  
40 which conveys water to or from a site, but does not include  
41 channelized or redirected water courses.

42

43 <sup>1</sup>[40.] 36.<sup>1</sup> (New section) Notwithstanding any provision of  
44 P.L.1996, c.138 (C.18A:7F-1 et seq.) to the contrary, any school  
45 district which increases its net budget between the prebudget and  
46 budget years in an amount less than that authorized pursuant to

1 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5d), shall be  
2 permitted to include the amount of the difference between its actual  
3 net budget and its permitted net budget in either of the next two  
4 succeeding budget years.

5  
6 <sup>1</sup>[41] 37<sup>1</sup>. (New section) The governing body of any county may  
7 enter into a contract with a private agency or firm for the purpose of  
8 collecting any delinquent <sup>1</sup>fees or<sup>1</sup> fines owed to the county. Any such  
9 contract shall be made pursuant to the provisions of the "Local Public  
10 Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

11  
12 <sup>1</sup>[42.] 38<sup>1</sup> (New section) Notwithstanding the provisions of the  
13 "Local Fiscal Affairs Law," N.J.S.40A:5-1 et seq., or any other law,  
14 rule, or regulation to the contrary, the Local Finance Board, in  
15 consultation with the Commissioner of Education, may adopt rules and  
16 regulations permitting local government units and boards of education  
17 to contract with third-party disbursement service organizations in  
18 order to make payments and execute financial transactions for those  
19 purposes and under such conditions as permitted by the Local Finance  
20 Board.

21 <sup>1</sup>[43.] 39<sup>1</sup> (New section) The Commissioner of Community  
22 Affairs after consultation with the State Board of Education, and the  
23 Administrator of the Office of Information Technology, may adopt  
24 regulations, pursuant to the "Administrative Procedure Act,"  
25 P.L.1968, c.410 (C.52:14B-1 et seq.), to charge appropriate fees <sup>1</sup>[  
26 except that no fee shall be charged to local units of government and  
27 school districts]<sup>1</sup> for use of a computerized communication network  
28 that may be established by the State for the conduct of government  
29 activities <sup>1</sup>except that no fee shall be charged to local units of  
30 government and school districts<sup>1</sup> . Such regulations may authorize any  
31 nonprofit corporation organized pursuant to Title 15A of the New  
32 Jersey Statutes, whose purposes support the administration of, or  
33 personnel engaged in, government or educational services, to utilize  
34 such network for communication with the members of such nonprofit  
35 corporations in the conduct of government or organizational activities;  
36 except that such networks shall not be used to directly lobby State  
37 officials with regard to legislation or by organizations that represent  
38 employees for the purpose of conducting collective negotiations with  
39 public employers.

40  
41 <sup>1</sup>[44.] 40<sup>1</sup> (New section) Notwithstanding any rules, regulations  
42 or guidelines promulgated by the Attorney General, State narcotics  
43 action plan reports, commonly referred to as "SNAP" reports, shall be  
44 made on a quarterly basis. The Department of Law and Public Safety  
45 shall develop and supply to all participating police departments a  
46 standard computer software program, which shall include all of the

1 necessary parameters for reporting, so that the SNAP reports may be  
2 generated by computer.

3  
4 <sup>1</sup>[45.] 41.<sup>1</sup> (New section) a. Notwithstanding the provisions of  
5 the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et  
6 seq.), or of any other law, rule or regulation to the contrary, a  
7 municipality may provide for the purchase of privately owned  
8 residential property at the value of all <sup>1</sup>[encumbrances] liens secured  
9 by real property, excluding any tax lien<sup>1</sup> to which the property is  
10 subject and include those units toward the fulfillment of its fair share  
11 housing obligation pursuant to P.L.1985, c.222 (C.52:27D-301 et al.).  
12 <sup>1</sup>Any such purchase under this section shall be made pursuant to and  
13 consistent with regulations promulgated by the Commissioner of  
14 Community Affairs pursuant to subsection b. of this section.<sup>1</sup>

15 b. The Commissioner of Community Affairs shall, on or before the  
16 first day of the seventh month next following the effective date of  
17 P.L. , c. (C. ) (now pending before the Legislature as  
18 this bill) promulgate rules and regulations pursuant to the provisions  
19 of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
20 et seq.) to effectuate the provisions of subsection a. of this section.

21  
22 <sup>1</sup>[46.] 42.<sup>1</sup> (New section) Notwithstanding any provision of  
23 section 2 of P.L.1983, c.312 (C.40A:4-45.19) to the contrary, any  
24 municipality that failed to print on a referendum ballot the amount of  
25 the cost increase for the proposed PERS to PFRS transfer for police  
26 officers may apply to the director for permission to include the 1999  
27 budget year amount of the pension appropriation representing the  
28 increase due to the switch as an increase in the cap base upon which  
29 final appropriations are based.

30  
31 <sup>1</sup>[47.] 43.<sup>1</sup> (New section) a. (1) There is hereby created a Police  
32 Paperwork Reduction Task Force. The task force shall have nine  
33 members, selected as follows: two representatives of the Attorney  
34 General's office and one member of the Division of State Police, to be  
35 appointed by the Governor; two representatives of local law  
36 enforcement agencies and one municipal court administrator, to be  
37 appointed by the President of the Senate; and two representatives of  
38 local law enforcement agencies and one municipal court administrator,  
39 to be appointed by the Speaker of the General Assembly.

40 (2) The task force shall organize as soon as practicable following  
41 the appointment of its members and shall select a chairperson and vice  
42 chairperson from among its members, and a secretary, who need not  
43 be a member of the task force.

44 b. The task force shall:

45 (1) Review State requirements for the collection, reporting and  
46 retention of information by local police officers and police agencies;

1 (2) Determine the approximate cost to local police agencies,  
2 including the costs of salaries, materials, equipment and space, of  
3 complying with State-mandated information requirements;

4 (3) Determine whether these requirements assist or hinder the  
5 cost-effective provision of police services and whether a valid reason  
6 exists for the collection, reporting or retention of the information; and

7 (4) Determine the extent to which these requirements can be  
8 eliminated or streamlined to reduce unnecessary paperwork and costs  
9 of local police agencies.

10 c. Staff and related support services shall be provided to the task  
11 force by the Department of Law and Public Safety. The task force  
12 shall be entitled to call to its assistance the services of the department  
13 as well as the employees of any other State, county or municipal  
14 department, board, bureau commission or agency.

15 d. The task force may meet and hold hearings at the place or places  
16 it designates during the sessions or recesses of the Legislature. The  
17 task force shall issue a final report of its findings and  
18 recommendations, including any recommended legislation, to the  
19 Governor and the Legislature no later than six months following the  
20 original appointment of all members of the task force. The task force  
21 shall dissolve on the 60th day following submission of its final report.  
22

23 <sup>1</sup>[48. (New section) a. The Legislature finds and declares that the  
24 proper management of solid waste is in the public interest and that the  
25 health, safety and welfare of the people of this State require safe,  
26 reliable, efficient and reasonable solid waste management services.

27 The Legislature further finds and declares that it is imperative that  
28 the State take appropriate action to authorize counties to implement  
29 measures which enable counties to continue to fund the  
30 implementation of comprehensive solid waste management plans in a  
31 manner which assures accountability to residents and businesses.

32 The Legislature further finds and declares that while counties may  
33 fund the costs associated with the implementation of a solid waste  
34 management plan through the county purposes tax, it is in the public  
35 interest to more precisely identify funds designated for the  
36 implementation of a solid waste management plan. One method of  
37 identifying such funds is through the adoption of a county wide tax to  
38 offset the expenses of a solid waste management plan. However, since  
39 the imposition of a new tax generally is not favored as a remedy to  
40 solid waste disposal problems, it is appropriate that the Legislature  
41 study the efficacy of this solution in one county before approving it as  
42 a Statewide solution. Therefore, it is in the public interest to allow the  
43 governing body of Monmouth County, as a pilot program, to impose  
44 a "waste management services tax" and have that governing body  
45 report back to the Legislature as to whether such a county tax is in the  
46 best interests of the county residents.

1       b. The governing body of Monmouth County may, by resolution,  
2 establish a "waste management services tax," which shall be assessed  
3 and collected in the same manner as the county purposes tax on real  
4 property, and which shall appear and be identified as a separate county  
5 line item on the property tax bills. Monies collected from this tax shall  
6 be used exclusively to fund solid waste management programs,  
7 services and activities in Monmouth County.

8       Notwithstanding the provision of any other law to the contrary,  
9 Monmouth County debt obligations that were issued for solid waste  
10 management purposes and which were previously deductible from the  
11 calculation of gross debt of the county for debt limitation purposes  
12 because it was debt issued for a self-liquidating purpose pursuant to  
13 N.J.S.40A:2-44 shall continue to be deductible notwithstanding that  
14 the county may fund solid waste management costs with a "waste  
15 management services tax."

16       Notwithstanding the provisions of section 3 of P.L.1976, c.68  
17 (C:40A:4-45.3), increases to the Monmouth County budget in order  
18 to pay for solid waste management costs which were previously  
19 funded by tipping fees prior to the loss of flow control shall be exempt  
20 from budget cap requirements under applicable law.

21       c. The governing body of Monmouth County shall file a report with  
22 the Governor and the Legislature not later than two years following  
23 the adoption of the resolution establishing a "waste management  
24 services tax." The report shall detail the effects of the "waste  
25 management services tax" on the tipping fees for the county landfill  
26 and on the property tax burden of the average county taxpayer.]<sup>1</sup>

27

28       <sup>1</sup>[49.] 44.<sup>1</sup> Notwithstanding the provisions of section 2 of  
29 P.L.1999, c.59 (C.43:8C-2) to the contrary, but subject to the other  
30 provisions of that law, a county governing body may, by resolution,  
31 adopt an incentive program to encourage the retirement or termination  
32 of employment of county government employees, regardless of  
33 whether the county is entering into an interlocal services contract or  
34 a joint services contract. The incentive program shall be submitted to  
35 the Director of the Division of Local Government Services in the  
36 Department of Community Affairs for approval. The director may  
37 condition approval on modifications to the incentive program.  
38 Following approval of the incentive program by the director, the  
39 county government may implement the program and offer the  
40 incentives to its employees.

41

42       <sup>1</sup>[50.] 45.<sup>1</sup> This act shall take effect immediately.

43

44

45

46       Revises certain mandates, requirements and procedures for local

1 governments and school districts.

## CHAPTER 126

**AN ACT** revising certain mandates, requirements and procedures for local governments and school districts and amending and supplementing various parts of the statutory law.

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

C.52:13H-21 Findings, declarations relative to unfunded mandates and local governments and school districts.

1. The Legislature finds and declares:

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

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

In response to this decades long pattern of seemingly inexorable increases in burdensome mandates from Trenton, local officials repeatedly petition the Legislature for relief. In response to entreaties of local officials, various committees of several Legislatures have determined to continue to address the problem of burdensome mandates on an expedited basis through the enactment of omnibus acts that repeal or modify many of those mandates, resolve administrative ambiguities and encourage more businesslike practices. This is the third such omnibus mandate relief act.

2. Section 1 of P.L.1978, c.97 (C.18A:40-4.3) is amended to read as follows:

C.18A:40-4.3 Biennial examination for scoliosis.

1. Every board of education shall provide for the biennial examination of every pupil between the ages of 10 and 18 for the condition known as scoliosis in accordance with standards jointly established and promulgated by the Departments of Health and Senior Services and Education. Such examination shall be carried out by a school physician, school nurse, physical education instructor or other school personnel properly trained in the screening process for scoliosis. Every board of education shall further provide for the notification of the parents or guardian of any pupil suspected of having scoliosis. Such notification shall include an explanation of scoliosis, the significance of treating it at an early stage, and the public services available, after diagnosis, for such treatment.

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

Composition of local board.

26:3-3. The local board in every municipality, other than a township, which is subject to the provisions of subdivision C of this article, shall be composed of not less than five nor more than seven members, except that in a city of the first class the board shall consist of 10 members, and in a city having a population of over 80,000, but not of the first class, the board shall consist of not less than five nor more than 10 members. Upon the consent of the prospective appointee, the governing body of a municipality may appoint a school nurse or the municipal physician to the local board, notwithstanding that the nurse or physician is not a resident of the municipality.

The local board may, by ordinance, provide for the appointment of two alternate members. Notwithstanding the provisions of any other law or charter heretofore adopted, the ordinance shall provide the method of appointment of the alternate members. Alternate members shall be designated at the time of appointment by the authority appointing them as "Alternate No. 1" and "Alternate No. 2."

The terms of the alternate members shall be for two years, except that the terms of the

alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2, so that the term of not more than one alternate member shall expire in any one year. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

An alternate member shall not be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause.

An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first.

4. R.S.26:3-9 is amended to read as follows:

Composition of local board in townships of 20,000 or less.

26:3-9. a. The local board in every township having a population of not more than 20,000 inhabitants may be composed of the members of the township committee, the township assessor or, if the township has a board of assessors, the township clerk, and one physician or school nurse, to be appointed by the township committee for a term of three years from the time of his appointment and until the successor is appointed. Upon the consent of the prospective appointee, the township committee may appoint, as the physician or school nurse appointment, the township physician or a school nurse to the local board, notwithstanding that the physician or nurse is not a resident of the township. The township committee may by ordinance provide for the appointment of not more than two alternate members. Alternate members shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No 2." The term of the alternate members shall be for two years, except that of the first two alternate members appointed, one shall be appointed for a term of one year so that the term of not more than one alternate member shall expire in any one year. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

b. Any such township may by ordinance adopt the provisions of subdivision B of this article and thereafter shall be subject to the provisions thereof and shall not be subject to the provisions of this subdivision of this article.

5. R.S.26:3-10 is amended to read as follows:

Composition of local board in townships of more than 20,000.

26:3-10. The local board in every township having a population of more than twenty thousand inhabitants shall be composed of not less than five nor more than seven members who shall be appointed in such manner and hold their respective offices for such terms, not exceeding four years, as the township committee or other governing body may by ordinance provide, but the terms of not more than three members shall expire in any one year, but any such township may by ordinance adopt the provisions of subdivision B of this article and thereafter shall be subject to the provisions thereof and shall not be subject to the provisions of this subdivision of this article. Upon the consent of the prospective appointee, the township committee may appoint a school nurse or the township physician to the local board, notwithstanding that the nurse or physician is not a resident of the township.

6. Section 8 of P.L.1983, c.516 (C.34:6A-32) is amended to read as follows:

C.34:6A-32 Promulgation of regulations.

8. The commissioner shall, in consultation with the Commissioner of Health and Senior

Services and the Commissioner of Community Affairs and with the advice of the advisory board, promulgate all regulations which he deems necessary for the proper administration and enforcement of this act. A variance may be granted if the commissioner determines that the applicant is in compliance with the requirements for a permanent variance as set forth in subsection c. of section 15 of this act. The variance shall not be deemed to be a variation approved pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et al.) or any other building or fire safety standard or code.

Space leased by a public employer shall be subject to current health or safety rules and regulations. Any deficiency, including a deficiency resulting either from occupant use or deferred maintenance by the lessor, shall be subject to correction in accordance with the governing rules and regulations at the time that the deficiency is cited by the commissioner or the Commissioner of Health and Senior Services. However, a lease of any duration may not be entered into unless the leased property is in conformance with such rules and regulations as are in effect at the time the lease is executed.

No fire company, first aid or rescue squad, whether paid, part-paid, or volunteer, shall be required to pay to the Department of Labor or the Department of Health and Senior Services any registration or inspection fee imposed by rule or regulation with regard to the filling of air cylinders for respiratory equipment used by the fire company, first aid or rescue squad.

7. Section 2 of P.L.1973, c.208 (C.40:8A-2) is amended to read as follows:

C.40:8A-2 Definitions.

2. As used in this act, unless the context indicates otherwise:

a. "Local unit" means a municipality, county, school district, authority subject to the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.), or a regional authority or district other than an interstate authority or district.

b. "Governing body" means the board, commission, council or other body having the control of the finances of a local unit; and in those local units in which an executive officer is authorized by law to participate in such control through powers of recommendation, approval or veto, the term includes such executive officer to the extent of such participation.

c. "Chief executive officer" means the mayor of a municipality, the elected county executive of a county, the director of the board of chosen freeholders in a county not having an elected county executive, and the chairman or other presiding officer of any other governing body.

d. "Service" means any of the powers, duties and functions exercised or performed by a local unit by or pursuant to law.

e. "Contract" means a contract authorized under section 3 of this act.

8. Section 3 of P.L.1973, c.208 (C.40:8A-3) is amended to read as follows:

C.40:8A-3 Authority to enter into contract for joint provision of services.

3. Any local unit of this State may enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service, including services incidental to the primary purposes of the local unit which any party to the agreement is empowered to render within its own jurisdiction. An authority subject to the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.), and any other board, commission or district established by and within a single local unit and providing service within such local unit or a part thereof may become a party to such contract with the consent of the governing body of the local unit, by resolution thereof adopted in the manner provided in section 4 of P.L.1973, c.208 (C.40:8A-4); and after such consent duly given, such authority, board, commission or district may enter into such contract by resolution without need of publication or hearing.

9. Section 5 of P.L.1973, c.208 (C.40:8A-5) is amended to read as follows:

C.40:8A-5 Joint provision of certain services.

5. a. The parties to a contract authorized by P.L.1973, c.208 (C.40:8A-1 et seq.) may agree to provide jointly, or through the agency of one or more of them on behalf of any or all of them, any service or aspect of a service which any of the parties on whose behalf such services are to be performed may legally perform for itself. Such services shall include, but not be limited to, the areas of general government administration, health, police and fire protection, code enforcement, assessment and collection of taxes, financial administration, environmental services, joint municipal courts, youth, senior citizens, welfare and social services programs. Nothing in P.L.1973, c.208 (C.40:8A-1 et seq.) shall be deemed to amend or repeal any procedures for or powers of approval of any consolidated local service program which any State agency may now exercise pursuant to law.

b. In the case of a contract for the joint provision of services by an officer or employee of a local unit who is required to comply with a State certification requirement as a condition of employment, the contract shall provide for the payment of a salary to the officer or employee and shall designate one of the local units as the primary employer of the officer or employee for the purpose of that person's tenure rights.

10. Section 2 of P.L.1990, c.33 (C.40:20-35.11a) is amended to read as follows:

C.40:20-35.11a Vacancy on board of chosen freeholders eligible to be filled by election; exceptions.

2. a. When any vacancy occurs on the board of chosen freeholders otherwise than by expiration of term, it shall be filled by election for the unexpired term only at the next general election occurring not less than 60 days after the occurrence of the vacancy, except that no such vacancy shall be filled at the general election which immediately precedes the expiration of the term in which the vacancy occurs. In the event a vacancy eligible to be filled by election hereunder occurs on or before the sixth day preceding the last day for filing petitions for nomination for the primary election, such petitions may be prepared and filed for nomination in that primary election in the manner provided by article 3 of chapter 23 of Title 19 of the Revised Statutes. In the event the vacancy occurs after that sixth day preceding the last day for filing petitions for nomination for the primary election, or if the vacancy occurs on or before the sixth day preceding the last day for filing petitions for nomination for the primary election but no such petition has been filed with respect to a given political party, each political party, or that party respectively, may select a candidate for the office in question in the manner prescribed in subsections a. and b. of R.S.19:13-20 for selecting candidates to fill vacancies among candidates nominated at primary elections. A statement of such selection under R.S.19:13-20 shall be filed with the county clerk not later than the 48th day preceding the date of the general election.

Besides the selection of candidates by each political party, candidates may also be nominated by petition in a manner similar to direct nomination by petition for the general election; but if the candidate of any party to fill the vacancy will be chosen at a primary election, such petition shall be filed with the county clerk at least 55 days prior to the primary election; and if no candidate of any party will be chosen at a primary election, such petition shall be filed with the county clerk not later than 12 o'clock noon of the day on which the first selection meeting by any party is held under this section to select a nominee to fill the vacancy.

The county clerk shall print on the ballots for the territory affected, in the personal choice column, the title of office and leave a proper space under such title of office; and print the title of office and the names of such persons as have been duly nominated, in their proper columns.

b. Notwithstanding subsection a. of this section, if at any time after an election for a member of the board of chosen freeholders and before the time fixed for the commencement of the term of the office, the person elected to that office dies or otherwise becomes unable to assume office, the county committee of the political party of which the person elected was the nominee shall appoint another person to fill the position until the next general election. If the person elected was not the nominee of a political party, on or within 30 days after the time fixed for the commencement of the term of office, the governing body shall appoint a successor to fill the office until the next general election without regard to party.

11. Section 5 of P.L.1990, c.33 (C.40:41A-145.1) is amended to read as follows:

C.40:41A-145.1 Election to fill vacancy on board of chosen freeholders; exception.

5. a. When any vacancy occurs on the board of chosen freeholders otherwise than by expiration of term, it shall be filled by election for the unexpired term only at the next general election occurring not less than 60 days after the occurrence of the vacancy, except that no such vacancy shall be filled at the general election which immediately precedes the expiration of the term in which the vacancy occurs. In the event a vacancy eligible to be filled by election hereunder occurs on or before the sixth day preceding the last day for filing petitions for nomination for the primary election, such petitions may be prepared and filed for nomination in that primary election in the manner provided by article 3 of chapter 23 of Title 19 of the Revised Statutes. In the event the vacancy occurs after that sixth day preceding the last day for filing petitions for nomination for the primary election, or if the vacancy occurs on or before the sixth day preceding the last day for filing petitions for nomination for the primary election but no such petition has been filed with respect to a given political party, each political party, or that party respectively, may select a candidate for the office in question in the manner prescribed in subsections a. and b. of R.S.19:13-20 for selecting candidates to fill vacancies among candidates nominated at primary elections. A statement of such selection under R.S.19:13-20 shall be filed with the county clerk not later than the 48th day preceding the date of the general election.

Besides the selection of candidates by each political party, candidates may also be nominated by petition in a manner similar to direct nomination by petition for the general election; but if the candidate of any party to fill the vacancy will be chosen at a primary election, such petition shall be filed with the county clerk at least 55 days prior to the primary election; and if no candidate of any party will be chosen at a primary election, such petition shall be filed with the county clerk not later than 12 o'clock noon of the day on which the first selection meeting by any party is held under this section to select a nominee to fill the vacancy.

The county clerk shall print on the ballots for the territory affected, in the personal choice column, the title of office and leave a proper space under such title of office; and print the title of office and the names of such persons as have been duly nominated, in their proper columns.

b. Notwithstanding subsection a. of this section, if at any time after an election for the office of county executive or for a member of the freeholder board and before the time fixed for the commencement of the term of the office, the person elected to that office dies or otherwise becomes unable to assume office, the county committee of the political party of which the person elected was the nominee shall appoint another person to fill the position until the next general election. If the person elected was not the nominee of a political party, on or within 30 days after the time fixed for the commencement of the term of office, the governing body shall appoint a successor to fill the office until the next general election without regard to party.

12. Section 1 of P.L.1956, c.176 (C.40:45A-1) is amended to read as follows:

C.40:45A-1 Date, time of annual organization, reorganization meeting.

1. Notwithstanding any other provision of law, the governing body of a municipality in which any of the members of the governing body are elected for terms commencing January 1 may, by resolution, fix the date and time of its annual organization or reorganization meeting at 12 o'clock noon on January 1, or at some other hour on any day during the first week in January.

13. Section 3 of P.L.1991, c.54 (C.40:66-10) is amended to read as follows:

C.40:66-10 Funding for cost of solid waste collection.

3. The governing body of any municipality which operated a solid waste collection district as of December 31, 1989, shall determine the amount of money necessary for the support of the solid waste collection district. The amount so determined shall become part of the municipal budget and subject to approval by the director.

14. N.J.S.40A:2-17 is amended to read as follows:

Adoption of bond ordinance, procedures.

40A:2-17. a. Introduction.

A bond ordinance shall be introduced in writing at a meeting of the governing body and shall be passed upon first reading, which may be by title.

b. Publication, hearing and adoption.

The bond ordinance, or a summary thereof, in a form prescribed by the Local Finance Board, shall be published after first reading, together with notice of the introduction thereof and of the date, which shall be at least 10 days after introduction and first reading, and the time and place of further consideration for final passage, which may be at an adjournment of such meeting or another meeting. If a summary is published, the summary shall contain a clear and concise statement prepared by the clerk of the governing body setting forth the purpose of the ordinance, the amount of indebtedness being authorized and the time and place when and where a copy of the ordinance can be obtained, without cost, by any member of the general public residing in the local unit.

Such publication shall be at least one week prior to the date for further consideration. At the time and place so advertised, or at any time and place to which such meeting or further consideration shall from time to time be adjourned, such bond ordinance may be read by its title, if,

(1) at least one week prior to such date or further consideration, there shall have been posted, on the bulletin board or other place upon which public notices are customarily posted in the principal municipal building of the municipality,

(a) a copy of such bond ordinance or summary, and

(b) a notice that copies of such bond ordinance will be made available during such week and up to and including the date of such meeting or further consideration to the members of the general public of the municipality who shall request such copies, naming the place at which such copies will be so made available, and

(2) such copies of said bond ordinance shall have been made available accordingly, but otherwise such bond ordinance shall be read in full. All persons interested shall then be given an opportunity to be heard.

After the duplicate of the supplemental debt statement has been filed in the office of the director, and after such hearing, the governing body may proceed to amend the bond ordinance and thereupon finally adopt or reject it, with or without amendments.

If any amendment is adopted substantially altering matters required by this chapter to be contained in the bond ordinance, such amended bond ordinance shall not be finally adopted until at least one week thereafter and until the bond ordinance or a summary of it shall have been published once at least two days prior to the date for further consideration, together with notice of the date, time and place at which it will be further considered for final adoption. At the time and place so advertised, or at any time and place to which such meeting or further consideration shall from time to time be adjourned, such amended bond ordinance may be read by its title, if,

(1) at least one week prior to such date or further consideration, there shall have been posted, on the bulletin board or other place upon which public notices are customarily posted in the principal municipal building of the municipality,

(a) a copy of such bond ordinance or summary, and

(b) a notice that copies of such bond ordinance will be made available during such week and up to and including the date of such meeting or further consideration to the members of the general public of the municipality who shall request such copies, naming the place at which such copies will be so made available, and

(2) such copies of said bond ordinance shall have been made available accordingly, but otherwise such bond ordinance shall be read in full. All persons interested shall again be given an opportunity to be heard. After such hearing, the governing body may proceed to reject, finally adopt or further amend such bond ordinance.

A bond ordinance shall be finally adopted by the recorded affirmative votes of at least 2/3 of the full membership of the governing body. In a local unit in which the approval of any officer is required to make an ordinance or resolution effective, such bond ordinance shall be so approved, or passed over veto before it shall be published after final adoption.

c. Final publication with statement.

Every bond ordinance shall be published either in full or in summary form after final adoption, together with a statement in substantially the following form:

STATEMENT

The bond ordinance published herewith has been finally adopted and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law has begun to run from the date of the first publication of this statement.

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Clerk

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

Bond ordinance, effective date.

40A:2-18. A bond ordinance shall take effect 20 days after the first publication of the ordinance or of a summary thereof after final adoption. A bond ordinance which authorizes obligations to fund, refund, renew, extend or retire obligations issued or authorized pursuant to this chapter, or notes or bonds issued or authorized pursuant to any act of which this chapter is a revision shall not be subject to referendum.

16. Section 2 of P.L.1991, c.75 (C.40A:4-3.1) is amended to read as follows:

C.40A:4-3.1 Municipalities, operation under State, calendar fiscal year.

2. a. Except as provided in subsection b. of this section, any municipality operating under the State fiscal year as of January 1, 1997 shall continue to operate under the State fiscal year; and any municipality which was required to change to the State fiscal year but failed to implement the change shall continue to operate under the calendar year fiscal year.

b. Any municipality may apply to the Local Finance Board for approval to convert to the State fiscal year, and the Board shall approve the conversion if it finds it is in the interest of the taxpayers of the municipality to change. Any municipality whose fiscal year is changed pursuant to this section shall prepare a transition year budget to cover the period between January 1 and June 30 prior to the beginning of its first State fiscal year.

17. N.J.S.40A:4-27 is amended to read as follows:

Miscellaneous revenues; sale of property.

40A:4-27. A local unit may anticipate as a miscellaneous revenue the total amount of all payments due and payable to the local unit during the fiscal year, directly or indirectly as a result of the sale of property by the local unit, when the obligation to make such payment is entered into prior to the adoption of the budget.

18. N.J.S.40A:4-41 is amended to read as follows:

Computation of reserve for uncollected taxes.

40A:4-41. a. For the purpose of determining the amount of the appropriation for "reserve for uncollected taxes" required to be included in each annual budget where less than 100% of current tax collections may be and are anticipated, anticipated cash receipts shall be as set forth in the budget of the current year, and in accordance with the limitations of statute for anticipated revenue from, surplus appropriated, miscellaneous revenues and receipts from delinquent taxes.

b. Receipts from the collection of taxes levied or to be levied in the municipality, or in the case of a county for general county purposes and payable in the fiscal year shall be anticipated in an amount which is not in excess of the percentage of taxes levied and payable during the next preceding fiscal year which was received in cash by the last day of the preceding fiscal year.

c. (1) For any municipality in which tax appeal judgments have been awarded to property owners from action of the county tax board pursuant to R.S.54:3-21 et seq., or the State tax court pursuant to R.S.54:48-1 et seq. in the preceding fiscal year, the governing body of the municipality may elect to determine the reserve for uncollected taxes by using the average of the percentages of taxes levied which were received in cash by the last day of each of the three preceding fiscal years. Election of this choice shall be made by resolution, approved by a majority vote of the full membership of the governing body prior to the introduction of the annual budget pursuant to N.J.S.40A:4-5.

(2) If the amount of tax reductions resulting from tax appeal judgments of the county tax board pursuant to R.S.54:3-21 et seq., or the State tax court pursuant to R.S.54:48-1 et seq., for the previous fiscal year exceeds 1% of the tax levy for that previous fiscal year, the governing body of the municipality may elect to calculate the current year reserve for uncollected taxes by reducing the certified tax levy of the prior year by the amount of the tax levy adjustments resulting from those judgments. Election of this choice shall be made by resolution, approved by a majority vote of the full membership of the governing body prior to the introduction of the annual budget pursuant to N.J.S.40A:4-5.

d. The director may promulgate rules and regulations to permit a three-year average to be used to determine the amount required for the reserve for uncollected taxes for municipalities to which subsection c. of this section is not applicable.

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

C.40A:4-45.3 Municipalities; budget limitation exceptions.

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

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

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

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

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

The approval procedure in this subsection shall not apply to appropriations adopted for a purpose referred to in subsection d. or j. below;

d. All debt service, including that of a Type I school district;

e. Upon the approval of the Local Finance Board in the Division of Local Government Services, amounts required for funding a preceding year's deficit;

f. Amounts reserved for uncollected taxes;

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

h. Expenditure of amounts derived from new or increased construction, housing, health or fire safety inspection or other service fees imposed by State law, rule or regulation or by local ordinance;

i. Any amount approved by any referendum;

j. Amounts required to be paid pursuant to (1) any contract with respect to use, service or provision of any project, facility or public improvement for water, sewerage, parking, senior citizen housing or any similar purpose, or payments on account of debt service therefor, between a municipality and any other municipality, county, school or other district, agency, authority,

commission, instrumentality, public corporation, body corporate and politic or political subdivision of this State; (2) the provisions of article 9 of P.L.1968, c.404 (C.13:17-60 through 13:17-76) by a constituent municipality to the intermunicipal account; (3) any lease of a facility owned by a county improvement authority when the lease payment represents the proportionate amount necessary to amortize the debt incurred by the authority in providing the facility which is leased, in whole or in part; and (4) any repayments under a loan agreement entered into in accordance with the provisions of section 5 of P.L.1992, c.89;

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

l. Appropriations of federal, county, independent authority or State funds, or by grants from private parties or nonprofit organizations for a specific purpose, and amounts received or to be received from such sources in reimbursement for local expenditures. If a municipality provides matching funds in order to receive the federal, county, independent authority or State funds, or the grants from private parties or nonprofit organizations for a specific purpose, the amount of the match which is required by law or agreement to be provided by the municipality shall be excepted;

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

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

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

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

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

r. Amounts expended to fund a free public library established pursuant to the provisions of R.S.40:54-1 through 40:54-29, inclusive;

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

t. Amounts expended in preparing and implementing a housing element and fair share plan pursuant to the provisions of P.L.1985, c.222 (C.52:27D-301 et al.) and any amounts received by a municipality under a regional contribution agreement pursuant to section 12 of that act;

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

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

w. Amounts appropriated for expenditures resulting from the impact of a hazardous waste facility as described in subsection c. of section 32 of P.L.1981, c.279 (C.13:1E-80);

x. Amounts expended to aid privately owned libraries and reading rooms, pursuant to R.S.40:54-35;

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

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

aa. Extraordinary expenses, approved by the Local Finance Board, required for the implementation of an interlocal services agreement;

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

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

dd. Expenditures of amounts actually realized in the local budget year from the sale of municipal assets if appropriated for non-recurring purposes or otherwise approved by the director;

ee. Any local unit which is determined to be experiencing fiscal distress pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.), whether or not a local unit is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26), and which has available surplus pursuant to the spending limitations imposed by P.L.1976, c.68 (C.40A:4-45.1 et seq.), may appropriate and expend an amount of that surplus approved by the director and the Local Finance Board as an exception to the spending limitation. Any determination approving the appropriation and expenditure of surplus as an exception to the spending limitations shall be based upon:

- 1) the local unit's revenue needs for the current local budget year and its revenue raising capacity;
- 2) the intended actions of the governing body of the local unit to meet the local unit's revenue needs;
- 3) the intended actions of the governing body of the local unit to expand its revenue generating capacity for subsequent local budget years;
- 4) the local unit's ability to demonstrate the source and existence of sufficient surplus as would be prudent to appropriate as an exception to the spending limitations to meet the operating expenses for the local unit's current budget year; and
- 5) the impact of utilization of surplus upon succeeding budgets of the local unit;
- ff. Amounts expended for the staffing and operation of the municipal court;
- gg. Amounts appropriated for the cost of administering a joint insurance fund established pursuant to subsection b. of section 1 of P.L.1983, c.372 (C.40A:10-36), but not including appropriations for claims payments by local member units;
- hh. Amounts appropriated for the cost of implementing an estimated tax billing system and the issuance of tax bills thereunder pursuant to section 3 of P.L.1994, c.72 (C.54:4-66.2);
- ii. Expenditures related to the cost of conducting and implementing a total property tax levy sale pursuant to section 16 of P.L.1997, c.99 (C.54:5-113.5);
- jj. Amounts expended for a length of service award program pursuant to P.L.1997, c.388 (C.40A:14-183 et al.);
- kk. Amounts expended to provide municipal services or reimbursement amounts to qualified apartment buildings and garden apartment complexes for the collection and disposal of solid waste generated by the residents of the qualified apartment buildings and garden apartment complexes. This exception shall apply to all agreements for reimbursement entered into after July 27, 1999;
- ll. Amounts expended by a municipality under an interlocal services agreement entered into pursuant to the "Interlocal Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.) entered into after the effective date of P.L.2000, c.126 (C.52:13H-21 et al.). The governing body of the municipality that will receive the service may choose to allow the amount of projected annual savings to be added to the amount of final appropriations upon which its permissible expenditures are calculated pursuant to section 2 of P.L.1976, c.68 (C.40A:4-45.2);
- mm. Amounts expended under a joint contract pursuant to the "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et seq.) entered into after the effective date of P.L.2000, c.126 (C.52:13H-21 et al.). The governing body of each participating municipality may choose to allow the amount of projected annual savings to be added to the amount of final appropriations upon which its permissible expenditures are calculated pursuant to section 2 of P.L.1976, c.68 (C.40A:4-45.2).

20. Section 4 of P.L.1976, c.68 (C.40A:4-45.4) is amended to read as follows:

C.40A:4-45.4 Limitation on increase in county tax levies over previous year; exceptions.

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

- a. The amount of revenue generated by the increase in valuations within the county, based solely on applying the preceding year's county tax rate to the apportionment valuation of new construction or improvements within the county, and such increase shall be levied in direct proportion to said valuation;
- b. Capital expenditures, including appropriations for current capital expenditures, whether in the capital improvement fund or as a component of a line item elsewhere in the budget, provided that any such current capital expenditures would be otherwise bondable under the requirements of N.J.S.40A:2-21 and 40A:2-22;
- c. (1) An increase based upon emergency temporary appropriations made pursuant to N.J.S.40A:4-20 to meet an urgent situation or event which immediately endangers the health, safety or property of the residents of the county, and over which the governing body had no

control and for which it could not plan and emergency appropriations made pursuant to N.J.S.40A:4-46. Emergency temporary appropriations and emergency appropriations shall be approved by at least two-thirds of the governing body and by the Director of the Division of Local Government Services, and shall not exceed in the aggregate 3% of the previous year's final current operating appropriations.

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

The approval procedure in this subsection shall not apply to appropriations adopted for a purpose referred to in subsection d. or f. below;

d. All debt service;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

u. Expenditures for the administration of general public assistance pursuant to P.L.1995, c.259 (C.40A:4-6.1 et al.);

v. Amounts in a separate line item of a county budget that are expended on tick-borne disease vector management activities undertaken pursuant to P.L.1997, c.52 (C.26:2P-7 et al.);

w. Amounts expended by a county under an interlocal services agreement entered into pursuant to the "Interlocal Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.) entered into after the effective date of P.L.2000, c.126 (C.52:13H-21 et al.) or amounts expended under a joint contract pursuant to the "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et seq.) entered into after the effective date of P.L.2000, c.126 (C.52:13H-21 et al.).

21. N.J.S.40A:5-16 is amended to read as follows:

Local unit, requirements for paying out moneys.

40A:5-16. The governing body of any local unit shall not pay out any of its moneys

a. unless the person claiming or receiving the same shall first present a detailed bill of items or demand, specifying particularly how the bill or demand is made up, with the certification of the party claiming payment that it is correct. The governing body may, by resolution, require an affidavit in lieu of the said certification, and the clerk or disbursing officer of the local unit may take such affidavit without cost, and

b. unless it carries a written or electronic certification of some officer or duly designated employee of the local unit having knowledge of the facts that the goods have been received by, or the services rendered to, the local unit.

c. Notwithstanding the provisions of subsection a. of this section, upon adoption by the Local Finance Board of rules adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) that provide for procedures to be followed by local units and under those circumstances deemed appropriate by the board, a local unit shall be permitted to pay out its moneys without requiring a certification of the party claiming payment as otherwise required by subsection a. of this section. Such circumstances may include, but shall not be limited to:

(1) when payment to vendors is required in advance of the delivery of certain materials or services that cannot be obtained from any other source at comparable prices; or

(2) when ordering, billing and payment transactions for goods or services are made through a computerized electronic transaction; or

(3) when claim or demand is less than a threshold set by the board and the certification is not readily obtainable by the contracting unit; but such exceptions shall not include reimbursement of employee expenses or payment for personal services.

22. N.J.S.40A:9-141 is amended to read as follows:

Appointment of tax collector; compensation; work hours.

40A:9-141. Notwithstanding any other law the governing body or chief executive, as shall be appropriate to the form of government of the municipality, by ordinance, shall provide for the appointment of a municipal tax collector and the compensation of the tax collector shall be fixed in the manner otherwise provided by law. The governing body may, by resolution, set appropriate hours of operation of the tax collector's office and the work hours of the tax collector, commensurate with the compensation paid to the tax collector, and all personnel assigned to the tax collector's office. The office of municipal tax collector and municipal treasurer, or municipal clerk may be held by the same person.

23. N.J.S.40A:9-146 is amended to read as follows:

Appointment of tax assessor, deputies.

40A:9-146. The governing body or chief executive, as shall be appropriate to the form of government of the municipality shall provide for the appointment of a tax assessor and such deputy tax assessors as it may determine necessary. The appointing authority may, by resolution or order as appropriate, set the total number of weekly hours of operation of the tax assessor's office and the total number of weekly work hours of the tax assessor, commensurate with the compensation paid to the tax assessor. The appointing authority shall not set the specific work hours of the tax assessor. The governing body, by ordinance, shall determine the amount of compensation of such assessors.

24. N.J.S.40A:10-6 is amended to read as follows:

Establishment of insurance fund; appropriations.

40A:10-6. The governing body of any local unit may establish an insurance fund for the following purposes:

a. To insure against any loss or damage however caused to any property, motor vehicles, equipment or apparatus owned by it, or owned by or under the control of any of its departments, boards, agencies or commissions;

b. To insure against liability resulting from the use or operation of motor vehicles, equipment or apparatus owned by or controlled by it, or owned by or under the control of any of its departments, boards, agencies or commissions;

c. To insure against liability for its negligence and that of its officers, employees and servants, whether or not compensated or part-time, who are authorized to perform any act or services, but not including an independent contractor within the limitations of the "New Jersey Tort Claims Act" (N.J.S.59:1-1 et seq.);

d. To insure against any loss or damage from liability as established by chapter 15 of Title 34 of the Revised Statutes;

e. To provide contributory or noncontributory self-funded, or partially self-funded, health benefits to employees or their dependants, or both, except for employees, or their dependents, of boards of education, jointure commissions, educational service commissions, county special services school districts, county vocational-technical schools, and county colleges, in accordance with rules and regulations of the Director of the Division of Local Government Services in the Department of Community Affairs. The establishment and operation of a fund to provide health benefits by a local unit prior to the effective date of P.L.2000, c.126 (C.52:13H-21 et al.) is hereby validated; however, any such health benefits fund shall comply with all rules and regulations promulgated by the director pursuant to this subsection.

The governing body may appropriate the moneys necessary for the purposes of this section.

25. Section 37 of P.L.1995, c.259 (C.40A:10-17.1) is amended to read as follows:

C.40A:10-17.1 County, municipal employee permitted to waive benefits coverage under N.J.S.40A:10-16 et seq.

37. Notwithstanding the provisions of any other law to the contrary, a county or municipality which enters into a contract providing group health care benefits to its employees pursuant to N.J.S.40A:10-16 et seq., may allow any employee who is eligible for coverage as a dependent of the employee's spouse under that plan or another plan, including the State Health Benefits Program established pursuant to P.L.1961, c.49 (C.52:14-17.25 et seq.), offered by the spouse's employer, whether a public or private employer, to waive coverage under the county's or municipality's plan to which the employee is entitled by virtue of employment with the county or municipality. The waiver shall be in such form as the county or municipality shall prescribe and shall be filed with the county or municipality. In consideration of filing such a waiver, a county or municipality may pay to the employee annually an amount, to be established in the sole discretion of the county or municipality, which shall not exceed 50% of the amount saved by the county or municipality because of the employee's waiver of coverage. An employee who waives coverage shall be permitted to resume coverage under the same terms and conditions as apply to initial coverage if the employee ceases to be covered through the employee's spouse for any reason, including, but not limited to, the retirement or death of the spouse or divorce. An employee who resumes coverage shall repay, on a pro rata basis, any amount received which represents an advance payment for a period of time during which coverage is resumed. An employee who wishes to resume coverage shall file a declaration with the county or municipality, in such form as the county or municipality shall prescribe, that the waiver is revoked. The decision of a county or municipality to allow its employees to waive coverage and the amount of consideration to be paid therefor shall not be subject to the collective bargaining process.

26. Section 13 of P.L.1971, c.199 (C.40A:12-13) is amended to read as follows:

C.40A:12-13 Sales of real property, capital improvements or personal property; exceptions; procedure.

13. Sales of real property, capital improvements or personal property; exceptions; procedure. Any county or municipality may sell any real property, capital improvement or personal property,

or interests therein, not needed for public use, as set forth in the resolution or ordinance authorizing the sale, other than county or municipal lands, real property otherwise dedicated or restricted pursuant to law, and, except as otherwise provided by law, all such sales shall be made by one of the following methods:

(a) By open public sale at auction to the highest bidder after advertisement thereof in a newspaper circulating in the municipality or municipalities in which the lands are situated, by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to such sale. In the case of public sales, the governing body may by resolution fix a minimum price or prices, with or without the reservation of the right to reject all bids where the highest bid is not accepted. Notice of such reservation shall be included in the advertisement of the sale and public notice thereof shall be given at the time of sale. Such resolution may provide, without fixing a minimum price, that upon the completion of the bidding, the highest bid may be accepted or all the bids may be rejected. The invitation to bid may also impose restrictions on the use to be made of such real property, capital improvement or personal property, and any conditions of sale as to buildings or structures, or as to the type, size, or other specifications of buildings or structures to be constructed thereon, or as to demolition, repair, or reconstruction of buildings or structures, and the time within which such conditions shall be operative, or any other conditions of sale, in like manner and to the same extent as by any other vendor. Such conditions shall be included in the advertisement, as well as the nature of the interest retained by the county or municipality. Such restrictions or conditions shall be related to a lawful public purpose and encourage and promote fair and competitive bidding of the county or municipality and shall not, in the case of a municipality, be inconsistent with or impose a special or higher standard than any zoning ordinance or building, plumbing, electrical, or similar code or ordinance then in effect in the municipality.

In any case in which a county or municipality intends to retain an estate or interest in any real property, capital improvement or personal property, in the nature of an easement, contingent or reversionary, the invitation to bid and the advertisement required herein shall require each bidder to submit one bid under each Option A and Option B below.

(1) Option A shall be for the real property, capital improvement or personal property subject to the conditions or restrictions imposed, or interest or estate retained, which the county or municipality proposes to retain or impose.

(2) Option B shall be for the real property, capital improvement or personal property to be sold free of all such restrictions, conditions, interests or estates on the part of the county or municipality.

The county or the municipality may elect or reject either or both options and the highest bid for each. Such acceptance or rejection shall be made not later than at the second regular meeting of the governing body following the sale, and, if the governing body shall not so accept such highest bid, or reject all bids, said bids shall be deemed to have been rejected. Any such sale may be adjourned at the time advertised for not more than one week without readvertising.

(b) At private sale, when authorized by resolution, in the case of a county, or by ordinance, in the case of a municipality, in the following cases:

(1) A sale to any political subdivision, agency, department, commission, board or body corporate and politic of the State of New Jersey or to an interstate agency or body of which the State of New Jersey is a member or to the United States of America or any department or agency thereof.

(2) A sale to a person submitting a bid pursuant to subsection (a) of this section, where all bids have been rejected, provided that the terms and price agreed to shall in no event be less than the highest bid rejected, and provided further that the terms and conditions of sale shall remain identical.

(3) A sale by any county or municipality, when it has or shall have conveyed its right, title and interest in any real property, capital improvement or personal property not needed for public use, and it was assumed and intended that there should be conveyed a good and sufficient title in fee simple to said real property, capital improvement or personal property, free of all encumbrances and the full consideration has been paid therefor, and it shall thereafter appear that the title conveyed was insufficient or that said county or municipality at the time of said

conveyance was not the owner of some estate or interest in said real property, capital improvement or personal property or of some encumbrances thereon, and the county or municipality shall thereafter acquire a good and sufficient title in fee simple, free of all encumbrances of said real property, capital improvement or personal property or shall acquire such outstanding estate or interest therein or outstanding encumbrance thereon and said county or municipality, by resolution of the governing body and without the payment of any additional consideration, has deemed to convey or otherwise transfer to said purchaser, his heirs or assigns, such after-acquired title, or estate or interest in, or encumbrance upon, such real property, capital improvement or personal property to perfect the title or interest previously conveyed.

(4) A sale of an easement upon any real property previously conveyed by any county or municipality may be made when the governing body of any county, by resolution, or any municipality, by ordinance, has elected to release the public rights in the nature of easements, in, on, over or under any real property within the county or the municipality, as the case may be, upon such terms as shall be agreed upon with the owner of such lands, if the use of such rights is no longer desirable, necessary or required for public purposes.

(5) A sale to the owner of the real property contiguous to the real property being sold; provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners. Any such sale shall be for not less than the fair market value of said real property. When there is only one owner with real property contiguous to the property being sold, and the property is less than an eighth of the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon, the fair market value of that property may be determined by negotiation between the local unit and the owner of the contiguous real property. The negotiated sum shall be subject to approval by resolution of the governing body, but in no case shall that sum be less than one dollar.

In the case of any sale of real property hereafter made pursuant to subsection (b) of this section, in no event shall the price agreed upon with the owner be less than the difference between the highest bid accepted for the real property subject to easements (Option A) and the highest bid rejected for the real property not subject to easements (Option B). After the adoption of the resolution or ordinance, and compliance by the owner of said real property with the terms thereof, said real property shall be free, and entirely discharged of and from such rights of the public and of the county or municipality, as the case may be, but no such release shall affect the right of lawful occupancy or use of any such real property by any municipal or private utility to occupy or use any such real property lawfully occupied or used by it. A list of the property so authorized to be sold, pursuant to subsection (b) of this section, together with the minimum prices, respectively, as determined by the governing body, shall be included in the resolution or ordinance authorizing the sale, and said list shall be posted on the bulletin board or other conspicuous space in the building which the governing body usually holds its regular meetings, and advertisement thereof made in a newspaper circulating in the municipality or municipalities in which the real property, capital improvement or personal property is situated, within five days following enactment of said resolution or ordinance. Offers for any or all properties so listed may thereafter be made to the governing body or its designee for a period of 20 days following the advertisement herein required, at not less than said minimum prices, by any prospective purchaser, real estate broker, or other authorized representative. In any such case, the governing body may reconsider its resolution or ordinance, not later than 30 days after its enactment, and advertise the real property, capital improvement, or personal property in question for public sale pursuant to subsection (a) of this section.

Any county or municipality selling any real property, capital improvement or personal property pursuant to subsection (b) of this section shall file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publication of advertisements as required by this subsection.

(c) By private sale of a municipality in the following case: A sale to a private developer by a municipality, when acting in accordance with the "Local Redevelopment and Housing Law,"

P.L.1992, c.79 (C.40A:12A-1 et al.).

All sales, either public or private, may be made for cash or upon credit. A deposit not exceeding 10% of the minimum price or value of the property to be sold may be required of all bidders. When made upon credit, the county or municipality may accept a purchase-money mortgage, upon terms and conditions which shall be fixed by the resolution of the governing body; provided, however, that such mortgage shall be fully payable within five years from the date of the sale and shall bear interest at a rate equal to that authorized under Title 31 of the Revised Statutes, as amended and supplemented, and the regulations issued pursuant thereto, or the rate last paid by the county or municipality upon any issue of notes pursuant to the "Local Bond Law" (N.J.S.40A:2-1 et seq.), whichever is higher. The governing body may, by resolution, fix the time for closing of title and payment of the consideration.

In all sales made pursuant to this section, the governing body of any county or municipality may provide for the payment of a commission to any real estate broker, or authorized representative other than the purchaser actually consummating such sale; provided, however, that no commission shall be paid unless notice of the governing body's intention to pay such a commission shall have been included in the advertisement of sale and the recipient thereof shall have filed an affidavit with the governing body stating that said recipient is not the purchaser. Said commissions shall not exceed, in the aggregate, 5% of the sale price, and be paid, where there has been a public sale, only in the event that the sum of the commission and the highest bid price does not exceed the next highest bid price (exclusive of any real estate broker's commission). As used in this section, "purchaser" shall mean and include any person, corporation, company, association, society, firm, partnership, or other business entity owning or controlling, directly or indirectly, more than 10% of the purchasing entity.

27. Section 22 of P.L.1971, c.199 (C.40A:12-22) is amended to read as follows:

C.40A:12-22 Establishment, maintenance of central registry.

22. Each municipality and county may establish and maintain a central registry of all real property in which it has acquired title or a leasehold interest for other than street or highway purposes as of the effective date of this act. This registry may also include a record of all real property which a county or municipality may hereafter acquire, sell or lease.

The central registry referred to herein, if established and maintained, shall:

- a. Constitute a public record;
- b. Be entitled "Municipal Real Property Registry" or "County Real Property Registry" as may be appropriate;
- c. Be available for inspection in the office of the municipal clerk or clerk of the board of chosen freeholders, as may be appropriate.

28. Section 7 of P.L.1995, c.253 (C.46:3C-7) is amended to read as follows:

C.46:3C-7 Fees for copies of lists.

7. A municipality that receives and makes available the lists required under [this act] P.L.1995, c.253 (C.46:3C-1 et seq.) may charge purchasers in accordance with the provisions of section 2 of P.L.1963, c.73 (C.47:1A-2).

29. Section 8 of P.L.1975, c.217 (C.52:27D-126) is amended to read as follows:

C.52:27D-126 Appointment of construction official, subcode officials.

8. a. The appointing authority of any municipality shall appoint a construction official and any necessary subcode officials to administer and enforce the code. The appointing authority may, by resolution or order as appropriate, set the total number of weekly hours of operation of the construction official's office and the total number of weekly work hours of the construction official, commensurate with the compensation paid to the construction official. The appointing authority shall not set the specific work hours of the construction official. The appointing

authority shall also appoint a construction board of appeals to hear and decide appeals from decisions made by said construction official and subcode officials, in the administration and enforcement of the code. Nothing herein, however, shall prevent a municipality from accepting inspections as to compliance with the code or any subcode thereof made by an inspection authority approved by the State of New Jersey pursuant to law.

b. To establish tenure rights or any other right or protection provided by the "State Uniform Construction Code Act" or Title 11A, Civil Service, of the New Jersey Statutes, or any pension law or retirement system, the job title "construction official" shall be equivalent to that job title which, prior to the adoption of the State Uniform Construction Code as provided in section 5 of the "State Uniform Construction Code Act," entailed the chief administrative responsibility to enforce all construction codes which had been adopted by the municipal governing body, the enforcement of which was not the responsibility of an authorized private inspection agency; and the job title "subcode official" shall be equivalent to that job title which, prior to the adoption of the State Uniform Construction Code, entailed subordinate administrative responsibility to enforce one or more of the following construction codes: building, plumbing, electrical or fire code.

Any person, in a municipality operating under Title 11A, Civil Service, of the New Jersey Statutes, who, prior to the adoption of the State Uniform Construction Code, held the equivalent of the job title "construction" official or "subcode" official, but who no longer holds his position as a result of a determination that his old job title was not equivalent to that of "construction" official or "subcode" official, shall be offered reappointment as a construction official or subcode official, as the case may be, and shall be granted permanent classified status in such position. Tenure shall continue for (1) any construction official or subcode official who is serving under tenure as otherwise provided by law on the effective date of this act or within one year thereafter, or (2) any person certified pursuant to subsection c. of this section and who subsequently gains such tenure.

A construction official or subcode official appointed in a municipality operating under the provisions of Title 11A, Civil Service, of the New Jersey Statutes, who, at the time of adoption of the State Uniform Construction Code, January 1, 1977, or prior to January 1, 1981, had permanent classified status or was employed as a construction official or subcode official or in another position in the unclassified service, shall be included in the classified service without civil service examination in his respective title of construction official or subcode official. Any individual employed by a municipality, who, in his employment with the municipality between January 1, 1977 and prior to January 1, 1981, was charged with the chief administrative responsibility to enforce all existing municipal construction codes, shall be deemed as appointed to the position of construction official for the purposes of this act. Any individual employed by a municipality, who, in his employment with the municipality between January 1, 1977 and prior to January 1, 1981, was charged with chief responsibility to enforce the municipal building, plumbing, fire, or electrical code, shall be deemed as appointed to the position of subcode official for the purposes of this act. No person, on or after January 1, 1981, shall be appointed as construction or subcode official in a municipality operating under Title 11A, Civil Service, of the New Jersey Statutes without having passed an examination administered by the Merit System Board certifying the merit and fitness of the person to hold such position; provided that, whenever a noncivil service municipality adopts the provisions of that Title, construction code officials and subcode officials of such municipality appointed prior to the filing of the petition for the adoption of civil service, shall attain permanent status in the classified service without examination. Any construction or subcode official appointed after January 1, 1981 on a provisional basis in a municipality which has adopted the provisions of Title 11A, Civil Service, of the New Jersey Statutes, may not be removed from office except for just cause after a fair and impartial hearing has been held at the local level, with no further appeal to the Merit System Board; provided, however, that such a construction or subcode official may be removed to permit the appointment of a person certified for appointment by the Merit System Board.

A construction official or subcode official in a noncivil service municipality shall be appointed for a term of four years and shall, upon appointment to a second consecutive term or on or after the commencement of a fifth consecutive year of service, including years of service in an

equivalent job title held prior to the adoption of the State Uniform Construction Code, be granted tenure and shall not be removed from office except for just cause after a fair and impartial hearing.

A construction or subcode official, to be eligible for appointment in civil service or noncivil service municipalities, shall be certified by the State of New Jersey in accordance with subsection c. of this section and shall have had at least three years' experience in construction, design or supervision as a licensed engineer or registered architect; or five years' experience in construction, design, or supervision as an architect or engineer with a bachelor's degree from an accredited institution of higher education; or 10 years' experience in construction, design or supervision as a journeyman in a trade or as a contractor. A subcode official shall, pursuant to any subcode which he administers, pass upon:

(1) matters relative to the mode, manner of construction or materials to be used in the erection or alteration of buildings or structures, except as to any such matter foreclosed by State approval pursuant to this act, and (2) actual execution of the approved plans and the installation of the materials approved by the State. The construction official in each municipality shall be the chief administrator of the "enforcing agency." He shall have the power to overrule a determination of a subcode official based on an interpretation of a substantive provision of the subcode which such subcode official administers, only if the construction official is qualified to act pursuant to this act as a subcode official for such subcode. He may serve as subcode official for any subcode which he is qualified under this act to administer. A subcode official or municipal engineer may serve as a construction official if otherwise qualified under the provisions of this act. The municipal enforcing agency shall require compliance with the provisions of the code, of all rules lawfully adopted and promulgated thereunder and of laws relating to the construction, alteration, repair, removal, demolition and integral equipment and location, occupancy and maintenance of buildings and structures, except as may be otherwise provided for.

Two or more municipalities may provide by ordinance, subject to regulations established by the commissioner, for the joint appointment of a construction official and subcode official for the purpose of enforcing the provisions of the code in the same manner.

c. No person shall act as a construction official or subcode official for any municipality unless the commissioner determines that said person is so qualified, except for the following:

(1) a municipal construction official or subcode official holding office under permanent civil service status, or tenure as otherwise provided by law on the effective date of this act or within one year thereafter and (2) a municipal construction official or subcode official holding office without such permanent civil service status or tenure on the effective date of this act or within one year thereafter; provided said construction official or subcode official not having such permanent civil service status or tenure shall be certified in accordance with this act within four years of the effective date thereof; provided further that a person holding on the effective date of this act a valid plumbing inspector's license from the Department of Health and Senior Services pursuant to Title 26 of the Revised Statutes may serve as a plumbing subcode official and a person holding on the effective date of this act a valid electrical inspector's license from the Board of Public Utilities pursuant to Title 48 of the Revised Statutes may serve as an electrical subcode official. The commissioner, after consultation with the code advisory board, may authorize the preparation and conducting of oral, written and practical examinations to determine if a person is qualified by this act to be eligible to be a construction official or subcode official or, in the alternative, may accept successful completion of programs of training as proof of qualification within the meaning of this act. Upon a determination of qualification the commissioner shall issue or cause to be issued a certificate to the construction official or subcode official or trainee stating that he is so certified. The commissioner, after consultation with the code advisory board, may establish classes of certification that will recognize the varying complexities of code enforcement in the municipalities within the State. The commissioner shall, after consultation with the code advisory board, provide for educational programs designed to train and assist construction officials and subcode officials in carrying out their responsibilities.

Whenever the commissioner is required by the terms of this subsection to consult with the code advisory board and the matter in question concerns plumbing subcode officials, the

commissioner shall also consult with the Public Health Council and Commissioner of Health and Senior Services.

d. The commissioner, after consultation with the code advisory board, may periodically require that each construction official and subcode official demonstrate a working knowledge of innovations in construction technology and materials, recent changes in and additions to the relevant portions of the State Uniform Construction Code, and current standards of professional ethics and legal responsibility; or, in the alternative, the commissioner, after consultation with the code advisory board, may accept successful completion of appropriate programs of training as proof of such working knowledge.

30. Section 11 of P.L.1985, c.222 (C.52:27D-311) is amended to read as follows:

C.52:27D-311 Provision of fair share by municipality.

11. a. In adopting its housing element, the municipality may provide for its fair share of low and moderate income housing by means of any technique or combination of techniques which provide a realistic opportunity for the provision of the fair share. The housing element shall contain an analysis demonstrating that it will provide such a realistic opportunity, and the municipality shall establish that its land use and other relevant ordinances have been revised to incorporate the provisions for low and moderate income housing. In preparing the housing element, the municipality shall consider the following techniques for providing low and moderate income housing within the municipality, as well as such other techniques as may be published by the council or proposed by the municipality:

(1) Rezoning for densities necessary to assure the economic viability of any inclusionary developments, either through mandatory set-asides or density bonuses, as may be necessary to meet all or part of the municipality's fair share;

(2) Determination of the total residential zoning necessary to assure that the municipality's fair share is achieved;

(3) Determination of measures that the municipality will take to assure that low and moderate income units remain affordable to low and moderate income households for an appropriate period of not less than six years;

(4) A plan for infrastructure expansion and rehabilitation if necessary to assure the achievement of the municipality's fair share of low and moderate income housing;

(5) Donation or use of municipally owned land or land condemned by the municipality for purposes of providing low and moderate income housing;

(6) Tax abatements for purposes of providing low and moderate income housing;

(7) Utilization of funds obtained from any State or federal subsidy toward the construction of low and moderate income housing;

(8) Utilization of municipally generated funds toward the construction of low and moderate income housing; and

(9) The purchase of privately owned real property used for residential purposes at the value of all liens secured by the property, excluding any tax liens, notwithstanding that the total amount of debt secured by liens exceeds the appraised value of the property, pursuant to regulations promulgated by the Commissioner of Community Affairs pursuant to subsection b. of section 41 of P.L.2000, c.126 (C.52:27D-311.2).

b. The municipality may provide for a phasing schedule for the achievement of its fair share of low and moderate income housing.

c. The municipality may propose that a portion of its fair share be met through a regional contribution agreement. The housing element shall demonstrate, however, the manner in which that portion will be provided within the municipality if the regional contribution agreement is not entered into. The municipality shall provide a statement of its reasons for the proposal.

d. Nothing in this act shall require a municipality to raise or expend municipal revenues in order to provide low and moderate income housing.

e. When a municipality's housing element includes the provision of rental housing units in a community residence for the developmentally disabled, as defined in section 2 of P.L.1977, c.448 (C.30:11B-2), which will be affordable to persons of low and moderate income, and for

which adequate measures to retain such affordability pursuant to paragraph (3) of subsection a. of this section are included in the housing element, those housing units shall be fully credited as permitted under the rules of the council towards the fulfillment of the municipality's fair share of low and moderate income housing.

f. It having been determined by the Legislature that the provision of housing under this act is a public purpose, a municipality or municipalities may utilize public monies to make donations, grants or loans of public funds for the rehabilitation of deficient housing units and the provision of new or substantially rehabilitated housing for low and moderate income persons, providing that any private advantage is incidental.

31. Section 2 of P.L.1976, c.63 (C.54:4-6.3) is amended to read as follows:

C.54:4-6.3 Definitions relative to tenants property tax rebates.

2. As used in this act unless the context clearly indicates a different meaning:

a. "Qualified real rental property" means any building or structure or complex of buildings or structures in which five or more housing units are rented or leased or offered for rental or lease for residential purposes except:

- (1) hotels, motels or other guesthouses serving transient or seasonal guests;
- (2) buildings or structures which are subject to an abatement agreement under which reduced or no property taxes are paid on the improvements pursuant to statute, notwithstanding that payments in lieu of taxes are paid in accordance with the agreement;
- (3) buildings or structures located in municipalities in which a rent control ordinance which does not provide for an automatic increase in the amount of rent permitted to be charged by a property owner upon an increase in the amount of property tax levied upon the property is in effect for the base year and the current year;
- (4) dwelling units in a residential cooperative or mutual housing corporation;
- (5) dwelling units in a condominium, other than those dwelling units which are occupied by qualified tenants under the "Tenant Protection Act of 1992," P.L.1991, c.509 (C.2A:18-61.40 et al.);
- (6) dwelling units in a continuing care retirement community; or
- (7) dwelling units within residential health care facilities; assisted living residences; facilities with a Class C license pursuant to P.L.1979, c.496 (C.55:13B-1 et al.), the "Rooming and Boarding House Act of 1979" or similar facilities for which occupancy is predicated upon the receipt of medical, nursing or personal care services for the residents and the cost thereof is included in the rent.

Owner occupation of a building shall not be a factor in whether a building is qualified real rental property under P.L.1976, c.63 (C.54:4-6.2 et seq.).

b. "Property tax reduction" means the difference between the amount of property tax paid or payable on any qualified real rental property in the base year, and the amount of property taxes paid or payable in the current year if less than the amount of property taxes paid or payable in the base year.

c. "Base year" means calendar year 1998.

If any of the following events occur, "base year" shall then mean:

- (1) any calendar year after 1998 in which property taxes levied for qualified real rental property exceed the property taxes levied for 1998 for that property;
- (2) the first calendar year after 1998 during which qualified real rental property is first offered for rent or lease;
- (3) the first full calendar year after 1998 in which qualified real rental property is no longer subject to a tax exemption or tax abatement program;
- (4) a calendar year subsequent to 1998 for which the property tax calculation reflects an assessment reduction from the prior base year assessment; or
- (5) a calendar year subsequent to 1998 in which the property taxes paid in the base year and the property taxes paid in the current year do not reflect consistent budgetary and tax item components because sewer, solid waste or similar services provided through a taxing entity budget and reflected in the tax rate are changed to a separately billed user fee.

d. "Assessment reduction" means a decrease in the amount of assessed value of qualified real rental property resulting from an agreement entered into with a municipal taxing authority, an abatement, exemption, change in assessment imposed administratively by a municipal tax assessor or county board of taxation, or a judgment entered by a county board of taxation, the tax court, or by a court of competent jurisdiction.

32. N.J.S.59:9-2 is amended to read as follows:

Judgments, interest, limitations.

59:9-2. a. No interest shall accrue prior to the entry of judgment against a public entity or public employee.

b. No judgment shall be granted against a public entity or public employee on the basis of strict liability, implied warranty or products liability.

c. No punitive or exemplary damages shall be awarded against a public entity.

d. No damages shall be awarded against a public entity or public employee for pain and suffering resulting from any injury; provided, however, that this limitation on the recovery of damages for pain and suffering shall not apply in cases of permanent loss of a bodily function, permanent disfigurement or dismemberment where the medical treatment expenses are in excess of \$3,600.00. For purposes of this section medical treatment expenses are defined as the reasonable value of services rendered for necessary surgical, medical and dental treatment of the claimant for such injury, sickness or disease, including prosthetic devices and ambulance, hospital or professional nursing service.

e. If a claimant receives or is entitled to receive benefits for the injuries allegedly incurred from a policy or policies of insurance or any other source other than a joint tortfeasor, such benefits shall be disclosed to the court and the amount thereof which duplicates any benefit contained in the award shall be deducted from any award against a public entity or public employee recovered by such claimant; provided, however, that nothing in this provision shall be construed to limit the rights of a beneficiary under a life insurance policy. No insurer or other person shall be entitled to bring an action under a subrogation provision in an insurance contract against a public entity or public employee.

C.13:1E-5a Registration renewal of solid waste collection and disposal vehicles.

33. Notwithstanding sections 4 and 5 of P.L.1970, c.39 (C.13:1E-4 and C.13:1E-5) and any regulations promulgated thereunder, the registration renewal of solid waste collection and disposal vehicles operated by a public entity shall be valid for a five-year period and the registration fee for the public entity shall be no greater than the fee in effect as of March 1, 1999 for the one-year registration.

C.13:1F-1a Inapplicability of pesticide control act to certain insect inspections.

34. Notwithstanding the provisions of the "Pesticide Control Act of 1971," P.L.1971, c.176 (C.13:1F-1 et seq.) or any rule or regulation promulgated thereunder to the contrary, the requirements for pesticide applicator or pesticide operator certification, licensing or record keeping shall not apply to any licensed sanitary or health inspector who applies a pesticide not classified for restricted use, on property or premises for the purpose of determining insect infestation.

C.13:9B-13.1 Permit not required for certain restoration work on manmade drainage ditch.

35. Notwithstanding any rules or regulations to the contrary, no permit shall be required of a county or municipality by the Department of Environmental Protection for the purpose of performing restoration work on any manmade drainage ditch located in the jurisdiction, provided that the restoration activity does not deviate in any manner from the original cross sectional area and location. For the purposes of this section, "ditch" means a linear topographic depression with bed and banks of human construction which conveys water to or from a site, but does not include channelized or redirected water courses.

C.18A:7F-5a Inclusion of certain amounts in future school district budget.

36. Notwithstanding any provision of P.L.1996, c.138 (C.18A:7F-1 et seq.) to the contrary, any school district which increases its net budget between the prebudget and budget years in an amount less than that authorized pursuant to subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), shall be permitted to include the amount of the difference between its actual net budget and its permitted net budget in either of the next two succeeding budget years.

C.40:23-6.53 Contract for collection of delinquent fees, fines.

37. The governing body of any county may enter into a contract with a private agency or firm for the purpose of collecting any delinquent fees or fines owed to the county. Any such contract shall be made pursuant to the provisions of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

C.52:27D-20.1 Contracts for third-party disbursement services, permitted.

38. Notwithstanding the provisions of the "Local Fiscal Affairs Law," N.J.S.40A:5-1 et seq., or any other law, rule, or regulation to the contrary, the Local Finance Board, in consultation with the Commissioner of Education, may adopt rules and regulations permitting local government units and boards of education to contract with third-party disbursement service organizations in order to make payments and execute financial transactions for those purposes and under such conditions as permitted by the Local Finance Board.

C.52:27D-10.1 Computerized communication network fees, exceptions.

39. The Commissioner of Community Affairs after consultation with the State Board of Education, and the Administrator of the Office of Information Technology, may adopt regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to charge appropriate fees for use of a computerized communication network that may be established by the State for the conduct of government activities except that no fee shall be charged to local units of government and school districts. Such regulations may authorize any nonprofit corporation organized pursuant to Title 15A of the New Jersey Statutes, whose purposes support the administration of, or personnel engaged in, government or educational services, to utilize such network for communication with the members of such nonprofit corporations in the conduct of government or organizational activities; except that such networks shall not be used to directly lobby State officials with regard to legislation or by organizations that represent employees for the purpose of conducting collective negotiations with public employers.

C.52:17B-4a "SNAP" reports to be made on quarterly basis.

40. Notwithstanding any rules, regulations or guidelines promulgated by the Attorney General, State narcotics action plan reports, commonly referred to as "SNAP" reports, shall be made on a quarterly basis. The Department of Law and Public Safety shall develop and supply to all participating police departments a standard computer software program, which shall include all of the necessary parameters for reporting, so that the SNAP reports may be generated by computer.

C.52:27D-311.2 Purchase of privately owned land by municipality for fair share housing.

41. a. Notwithstanding the provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.), or of any other law, rule or regulation to the contrary, a municipality may provide for the purchase of privately owned residential property at the value of all liens secured by real property, excluding any tax lien to which the property is subject and include those units toward the fulfillment of its fair share housing obligation pursuant to P.L.1985, c.222 (C.52:27D-301 et al.). Any such purchase under this section shall be made pursuant to and consistent with regulations promulgated by the Commissioner of Community Affairs pursuant to subsection b. of this section.

b. The Commissioner of Community Affairs shall, on or before the first day of the seventh month next following the effective date of P.L.2000, c.126 (C.52:13H-21 et al.) promulgate

rules and regulations pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the provisions of subsection a. of this section.

42. Notwithstanding any provision of section 2 of P.L.1983, c.312 (C.40A:4-45.19) to the contrary, any municipality that failed to print on a referendum ballot the amount of the cost increase for the proposed PERS to PFRS transfer for police officers may apply to the director for permission to include the 1999 budget year amount of the pension appropriation representing the increase due to the switch as an increase in the cap base upon which final appropriations are based.

43. a. (1) There is hereby created a Police Paperwork Reduction Task Force. The task force shall have nine members, selected as follows: two representatives of the Attorney General's office and one member of the Division of State Police, to be appointed by the Governor; two representatives of local law enforcement agencies and one municipal court administrator, to be appointed by the President of the Senate; and two representatives of local law enforcement agencies and one municipal court administrator, to be appointed by the Speaker of the General Assembly.

(2) The task force shall organize as soon as practicable following the appointment of its members and shall select a chairperson and vice chairperson from among its members, and a secretary, who need not be a member of the task force.

b. The task force shall:

(1) Review State requirements for the collection, reporting and retention of information by local police officers and police agencies;

(2) Determine the approximate cost to local police agencies, including the costs of salaries, materials, equipment and space, of complying with State-mandated information requirements;

(3) Determine whether these requirements assist or hinder the cost-effective provision of police services and whether a valid reason exists for the collection, reporting or retention of the information; and

(4) Determine the extent to which these requirements can be eliminated or streamlined to reduce unnecessary paperwork and costs of local police agencies.

c. Staff and related support services shall be provided to the task force by the Department of Law and Public Safety. The task force shall be entitled to call to its assistance the services of the department as well as the employees of any other State, county or municipal department, board, bureau commission or agency.

d. The task force may meet and hold hearings at the place or places it designates during the sessions or recesses of the Legislature. The task force shall issue a final report of its findings and recommendations, including any recommended legislation, to the Governor and the Legislature no later than six months following the original appointment of all members of the task force. The task force shall dissolve on the 60th day following submission of its final report.

C.43:8C-2.1 Incentive program to encourage retirement, termination of employment of county employees.

44. Notwithstanding the provisions of section 2 of P.L.1999, c.59 (C.43:8C-2) to the contrary, but subject to the other provisions of that law, a county governing body may, by resolution, adopt an incentive program to encourage the retirement or termination of employment of county government employees, regardless of whether the county is entering into an interlocal services contract or a joint services contract. The incentive program shall be submitted to the Director of the Division of Local Government Services in the Department of Community Affairs for approval. The director may condition approval on modifications to the incentive program. Following approval of the incentive program by the director, the county government may implement the program and offer the incentives to its employees.

45. This act shall take effect immediately.

Approved September 21, 2000.