

ASSEMBLY, No. 3577

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED APRIL 19, 2001

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

As introduced.



1 AN ACT revising certain mandates, requirements and procedures for
2 local governments and school districts and amending,
3 supplementing and repealing 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 fourth such omnibus mandate relief act.

34
35 2. R.S.39:4-8 is amended to read as follows:

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

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

Matter underlined thus is new matter.

1 of traffic on the public highways.

2 b. In the case of totally self-contained streets under municipal
3 jurisdiction which have no direct connection with any street in any
4 other municipality, or in the case of totally self-contained streets under
5 county jurisdiction which have no direct connection with any street in
6 any other county, the municipality or county may, by ordinance or
7 resolution, as appropriate, without the approval of the Commissioner
8 of Transportation, designate parking restrictions, no passing zones,
9 mid-block crosswalks and crosswalks at intersections, except that in
10 the case of any streets under municipal jurisdiction, the municipality
11 may, by ordinance, designate reasonable and safe speed limits and in
12 the case of totally self-contained streets under county jurisdiction
13 which have no direct connection with any street in any other county,
14 the county may, by ordinance or resolution, as appropriate, designate
15 reasonable and safe speed limits, and erect appropriate signs, designate
16 any intersection as a stop or yield intersection and erect appropriate
17 signs and place longitudinal pavement markings delineating the
18 separation of traffic flows and the edge of the pavement, provided that
19 the municipal or county engineer shall, under his seal as a licensed
20 professional engineer, certify to the municipal or county governing
21 body, as appropriate, that any designation or erection of signs or
22 placement of markings: (1) has been approved by him after
23 investigation by him of the circumstances, (2) appears to him to be in
24 the interest of safety and the expedition of traffic on the public
25 highways and (3) conforms to the current standards prescribed by the
26 Manual of Uniform Traffic Control Devices for Streets and Highways,
27 as adopted by the Commissioner of Transportation.

28 A certified copy of the adopted ordinance or resolution, as
29 appropriate, shall be transmitted by the clerk of the municipality or
30 county, as appropriate, to the commissioner within 30 days of
31 adoption, together with a copy of the engineer's certification; a
32 statement of the reasons for the engineer's decision; detailed
33 information as to the location of streets, intersections and signs
34 affected by any designation or erection of signs or placement of
35 markings; and traffic count, accident and speed sampling data, when
36 appropriate. The commissioner, at his discretion, may invalidate the
37 provisions of the ordinance or resolution within 90 days of receipt of
38 the certified copy if he reviews it and finds that the provisions of the
39 ordinance or resolution are inconsistent with the Manual of Uniform
40 Traffic Control Devices for Streets or Highways; are inconsistent with
41 accepted engineering standards; are not based on the results of an
42 accurate traffic and engineering survey; or place an undue traffic
43 burden or impact on streets in an adjoining municipality or negatively
44 affect the flow of traffic on the State highway system.

45 Nothing in this subsection shall allow municipalities to designate
46 any intersection with any highway under State or county jurisdiction

1 as a stop or yield intersection or counties to designate any intersection
2 with any highway under State or municipal jurisdiction as a stop or
3 yield intersection.

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

8 By ordinance or resolution:

9 (1) prohibit or restrict general parking;

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

12 (3) designate time limit parking;

13 (4) install parking meters.

14 By ordinance, resolution or regulation:

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

16 (2) approve street closings for periods up to 48 continuous hours;
17 and

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

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

24 d. A municipality or county may, by resolution, in any street under
25 its jurisdiction, designate stops, stations or stands for omnibuses. The
26 designation shall be subject to guidelines that shall be issued by the
27 Commissioner of Transportation after consultation with the Director
28 of the Office of Highway Traffic Safety in the Department of Law and
29 Public Safety. The guidelines shall be aimed at ensuring safety to both
30 pedestrians and motorists including, but not limited to, the proper
31 method of sign installation, dimensions, composition of material,
32 proper placement points and maintenance. A certified copy of the
33 adopted resolution shall be transmitted to the commissioner within 30
34 days of adoption. The commissioner, at his discretion, may invalidate
35 the provisions of the ordinance or resolution within 90 days of receipt
36 of the certified copy if he reviews it and finds that the provisions of the
37 ordinance or resolution are inconsistent with the guidelines issued
38 pursuant to this subsection. A claim against the State or a
39 municipality or county for damage or injury under this subsection for
40 a wrongful act or omission shall be dismissed if the municipality or
41 county is deemed to have conformed to the guidelines required
42 hereunder.

43 (cf: P.L.1999, c.191, s.1)

44

45 3. Section 1 of P.L.1984, c.219 (C.39:4-183.1a) is amended to
46 read as follows:

1 1. Notwithstanding any law to the contrary, a municipality may,
2 upon the request of the appropriate board of education or, in the case
3 of a private school, by the school's governing body, provide by
4 [ordinance] resolution for the installation of a traffic control device
5 or sign consistent with the current standards prescribed by the Manual
6 of Uniform Traffic Control Devices for Streets and Highways as
7 adopted by the Commissioner of Transportation, to regulate motor
8 vehicle traffic at an intersection located within 300 feet of any public
9 or private school. Before [an ordinance] a resolution shall take effect,
10 however, the governing body shall submit a copy of the [ordinance]
11 resolution to the Commissioner of Transportation for his review and
12 approval together with detailed information as to the location of
13 streets, intersections and signs affected by any installation, traffic
14 court, accident and speed sampling data when appropriate and any
15 other information as the commissioner may require. If the
16 commissioner disapproves the [ordinance] resolution, he shall file his
17 disapproval, in writing, with a statement of the reasons for his
18 disapproval, with the governing body within 90 days following the
19 receipt of the [ordinance] resolution. If the commissioner approves
20 the [ordinance] resolution or fails to file his disapproval within the
21 90-day review period, the [ordinance] resolution shall take effect
22 immediately.

23 For the purposes of this section, the term "public or private school"
24 has the meaning that term is given in N.J.S.18A:1-1.
25 (cf: P.L.1984, c.219, s.1)

26

27 4. Section 1 of P.L.1952, c.195 (C.40:5-2.11) is amended to read
28 as follows:

29 1. The board of chosen freeholders of any county and the
30 governing body of any municipality may by resolution [and the
31 governing body of any municipality may by ordinance] appropriate and
32 dedicate all or any portion of the revenues which it derives from
33 parking meters in excess of the cost of purchase, installation,
34 maintenance and operation of said parking meters, to the purposes of
35 creation, purchase, construction and maintenance of off-street parking
36 facilities.

37 (cf: P.L.1952, c.195, s.1)

38

39 5. Section 5 of P.L.1977, c.435 (C.40:43-66.39) is amended to
40 read as follows:

41 5. The governing body of any municipality proposing to
42 consolidate with one or more other municipalities may, by ordinance
43 or resolution, propose the formation of a joint municipal consolidation
44 study commission as provided for in section 7 of this act. The
45 ordinance or resolution shall state that the governing body is seeking

1 the formation of a joint municipal consolidation study commission
2 pursuant to the provisions of this act, and shall name the
3 municipalities for which a consolidation study is proposed. Upon
4 adoption of such ordinance or resolution, the clerk of the municipality
5 adopting the ordinance or resolution shall forthwith transmit a
6 certified copy thereof to the municipal clerk of each of the other
7 municipalities named in the ordinance or resolution and to the clerk
8 of the county in which such municipalities are located.
9 (cf: P.L.1977, c.435, s.5)

10

11 6. Section 7 of P.L.1977, c.435 (C.40:43-66.41) is amended to
12 read as follows:

13 7. a. If, within one year after the date on which the first ordinance
14 or resolution, pursuant to section 5 of P.L.1977, c.435
15 (C.40:43-66.39), or the first petition, pursuant to section 6 of
16 P.L.1977, c.435 (C.40:43-66.40), is filed with the clerk of the county,
17 either an ordinance or a resolution or a certified petition is transmitted
18 to the county clerk by each of the other municipalities named in the
19 first such ordinance or a resolution or petition, then one of the
20 following shall occur:

21 (1) The question of forming a consolidation commission shall be
22 submitted to the voters of each of the municipalities named in such
23 ordinances or resolutions or petitions in the following form:

24 "Shall a joint municipal consolidation study commission be formed
25 to study the feasibility of consolidating (insert the names of each of the
26 municipalities named in such ordinances or resolutions or petitions)
27 into a single new municipality, to study the question of the form of
28 government under which such new municipality should be governed,
29 to study the feasibility of consolidating the local school districts of the
30 aforesaid municipalities, and to make recommendations thereon; or, in
31 the alternative, to make recommendations on the consolidation of
32 certain municipal services?"

33 The question shall be submitted to the voters of each municipality
34 so named in the ordinances or resolutions or petitions on the date for
35 the next general election or on the date for the next regular municipal
36 election, whichever shall first occur at least 60 days after the date of
37 the filing with the county clerk of the final ordinance or resolution or
38 petition necessary to require the submission of the question to the
39 voters.

40 The public question submitted to the voters shall be deemed
41 adopted, and a consolidation commission formed, if a majority of the
42 votes cast on the question in each of the municipalities in which the
43 question is submitted shall be in the affirmative; or

44 (2) An ordinance or resolution expressly creating a consolidation
45 commission shall be adopted by each of the municipalities named in
46 such ordinances or resolutions or petitions. The ordinance or

1 resolution shall state that the governing body will not be submitting
2 the question of forming a consolidation commission to the voters of
3 that municipality by referendum. The ordinance or resolution shall
4 state that the governing body is seeking the formation of a
5 consolidation commission pursuant to P.L.1977, c.435 (C.40:43-66.35
6 et seq.), and shall name the participating municipalities for which a
7 consolidation commission is proposed. Upon adoption of the
8 ordinance or resolution, the clerk of each participating municipality
9 adopting the ordinance or resolution shall forthwith transmit a
10 certified copy thereof to the municipal clerk of each of the other
11 participating municipalities named in the ordinance or resolution, to
12 the clerk of the county in which each participating municipality is
13 located, and to the Commissioner of Community Affairs.

14 The ordinance or resolution forming a consolidation commission
15 shall be deemed adopted, and a consolidation commission formed, if
16 each participating municipality adopts an ordinance or resolution
17 agreeing to participate in a consolidation commission pursuant to this
18 subsection; or

19 (3) One or more of the municipalities named in such ordinances or
20 resolutions or petitions shall submit the question of forming a
21 consolidation commission to the voters pursuant to paragraph (1) of
22 this subsection, and one or more of those municipalities shall adopt an
23 ordinance or resolution expressly creating a consolidation commission
24 pursuant to paragraph (2) of this subsection, in any combination,
25 provided that each of the participating municipalities adopts the
26 formation of a consolidation commission.

27 b. Nothing herein contained shall be construed to prevent the
28 submission of the question of forming a consolidation commission to
29 the voters of the municipalities pursuant to paragraph (1) of subsection
30 a. of this section, or the forming of a consolidation commission by
31 ordinance or resolution pursuant to paragraph (2) of subsection a. of
32 this section, named in any combination of such ordinances or
33 resolutions pursuant to section 5 of P.L.1977, c. 435 (C.40:43-66.39)
34 and petitions pursuant to section 6 of P.L.1977, c.435
35 (C.40:43-66.40), provided that such ordinances or resolutions and
36 petitions are substantively similar.
37 (cf: P.L.1999, c.58, s.1)

38
39 7. Section 27 of P.L.1977, c.435 (C.40:43-66.61) is amended to
40 read as follows:

41 27. No ordinance or resolution may be adopted and no petition
42 may be filed for the creation of a joint municipal consolidation study
43 commission pursuant to sections 5 and 6 of this act while proceedings
44 are pending under any other petition filed or ordinance adopted
45 pursuant to the provisions of the "Optional Municipal Charter Law"
46 or any other general law relating to a change in the form of

1 government in any of the participating municipalities. No ordinance
2 or resolution may be adopted and no petition may be filed for the
3 creation of such a commission pursuant to the provisions of this act
4 within 4 years after the date on which the question of consolidation
5 has been submitted to the voters pursuant to section 25 of this act;
6 provided, however, that the adoption of an ordinance or resolution
7 or the filing of a petition and the holding of any referendum thereafter
8 under the provisions of the "Optional Municipal Charter Law" or
9 other general law relating to a change in the form of government in
10 any of the participating municipalities, if such proceedings have been
11 completed, shall not preclude the participating municipalities from
12 proceeding under the provisions of this act notwithstanding the fact
13 that 4 years may not have expired since the completion of said
14 proceedings.

15 (cf: P.L.1977, c.435, s.27)

16

17 8. Section 1 of P.L.1947, c.335, (C.40:48-2.16) is amended to read
18 as follows:

19 1. The governing body of any municipality may, by **[ordinance]**
20 resolution, provide for the construction and erection of a monument
21 or memorial of a permanent character commemorative of the services
22 **[of soldiers and sailors] provided by the men and women in the armed**
23 **forces** of the United States **[in World War II]**, or to provide for a
24 contribution to part of the cost of any similar monument or memorial;
25 provided, that any such **[ordinance]** resolution shall set forth the
26 price in respect to the monument or memorial, including the type of
27 the monument or memorial and the amount of money proposed to be
28 expended or contributed.

29 (cf: P.L.1949, c.78, s.1)

30

31 9. Section 76 of P.L.1975, c.291 (C.40:55D-89) is amended to
32 read as follows:

33 76. Periodic examination. The governing body shall, at least every
34 six years, provide for a general reexamination of its master plan and
35 development regulations by the planning board, which shall prepare
36 and adopt by resolution a report on the findings of such reexamination,
37 a copy of which report and resolution shall be sent to the county
38 planning board **[and]**. A notice that the report and resolution have
39 been prepared shall be sent to the municipal clerk of each adjoining
40 municipality, who may, on behalf of the governing body of the
41 municipality, request a copy of the report and resolution. **[The first**
42 **such reexamination shall have been completed by August 1, 1982. The**
43 **next reexamination shall be completed by August 1, 1988. Thereafter,**
44 **a] A** reexamination shall be completed at least once every six years
45 from the previous reexamination.

46 The reexamination report shall state:

- 1 a. The major problems and objectives relating to land development
- 2 in the municipality at the time of the adoption of the last reexamination
- 3 report.
- 4 b. The extent to which such problems and objectives have been
- 5 reduced or have increased subsequent to such date.
- 6 c. The extent to which there have been significant changes in the
- 7 assumptions, policies, and objectives forming the basis for the master
- 8 plan or development regulations as last revised, with particular regard
- 9 to the density and distribution of population and land uses, housing
- 10 conditions, circulation, conservation of natural resources, energy
- 11 conservation, collection, disposition, and recycling of designated
- 12 recyclable materials, and changes in State, county and municipal
- 13 policies and objectives.
- 14 d. The specific changes recommended for the master plan or
- 15 development regulations, if any, including underlying objectives,
- 16 policies and standards, or whether a new plan or regulations should be
- 17 prepared.
- 18 e. The recommendations of the planning board concerning the
- 19 incorporation of redevelopment plans adopted pursuant to the "Local
- 20 Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et
- 21 al.) into the land use plan element of the municipal master plan, and
- 22 recommended changes, if any, in the local development regulations
- 23 necessary to effectuate the redevelopment plans of the municipality.
- 24 (cf: P.L.1992, c.79, s.50)
- 25
- 26 10. Section 3 of P.L.1976, c.68 (C.40A:4-45.3) is amended to read
- 27 as follows:
- 28 3. In the preparation of its budget a municipality shall limit any
- 29 increase in said budget to 5% or the index rate, whichever is less, over
- 30 the previous year's final appropriations subject to the following
- 31 exceptions:
- 32 a. (Deleted by amendment, P.L.1990, c.89.)
- 33 b. Capital expenditures, including appropriations for current capital
- 34 expenditures, whether in the capital improvement fund or as a
- 35 component of a line item elsewhere in the budget, provided that any
- 36 such current capital expenditure would be otherwise bondable under
- 37 the requirements of N.J.S.40A:2-21 and 40A:2-22;
- 38 c. (1) An increase based upon emergency temporary appropriations
- 39 made pursuant to N.J.S.40A:4-20 to meet an urgent situation or event
- 40 which immediately endangers the health, safety or property of the
- 41 residents of the municipality, and over which the governing body had
- 42 no control and for which it could not plan and emergency
- 43 appropriations made pursuant to N.J.S.40A:4-46. Emergency
- 44 temporary appropriations and emergency appropriations shall be
- 45 approved by at least two-thirds of the governing body and by the
- 46 Director of the Division of Local Government Services, and shall not

1 exceed in the aggregate 3% of the previous year's final current
2 operating appropriations.

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

4 The approval procedure in this subsection shall not apply to
5 appropriations adopted for a purpose referred to in subsection d. or j.
6 below;

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

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

11 f. Amounts reserved for uncollected taxes;

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

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

16 i. Any amount approved by any referendum;

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

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

33 l. Appropriations of federal, county, independent authority or State
34 funds, or by grants from private parties or nonprofit organizations for
35 a specific purpose, and amounts received or to be received from such
36 sources in reimbursement for local expenditures. If a municipality
37 provides matching funds in order to receive the federal, county,
38 independent authority or State funds, or the grants from private parties
39 or nonprofit organizations for a specific purpose, the amount of the
40 match which is required by law or agreement to be provided by the
41 municipality shall be excepted;

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

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

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

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

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

- 1 r. Amounts expended to fund a free public library established
2 pursuant to the provisions of R.S.40:54-1 through 40:54-29, inclusive;
- 3 s. (Deleted by amendment, P.L.1990, c.89.)
- 4 t. Amounts expended in preparing and implementing a housing
5 element and fair share plan pursuant to the provisions of P.L.1985,
6 c.222 (C.52:27D-301 et al.) and any amounts received by a
7 municipality under a regional contribution agreement pursuant to
8 section 12 of that act;
- 9 u. Amounts expended to meet the standards established pursuant
10 to the "New Jersey Public Employees' Occupational Safety and Health
11 Act," P.L.1983, c.516 (C.34:6A-25 et seq.);
- 12 v. (Deleted by amendment, P.L.1990, c.89.)
- 13 w. Amounts appropriated for expenditures resulting from the
14 impact of a hazardous waste facility as described in subsection c. of
15 section 32 of P.L.1981, c.279 (C.13:1E-80);
- 16 x. Amounts expended to aid privately owned libraries and reading
17 rooms, pursuant to R.S.40:54-35;
- 18 y. (Deleted by amendment, P.L.1990, c.89.)
- 19 z. (Deleted by amendment, P.L.1990, c.89.)
- 20 aa. Extraordinary expenses, approved by the Local Finance Board,
21 required for the implementation of an interlocal services agreement;
- 22 bb. 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 cc. 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 dd. Expenditures of amounts actually realized in the local budget
32 year from the sale of municipal assets if appropriated for non-recurring
33 purposes or otherwise approved by the director;
- 34 ee. Any local unit which is determined to be experiencing fiscal
35 distress pursuant to the provisions of P.L.1987, c.75
36 (C.52:27D-118.24 et seq.), whether or not a local unit is an "eligible
37 municipality" as defined in section 3 of P.L.1987, c.75
38 (C.52:27D-118.26), and which has available surplus pursuant to the
39 spending limitations imposed by P.L.1976, c.68 (C.40A:4-45.1 et
40 seq.), may appropriate and expend an amount of that surplus approved
41 by the director and the Local Finance Board as an exception to the
42 spending limitation. Any determination approving the appropriation
43 and expenditure of surplus as an exception to the spending limitations
44 shall be based upon:
- 45 1) the local unit's revenue needs for the current local budget year
46 and its revenue raising capacity;

- 1 2) the intended actions of the governing body of the local unit to
- 2 meet the local unit's revenue needs;
- 3 3) the intended actions of the governing body of the local unit to
- 4 expand its revenue generating capacity for subsequent local budget
- 5 years;
- 6 4) the local unit's ability to demonstrate the source and existence
- 7 of sufficient surplus as would be prudent to appropriate as an
- 8 exception to the spending limitations to meet the operating expenses
- 9 for the local unit's current budget year; and
- 10 5) the impact of utilization of surplus upon succeeding budgets of
- 11 the local unit;
- 12 ff. Amounts expended for the staffing and operation of the
- 13 municipal court;
- 14 gg. Amounts appropriated for the cost of administering a joint
- 15 insurance fund established pursuant to subsection b. of section 1 of
- 16 P.L.1983, c.372 (C.40A:10-36), but not including appropriations for
- 17 claims payments by local member units;
- 18 hh. Amounts appropriated for the cost of implementing an
- 19 estimated tax billing system and the issuance of tax bills thereunder
- 20 pursuant to section 3 of P.L.1994, c.72 (C.54:4-66.2);
- 21 ii. Expenditures related to the cost of conducting and implementing
- 22 a total property tax levy sale pursuant to section 16 of P.L.1997, c.99
- 23 (C.54:5-113.5);
- 24 jj. Amounts expended for a length of service award program
- 25 pursuant to P.L.1997, c.388 (C.40A:14-183 et al.);
- 26 kk. Amounts expended to provide municipal services or
- 27 reimbursement amounts to multifamily dwellings for the collection and
- 28 disposal of solid waste generated by the residents of the multifamily
- 29 dwellings. This subsection shall cease to be operative at the end of the
- 30 first local budget year in which the municipality has fully phased in its
- 31 reimbursement amount expenses;
- 32 ll. Amounts expended by a municipality under an interlocal services
- 33 agreement entered into pursuant to the "Interlocal Services Act,"
- 34 P.L.1973, c.208 (C.40:8A-1 et seq.) entered into after the effective
- 35 date of P.L.2000, c.126 (C.52:13H-21 et al.). The governing body of
- 36 the municipality that will receive the service may choose to allow the
- 37 amount of projected annual savings to be added to the amount of final
- 38 appropriations upon which its permissible expenditures are calculated
- 39 pursuant to section 2 of P.L.1976, c.68 (C.40A:4-45.2);
- 40 mm. Amounts expended under a joint contract pursuant to the
- 41 "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et
- 42 seq.) entered into after the effective date of P.L.2000, c.126
- 43 (C.52:13H-21 et al.). The governing body of each participating
- 44 municipality may choose to allow the amount of projected annual
- 45 savings to be added to the amount of final appropriations upon which
- 46 its permissible expenditures are calculated pursuant to section 2 of

1 P.L.1976, c.68 (C.40A:4-45.2);
2 nn. Amounts expended to pay the salaries of police officers hired
3 under the federal "Community Oriented Policing Services" program,
4 which was enacted as part of the "Violent Crime Control and Law
5 Enforcement Act of 1994," Pub.L.No. 103, 108 Stat. 1796 (1994).
6 (cf: P.L.2001, c.25, s.5)

7
8 11. Section 37 of P.L.1995, c.259 (C.40A:10-17.1) is amended to
9 read as follows:

10 37. Notwithstanding the provisions of any other law to the
11 contrary, a county [or], municipality or any contracting unit as
12 defined in section 2 of P.L.1971, c.198 (C.40A:11-2) which enters into
13 a contract providing group health care benefits to its employees
14 pursuant to N.J.S.40A:10-16 et seq., may allow any employee who is
15 eligible for coverage as a dependent of the employee's spouse under
16 that plan or another plan, including the State Health Benefits Program
17 established pursuant to P.L.1961, c.49 (C.52:14-17.25 et seq.),
18 offered by the spouse's employer, whether a public or private
19 employer, to waive coverage under the county's [or], municipality's
20 or contracting unit's plan to which the employee is entitled by virtue
21 of employment with the county [or], municipality or contracting unit.
22 The waiver shall be in such form as the county [or], municipality or
23 contracting unit shall prescribe and shall be filed with the county [or],
24 municipality or contracting unit. In consideration of filing such a
25 waiver, a county [or], municipality or contracting unit may pay to the
26 employee annually an amount, to be established in the sole discretion
27 of the county [or], municipality or contracting unit, which shall not
28 exceed 50% of the amount saved by the county [or], municipality or
29 contracting unit because of the employee's waiver of coverage. An
30 employee who waives coverage shall be permitted to resume coverage
31 under the same terms and conditions as apply to initial coverage if the
32 employee ceases to be covered through the employee's spouse for any
33 reason, including, but not limited to, the retirement or death of the
34 spouse or divorce. An employee who resumes coverage shall repay,
35 on a pro rata basis, any amount received which represents an advance
36 payment for a period of time during which coverage is resumed. An
37 employee who wishes to resume coverage shall file a declaration with
38 the county [or], municipality or contracting unit, in such form as the
39 county [or], municipality or contracting unit shall prescribe, that the
40 waiver is revoked. The decision of a county [or], municipality or
41 contracting unit 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.2000, c.126, s.25)

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

3 32. Every assessor, prior to February 1 of each even numbered
4 year, shall notify by mail each taxpayer of the current assessment and
5 preceding year's taxes. Thereafter, the assessor or county board of
6 taxation shall notify each taxpayer by mail within 30 days of any
7 change to the assessment. This notification of change of assessment
8 shall contain the prior assessment and the current assessment. The
9 director shall establish the form of notice of assessment and change of
10 assessment. Any notice issued by the assessor or county board of
11 taxation shall contain information instructing taxpayers on how to
12 appeal their assessment.

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

14

15 13. (New section) a. This section shall be known and may be cited
16 as the "Adopt a Municipality Program."

17 b. The Commissioner of Community Affairs shall establish a
18 business advisory board. The commissioner shall chair the board and
19 shall appoint to the board members who represent private businesses
20 and nonprofit entities that are interested and willing to contribute
21 services and resources to municipalities. Members of the board shall
22 serve three-year terms without compensation. The commissioner shall
23 appoint a program coordinator who shall administer the "Adopt a
24 Municipality Program."

25 c. The board shall encourage and coordinate municipal-business
26 partnership. The board shall solicit municipalities and business and
27 nonprofit entities to participate in the program. The board shall
28 compile a list of municipal needs and circulate the list among
29 businesses and nonprofit entities. Support of "adopted" municipalities
30 by businesses and nonprofit entities that participate in the program
31 may include, but shall not be limited to, the supplying of services,
32 personnel, materials and funding. Businesses entering into the "Adopt
33 a Municipality Program" shall not seek reimbursement for any
34 donation of time, money, materials or personnel from the State or any
35 subdivision thereof.

36 d. Contributions provided under this section by local businesses
37 shall in no way affect the amount of State aid to which a municipality
38 is entitled.

39

40 14. (New section) a. For the purposes of this section:

41 "State mandate" means a program, service or activity that is to be
42 performed or implemented by a local unit for or on behalf of its
43 residents, which results in an added net cost to the local unit, and
44 which is mandated in any statute enacted by the Legislature either
45 prior to or after the effective date of this act. A "state mandated
46 program" shall not include the following: any activity pertaining to a

1 statute carrying criminal penalties; any mandate required by or arising
2 from a court order or judgment; any program or service which is
3 provided at local option under permissive State laws, rules, regulations
4 or orders; any program which is required by private, special or local
5 laws pursuant to Article IV, Section VII, paragraphs 8 and 10 of the
6 State Constitution; any program required by or arising from an
7 executive order of the Governor in exercising emergency powers
8 granted by law; or any program mandated by federal law, rule,
9 regulation or order.

10 "Small municipality" shall mean a municipality having a population
11 of 1500 or fewer residents.

12 b. In developing and proposing a rule for adoption, the agency
13 involved shall utilize approaches which will accomplish the objectives
14 of applicable statutes while minimizing any adverse economic impact
15 of the proposed rule on small municipalities. Consistent with the
16 objectives of applicable statutes, the agency shall utilize such
17 approaches as:

18 (1) The establishment of differing compliance or reporting
19 requirements or timetables that take into account the resources
20 available to small municipalities;

21 (2) The use of performance rather than design standards; and

22 (3) An exemption from coverage by the rule, or by any part
23 thereof, for small municipalities so long as the public health, safety, or
24 general welfare is not endangered, or if an exemption is not a
25 possibility, the use of alternative methods of implementing the
26 requirements of the rule.

27 c. In proposing a rule for adoption, the agency involved shall issue
28 a State mandate flexibility analysis regarding the rule, which shall be
29 included in the notice of a proposed rule as required by subsection (a)
30 of section 4 of P.L.1968, c.410 (C.52:14B-4). Each State mandate
31 flexibility analysis shall contain:

32 (1) An estimate of the number of small municipalities to which the
33 proposed rule will apply;

34 (2) A description of the reporting, record-keeping and other
35 compliance requirements being proposed for adoption, and the kinds
36 of professional services that a small municipality is likely to need in
37 order to comply with the requirements;

38 (3) An estimate of the annual cost to a small municipality of
39 complying with the rule; and

40 (4) An indication of how the rule, as proposed for adoption, is
41 designed to minimize any adverse economic impact of the proposed
42 rule on small municipalities.

43 d. This section shall not apply to any proposed rule which the
44 agency finds would not impose reporting, record-keeping, or other
45 compliance requirements on small municipalities. The agency's finding
46 and an indication of the basis for its finding shall be included in the

1 notice of a proposed rule as required by subsection (a) of section 4 of
2 P.L.1968, c.410 (C.52:14B-4).

3 e. In order to avoid duplicative action, an agency may consider a
4 series of closely related rules as one rule for the purposes of complying
5 with the requirements of this section.

6 f. In complying with the provisions of this section, an agency may
7 provide either a quantifiable or numerical description of the effects of
8 a proposed rule or more general descriptive statements, if
9 quantification is not practicable or reliable.

10
11 15. N.J.S.40A:9-59 is repealed.

12
13 16. This act shall take effect immediately.

14
15
16 **STATEMENT**

17
18 This bill would revise certain mandates, requirements and
19 procedures that are burdensome on counties, municipalities and school
20 districts in order to effectuate cost savings that will benefit property
21 taxpayers.

22
23 **REVISION OF ORDINANCE REQUIREMENTS**

24 Sections 3 through 8 allow municipalities to act by resolution where
25 the current statutory requirement is that action must be by ordinance.

26 Section 3 allows a municipality, by resolution, to provide for the
27 installation of a traffic control device or sign to regulate motor vehicle
28 traffic at an intersection located within 300 feet of any public or
29 private school.

30 Section 4 allows municipal governing bodies, by resolution, to
31 appropriate and dedicate all or any portion of the revenues which they
32 derive from parking meters in excess of the cost of purchase,
33 installation, maintenance and operation of those parking meters, to the
34 purposes of creation, purchase, construction and maintenance of
35 off-street parking facilities.

36 Section 5 allows the governing body of a municipality proposing to
37 consolidate with one or more other municipalities, by resolution, to
38 propose the formation of a joint municipal consolidation study
39 commission.

40 Sections 6 and 7 allow for required actions pertinent to joint
41 municipal consolidation study commissions to be made by resolution.

42 Section 8 allows the governing body of any municipality, by
43 resolution, to provide for the construction and erection of a monument
44 or memorial to commemorate the services provided by the men and
45 women in the armed forces of the United States, or to provide for a
46 contribution to part of the cost of any similar monument or memorial.

1 Under current law, this section was limited to World War II
2 monuments or commemorations.

3

4 LOCAL FINANCE AND BUDGET REQUIREMENTS, PROPERTY
5 ASSESSMENT AND PROPERTY TAXES

6 Section 10 provides a cap exception under section 3 of P.L.1976,
7 c.68 (C.40A:4-45.3) for amounts expended to pay the salaries of
8 police officers hired under the federal "Community Oriented Policing
9 Services" program, which was enacted as part of the "Violent Crime
10 Control and Law Enforcement Act of 1994."

11 Section 11 amends section 37 of P.L.1995, c.259 (C.40A:10-17.1)
12 to allow any contracting unit as defined in section 2 of P.L.1971,
13 c.198 (C.40A:11-2) (including local authorities and commissions)
14 which enters into a contract providing group health care benefits to its
15 employees pursuant to N.J.S.40A:10-16 et seq., to allow any employee
16 who is eligible for coverage as a dependent of the employee's spouse
17 under that plan or another plan offered by the spouse's employer to
18 waive coverage under the contracting unit's plan to which the
19 employee is entitled by virtue of employment with the contracting unit.
20 Current law allows the waiving of health coverage under this statute
21 to county and municipal employees only.

22 Section 12 allows the issuance of the notice of current year's
23 assessment and preceding year's taxes currently required annually
24 under section 32 of P.L.1991, c.75 (C.54:4-38.1) to be done biennially
25 in each even numbered year. The assessor would still be required to
26 notify a taxpayer by mail within 30 days of any change of assessment.

27 Section 14 requires State agencies, when developing and proposing
28 a rule for adoption, to utilize approaches which will accomplish the
29 objectives of statutory law while minimizing any adverse economic
30 impact of the proposed rule on small municipalities. The agency must
31 utilize approaches such as: the establishment of differing compliance
32 or reporting requirements or timetables that take into account the
33 resources available to small municipalities; the use of performance
34 rather than design standards; and an exemption from coverage by the
35 rule in whole or in part for small municipalities so long as the public
36 health, safety, or general welfare is not endangered, or if an exemption
37 is not a possibility, the use of alternative methods of implementing the
38 requirements of the rule. Under current law, all municipalities must
39 comply with State mandates.

40

41 RECORD KEEPING REFORMS

42 Section 9 of the bill allows municipalities, after performing the
43 periodic reexamination of the master plan required pursuant to section
44 76 of P.L.1975, c.291 (C.40:55D-89) and the adoption by resolution
45 of the report on the findings of the reexamination, to provide a notice
46 to the municipal clerk of each adjoining municipality that the report

1 and the resolution have been prepared, so that the clerk of an adjoining
2 municipality may ask for the report and resolution on behalf of the
3 governing body of the adjoining municipality. Current law requires
4 that a copy of the report and the resolution be sent to the municipal
5 clerk of each adjoining municipality.

6 Section 15 of the bill repeals the current requirement of
7 N.J.S.40A:9-59 that, in the case of a shipwreck where dead bodies are
8 thrown upon the shores or coast of the State, the county medical
9 examiner of the county in which the bodies are found shall make a
10 written report, to be verified under oath and filed with the State
11 Medical Examiner, containing the name of the ship, the date of the
12 wreck, and the place where it occurred, together with a detailed
13 description of the bodies, and time and place of the burial.

14

15 MISCELLANEOUS REFORMS

16 Section 2 of the bill allows municipalities or counties, by
17 resolution, in any street under their jurisdiction, to designate stops,
18 stations or stands for omnibuses without the approval of the
19 Commissioner of Transportation. Currently, the commissioner's
20 approval is required for this designation.

21 Section 13 of the bill creates the "Adopt a Municipality Program"
22 to encourage and coordinate a partnership between municipalities and
23 businesses and nonprofit entities. The support of "adopted"
24 municipalities by businesses and nonprofit entities that participate in
25 the program may include, but is not be limited to, the supplying of
26 services, personnel, materials and funding. Businesses and nonprofit
27 entities entering into the "Adopt a Municipality Program" may not
28 seek reimbursement for any donation of time, money, materials or
29 personnel from the State or any subdivision thereof.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3577

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 3, 2001

The Assembly Local Government Committee reports favorably and with committee amendments Assembly Bill No. 3577.

As amended by the committee, Assembly Bill No. 3577 would revise certain mandates, requirements and procedures that are burdensome on counties and municipalities in order to effectuate cost savings that will benefit property taxpayers.

The committee amended the bill to remove from the title of the bill a reference to "school districts" to reflect that the bill does not contain any provisions that would affect school districts.

REVISION OF ORDINANCE REQUIREMENTS

Sections 3 through 8 allow municipalities to act by resolution where the current statutory requirement is that action must be by ordinance.

Section 3 allows a municipality, by resolution, to provide for the installation of a traffic control device or sign to regulate motor vehicle traffic at an intersection located within 300 feet of any public or private school.

Section 4 allows municipal governing bodies, by resolution, to appropriate and dedicate all or any portion of the revenues which they derive from parking meters in excess of the cost of purchase, installation, maintenance and operation of those parking meters, to the purposes of creation, purchase, construction and maintenance of off-street parking facilities.

Section 5 allows the governing body of a municipality proposing to consolidate with one or more other municipalities, by resolution, to propose the formation of a joint municipal consolidation study commission.

Sections 6 and 7 allow for required actions pertinent to joint municipal consolidation study commissions to be made by resolution.

Section 8 allows the governing body of any municipality, by resolution, to provide for the construction and erection of a monument or memorial to commemorate the services provided by the men and women in the armed forces of the United States, or to provide for a

contribution to part of the cost of any similar monument or memorial. Under current law, this section was limited to World War II monuments or commemorations.

LOCAL FINANCE AND BUDGET REQUIREMENTS, PROPERTY ASSESSMENT AND PROPERTY TAXES

Section 10 provides a cap exception under section 3 of P.L.1976, c.68 (C.40A:4-45.3) for amounts expended to pay the salaries of police officers hired under the federal "Community Oriented Policing Services" program, which was enacted as part of the "Violent Crime Control and Law Enforcement Act of 1994."

Section 11 amends section 37 of P.L.1995, c.259 (C.40A:10-17.1) to allow any contracting unit as defined in section 2 of P.L.1971, c.198 (C.40A:11-2) (including local authorities and commissions) which enters into a contract providing group health care benefits to its employees pursuant to N.J.S.40A:10-16 et seq., to allow any employee who is eligible for coverage as a dependent of the employee's spouse under that plan or another plan offered by the spouse's employer to waive coverage under the contracting unit's plan to which the employee is entitled by virtue of employment with the contracting unit. Current law allows the waiving of health coverage under this statute to county and municipal employees only.

Section 12 allows the issuance of the notice of current year's assessment and preceding year's taxes currently required annually under section 32 of P.L.1991, c.75 (C.54:4-38.1) to be done biennially in each even numbered year. The assessor would still be required to notify a taxpayer by mail within 30 days of any change of assessment.

Section 14 requires State agencies, when developing and proposing a rule for adoption, to utilize approaches which will accomplish the objectives of statutory law while minimizing any adverse economic impact of the proposed rule on small municipalities. The agency must utilize approaches such as: the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small municipalities; the use of performance rather than design standards; and an exemption from coverage by the rule in whole or in part for small municipalities so long as the public health, safety, or general welfare is not endangered, or if an exemption is not a possibility, the use of alternative methods of implementing the requirements of the rule. Under current law, all municipalities must comply with State mandates.

RECORD KEEPING REFORMS

Section 9 of the bill allows municipalities, after performing the periodic reexamination of the master plan required pursuant to section 76 of P.L.1975, c.291 (C.40:55D-89) and the adoption by resolution of the report on the findings of the reexamination, to provide a notice to the municipal clerk of each adjoining municipality that the report and the resolution have been prepared, so that the clerk of an adjoining

municipality may ask for the report and resolution on behalf of the governing body of the adjoining municipality. Current law requires that a copy of the report and the resolution be sent to the municipal clerk of each adjoining municipality.

Section 15 of the bill repeals the current requirement of N.J.S.40A:9-59 that, in the case of a shipwreck where dead bodies are thrown upon the shores or coast of the State, the county medical examiner of the county in which the bodies are found shall make a written report, to be verified under oath and filed with the State Medical Examiner, containing the name of the ship, the date of the wreck, and the place where it occurred, together with a detailed description of the bodies, and time and place of the burial.

MISCELLANEOUS REFORMS

Section 2 of the bill allows municipalities or counties, by resolution, in any street under their jurisdiction, to designate stops, stations or stands for omnibuses without the approval of the Commissioner of Transportation. Currently, the commissioner's approval is required for this designation.

Section 13 of the bill creates the "Adopt a Municipality Program" to encourage and coordinate a partnership between municipalities and businesses and nonprofit entities. The support of "adopted" municipalities by businesses and nonprofit entities that participate in the program may include, but is not be limited to, the supplying of services, personnel, materials and funding. Businesses and nonprofit entities entering into the "Adopt a Municipality Program" may not seek reimbursement for any donation of time, money, materials or personnel from the State or any subdivision thereof.

[First Reprint]

ASSEMBLY, No. 3577

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED APRIL 19, 2001

Sponsored by:

Assemblyman MICHAEL J. ARNONE

District 12 (Monmouth)

Assemblyman JOSEPH V. DORIA, JR.

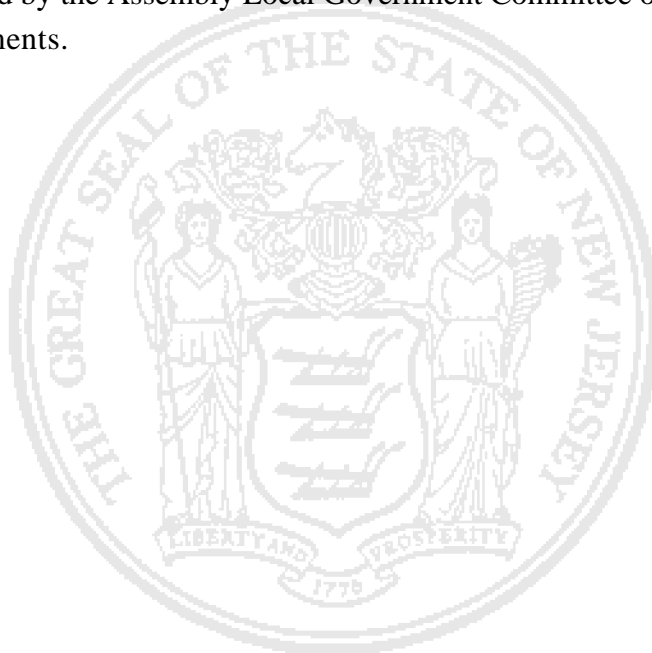
District 31 (Hudson)

SYNOPSIS

Revises certain mandates, requirements and procedures for local governments.

CURRENT VERSION OF TEXT

As reported by the Assembly Local Government Committee on May 3, 2001, with amendments.



1 AN ACT revising certain mandates, requirements and procedures for
2 local governments ¹[and school districts]¹ and amending,
3 supplementing and repealing 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 fourth such omnibus mandate relief act.

34

35 2. R.S.39:4-8 is amended to read as follows:

36 39:4-8. a. Except as otherwise provided in this section, no
37 ordinance or resolution concerning, regulating or governing traffic or
38 traffic conditions, adopted or enacted by any board or body having
39 jurisdiction over highways, shall be of any force or effect unless the
40 same is approved by the Commissioner of Transportation, according
41 to law. The commissioner shall not be required to approve any such

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALG committee amendments adopted May 3, 2001.

1 ordinance, resolution or regulation, unless, after investigation by him,
2 the same shall appear to be in the interest of safety and the expedition
3 of traffic on the public highways.

4 b. In the case of totally self-contained streets under municipal
5 jurisdiction which have no direct connection with any street in any
6 other municipality, or in the case of totally self-contained streets under
7 county jurisdiction which have no direct connection with any street in
8 any other county, the municipality or county may, by ordinance or
9 resolution, as appropriate, without the approval of the Commissioner
10 of Transportation, designate parking restrictions, no passing zones,
11 mid-block crosswalks and crosswalks at intersections, except that in
12 the case of any streets under municipal jurisdiction, the municipality
13 may, by ordinance, designate reasonable and safe speed limits and in
14 the case of totally self-contained streets under county jurisdiction
15 which have no direct connection with any street in any other county,
16 the county may, by ordinance or resolution, as appropriate, designate
17 reasonable and safe speed limits, and erect appropriate signs, designate
18 any intersection as a stop or yield intersection and erect appropriate
19 signs and place longitudinal pavement markings delineating the
20 separation of traffic flows and the edge of the pavement, provided that
21 the municipal or county engineer shall, under his seal as a licensed
22 professional engineer, certify to the municipal or county governing
23 body, as appropriate, that any designation or erection of signs or
24 placement of markings: (1) has been approved by him after
25 investigation by him of the circumstances, (2) appears to him to be in
26 the interest of safety and the expedition of traffic on the public
27 highways and (3) conforms to the current standards prescribed by the
28 Manual of Uniform Traffic Control Devices for Streets and Highways,
29 as adopted by the Commissioner of Transportation.

30 A certified copy of the adopted ordinance or resolution, as
31 appropriate, shall be transmitted by the clerk of the municipality or
32 county, as appropriate, to the commissioner within 30 days of
33 adoption, together with a copy of the engineer's certification; a
34 statement of the reasons for the engineer's decision; detailed
35 information as to the location of streets, intersections and signs
36 affected by any designation or erection of signs or placement of
37 markings; and traffic count, accident and speed sampling data, when
38 appropriate. The commissioner, at his discretion, may invalidate the
39 provisions of the ordinance or resolution within 90 days of receipt of
40 the certified copy if he reviews it and finds that the provisions of the
41 ordinance or resolution are inconsistent with the Manual of Uniform
42 Traffic Control Devices for Streets or Highways; are inconsistent with
43 accepted engineering standards; are not based on the results of an
44 accurate traffic and engineering survey; or place an undue traffic
45 burden or impact on streets in an adjoining municipality or negatively
46 affect the flow of traffic on the State highway system.

1 Nothing in this subsection shall allow municipalities to designate
2 any intersection with any highway under State or county jurisdiction
3 as a stop or yield intersection or counties to designate any intersection
4 with any highway under State or municipal jurisdiction as a stop or
5 yield intersection.

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

10 By ordinance or resolution:

11 (1) prohibit or restrict general parking;

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

14 (3) designate time limit parking;

15 (4) install parking meters.

16 By ordinance, resolution or regulation:

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

18 (2) approve street closings for periods up to 48 continuous hours;
19 and

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

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

26 d. A municipality or county may, by resolution, in any street under
27 its jurisdiction, designate stops, stations or stands for omnibuses. The
28 designation shall be subject to guidelines that shall be issued by the
29 Commissioner of Transportation after consultation with the Director
30 of the Office of Highway Traffic Safety in the Department of Law and
31 Public Safety. The guidelines shall be aimed at ensuring safety to both
32 pedestrians and motorists including, but not limited to, the proper
33 method of sign installation, dimensions, composition of material,
34 proper placement points and maintenance. A certified copy of the
35 adopted resolution shall be transmitted to the commissioner within 30
36 days of adoption. The commissioner, at his discretion, may invalidate
37 the provisions of the ordinance or resolution within 90 days of receipt
38 of the certified copy if he reviews it and finds that the provisions of the
39 ordinance or resolution are inconsistent with the guidelines issued
40 pursuant to this subsection. A claim against the State or a
41 municipality or county for damage or injury under this subsection for
42 a wrongful act or omission shall be dismissed if the municipality or
43 county is deemed to have conformed to the guidelines required
44 hereunder.

45 (cf: P.L.1999, c.191, s.1)

1 3. Section 1 of P.L.1984, c.219 (C.39:4-183.1a) is amended to
2 read as follows:

3 1. Notwithstanding any law to the contrary, a municipality may,
4 upon the request of the appropriate board of education or, in the case
5 of a private school, by the school's governing body, provide by
6 **[ordinance] resolution** for the installation of a traffic control device
7 or sign consistent with the current standards prescribed by the Manual
8 of Uniform Traffic Control Devices for Streets and Highways as
9 adopted by the Commissioner of Transportation, to regulate motor
10 vehicle traffic at an intersection located within 300 feet of any public
11 or private school. Before **[an ordinance] a resolution** shall take effect,
12 however, the governing body shall submit a copy of the **[ordinance]**
13 **resolution** to the Commissioner of Transportation for his review and
14 approval together with detailed information as to the location of
15 streets, intersections and signs affected by any installation, traffic
16 court, accident and speed sampling data when appropriate and any
17 other information as the commissioner may require. If the
18 commissioner disapproves the **[ordinance] resolution**, he shall file his
19 disapproval, in writing, with a statement of the reasons for his
20 disapproval, with the governing body within 90 days following the
21 receipt of the **[ordinance] resolution**. If the commissioner approves
22 the **[ordinance] resolution** or fails to file his disapproval within the
23 90-day review period, the **[ordinance] resolution** shall take effect
24 immediately.

25 For the purposes of this section, the term "public or private school"
26 has the meaning that term is given in N.J.S.18A:1-1.
27 (cf: P.L.1984, c.219, s.1)

28

29 4. Section 1 of P.L.1952, c.195 (C.40:5-2.11) is amended to read
30 as follows:

31 1. The board of chosen freeholders of any county and the
32 governing body of any municipality may by resolution **[and the**
33 **governing body of any municipality may by ordinance]** appropriate and
34 dedicate all or any portion of the revenues which it derives from
35 parking meters in excess of the cost of purchase, installation,
36 maintenance and operation of said parking meters, to the purposes of
37 creation, purchase, construction and maintenance of off-street parking
38 facilities.

39 (cf: P.L.1952, c.195, s.1)

40

41 5. Section 5 of P.L.1977, c.435 (C.40:43-66.39) is amended to
42 read as follows:

43 5. The governing body of any municipality proposing to
44 consolidate with one or more other municipalities may, by ordinance
45 or resolution, propose the formation of a joint municipal consolidation

1 study commission as provided for in section 7 of this act. The
2 ordinance or resolution shall state that the governing body is seeking
3 the formation of a joint municipal consolidation study commission
4 pursuant to the provisions of this act, and shall name the
5 municipalities for which a consolidation study is proposed. Upon
6 adoption of such ordinance or resolution, the clerk of the municipality
7 adopting the ordinance or resolution shall forthwith transmit a
8 certified copy thereof to the municipal clerk of each of the other
9 municipalities named in the ordinance or resolution and to the clerk
10 of the county in which such municipalities are located.

11 (cf: P.L.1977, c.435, s.5)

12

13 6. Section 7 of P.L.1977, c.435 (C.40:43-66.41) is amended to
14 read as follows:

15 7. a. If, within one year after the date on which the first ordinance
16 or resolution, pursuant to section 5 of P.L.1977, c.435
17 (C.40:43-66.39), or the first petition, pursuant to section 6 of
18 P.L.1977, c.435 (C.40:43-66.40), is filed with the clerk of the county,
19 either an ordinance or a resolution or a certified petition is transmitted
20 to the county clerk by each of the other municipalities named in the
21 first such ordinance or a resolution or petition, then one of the
22 following shall occur:

23 (1) The question of forming a consolidation commission shall be
24 submitted to the voters of each of the municipalities named in such
25 ordinances or resolutions or petitions in the following form:

26 "Shall a joint municipal consolidation study commission be formed
27 to study the feasibility of consolidating (insert the names of each of the
28 municipalities named in such ordinances or resolutions or petitions)
29 into a single new municipality, to study the question of the form of
30 government under which such new municipality should be governed,
31 to study the feasibility of consolidating the local school districts of the
32 aforesaid municipalities, and to make recommendations thereon; or, in
33 the alternative, to make recommendations on the consolidation of
34 certain municipal services?"

35 The question shall be submitted to the voters of each municipality
36 so named in the ordinances or resolutions or petitions on the date for
37 the next general election or on the date for the next regular municipal
38 election, whichever shall first occur at least 60 days after the date of
39 the filing with the county clerk of the final ordinance or resolution or
40 petition necessary to require the submission of the question to the
41 voters.

42 The public question submitted to the voters shall be deemed
43 adopted, and a consolidation commission formed, if a majority of the
44 votes cast on the question in each of the municipalities in which the
45 question is submitted shall be in the affirmative; or

46 (2) An ordinance or resolution expressly creating a consolidation

1 commission shall be adopted by each of the municipalities named in
2 such ordinances or resolutions or petitions. The ordinance or
3 resolution shall state that the governing body will not be submitting
4 the question of forming a consolidation commission to the voters of
5 that municipality by referendum. The ordinance or resolution shall
6 state that the governing body is seeking the formation of a
7 consolidation commission pursuant to P.L.1977, c.435 (C.40:43-66.35
8 et seq.), and shall name the participating municipalities for which a
9 consolidation commission is proposed. Upon adoption of the
10 ordinance or resolution, the clerk of each participating municipality
11 adopting the ordinance or resolution shall forthwith transmit a
12 certified copy thereof to the municipal clerk of each of the other
13 participating municipalities named in the ordinance or resolution, to
14 the clerk of the county in which each participating municipality is
15 located, and to the Commissioner of Community Affairs.

16 The ordinance or resolution forming a consolidation commission
17 shall be deemed adopted, and a consolidation commission formed, if
18 each participating municipality adopts an ordinance or resolution
19 agreeing to participate in a consolidation commission pursuant to this
20 subsection; or

21 (3) One or more of the municipalities named in such ordinances or
22 resolutions or petitions shall submit the question of forming a
23 consolidation commission to the voters pursuant to paragraph (1) of
24 this subsection, and one or more of those municipalities shall adopt an
25 ordinance or resolution expressly creating a consolidation commission
26 pursuant to paragraph (2) of this subsection, in any combination,
27 provided that each of the participating municipalities adopts the
28 formation of a consolidation commission.

29 b. Nothing herein contained shall be construed to prevent the
30 submission of the question of forming a consolidation commission to
31 the voters of the municipalities pursuant to paragraph (1) of subsection
32 a. of this section, or the forming of a consolidation commission by
33 ordinance or resolution pursuant to paragraph (2) of subsection a. of
34 this section, named in any combination of such ordinances or
35 resolutions pursuant to section 5 of P.L.1977, c. 435 (C.40:43-66.39)
36 and petitions pursuant to section 6 of P.L.1977, c.435
37 (C.40:43-66.40), provided that such ordinances or resolutions and
38 petitions are substantively similar.

39 (cf: P.L.1999, c.58, s.1)

40

41 7. Section 27 of P.L.1977, c.435 (C.40:43-66.61) is amended to
42 read as follows:

43 27. No ordinance or resolution may be adopted and no petition
44 may be filed for the creation of a joint municipal consolidation study
45 commission pursuant to sections 5 and 6 of this act while proceedings
46 are pending under any other petition filed or ordinance adopted

1 pursuant to the provisions of the "Optional Municipal Charter Law"
2 or any other general law relating to a change in the form of
3 government in any of the participating municipalities. No ordinance
4 or resolution may be adopted and no petition may be filed for the
5 creation of such a commission pursuant to the provisions of this act
6 within 4 years after the date on which the question of consolidation
7 has been submitted to the voters pursuant to section 25 of this act;
8 provided, however, that the adoption of an ordinance or resolution
9 or the filing of a petition and the holding of any referendum thereafter
10 under the provisions of the "Optional Municipal Charter Law" or
11 other general law relating to a change in the form of government in
12 any of the participating municipalities, if such proceedings have been
13 completed, shall not preclude the participating municipalities from
14 proceeding under the provisions of this act notwithstanding the fact
15 that 4 years may not have expired since the completion of said
16 proceedings.

17 (cf: P.L.1977, c.435, s.27)

18

19 8. Section 1 of P.L.1947, c.335, (C.40:48-2.16) is amended to read
20 as follows:

21 1. The governing body of any municipality may, by **[ordinance]**
22 resolution, provide for the construction and erection of a monument
23 or memorial of a permanent character commemorative of the services
24 **[of soldiers and sailors] provided by the men and women in the armed**
25 **forces** of the United States **[in World War II]**, or to provide for a
26 contribution to part of the cost of any similar monument or memorial;
27 provided, that any such **[ordinance] resolution** shall set forth the
28 price in respect to the monument or memorial, including the type of
29 the monument or memorial and the amount of money proposed to be
30 expended or contributed.

31 (cf: P.L.1949, c.78, s.1)

32

33 9. Section 76 of P.L.1975, c.291 (C.40:55D-89) is amended to
34 read as follows:

35 76. Periodic examination. The governing body shall, at least every
36 six years, provide for a general reexamination of its master plan and
37 development regulations by the planning board, which shall prepare
38 and adopt by resolution a report on the findings of such reexamination,
39 a copy of which report and resolution shall be sent to the county
40 planning board **[and]**. A notice that the report and resolution have
41 been prepared shall be sent to the municipal clerk of each adjoining
42 municipality, who may, on behalf of the governing body of the
43 municipality, request a copy of the report and resolution. **[The first**
44 **such reexamination shall have been completed by August 1, 1982. The**
45 **next reexamination shall be completed by August 1, 1988. Thereafter,**
46 **a] A** reexamination shall be completed at least once every six years

1 from the previous reexamination.

2 The reexamination report shall state:

3 a. The major problems and objectives relating to land development
4 in the municipality at the time of the adoption of the last reexamination
5 report.

6 b. The extent to which such problems and objectives have been
7 reduced or have increased subsequent to such date.

8 c. The extent to which there have been significant changes in the
9 assumptions, policies, and objectives forming the basis for the master
10 plan or development regulations as last revised, with particular regard
11 to the density and distribution of population and land uses, housing
12 conditions, circulation, conservation of natural resources, energy
13 conservation, collection, disposition, and recycling of designated
14 recyclable materials, and changes in State, county and municipal
15 policies and objectives.

16 d. The specific changes recommended for the master plan or
17 development regulations, if any, including underlying objectives,
18 policies and standards, or whether a new plan or regulations should be
19 prepared.

20 e. The recommendations of the planning board concerning the
21 incorporation of redevelopment plans adopted pursuant to the "Local
22 Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et
23 al.) into the land use plan element of the municipal master plan, and
24 recommended changes, if any, in the local development regulations
25 necessary to effectuate the redevelopment plans of the municipality.
26 (cf: P.L.1992, c.79, s.50)

27

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

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

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

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

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

1 approved by at least two-thirds of the governing body and by the
2 Director of the Division of Local Government Services, and shall not
3 exceed in the aggregate 3% of the previous year's final current
4 operating appropriations.

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

6 The approval procedure in this subsection shall not apply to
7 appropriations adopted for a purpose referred to in subsection d. or j.
8 below;

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

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

13 f. Amounts reserved for uncollected taxes;

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

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

18 i. Any amount approved by any referendum;

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

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

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

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

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

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

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

- 1 1) the local unit's revenue needs for the current local budget year
- 2 and its revenue raising capacity;
- 3 2) the intended actions of the governing body of the local unit to
- 4 meet the local unit's revenue needs;
- 5 3) the intended actions of the governing body of the local unit to
- 6 expand its revenue generating capacity for subsequent local budget
- 7 years;
- 8 4) the local unit's ability to demonstrate the source and existence
- 9 of sufficient surplus as would be prudent to appropriate as an
- 10 exception to the spending limitations to meet the operating expenses
- 11 for the local unit's current budget year; and
- 12 5) the impact of utilization of surplus upon succeeding budgets of
- 13 the local unit;
- 14 ff. Amounts expended for the staffing and operation of the
- 15 municipal court;
- 16 gg. Amounts appropriated for the cost of administering a joint
- 17 insurance fund established pursuant to subsection b. of section 1 of
- 18 P.L.1983, c.372 (C.40A:10-36), but not including appropriations for
- 19 claims payments by local member units;
- 20 hh. Amounts appropriated for the cost of implementing an
- 21 estimated tax billing system and the issuance of tax bills thereunder
- 22 pursuant to section 3 of P.L.1994, c.72 (C.54:4-66.2);
- 23 ii. Expenditures related to the cost of conducting and implementing
- 24 a total property tax levy sale pursuant to section 16 of P.L.1997, c.99
- 25 (C.54:5-113.5);
- 26 jj. Amounts expended for a length of service award program
- 27 pursuant to P.L.1997, c.388 (C.40A:14-183 et al.);
- 28 kk. Amounts expended to provide municipal services or
- 29 reimbursement amounts to multifamily dwellings for the collection and
- 30 disposal of solid waste generated by the residents of the multifamily
- 31 dwellings. This subsection shall cease to be operative at the end of the
- 32 first local budget year in which the municipality has fully phased in its
- 33 reimbursement amount expenses;
- 34 ll. Amounts expended by a municipality under an interlocal services
- 35 agreement entered into pursuant to the "Interlocal Services Act,"
- 36 P.L.1973, c.208 (C.40:8A-1 et seq.) entered into after the effective
- 37 date of P.L.2000, c.126 (C.52:13H-21 et al.). The governing body of
- 38 the municipality that will receive the service may choose to allow the
- 39 amount of projected annual savings to be added to the amount of final
- 40 appropriations upon which its permissible expenditures are calculated
- 41 pursuant to section 2 of P.L.1976, c.68 (C.40A:4-45.2);
- 42 mm. Amounts expended under a joint contract pursuant to the
- 43 "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et
- 44 seq.) entered into after the effective date of P.L.2000, c.126
- 45 (C.52:13H-21 et al.). The governing body of each participating
- 46 municipality may choose to allow the amount of projected annual

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

4 nn. Amounts expended to pay the salaries of police officers hired
5 under the federal "Community Oriented Policing Services" program,
6 which was enacted as part of the "Violent Crime Control and Law
7 Enforcement Act of 1994," Pub.L.No. 103, 108 Stat. 1796 (1994).
8 (cf: P.L.2001, c.25, s.5)

9

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

12 37. Notwithstanding the provisions of any other law to the
13 contrary, a county [or], municipality or any contracting unit as
14 defined in section 2 of P.L.1971, c.198 (C.40A:11-2) which enters into
15 a contract providing group health care benefits to its employees
16 pursuant to N.J.S.40A:10-16 et seq., may allow any employee who is
17 eligible for coverage as a dependent of the employee's spouse under
18 that plan or another plan, including the State Health Benefits Program
19 established pursuant to P.L.1961, c.49 (C.52:14-17.25 et seq.),
20 offered by the spouse's employer, whether a public or private
21 employer, to waive coverage under the county's [or], municipality's
22 or contracting unit's plan to which the employee is entitled by virtue
23 of employment with the county [or], municipality or contracting unit.
24 The waiver shall be in such form as the county [or], municipality or
25 contracting unit shall prescribe and shall be filed with the county [or],
26 municipality or contracting unit. In consideration of filing such a
27 waiver, a county [or], municipality or contracting unit may pay to the
28 employee annually an amount, to be established in the sole discretion
29 of the county [or], municipality or contracting unit, which shall not
30 exceed 50% of the amount saved by the county [or], municipality or
31 contracting unit because of the employee's waiver of coverage. An
32 employee who waives coverage shall be permitted to resume coverage
33 under the same terms and conditions as apply to initial coverage if the
34 employee ceases to be covered through the employee's spouse for any
35 reason, including, but not limited to, the retirement or death of the
36 spouse or divorce. An employee who resumes coverage shall repay,
37 on a pro rata basis, any amount received which represents an advance
38 payment for a period of time during which coverage is resumed. An
39 employee who wishes to resume coverage shall file a declaration with
40 the county [or], municipality or contracting unit, in such form as the
41 county [or], municipality or contracting unit shall prescribe, that the
42 waiver is revoked. The decision of a county [or], municipality or
43 contracting unit to allow its employees to waive coverage and the

1 amount of consideration to be paid therefor shall not be subject to the
2 collective bargaining process.

3 (cf: P.L.2000, c.126, s.25)

4

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

7 32. Every assessor, prior to February 1 of each even numbered
8 year, shall notify by mail each taxpayer of the current assessment and
9 preceding year's taxes. Thereafter, the assessor or county board of
10 taxation shall notify each taxpayer by mail within 30 days of any
11 change to the assessment. This notification of change of assessment
12 shall contain the prior assessment and the current assessment. The
13 director shall establish the form of notice of assessment and change of
14 assessment. Any notice issued by the assessor or county board of
15 taxation shall contain information instructing taxpayers on how to
16 appeal their assessment.

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

18

19 13. (New section) a. This section shall be known and may be cited
20 as the "Adopt a Municipality Program."

21 b. The Commissioner of Community Affairs shall establish a
22 business advisory board. The commissioner shall chair the board and
23 shall appoint to the board members who represent private businesses
24 and nonprofit entities that are interested and willing to contribute
25 services and resources to municipalities. Members of the board shall
26 serve three-year terms without compensation. The commissioner shall
27 appoint a program coordinator who shall administer the "Adopt a
28 Municipality Program."

29 c. The board shall encourage and coordinate municipal-business
30 partnership. The board shall solicit municipalities and business and
31 nonprofit entities to participate in the program. The board shall
32 compile a list of municipal needs and circulate the list among
33 businesses and nonprofit entities. Support of "adopted" municipalities
34 by businesses and nonprofit entities that participate in the program
35 may include, but shall not be limited to, the supplying of services,
36 personnel, materials and funding. Businesses entering into the "Adopt
37 a Municipality Program" shall not seek reimbursement for any
38 donation of time, money, materials or personnel from the State or any
39 subdivision thereof.

40 d. Contributions provided under this section by local businesses
41 shall in no way affect the amount of State aid to which a municipality
42 is entitled.

43

44 14. (New section) a. For the purposes of this section:

45 "State mandate" means a program, service or activity that is to be
46 performed or implemented by a local unit for or on behalf of its

1 residents, which results in an added net cost to the local unit, and
2 which is mandated in any statute enacted by the Legislature either
3 prior to or after the effective date of this act. A "state mandated
4 program" shall not include the following: any activity pertaining to a
5 statute carrying criminal penalties; any mandate required by or arising
6 from a court order or judgment; any program or service which is
7 provided at local option under permissive State laws, rules, regulations
8 or orders; any program which is required by private, special or local
9 laws pursuant to Article IV, Section VII, paragraphs 8 and 10 of the
10 State Constitution; any program required by or arising from an
11 executive order of the Governor in exercising emergency powers
12 granted by law; or any program mandated by federal law, rule,
13 regulation or order.

14 "Small municipality" shall mean a municipality having a population
15 of 1500 or fewer residents.

16 b. In developing and proposing a rule for adoption, the agency
17 involved shall utilize approaches which will accomplish the objectives
18 of applicable statutes while minimizing any adverse economic impact
19 of the proposed rule on small municipalities. Consistent with the
20 objectives of applicable statutes, the agency shall utilize such
21 approaches as:

22 (1) The establishment of differing compliance or reporting
23 requirements or timetables that take into account the resources
24 available to small municipalities;

25 (2) The use of performance rather than design standards; and

26 (3) An exemption from coverage by the rule, or by any part
27 thereof, for small municipalities so long as the public health, safety, or
28 general welfare is not endangered, or if an exemption is not a
29 possibility, the use of alternative methods of implementing the
30 requirements of the rule.

31 c. In proposing a rule for adoption, the agency involved shall issue
32 a State mandate flexibility analysis regarding the rule, which shall be
33 included in the notice of a proposed rule as required by subsection (a)
34 of section 4 of P.L.1968, c.410 (C.52:14B-4). Each State mandate
35 flexibility analysis shall contain:

36 (1) An estimate of the number of small municipalities to which the
37 proposed rule will apply;

38 (2) A description of the reporting, record-keeping and other
39 compliance requirements being proposed for adoption, and the kinds
40 of professional services that a small municipality is likely to need in
41 order to comply with the requirements;

42 (3) An estimate of the annual cost to a small municipality of
43 complying with the rule; and

44 (4) An indication of how the rule, as proposed for adoption, is
45 designed to minimize any adverse economic impact of the proposed
46 rule on small municipalities.

1 d. This section shall not apply to any proposed rule which the
2 agency finds would not impose reporting, record-keeping, or other
3 compliance requirements on small municipalities. The agency's finding
4 and an indication of the basis for its finding shall be included in the
5 notice of a proposed rule as required by subsection (a) of section 4 of
6 P.L.1968, c.410 (C.52:14B-4).

7 e. In order to avoid duplicative action, an agency may consider a
8 series of closely related rules as one rule for the purposes of complying
9 with the requirements of this section.

10 f. In complying with the provisions of this section, an agency may
11 provide either a quantifiable or numerical description of the effects of
12 a proposed rule or more general descriptive statements, if
13 quantification is not practicable or reliable.

14

15 15. N.J.S.40A:9-59 is repealed.

16

17 16. This act shall take effect immediately.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3577

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 4, 2001

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3577 (1R) with committee amendments.

Assembly Bill No. 3577 (1R), as amended, revises certain mandates, requirements and procedures that are burdensome on counties and municipalities in order to effectuate cost savings that will benefit property taxpayers.

Revision of Ordinance Requirements

Sections 3 through 8 allow municipalities to act by resolution where the current statutory requirement is that action must be by ordinance.

Section 3 allows a municipality, by resolution, to provide for the installation of a traffic control device or sign to regulate motor vehicle traffic at an intersection located within 300 feet of any public or private school.

Section 4 allows municipal governing bodies, by resolution, to appropriate and dedicate all or any portion of the revenues which they derive from parking meters in excess of the cost of purchase, installation, maintenance and operation of those parking meters, to the purposes of creation, purchase, construction and maintenance of off-street parking facilities.

Section 5 allows the governing body of a municipality proposing to consolidate with one or more other municipalities, by resolution, to propose the formation of a joint municipal consolidation study commission.

Sections 6 and 7 allow for required actions pertinent to joint municipal consolidation study commissions to be made by resolution.

Section 8 allows the governing body of any municipality, by resolution, to provide for the construction and erection of a monument or memorial to commemorate the services provided by the men and women in the armed forces of the United States, or to provide for a contribution to part of the cost of any similar monument or memorial. Under current law, this section was limited to World War II monuments or commemorations.

Local Finance and Budget Requirements, Property Assessment and Property Taxes

Section 10 provides a budget cap exception under section 3 of P.L.1976, c.68 (C.40A:4-45.3) for amounts expended to pay the salaries of police officers hired under the federal "Community Oriented Policing Services" program, which was enacted as part of the "Violent Crime Control and Law Enforcement Act of 1994."

Section 11 amends section 37 of P.L.1995, c.259 (C.40A:10-17.1) to allow any contracting unit as defined in section 2 of P.L.1971, c.198 (C.40A:11-2) (including local authorities and commissions) which enters into a contract providing group health care benefits to its employees pursuant to N.J.S.40A:10-16 et seq., to allow any employee who is eligible for coverage as a dependent of the employee's spouse under that plan or another plan offered by the spouse's employer to waive coverage under the contracting unit's plan to which the employee is entitled by virtue of employment with the contracting unit. Current law allows the waiving of health coverage under this statute to county and municipal employees only.

Section 13 requires State agencies, when developing and proposing a rule for adoption, to utilize approaches which will accomplish the objectives of statutory law while minimizing any adverse economic impact of the proposed rule on small municipalities. The agency must utilize approaches such as: the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small municipalities; the use of performance rather than design standards; and an exemption from coverage by the rule in whole or in part for small municipalities so long as the public health, safety, or general welfare is not endangered, or if an exemption is not a possibility, the use of alternative methods of implementing the requirements of the rule. Under current law, all municipalities must comply with State mandates.

Record Keeping Reforms

Section 9 of the bill allows municipalities, after performing the periodic reexamination of the master plan required pursuant to section 76 of P.L.1975, c.291 (C.40:55D-89) and the adoption by resolution of the report on the findings of the reexamination, to provide a notice to the municipal clerk of each adjoining municipality that the report and the resolution have been prepared, so that the clerk of an adjoining municipality may ask for the report and resolution on behalf of the governing body of the adjoining municipality. Current law requires that a copy of the report and the resolution be sent to the municipal clerk of each adjoining municipality.

Section 14 of the bill repeals the current requirement of N.J.S.40A:9-59 that, in the case of a shipwreck where dead bodies are thrown upon the shores or coast of the State, the county medical examiner of the county in which the bodies are found shall make a written report, to be verified under oath and filed with the State

Medical Examiner, containing the name of the ship, the date of the wreck, and the place where it occurred, together with a detailed description of the bodies, and time and place of the burial.

Miscellaneous Reforms

Section 2 of the bill allows municipalities or counties, by resolution, in any street under their jurisdiction, to designate stops, stations or stands for omnibuses without the approval of the Commissioner of Transportation. Currently, the commissioner's approval is required for this designation.

Section 12 of the bill creates the "Adopt a Municipality Program" to encourage and coordinate a partnership between municipalities and businesses and nonprofit entities. The support of "adopted" municipalities by businesses and nonprofit entities that participate in the program may include, but is not be limited to, the supplying of services, personnel, materials and funding. Businesses and nonprofit entities entering into the "Adopt a Municipality Program" may not seek reimbursement for any donation of time, money, materials or personnel from the State or any subdivision thereof.

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note; it has no impact on State revenue or expenditures. The bill will relieve municipal and county governments of the need to follow burdensome requirements and procedures, but the cost saving to local governments depend on future local government actions and cannot be determined at this time.

COMMITTEE AMENDMENTS:

The amendments to section 2 and 3 of the bill reflect Department of Transportation recommendations. A provision in section 2 requiring consultation with the Director of the Office of Highway Traffic Safety was deleted because that office does not have specific expertise in the issue. A provision is added to section 3 of the bill concerning the municipal or county engineer's certification of approval of the installation of a traffic control device or sign at an intersection within 300 feet of a school.

The amendments delete a provision that would otherwise have allowed issuance of the notice of current year's assessment and preceding year's taxes to be done biennially.

The amendments to section 12 of the bill clarify that acceptance of contributions under the "Adopt a Municipality Program" are subject to the "Local Government Ethics Law" and the "Local Public Contracts Law."

The amendment to section 13 of the bill revises the definition of a "small municipality". Before its amendment by the committee, the definition of "small municipality" was a municipality having a population of 1500 or fewer residents. The committee amended this

definition to mean municipalities having a limited population or geographic area according to criteria promulgated by the Director of the Division of Local Government Services in the Department of Community Affairs.

[Second Reprint]

ASSEMBLY, No. 3577

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED APRIL 19, 2001

Sponsored by:

Assemblyman MICHAEL J. ARNONE

District 12 (Monmouth)

Assemblyman JOSEPH V. DORIA, JR.

District 31 (Hudson)

Co-Sponsored by:

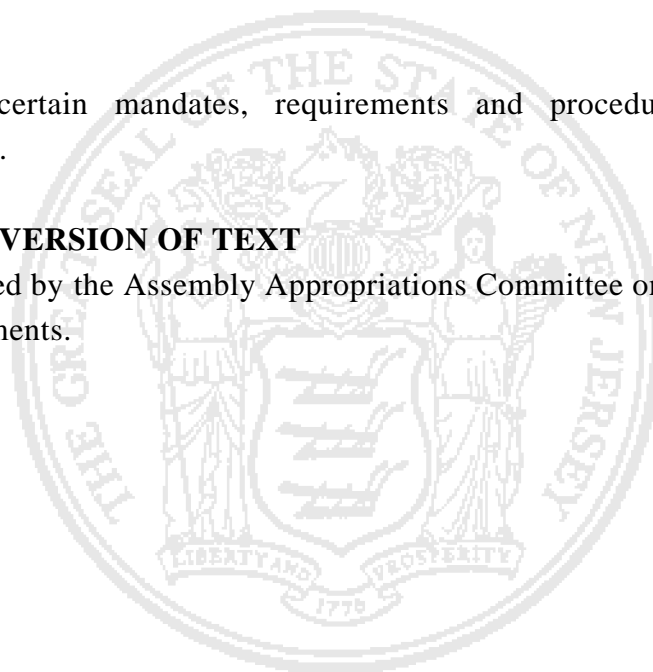
**Assemblymen Asselta, Azzolina, Blee, Corodemus, Cottrell,
Assemblywoman Crecco, Assemblymen DiGaetano, Felice, Gusciora,
Assemblywoman Heck, Assemblymen Kelly, LeFevre, Malone, Munoz,
T.Smith, Thompson, Assemblywoman Watson Coleman and Assemblyman
Zecker**

SYNOPSIS

Revises certain mandates, requirements and procedures for local governments.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on June 4, 2001, with amendments.



(Sponsorship Updated As Of: 6/22/2001)

1 AN ACT revising certain mandates, requirements and procedures for
2 local governments ¹[and school districts]¹ and amending,
3 supplementing and repealing 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 fourth such omnibus mandate relief act.

34

35 2. R.S.39:4-8 is amended to read as follows:

36 39:4-8. a. Except as otherwise provided in this section, no
37 ordinance or resolution concerning, regulating or governing traffic or
38 traffic conditions, adopted or enacted by any board or body having
39 jurisdiction over highways, shall be of any force or effect unless the
40 same is approved by the Commissioner of Transportation, according
41 to law. The commissioner shall not be required to approve any such

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALG committee amendments adopted May 3, 2001.

² Assembly AAP committee amendments adopted June 4, 2001.

1 ordinance, resolution or regulation, unless, after investigation by him,
2 the same shall appear to be in the interest of safety and the expedition
3 of traffic on the public highways.

4 b. In the case of totally self-contained streets under municipal
5 jurisdiction which have no direct connection with any street in any
6 other municipality, or in the case of totally self-contained streets under
7 county jurisdiction which have no direct connection with any street in
8 any other county, the municipality or county may, by ordinance or
9 resolution, as appropriate, without the approval of the Commissioner
10 of Transportation, designate parking restrictions, no passing zones,
11 mid-block crosswalks and crosswalks at intersections, except that in
12 the case of any streets under municipal jurisdiction, the municipality
13 may, by ordinance, designate reasonable and safe speed limits and in
14 the case of totally self-contained streets under county jurisdiction
15 which have no direct connection with any street in any other county,
16 the county may, by ordinance or resolution, as appropriate, designate
17 reasonable and safe speed limits, and erect appropriate signs, designate
18 any intersection as a stop or yield intersection and erect appropriate
19 signs and place longitudinal pavement markings delineating the
20 separation of traffic flows and the edge of the pavement, provided that
21 the municipal or county engineer shall, under his seal as a licensed
22 professional engineer, certify to the municipal or county governing
23 body, as appropriate, that any designation or erection of signs or
24 placement of markings: (1) has been approved by him after
25 investigation by him of the circumstances, (2) appears to him to be in
26 the interest of safety and the expedition of traffic on the public
27 highways and (3) conforms to the current standards prescribed by the
28 Manual of Uniform Traffic Control Devices for Streets and Highways,
29 as adopted by the Commissioner of Transportation.

30 A certified copy of the adopted ordinance or resolution, as
31 appropriate, shall be transmitted by the clerk of the municipality or
32 county, as appropriate, to the commissioner within 30 days of
33 adoption, together with a copy of the engineer's certification; a
34 statement of the reasons for the engineer's decision; detailed
35 information as to the location of streets, intersections and signs
36 affected by any designation or erection of signs or placement of
37 markings; and traffic count, accident and speed sampling data, when
38 appropriate. The commissioner, at his discretion, may invalidate the
39 provisions of the ordinance or resolution within 90 days of receipt of
40 the certified copy if he reviews it and finds that the provisions of the
41 ordinance or resolution are inconsistent with the Manual of Uniform
42 Traffic Control Devices for Streets or Highways; are inconsistent with
43 accepted engineering standards; are not based on the results of an
44 accurate traffic and engineering survey; or place an undue traffic
45 burden or impact on streets in an adjoining municipality or negatively
46 affect the flow of traffic on the State highway system.

1 Nothing in this subsection shall allow municipalities to designate
2 any intersection with any highway under State or county jurisdiction
3 as a stop or yield intersection or counties to designate any intersection
4 with any highway under State or municipal jurisdiction as a stop or
5 yield intersection.

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

10 By ordinance or resolution:

11 (1) prohibit or restrict general parking;

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

14 (3) designate time limit parking;

15 (4) install parking meters.

16 By ordinance, resolution or regulation:

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

18 (2) approve street closings for periods up to 48 continuous hours;
19 and

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

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

26 d. A municipality or county may, by resolution, in any street under
27 its jurisdiction, designate stops, stations or stands for omnibuses. The
28 designation shall be subject to guidelines that shall be issued by the
29 Commissioner of Transportation ²[after consultation with the
30 Director of the Office of Highway Traffic Safety in the Department of
31 Law and Public Safety] ². The guidelines shall be aimed at ensuring
32 safety to both pedestrians and motorists including, but not limited to,
33 the proper method of sign installation, dimensions, composition of
34 material, proper placement points and maintenance. A certified copy
35 of the adopted resolution shall be transmitted to the commissioner
36 within 30 days of adoption. The commissioner, at his discretion, may
37 invalidate the provisions of the ordinance or resolution within 90 days
38 of receipt of the certified copy if he reviews it and finds that the
39 provisions of the ordinance or resolution are inconsistent with the
40 guidelines issued pursuant to this subsection. A claim against the
41 State or a municipality or county for damage or injury under this
42 subsection for a wrongful act or omission shall be dismissed if the
43 municipality or county is deemed to have conformed to the guidelines
44 required hereunder.

45 (cf: P.L.1999, c.191, s.1)

1 3. Section 1 of P.L.1984, c.219 (C.39:4-183.1a) is amended to
2 read as follows:

3 1. Notwithstanding any law to the contrary, a municipality may,
4 upon the request of the appropriate board of education or, in the case
5 of a private school, by the school's governing body, provide by
6 **[ordinance] resolution** for the installation of a traffic control device
7 or sign consistent with the current standards prescribed by the Manual
8 of Uniform Traffic Control Devices for Streets and Highways as
9 adopted by the Commissioner of Transportation, to regulate motor
10 vehicle traffic at an intersection located within 300 feet of any public
11 or private school ²; provided that the municipal or county engineer
12 shall, under the engineer's seal as a licensed professional engineer,
13 certify to the municipal or county governing body, as appropriate, that
14 the traffic control or device has been approved by the engineer after
15 the engineer's investigation of the circumstances² . Before **[an**
16 **ordinance]** a resolution shall take effect, however, the governing body
17 shall submit a copy of the **[ordinance] resolution** to the Commissioner
18 of Transportation for his review and approval together with detailed
19 information as to the location of streets, intersections and signs
20 affected by any installation, traffic court, accident and speed sampling
21 data when appropriate, ²the municipal or county engineer's
22 certification, under the engineer's seal as a licensed professional
23 engineer, to the municipal or county governing body,² and any other
24 information as the commissioner may require. If the commissioner
25 disapproves the **[ordinance] resolution**, he shall file his disapproval,
26 in writing, with a statement of the reasons for his disapproval, with
27 the governing body within 90 days following the receipt of the
28 **[ordinance] resolution**. If the commissioner approves the
29 **[ordinance] resolution** or fails to file his disapproval within the 90-day
30 review period, the **[ordinance] resolution** shall take effect
31 immediately.

32 For the purposes of this section, the term "public or private school"
33 has the meaning that term is given in N.J.S.18A:1-1.

34 (cf: P.L.1984, c.219, s.1)

35

36 4. Section 1 of P.L.1952, c.195 (C.40:5-2.11) is amended to read
37 as follows:

38 1. The board of chosen freeholders of any county and the
39 governing body of any municipality may by resolution **[and the**
40 **governing body of any municipality may by ordinance]** appropriate and
41 dedicate all or any portion of the revenues which it derives from
42 parking meters in excess of the cost of purchase, installation,
43 maintenance and operation of said parking meters, to the purposes of
44 creation, purchase, construction and maintenance of off-street parking
45 facilities.

46 (cf: P.L.1952, c.195, s.1)

1 5. Section 5 of P.L.1977, c.435 (C.40:43-66.39) is amended to
2 read as follows:

3 5. The governing body of any municipality proposing to
4 consolidate with one or more other municipalities may, by ordinance
5 or resolution, propose the formation of a joint municipal consolidation
6 study commission as provided for in section 7 of this act. The
7 ordinance or resolution shall state that the governing body is seeking
8 the formation of a joint municipal consolidation study commission
9 pursuant to the provisions of this act, and shall name the
10 municipalities for which a consolidation study is proposed. Upon
11 adoption of such ordinance or resolution, the clerk of the municipality
12 adopting the ordinance or resolution shall forthwith transmit a
13 certified copy thereof to the municipal clerk of each of the other
14 municipalities named in the ordinance or resolution and to the clerk
15 of the county in which such municipalities are located.
16 (cf: P.L.1977, c.435, s.5)

17

18 6. Section 7 of P.L.1977, c.435 (C.40:43-66.41) is amended to
19 read as follows:

20 7. a. If, within one year after the date on which the first ordinance
21 or resolution, pursuant to section 5 of P.L.1977, c.435
22 (C.40:43-66.39), or the first petition, pursuant to section 6 of
23 P.L.1977, c.435 (C.40:43-66.40), is filed with the clerk of the county,
24 either an ordinance or a resolution or a certified petition is transmitted
25 to the county clerk by each of the other municipalities named in the
26 first such ordinance or a resolution or petition, then one of the
27 following shall occur:

28 (1) The question of forming a consolidation commission shall be
29 submitted to the voters of each of the municipalities named in such
30 ordinances or resolutions or petitions in the following form:

31 "Shall a joint municipal consolidation study commission be formed
32 to study the feasibility of consolidating (insert the names of each of the
33 municipalities named in such ordinances or resolutions or petitions)
34 into a single new municipality, to study the question of the form of
35 government under which such new municipality should be governed,
36 to study the feasibility of consolidating the local school districts of the
37 aforesaid municipalities, and to make recommendations thereon; or, in
38 the alternative, to make recommendations on the consolidation of
39 certain municipal services?"

40 The question shall be submitted to the voters of each municipality
41 so named in the ordinances or resolutions or petitions on the date for
42 the next general election or on the date for the next regular municipal
43 election, whichever shall first occur at least 60 days after the date of
44 the filing with the county clerk of the final ordinance or resolution or
45 petition necessary to require the submission of the question to the
46 voters.

1 The public question submitted to the voters shall be deemed
2 adopted, and a consolidation commission formed, if a majority of the
3 votes cast on the question in each of the municipalities in which the
4 question is submitted shall be in the affirmative; or

5 (2) An ordinance or resolution expressly creating a consolidation
6 commission shall be adopted by each of the municipalities named in
7 such ordinances or resolutions or petitions. The ordinance or
8 resolution shall state that the governing body will not be submitting
9 the question of forming a consolidation commission to the voters of
10 that municipality by referendum. The ordinance or resolution shall
11 state that the governing body is seeking the formation of a
12 consolidation commission pursuant to P.L.1977, c.435 (C.40:43-66.35
13 et seq.), and shall name the participating municipalities for which a
14 consolidation commission is proposed. Upon adoption of the
15 ordinance or resolution, the clerk of each participating municipality
16 adopting the ordinance or resolution shall forthwith transmit a
17 certified copy thereof to the municipal clerk of each of the other
18 participating municipalities named in the ordinance or resolution, to
19 the clerk of the county in which each participating municipality is
20 located, and to the Commissioner of Community Affairs.

21 The ordinance or resolution forming a consolidation commission
22 shall be deemed adopted, and a consolidation commission formed, if
23 each participating municipality adopts an ordinance or resolution
24 agreeing to participate in a consolidation commission pursuant to this
25 subsection; or

26 (3) One or more of the municipalities named in such ordinances or
27 resolutions or petitions shall submit the question of forming a
28 consolidation commission to the voters pursuant to paragraph (1) of
29 this subsection, and one or more of those municipalities shall adopt an
30 ordinance or resolution expressly creating a consolidation commission
31 pursuant to paragraph (2) of this subsection, in any combination,
32 provided that each of the participating municipalities adopts the
33 formation of a consolidation commission.

34 b. Nothing herein contained shall be construed to prevent the
35 submission of the question of forming a consolidation commission to
36 the voters of the municipalities pursuant to paragraph (1) of subsection
37 a. of this section, or the forming of a consolidation commission by
38 ordinance or resolution pursuant to paragraph (2) of subsection a. of
39 this section, named in any combination of such ordinances or
40 resolutions pursuant to section 5 of P.L.1977, c. 435 (C.40:43-66.39)
41 and petitions pursuant to section 6 of P.L.1977, c.435
42 (C.40:43-66.40), provided that such ordinances or resolutions and
43 petitions are substantively similar.

44 (cf: P.L.1999, c.58, s.1)

45

46 7. Section 27 of P.L.1977, c.435 (C.40:43-66.61) is amended to

1 read as follows:

2 27. No ordinance or resolution may be adopted and no petition
3 may be filed for the creation of a joint municipal consolidation study
4 commission pursuant to sections 5 and 6 of this act while proceedings
5 are pending under any other petition filed or ordinance adopted
6 pursuant to the provisions of the "Optional Municipal Charter Law"
7 or any other general law relating to a change in the form of
8 government in any of the participating municipalities. No ordinance
9 or resolution may be adopted and no petition may be filed for the
10 creation of such a commission pursuant to the provisions of this act
11 within 4 years after the date on which the question of consolidation
12 has been submitted to the voters pursuant to section 25 of this act;
13 provided, however, that the adoption of an ordinance or resolution
14 or the filing of a petition and the holding of any referendum thereafter
15 under the provisions of the "Optional Municipal Charter Law" or
16 other general law relating to a change in the form of government in
17 any of the participating municipalities, if such proceedings have been
18 completed, shall not preclude the participating municipalities from
19 proceeding under the provisions of this act notwithstanding the fact
20 that 4 years may not have expired since the completion of said
21 proceedings.

22 (cf: P.L.1977, c.435, s.27)

23

24 8. Section 1 of P.L.1947, c.335, (C.40:48-2.16) is amended to read
25 as follows:

26 1. The governing body of any municipality may, by **[ordinance]**
27 resolution, provide for the construction and erection of a monument
28 or memorial of a permanent character commemorative of the services
29 **[of soldiers and sailors]** provided by the men and women in the armed
30 forces of the United States **[in World War II]**, or to provide for a
31 contribution to part of the cost of any similar monument or memorial;
32 provided, that any such **[ordinance]** resolution shall set forth the
33 price in respect to the monument or memorial, including the type of
34 the monument or memorial and the amount of money proposed to be
35 expended or contributed.

36 (cf: P.L.1949, c.78, s.1)

37

38 9. Section 76 of P.L.1975, c.291 (C.40:55D-89) is amended to
39 read as follows:

40 76. Periodic examination. The governing body shall, at least every
41 six years, provide for a general reexamination of its master plan and
42 development regulations by the planning board, which shall prepare
43 and adopt by resolution a report on the findings of such reexamination,
44 a copy of which report and resolution shall be sent to the county
45 planning board **[and]**. A notice that the report and resolution have
46 been prepared shall be sent to the municipal clerk of each adjoining

1 municipality, who may, on behalf of the governing body of the
2 municipality, request a copy of the report and resolution. [The first
3 such reexamination shall have been completed by August 1, 1982. The
4 next reexamination shall be completed by August 1, 1988. Thereafter,
5 a] A reexamination shall be completed at least once every six years
6 from the previous reexamination.

7 The reexamination report shall state:

8 a. The major problems and objectives relating to land development
9 in the municipality at the time of the adoption of the last reexamination
10 report.

11 b. The extent to which such problems and objectives have been
12 reduced or have increased subsequent to such date.

13 c. The extent to which there have been significant changes in the
14 assumptions, policies, and objectives forming the basis for the master
15 plan or development regulations as last revised, with particular regard
16 to the density and distribution of population and land uses, housing
17 conditions, circulation, conservation of natural resources, energy
18 conservation, collection, disposition, and recycling of designated
19 recyclable materials, and changes in State, county and municipal
20 policies and objectives.

21 d. The specific changes recommended for the master plan or
22 development regulations, if any, including underlying objectives,
23 policies and standards, or whether a new plan or regulations should be
24 prepared.

25 e. The recommendations of the planning board concerning the
26 incorporation of redevelopment plans adopted pursuant to the "Local
27 Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et
28 al.) into the land use plan element of the municipal master plan, and
29 recommended changes, if any, in the local development regulations
30 necessary to effectuate the redevelopment plans of the municipality.
31 (cf: P.L.1992, c.79, s.50)

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

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

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

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

45 c. (1) An increase based upon emergency temporary appropriations
46 made pursuant to N.J.S.40A:4-20 to meet an urgent situation or event

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

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

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

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

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

18 f. Amounts reserved for uncollected taxes;

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

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

23 i. Any amount approved by any referendum;

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

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

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

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

1 seq.), may appropriate and expend an amount of that surplus approved
2 by the director and the Local Finance Board as an exception to the
3 spending limitation. Any determination approving the appropriation
4 and expenditure of surplus as an exception to the spending limitations
5 shall be based upon:

- 6 1) the local unit's revenue needs for the current local budget year
7 and its revenue raising capacity;
- 8 2) the intended actions of the governing body of the local unit to
9 meet the local unit's revenue needs;
- 10 3) the intended actions of the governing body of the local unit to
11 expand its revenue generating capacity for subsequent local budget
12 years;
- 13 4) the local unit's ability to demonstrate the source and existence
14 of sufficient surplus as would be prudent to appropriate as an
15 exception to the spending limitations to meet the operating expenses
16 for the local unit's current budget year; and
- 17 5) the impact of utilization of surplus upon succeeding budgets of
18 the local unit;

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

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

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

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

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

33 kk. Amounts expended to provide municipal services or
34 reimbursement amounts to multifamily dwellings for the collection and
35 disposal of solid waste generated by the residents of the multifamily
36 dwellings. This subsection shall cease to be operative at the end of the
37 first local budget year in which the municipality has fully phased in its
38 reimbursement amount expenses;

39 ll. Amounts expended by a municipality under an interlocal services
40 agreement entered into pursuant to the "Interlocal Services Act,"
41 P.L.1973, c.208 (C.40:8A-1 et seq.) entered into after the effective
42 date of P.L.2000, c.126 (C.52:13H-21 et al.). The governing body of
43 the municipality that will receive the service may choose to allow the
44 amount of projected annual savings to be added to the amount of final
45 appropriations upon which its permissible expenditures are calculated
46 pursuant to section 2 of P.L.1976, c.68 (C.40A:4-45.2);

1 mm. Amounts expended under a joint contract pursuant to the
2 "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et
3 seq.) entered into after the effective date of P.L.2000, c.126
4 (C.52:13H-21 et al.). The governing body of each participating
5 municipality may choose to allow the amount of projected annual
6 savings to be added to the amount of final appropriations upon which
7 its permissible expenditures are calculated pursuant to section 2 of
8 P.L.1976, c.68 (C.40A:4-45.2);

9 nn. Amounts expended to pay the salaries of police officers hired
10 under the federal "Community Oriented Policing Services" program,
11 which was enacted as part of the "Violent Crime Control and Law
12 Enforcement Act of 1994," Pub.L.No. 103, 108 Stat. 1796 (1994).
13 (cf: P.L.2001, c.25, s.5)

14
15 11. Section 37 of P.L.1995, c.259 (C.40A:10-17.1) is amended to
16 read as follows:

17 37. Notwithstanding the provisions of any other law to the
18 contrary, a county [or], municipality or any contracting unit as
19 defined in section 2 of P.L.1971, c.198 (C.40A:11-2) which enters into
20 a contract providing group health care benefits to its employees
21 pursuant to N.J.S.40A:10-16 et seq., may allow any employee who is
22 eligible for coverage as a dependent of the employee's spouse under
23 that plan or another plan, including the State Health Benefits Program
24 established pursuant to P.L.1961, c.49 (C.52:14-17.25 et seq.),
25 offered by the spouse's employer, whether a public or private
26 employer, to waive coverage under the county's [or], municipality's
27 or contracting unit's plan to which the employee is entitled by virtue
28 of employment with the county [or], municipality or contracting unit.
29 The waiver shall be in such form as the county [or], municipality or
30 contracting unit shall prescribe and shall be filed with the county [or],
31 municipality or contracting unit. In consideration of filing such a
32 waiver, a county [or], municipality or contracting unit may pay to the
33 employee annually an amount, to be established in the sole discretion
34 of the county [or], municipality or contracting unit, which shall not
35 exceed 50% of the amount saved by the county [or], municipality or
36 contracting unit because of the employee's waiver of coverage. An
37 employee who waives coverage shall be permitted to resume coverage
38 under the same terms and conditions as apply to initial coverage if the
39 employee ceases to be covered through the employee's spouse for any
40 reason, including, but not limited to, the retirement or death of the
41 spouse or divorce. An employee who resumes coverage shall repay,
42 on a pro rata basis, any amount received which represents an advance
43 payment for a period of time during which coverage is resumed. An
44 employee who wishes to resume coverage shall file a declaration with
45 the county [or], municipality or contracting unit, in such form as the

1 county [or], municipality or contracting unit shall prescribe, that the
2 waiver is revoked. The decision of a county [or], municipality or
3 contracting unit to allow its employees to waive coverage and the
4 amount of consideration to be paid therefor shall not be subject to the
5 collective bargaining process.
6 (cf: P.L.2000, c.126, s.25)

7
8 ²[12. Section 32 of P.L.1991, c.75 (C.54:4-38.1) is amended to
9 read as follows:

10 32. Every assessor, prior to February 1 of each even numbered
11 year, shall notify by mail each taxpayer of the current assessment and
12 preceding year's taxes. Thereafter, the assessor or county board of
13 taxation shall notify each taxpayer by mail within 30 days of any
14 change to the assessment. This notification of change of assessment
15 shall contain the prior assessment and the current assessment. The
16 director shall establish the form of notice of assessment and change of
17 assessment. Any notice issued by the assessor or county board of
18 taxation shall contain information instructing taxpayers on how to
19 appeal their assessment.
20 (cf: P.L.1991, c.75, s.32)]²

21
22 ²[13.]12.² (New section) a. This section shall be known and may
23 be cited as the "Adopt a Municipality Program."

24 b. The Commissioner of Community Affairs shall establish a
25 business advisory board. The commissioner shall chair the board and
26 shall appoint to the board members who represent private businesses
27 and nonprofit entities that are interested and willing to contribute
28 services and resources to municipalities. Members of the board shall
29 serve three-year terms without compensation. The commissioner shall
30 appoint a program coordinator who shall administer the "Adopt a
31 Municipality Program."

32 c. The board shall encourage and coordinate municipal-business
33 partnership. The board shall solicit municipalities and business and
34 nonprofit entities to participate in the program. The board shall
35 compile a list of municipal needs and circulate the list among
36 businesses and nonprofit entities. Support of "adopted" municipalities
37 by businesses and nonprofit entities that participate in the program
38 may include, but shall not be limited to, the supplying of services,
39 personnel, materials and funding. Businesses entering into the "Adopt
40 a Municipality Program" shall not seek reimbursement for any
41 donation of time, money, materials or personnel from the State or any
42 subdivision thereof.

43 d. Contributions provided under this section by local businesses
44 shall in no way affect the amount of State aid to which a municipality
45 is entitled.

46 ²e. Acceptance of services, personnel, material or funding by a

1 municipality pursuant to the "Adopt a Municipality Program" shall be
2 subject to the applicable provisions, if any, of the "Local Government
3 Ethics Law," P.L.1991, c.29 (C.40:9-22.1 et seq.) and the "Local
4 Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).²

5
6 ²[14.] 13.² (New section) a. For the purposes of this section:

7 "State mandate" means a program, service or activity that is to be
8 performed or implemented by a local unit for or on behalf of its
9 residents, which results in an added net cost to the local unit, and
10 which is mandated in any statute enacted by the Legislature either
11 prior to or after the effective date of this act. A "state mandated
12 program" shall not include the following: any activity pertaining to a
13 statute carrying criminal penalties; any mandate required by or arising
14 from a court order or judgment; any program or service which is
15 provided at local option under permissive State laws, rules, regulations
16 or orders; any program which is required by private, special or local
17 laws pursuant to Article IV, Section VII, paragraphs 8 and 10 of the
18 State Constitution; any program required by or arising from an
19 executive order of the Governor in exercising emergency powers
20 granted by law; or any program mandated by federal law, rule,
21 regulation or order.

22 "Small municipality" shall mean a municipality ²[having a
23 population of 1500 or fewer residents] that has a limited population
24 or geographic area according to criteria promulgated by the Director
25 of the Division of Local Government Services in the Department of
26 Community Affairs².

27 b. In developing and proposing a rule for adoption, the agency
28 involved shall utilize approaches which will accomplish the objectives
29 of applicable statutes while minimizing any adverse economic impact
30 of the proposed rule on small municipalities. Consistent with the
31 objectives of applicable statutes, the agency shall utilize such
32 approaches as:

33 (1) The establishment of differing compliance or reporting
34 requirements or timetables that take into account the resources
35 available to small municipalities;

36 (2) The use of performance rather than design standards; and

37 (3) An exemption from coverage by the rule, or by any part
38 thereof, for small municipalities so long as the public health, safety, or
39 general welfare is not endangered, or if an exemption is not a
40 possibility, the use of alternative methods of implementing the
41 requirements of the rule.

42 c. In proposing a rule for adoption, the agency involved shall issue
43 a State mandate flexibility analysis regarding the rule, which shall be
44 included in the notice of a proposed rule as required by subsection (a)
45 of section 4 of P.L.1968, c.410 (C.52:14B-4). Each State mandate
46 flexibility analysis shall contain:

1 (1) An estimate of the number of small municipalities to which the
2 proposed rule will apply;

3 (2) A description of the reporting, record-keeping and other
4 compliance requirements being proposed for adoption, and the kinds
5 of professional services that a small municipality is likely to need in
6 order to comply with the requirements;

7 (3) An estimate of the annual cost to a small municipality of
8 complying with the rule; and

9 (4) An indication of how the rule, as proposed for adoption, is
10 designed to minimize any adverse economic impact of the proposed
11 rule on small municipalities.

12 d. This section shall not apply to any proposed rule which the
13 agency finds would not impose reporting, record-keeping, or other
14 compliance requirements on small municipalities. The agency's finding
15 and an indication of the basis for its finding shall be included in the
16 notice of a proposed rule as required by subsection (a) of section 4 of
17 P.L.1968, c.410 (C.52:14B-4).

18 e. In order to avoid duplicative action, an agency may consider a
19 series of closely related rules as one rule for the purposes of complying
20 with the requirements of this section.

21 f. In complying with the provisions of this section, an agency may
22 provide either a quantifiable or numerical description of the effects of
23 a proposed rule or more general descriptive statements, if
24 quantification is not practicable or reliable.

25

26 ²[15.] 14.² N.J.S.40A:9-59 is repealed.

27

28 ²[16.] 15.² This act shall take effect immediately.

[Corrected Copy]

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 3577

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2001

The Senate Community and Urban Affairs Committee reports without recommendation Assembly Bill No. 3577 (2R).

Assembly Bill No. 3577 (2R) would revise certain mandates that are burdensome on counties and municipalities in order to effectuate cost savings to benefit property taxpayers.

Revision of Ordinance Requirements

Sections 3 through 8 would allow municipalities to act by resolution instead of by ordinance under various circumstances.

Section 3 would allow a municipality, by resolution, to provide for the installation of a traffic control device or sign to regulate motor vehicle traffic at an intersection located within 300 feet of any public or private school.

Section 4 would allow municipal governing bodies, by resolution, to appropriate and dedicate all or any portion of the revenues which they derive from parking meters in excess of the cost of purchase, installation, maintenance and operation of those parking meters, to the purposes of creation, purchase, construction and maintenance of off-street parking facilities.

Section 5 would allow the governing body of a municipality proposing to consolidate with one or more other municipalities, by resolution, to propose the formation of a joint municipal consolidation study commission.

Sections 6 and 7 would allow for required actions pertinent to joint municipal consolidation study commissions to be made by resolution.

Section 8 would allow the governing body of any municipality, by resolution, to provide for the construction and erection of a monument or memorial to commemorate the services provided by the men and women in the armed forces of the United States, or to provide for a contribution to part of the cost of any similar monument or memorial. Under current law, this section was limited to World War II monuments or commemorations.

Local Finance and Budget Requirements, Property Assessment and Property Taxes

Section 10 would except from the "local budget cap" amounts expended to pay the salaries of police officers hired under the federal "Community Oriented Policing Services" program, which was enacted as part of the "Violent Crime Control and Law Enforcement Act of 1994."

Section 11 would allow any local contracting unit (including local authorities and commissions) that provides group health care benefits to its employees pursuant to N.J.S.40A:10-16 et seq., to allow an employee who is eligible for coverage as a dependent of the employee's spouse to waive coverage under the contracting unit's plan to which the employee is entitled by virtue of employment with the contracting unit. Current law allows the waiving of health coverage under this statute to county and municipal employees only.

Section 13 would require State agencies, when developing and proposing a rule for adoption, to utilize approaches that will accomplish the objectives of statutory law while minimizing any adverse economic impact of the proposed rule on small municipalities.

Record Keeping Reforms

Section 9 would allow a municipality, after performing the periodic reexamination of its master plan, to provide a notice to the municipal clerk of each adjoining municipality that the statutorily required report on the findings of the reexamination and the resolution adopting same have been prepared, so that the clerk of an adjoining municipality may ask for the report and resolution on behalf of the governing body of the adjoining municipality. Current law requires that a copy of the report and the resolution be sent to the municipal clerk of each adjoining municipality.

Section 14 would repeal N.J.S.40A:9-59, which requires a county medical examiner to file a written report with the State Medical Examiner whenever a ship wreck results in dead bodies.

Miscellaneous Reforms

Section 2 would allow municipalities or counties, by resolution, in any street under their jurisdiction, to designate stops, stations or stands for omnibuses without the approval of the Commissioner of Transportation. Currently, the commissioner's approval is required for this designation.

Section 12 would create the "Adopt a Municipality Program" to encourage and coordinate a partnership between municipalities and businesses and nonprofit entities. The support of "adopted" municipalities by businesses and nonprofit entities that participate in the program may include, but would not be limited to, the supplying of services, personnel, materials and funding. Businesses and

nonprofit entities entering into the "Adopt a Municipality Program" would be prohibited from seeking reimbursement for any donation of time, money, materials or personnel from the State or any subdivision thereof.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 3577

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2001

The Senate Community and Urban Affairs Committee reports without recommendation favorably Assembly Bill No. 3577 (2R).

This bill would revise certain mandates, requirements and procedures that are burdensome on counties and municipalities in order to effectuate cost savings that will benefit property taxpayers.

Revision of Ordinance Requirements

Sections 3 through 8 allow municipalities to act by resolution where the current statutory requirement is that action must be by ordinance.

Section 3 allows a municipality, by resolution, to provide for the installation of a traffic control device or sign to regulate motor vehicle traffic at an intersection located within 300 feet of any public or private school.

Section 4 allows municipal governing bodies, by resolution, to appropriate and dedicate all or any portion of the revenues which they derive from parking meters in excess of the cost of purchase, installation, maintenance and operation of those parking meters, to the purposes of creation, purchase, construction and maintenance of off-street parking facilities.

Section 5 allows the governing body of a municipality proposing to consolidate with one or more other municipalities, by resolution, to propose the formation of a joint municipal consolidation study commission.

Sections 6 and 7 allow for required actions pertinent to joint municipal consolidation study commissions to be made by resolution.

Section 8 allows the governing body of any municipality, by resolution, to provide for the construction and erection of a monument or memorial to commemorate the services provided by the men and women in the armed forces of the United States, or to provide for a contribution to part of the cost of any similar monument or memorial. Under current law, this section was limited to World War II monuments or commemorations.

Local Finance and Budget Requirements, Property Assessment and Property Taxes

Section 10 provides a budget cap exception under section 3 of P.L.1976, c.68 (C.40A:4-45.3) for amounts expended to pay the salaries of police officers hired under the federal "Community Oriented Policing Services" program, which was enacted as part of the "Violent Crime Control and Law Enforcement Act of 1994."

Section 11 amends section 37 of P.L.1995, c.259 (C.40A:10-17.1) to allow any contracting unit as defined in section 2 of P.L.1971, c.198 (C.40A:11-2) (including local authorities and commissions) which enters into a contract providing group health care benefits to its employees pursuant to N.J.S.40A:10-16 et seq., to allow any employee who is eligible for coverage as a dependent of the employee's spouse under that plan or another plan offered by the spouse's employer to waive coverage under the contracting unit's plan to which the employee is entitled by virtue of employment with the contracting unit. Current law allows the waiving of health coverage under this statute to county and municipal employees only.

Section 13 requires State agencies, when developing and proposing a rule for adoption, to utilize approaches which will accomplish the objectives of statutory law while minimizing any adverse economic impact of the proposed rule on small municipalities. The agency must utilize approaches such as: the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small municipalities; the use of performance rather than design standards; and an exemption from coverage by the rule in whole or in part for small municipalities so long as the public health, safety, or general welfare is not endangered, or if an exemption is not a possibility, the use of alternative methods of implementing the requirements of the rule. Under current law, all municipalities must comply with State mandates.

Record Keeping Reforms

Section 9 of the bill allows municipalities, after performing the periodic reexamination of the master plan required pursuant to section 76 of P.L.1975, c.291 (C.40:55D-89) and the adoption by resolution of the report on the findings of the reexamination, to provide a notice to the municipal clerk of each adjoining municipality that the report and the resolution have been prepared, so that the clerk of an adjoining municipality may ask for the report and resolution on behalf of the governing body of the adjoining municipality. Current law requires that a copy of the report and the resolution be sent to the municipal clerk of each adjoining municipality.

Section 14 of the bill repeals the current requirement of N.J.S.40A:9-59 that, in the case of a shipwreck where dead bodies are thrown upon the shores or coast of the State, the county medical examiner of the county in which the bodies are found shall make a

written report, to be verified under oath and filed with the State Medical Examiner, containing the name of the ship, the date of the wreck, and the place where it occurred, together with a detailed description of the bodies, and time and place of the burial.

Miscellaneous Reforms

Section 2 of the bill allows municipalities or counties, by resolution, in any street under their jurisdiction, to designate stops, stations or stands for omnibuses without the approval of the Commissioner of Transportation. Currently, the commissioner's approval is required for this designation.

Section 12 of the bill creates the "Adopt a Municipality Program" to encourage and coordinate a partnership between municipalities and businesses and nonprofit entities. The support of "adopted" municipalities by businesses and nonprofit entities that participate in the program may include, but is not be limited to, the supplying of services, personnel, materials and funding. Businesses and nonprofit entities entering into the "Adopt a Municipality Program" may not seek reimbursement for any donation of time, money, materials or personnel from the State or any subdivision thereof.

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note; it has no impact on State revenue or expenditures. The bill will relieve municipal and county governments of the need to follow burdensome requirements and procedures, but the cost saving to local governments depend on future local government actions and cannot be determined at this time.

COMMITTEE AMENDMENTS:

The amendments to section 2 and 3 of the bill reflect Department of Transportation recommendations. A provision in section 2 requiring consultation with the Director of the Office of Highway Traffic Safety was deleted because that office does not have specific expertise in the issue. A provision is added to section 3 of the bill concerning the municipal or county engineer's certification of approval of the installation of a traffic control device or sign at an intersection within 300 feet of a school.

The amendments delete a provision that would otherwise have allowed issuance of the notice of current year's assessment and preceding year's taxes to be done biennially.

The amendments to section 12 of the bill clarify that acceptance of contributions under the "Adopt a Municipality Program" are subject to the "Local Government Ethics Law" and the "Local Public Contracts Law."

The amendment to section 13 of the bill revises the definition of a "small municipality". Before its amendment by the committee, the

definition of "small municipality" was a municipality having a population of 1500 or fewer residents. The committee amended this definition to mean municipalities having a limited population or geographic area according to criteria promulgated by the Director of the Division of Local Government Services in the Department of Community Affairs.

§1 - C.52:13H-22
§12 - C.52:27D-
118.43
§13 - C.52:14B-25
§14 - Repealer

P.L. 2001, CHAPTER 342, *approved January 5, 2002*
Assembly, No. 3577 (*Second Reprint*)

1 AN ACT revising certain mandates, requirements and procedures for
2 local governments ¹[and school districts]¹ and amending,
3 supplementing and repealing 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 fourth such omnibus mandate relief act.
34

35 2. R.S.39:4-8 is amended to read as follows:

36 39:4-8. a. Except as otherwise provided in this section, no

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALG committee amendments adopted May 3, 2001.

² Assembly AAP committee amendments adopted June 4, 2001.

1 ordinance or resolution concerning, regulating or governing traffic or
2 traffic conditions, adopted or enacted by any board or body having
3 jurisdiction over highways, shall be of any force or effect unless the
4 same is approved by the Commissioner of Transportation, according
5 to law. The commissioner shall not be required to approve any such
6 ordinance, resolution or regulation, unless, after investigation by him,
7 the same shall appear to be in the interest of safety and the expedition
8 of traffic on the public highways.

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

35 A certified copy of the adopted ordinance or resolution, as
36 appropriate, shall be transmitted by the clerk of the municipality or
37 county, as appropriate, to the commissioner within 30 days of
38 adoption, together with a copy of the engineer's certification; a
39 statement of the reasons for the engineer's decision; detailed
40 information as to the location of streets, intersections and signs
41 affected by any designation or erection of signs or placement of
42 markings; and traffic count, accident and speed sampling data, when
43 appropriate. The commissioner, at his discretion, may invalidate the
44 provisions of the ordinance or resolution within 90 days of receipt of
45 the certified copy if he reviews it and finds that the provisions of the
46 ordinance or resolution are inconsistent with the Manual of Uniform

1 Traffic Control Devices for Streets or Highways; are inconsistent with
2 accepted engineering standards; are not based on the results of an
3 accurate traffic and engineering survey; or place an undue traffic
4 burden or impact on streets in an adjoining municipality or negatively
5 affect the flow of traffic on the State highway system.

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

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

15 By ordinance or resolution:

16 (1) prohibit or restrict general parking;

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

19 (3) designate time limit parking;

20 (4) install parking meters.

21 By ordinance, resolution or regulation:

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

23 (2) approve street closings for periods up to 48 continuous hours;
24 and

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

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

31 d. A municipality or county may, by resolution, in any street under
32 its jurisdiction, designate stops, stations or stands for omnibuses. The
33 designation shall be subject to guidelines that shall be issued by the
34 Commissioner of Transportation ²[after consultation with the
35 Director of the Office of Highway Traffic Safety in the Department of
36 Law and Public Safety]². The guidelines shall be aimed at ensuring
37 safety to both pedestrians and motorists including, but not limited to,
38 the proper method of sign installation, dimensions, composition of
39 material, proper placement points and maintenance. A certified copy
40 of the adopted resolution shall be transmitted to the commissioner
41 within 30 days of adoption. The commissioner, at his discretion, may
42 invalidate the provisions of the ordinance or resolution within 90 days
43 of receipt of the certified copy if he reviews it and finds that the
44 provisions of the ordinance or resolution are inconsistent with the
45 guidelines issued pursuant to this subsection. A claim against the
46 State or a municipality or county for damage or injury under this

1 subsection for a wrongful act or omission shall be dismissed if the
2 municipality or county is deemed to have conformed to the guidelines
3 required hereunder.

4 (cf: P.L.1999, c.191, s.1)

5

6 3. Section 1 of P.L.1984, c.219 (C.39:4-183.1a) is amended to
7 read as follows:

8 1. Notwithstanding any law to the contrary, a municipality may,
9 upon the request of the appropriate board of education or, in the case
10 of a private school, by the school's governing body, provide by
11 **[ordinance]** resolution for the installation of a traffic control device
12 or sign consistent with the current standards prescribed by the Manual
13 of Uniform Traffic Control Devices for Streets and Highways as
14 adopted by the Commissioner of Transportation, to regulate motor
15 vehicle traffic at an intersection located within 300 feet of any public
16 or private school ²; provided that the municipal or county engineer
17 shall, under the engineer's seal as a licensed professional engineer,
18 certify to the municipal or county governing body, as appropriate, that
19 the traffic control or device has been approved by the engineer after
20 the engineer's investigation of the circumstances² . Before [an
21 ordinance] a resolution shall take effect, however, the governing body
22 shall submit a copy of the **[ordinance]** resolution to the Commissioner
23 of Transportation for his review and approval together with detailed
24 information as to the location of streets, intersections and signs
25 affected by any installation, traffic court, accident and speed sampling
26 data when appropriate, ²the municipal or county engineer's
27 certification, under the engineer's seal as a licensed professional
28 engineer, to the municipal or county governing body,² and any other
29 information as the commissioner may require. If the commissioner
30 disapproves the **[ordinance]** resolution, he shall file his disapproval,
31 in writing, with a statement of the reasons for his disapproval, with
32 the governing body within 90 days following the receipt of the
33 **[ordinance]** resolution. If the commissioner approves the
34 **[ordinance]** resolution or fails to file his disapproval within the 90-day
35 review period, the **[ordinance]** resolution shall take effect
36 immediately.

37 For the purposes of this section, the term "public or private school"
38 has the meaning that term is given in N.J.S.18A:1-1.

39 (cf: P.L.1984, c.219, s.1)

40

41 4. Section 1 of P.L.1952, c.195 (C.40:5-2.11) is amended to read
42 as follows:

43 1. The board of chosen freeholders of any county and the
44 governing body of any municipality may by resolution **[and the**
45 **governing body of any municipality may by ordinance]** appropriate and
46 dedicate all or any portion of the revenues which it derives from
47 parking meters in excess of the cost of purchase, installation,

1 maintenance and operation of said parking meters, to the purposes of
2 creation, purchase, construction and maintenance of off-street parking
3 facilities.

4 (cf: P.L.1952, c.195, s.1)

5

6 5. Section 5 of P.L.1977, c.435 (C.40:43-66.39) is amended to
7 read as follows:

8 5. The governing body of any municipality proposing to
9 consolidate with one or more other municipalities may, by ordinance
10 or resolution, propose the formation of a joint municipal consolidation
11 study commission as provided for in section 7 of this act. The
12 ordinance or resolution shall state that the governing body is seeking
13 the formation of a joint municipal consolidation study commission
14 pursuant to the provisions of this act, and shall name the
15 municipalities for which a consolidation study is proposed. Upon
16 adoption of such ordinance or resolution, the clerk of the municipality
17 adopting the ordinance or resolution shall forthwith transmit a
18 certified copy thereof to the municipal clerk of each of the other
19 municipalities named in the ordinance or resolution and to the clerk
20 of the county in which such municipalities are located.

21 (cf: P.L.1977, c.435, s.5)

22

23 6. Section 7 of P.L.1977, c.435 (C.40:43-66.41) is amended to
24 read as follows:

25 7. a. If, within one year after the date on which the first ordinance
26 or resolution, pursuant to section 5 of P.L.1977, c.435
27 (C.40:43-66.39), or the first petition, pursuant to section 6 of
28 P.L.1977, c.435 (C.40:43-66.40), is filed with the clerk of the county,
29 either an ordinance or a resolution or a certified petition is transmitted
30 to the county clerk by each of the other municipalities named in the
31 first such ordinance or a resolution or petition, then one of the
32 following shall occur:

33 (1) The question of forming a consolidation commission shall be
34 submitted to the voters of each of the municipalities named in such
35 ordinances or resolutions or petitions in the following form:

36 "Shall a joint municipal consolidation study commission be formed
37 to study the feasibility of consolidating (insert the names of each of the
38 municipalities named in such ordinances or resolutions or petitions)
39 into a single new municipality, to study the question of the form of
40 government under which such new municipality should be governed,
41 to study the feasibility of consolidating the local school districts of the
42 aforesaid municipalities, and to make recommendations thereon; or, in
43 the alternative, to make recommendations on the consolidation of
44 certain municipal services?"

45 The question shall be submitted to the voters of each municipality
46 so named in the ordinances or resolutions or petitions on the date for

1 the next general election or on the date for the next regular municipal
2 election, whichever shall first occur at least 60 days after the date of
3 the filing with the county clerk of the final ordinance or resolution or
4 petition necessary to require the submission of the question to the
5 voters.

6 The public question submitted to the voters shall be deemed
7 adopted, and a consolidation commission formed, if a majority of the
8 votes cast on the question in each of the municipalities in which the
9 question is submitted shall be in the affirmative; or

10 (2) An ordinance or resolution expressly creating a consolidation
11 commission shall be adopted by each of the municipalities named in
12 such ordinances or resolutions or petitions. The ordinance or
13 resolution shall state that the governing body will not be submitting
14 the question of forming a consolidation commission to the voters of
15 that municipality by referendum. The ordinance or resolution shall
16 state that the governing body is seeking the formation of a
17 consolidation commission pursuant to P.L.1977, c.435 (C.40:43-66.35
18 et seq.), and shall name the participating municipalities for which a
19 consolidation commission is proposed. Upon adoption of the
20 ordinance or resolution, the clerk of each participating municipality
21 adopting the ordinance or resolution shall forthwith transmit a
22 certified copy thereof to the municipal clerk of each of the other
23 participating municipalities named in the ordinance or resolution, to
24 the clerk of the county in which each participating municipality is
25 located, and to the Commissioner of Community Affairs.

26 The ordinance or resolution forming a consolidation commission
27 shall be deemed adopted, and a consolidation commission formed, if
28 each participating municipality adopts an ordinance or resolution
29 agreeing to participate in a consolidation commission pursuant to this
30 subsection; or

31 (3) One or more of the municipalities named in such ordinances or
32 resolutions or petitions shall submit the question of forming a
33 consolidation commission to the voters pursuant to paragraph (1) of
34 this subsection, and one or more of those municipalities shall adopt an
35 ordinance or resolution expressly creating a consolidation commission
36 pursuant to paragraph (2) of this subsection, in any combination,
37 provided that each of the participating municipalities adopts the
38 formation of a consolidation commission.

39 b. Nothing herein contained shall be construed to prevent the
40 submission of the question of forming a consolidation commission to
41 the voters of the municipalities pursuant to paragraph (1) of subsection
42 a. of this section, or the forming of a consolidation commission by
43 ordinance or resolution pursuant to paragraph (2) of subsection a. of
44 this section, named in any combination of such ordinances or
45 resolutions pursuant to section 5 of P.L.1977, c. 435 (C.40:43-66.39)
46 and petitions pursuant to section 6 of P.L.1977, c.435

1 (C.40:43-66.40), provided that such ordinances or resolutions and
2 petitions are substantively similar.

3 (cf: P.L.1999, c.58, s.1)

4

5 7. Section 27 of P.L.1977, c.435 (C.40:43-66.61) is amended to
6 read as follows:

7 27. No ordinance or resolution may be adopted and no petition
8 may be filed for the creation of a joint municipal consolidation study
9 commission pursuant to sections 5 and 6 of this act while proceedings
10 are pending under any other petition filed or ordinance adopted
11 pursuant to the provisions of the "Optional Municipal Charter Law"
12 or any other general law relating to a change in the form of
13 government in any of the participating municipalities. No ordinance
14 or resolution may be adopted and no petition may be filed for the
15 creation of such a commission pursuant to the provisions of this act
16 within 4 years after the date on which the question of consolidation
17 has been submitted to the voters pursuant to section 25 of this act;
18 provided, however, that the adoption of an ordinance or resolution
19 or the filing of a petition and the holding of any referendum thereafter
20 under the provisions of the "Optional Municipal Charter Law" or
21 other general law relating to a change in the form of government in
22 any of the participating municipalities, if such proceedings have been
23 completed, shall not preclude the participating municipalities from
24 proceeding under the provisions of this act notwithstanding the fact
25 that 4 years may not have expired since the completion of said
26 proceedings.

27 (cf: P.L.1977, c.435, s.27)

28

29 8. Section 1 of P.L.1947, c.335, (C.40:48-2.16) is amended to read
30 as follows:

31 1. The governing body of any municipality may, by **[ordinance]**
32 resolution, provide for the construction and erection of a monument
33 or memorial of a permanent character commemorative of the services
34 **[of soldiers and sailors]** provided by the men and women in the armed
35 forces of the United States **[in World War II]**, or to provide for a
36 contribution to part of the cost of any similar monument or memorial;
37 provided, that any such **[ordinance]** resolution shall set forth the
38 price in respect to the monument or memorial, including the type of
39 the monument or memorial and the amount of money proposed to be
40 expended or contributed.

41 (cf: P.L.1949, c.78, s.1)

42

43 9. Section 76 of P.L.1975, c.291 (C.40:55D-89) is amended to
44 read as follows:

45 76. Periodic examination. The governing body shall, at least every
46 six years, provide for a general reexamination of its master plan and

1 development regulations by the planning board, which shall prepare
2 and adopt by resolution a report on the findings of such reexamination,
3 a copy of which report and resolution shall be sent to the county
4 planning board [and]. A notice that the report and resolution have
5 been prepared shall be sent to the municipal clerk of each adjoining
6 municipality, who may, on behalf of the governing body of the
7 municipality, request a copy of the report and resolution. [The first
8 such reexamination shall have been completed by August 1, 1982. The
9 next reexamination shall be completed by August 1, 1988. Thereafter,
10 a] A reexamination shall be completed at least once every six years
11 from the previous reexamination.

12 The reexamination report shall state:

13 a. The major problems and objectives relating to land development
14 in the municipality at the time of the adoption of the last reexamination
15 report.

16 b. The extent to which such problems and objectives have been
17 reduced or have increased subsequent to such date.

18 c. The extent to which there have been significant changes in the
19 assumptions, policies, and objectives forming the basis for the master
20 plan or development regulations as last revised, with particular regard
21 to the density and distribution of population and land uses, housing
22 conditions, circulation, conservation of natural resources, energy
23 conservation, collection, disposition, and recycling of designated
24 recyclable materials, and changes in State, county and municipal
25 policies and objectives.

26 d. The specific changes recommended for the master plan or
27 development regulations, if any, including underlying objectives,
28 policies and standards, or whether a new plan or regulations should be
29 prepared.

30 e. The recommendations of the planning board concerning the
31 incorporation of redevelopment plans adopted pursuant to the "Local
32 Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et
33 al.) into the land use plan element of the municipal master plan, and
34 recommended changes, if any, in the local development regulations
35 necessary to effectuate the redevelopment plans of the municipality.
36 (cf: P.L.1992, c.79, s.50)

37

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

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

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

45 b. Capital expenditures, including appropriations for current capital
46 expenditures, whether in the capital improvement fund or as a

1 component of a line item elsewhere in the budget, provided that any
2 such current capital expenditure would be otherwise bondable under
3 the requirements of N.J.S.40A:2-21 and 40A:2-22;

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

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

16 The approval procedure in this subsection shall not apply to
17 appropriations adopted for a purpose referred to in subsection d. or j.
18 below;

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

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

23 f. Amounts reserved for uncollected taxes;

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

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

28 i. Any amount approved by any referendum;

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

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

45 l. Appropriations of federal, county, independent authority or State
46 funds, or by grants from private parties or nonprofit organizations for

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

1 distress pursuant to the provisions of P.L.1987, c.75
2 (C.52:27D-118.24 et seq.), whether or not a local unit is an "eligible
3 municipality" as defined in section 3 of P.L.1987, c.75
4 (C.52:27D-118.26), and which has available surplus pursuant to the
5 spending limitations imposed by P.L.1976, c.68 (C.40A:4-45.1 et
6 seq.), may appropriate and expend an amount of that surplus approved
7 by the director and the Local Finance Board as an exception to the
8 spending limitation. Any determination approving the appropriation
9 and expenditure of surplus as an exception to the spending limitations
10 shall be based upon:

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

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

15 3) the intended actions of the governing body of the local unit to
16 expand its revenue generating capacity for subsequent local budget
17 years;

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

22 5) the impact of utilization of surplus upon succeeding budgets of
23 the local unit;

24 ff. Amounts expended for the staffing and operation of the
25 municipal court;

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

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

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

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

38 kk. Amounts expended to provide municipal services or
39 reimbursement amounts to multifamily dwellings for the collection and
40 disposal of solid waste generated by the residents of the multifamily
41 dwellings. This subsection shall cease to be operative at the end of the
42 first local budget year in which the municipality has fully phased in its
43 reimbursement amount expenses;

44 ll. Amounts expended by a municipality under an interlocal services
45 agreement entered into pursuant to the "Interlocal Services Act,"
46 P.L.1973, c.208 (C.40:8A-1 et seq.) entered into after the effective

1 date of P.L.2000, c.126 (C.52:13H-21 et al.). The governing body of
2 the municipality that will receive the service may choose to allow the
3 amount of projected annual savings to be added to the amount of final
4 appropriations upon which its permissible expenditures are calculated
5 pursuant to section 2 of P.L.1976, c.68 (C.40A:4-45.2);

6 mm. Amounts expended under a joint contract pursuant to the
7 "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et
8 seq.) entered into after the effective date of P.L.2000, c.126
9 (C.52:13H-21 et al.). The governing body of each participating
10 municipality may choose to allow the amount of projected annual
11 savings to be added to the amount of final appropriations upon which
12 its permissible expenditures are calculated pursuant to section 2 of
13 P.L.1976, c.68 (C.40A:4-45.2);

14 nn. Amounts expended to pay the salaries of police officers hired
15 under the federal "Community Oriented Policing Services" program,
16 which was enacted as part of the "Violent Crime Control and Law
17 Enforcement Act of 1994," Pub.L.No. 103, 108 Stat. 1796 (1994).
18 (cf: P.L.2001, c.25, s.5)

19

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

22 37. Notwithstanding the provisions of any other law to the
23 contrary, a county [or], municipality or any contracting unit as
24 defined in section 2 of P.L.1971, c.198 (C.40A:11-2) which enters into
25 a contract providing group health care benefits to its employees
26 pursuant to N.J.S.40A:10-16 et seq., may allow any employee who is
27 eligible for coverage as a dependent of the employee's spouse under
28 that plan or another plan, including the State Health Benefits Program
29 established pursuant to P.L.1961, c.49 (C.52:14-17.25 et seq.),
30 offered by the spouse's employer, whether a public or private
31 employer, to waive coverage under the county's [or], municipality's
32 or contracting unit's plan to which the employee is entitled by virtue
33 of employment with the county [or], municipality or contracting unit.
34 The waiver shall be in such form as the county [or], municipality or
35 contracting unit shall prescribe and shall be filed with the county [or],
36 municipality or contracting unit. In consideration of filing such a
37 waiver, a county [or], municipality or contracting unit may pay to the
38 employee annually an amount, to be established in the sole discretion
39 of the county [or], municipality or contracting unit, which shall not
40 exceed 50% of the amount saved by the county [or], municipality or
41 contracting unit because of the employee's waiver of coverage. An
42 employee who waives coverage shall be permitted to resume coverage
43 under the same terms and conditions as apply to initial coverage if the
44 employee ceases to be covered through the employee's spouse for any
45 reason, including, but not limited to, the retirement or death of the
46 spouse or divorce. An employee who resumes coverage shall repay,

1 on a pro rata basis, any amount received which represents an advance
2 payment for a period of time during which coverage is resumed. An
3 employee who wishes to resume coverage shall file a declaration with
4 the county [or], municipality or contracting unit, in such form as the
5 county [or], municipality or contracting unit shall prescribe, that the
6 waiver is revoked. The decision of a county [or], municipality or
7 contracting unit to allow its employees to waive coverage and the
8 amount of consideration to be paid therefor shall not be subject to the
9 collective bargaining process.

10 (cf: P.L.2000, c.126, s.25)

11

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

14 32. Every assessor, prior to February 1 of each even numbered
15 year, shall notify by mail each taxpayer of the current assessment and
16 preceding year's taxes. Thereafter, the assessor or county board of
17 taxation shall notify each taxpayer by mail within 30 days of any
18 change to the assessment. This notification of change of assessment
19 shall contain the prior assessment and the current assessment. The
20 director shall establish the form of notice of assessment and change of
21 assessment. Any notice issued by the assessor or county board of
22 taxation shall contain information instructing taxpayers on how to
23 appeal their assessment.

24 (cf: P.L.1991, c.75, s.32)]²

25

26 ²[13.]12.² (New section) a. This section shall be known and may
27 be cited as the "Adopt a Municipality Program."

28 b. The Commissioner of Community Affairs shall establish a
29 business advisory board. The commissioner shall chair the board and
30 shall appoint to the board members who represent private businesses
31 and nonprofit entities that are interested and willing to contribute
32 services and resources to municipalities. Members of the board shall
33 serve three-year terms without compensation. The commissioner shall
34 appoint a program coordinator who shall administer the "Adopt a
35 Municipality Program."

36 c. The board shall encourage and coordinate municipal-business
37 partnership. The board shall solicit municipalities and business and
38 nonprofit entities to participate in the program. The board shall
39 compile a list of municipal needs and circulate the list among
40 businesses and nonprofit entities. Support of "adopted" municipalities
41 by businesses and nonprofit entities that participate in the program
42 may include, but shall not be limited to, the supplying of services,
43 personnel, materials and funding. Businesses entering into the "Adopt
44 a Municipality Program" shall not seek reimbursement for any
45 donation of time, money, materials or personnel from the State or any
46 subdivision thereof.

1 d. Contributions provided under this section by local businesses
2 shall in no way affect the amount of State aid to which a municipality
3 is entitled.

4 ²e. Acceptance of services, personnel, material or funding by a
5 municipality pursuant to the "Adopt a Municipality Program" shall be
6 subject to the applicable provisions, if any, of the "Local Government
7 Ethics Law," P.L.1991, c.29 (C.40:9-22.1 et seq.) and the "Local
8 Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).²

9
10 ²[14.] 13.² (New section) a. For the purposes of this section:

11 "State mandate" means a program, service or activity that is to be
12 performed or implemented by a local unit for or on behalf of its
13 residents, which results in an added net cost to the local unit, and
14 which is mandated in any statute enacted by the Legislature either
15 prior to or after the effective date of this act. A "state mandated
16 program" shall not include the following: any activity pertaining to a
17 statute carrying criminal penalties; any mandate required by or arising
18 from a court order or judgment; any program or service which is
19 provided at local option under permissive State laws, rules, regulations
20 or orders; any program which is required by private, special or local
21 laws pursuant to Article IV, Section VII, paragraphs 8 and 10 of the
22 State Constitution; any program required by or arising from an
23 executive order of the Governor in exercising emergency powers
24 granted by law; or any program mandated by federal law, rule,
25 regulation or order.

26 "Small municipality" shall mean a municipality ²[having a
27 population of 1500 or fewer residents] that has a limited population
28 or geographic area according to criteria promulgated by the Director
29 of the Division of Local Government Services in the Department of
30 Community Affairs².

31 b. In developing and proposing a rule for adoption, the agency
32 involved shall utilize approaches which will accomplish the objectives
33 of applicable statutes while minimizing any adverse economic impact
34 of the proposed rule on small municipalities. Consistent with the
35 objectives of applicable statutes, the agency shall utilize such
36 approaches as:

37 (1) The establishment of differing compliance or reporting
38 requirements or timetables that take into account the resources
39 available to small municipalities;

40 (2) The use of performance rather than design standards; and

41 (3) An exemption from coverage by the rule, or by any part
42 thereof, for small municipalities so long as the public health, safety, or
43 general welfare is not endangered, or if an exemption is not a
44 possibility, the use of alternative methods of implementing the
45 requirements of the rule.

46 c. In proposing a rule for adoption, the agency involved shall issue

1 a State mandate flexibility analysis regarding the rule, which shall be
2 included in the notice of a proposed rule as required by subsection (a)
3 of section 4 of P.L.1968, c.410 (C.52:14B-4). Each State mandate
4 flexibility analysis shall contain:

5 (1) An estimate of the number of small municipalities to which the
6 proposed rule will apply;

7 (2) A description of the reporting, record-keeping and other
8 compliance requirements being proposed for adoption, and the kinds
9 of professional services that a small municipality is likely to need in
10 order to comply with the requirements;

11 (3) An estimate of the annual cost to a small municipality of
12 complying with the rule; and

13 (4) An indication of how the rule, as proposed for adoption, is
14 designed to minimize any adverse economic impact of the proposed
15 rule on small municipalities.

16 d. This section shall not apply to any proposed rule which the
17 agency finds would not impose reporting, record-keeping, or other
18 compliance requirements on small municipalities. The agency's finding
19 and an indication of the basis for its finding shall be included in the
20 notice of a proposed rule as required by subsection (a) of section 4 of
21 P.L.1968, c.410 (C.52:14B-4).

22 e. In order to avoid duplicative action, an agency may consider a
23 series of closely related rules as one rule for the purposes of complying
24 with the requirements of this section.

25 f. In complying with the provisions of this section, an agency may
26 provide either a quantifiable or numerical description of the effects of
27 a proposed rule or more general descriptive statements, if
28 quantification is not practicable or reliable.

29

30 ²[15.] 14.² N.J.S.40A:9-59 is repealed.

31

32 ²[16.] 15.² This act shall take effect immediately.

33

34

35

36

37 Revises certain mandates, requirements and procedures for local
38 governments.

CHAPTER 342

AN ACT revising certain mandates, requirements and procedures for local governments and amending, supplementing and repealing various parts of the statutory law.

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

C.52:13H-22 Findings, declarations relative to certain mandate requirements, procedures for local governments.

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 fourth such omnibus mandate relief act.

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

Commissioner of Transportation's approval required; exceptions.

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

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

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

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

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

By ordinance or resolution:

- (1) prohibit or restrict general parking;
- (2) designate restricted parking under section 1 of P.L.1977, c.309 (C.39:4-197.6);
- (3) designate time limit parking;
- (4) install parking meters.

By ordinance, resolution or regulation:

- (1) designate loading and unloading zones and taxi stands;
- (2) approve street closings for periods up to 48 continuous hours; and
- (3) designate restricted parking under section 1 of P.L.1977, c.202 (C.39:4-197.5);

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

d. A municipality or county may, by ordinance or resolution, as appropriate, in any street under its jurisdiction, install or place an in-street pedestrian crossing right-of-way sign at a marked crosswalk or unmarked crosswalk at an intersection. The installation shall be subject to guidelines that shall be issued by the Commissioner of Transportation after consultation with the Director of the Office of Highway Traffic Safety in the Department of Law and Public Safety. The guidelines shall be aimed at ensuring safety to both pedestrians and motorists including, but not limited to, the proper method of sign installation, dimensions, composition of material, proper placement points and maintenance. A certified copy of the adopted ordinance or resolution shall be transmitted to the commissioner within 30 days of adoption. The commissioner, at his discretion, may invalidate the provisions of the ordinance or resolution within 90 days of receipt of the certified copy if he reviews it and finds that the provisions of the ordinance or resolution are inconsistent with the guidelines issued pursuant to this subsection. A claim against the State or a municipality or county for damage or injury under this subsection for a wrongful act or omission shall be dismissed if the municipality or county is deemed to have conformed to the guidelines required hereunder.

e. A municipality or county may, by resolution, in any street under its jurisdiction, designate stops, stations or stands for omnibuses. The designation shall be subject to guidelines that shall be issued by the Commissioner of Transportation. The guidelines shall be aimed at ensuring safety to both pedestrians and motorists including, but not limited to, the proper method of sign installation, dimensions, composition of material, proper placement points and maintenance. A certified copy of the adopted resolution shall be transmitted to the commissioner within 30 days of adoption. The commissioner, at his discretion, may invalidate the provisions of the ordinance or resolution within 90 days of receipt of the certified copy if he reviews it and finds that the provisions of the ordinance or resolution are inconsistent with the guidelines issued pursuant to

this subsection. A claim against the State or a municipality or county for damage or injury under this subsection for a wrongful act or omission shall be dismissed if the municipality or county is deemed to have conformed to the guidelines required hereunder.

3. Section 1 of P.L.1984, c.219 (C.39:4-183.1a) is amended to read as follows:

C.39:4-183.1a Installation of traffic control device, sign by municipality at request of school.

1. Notwithstanding any law to the contrary, a municipality may, upon the request of the appropriate board of education or, in the case of a private school, by the school's governing body, provide by resolution for the installation of a traffic control device or sign consistent with the current standards prescribed by the Manual of Uniform Traffic Control Devices for Streets and Highways as adopted by the Commissioner of Transportation, to regulate motor vehicle traffic at an intersection located within 300 feet of any public or private school; provided that the municipal or county engineer shall, under the engineer's seal as a licensed professional engineer, certify to the municipal or county governing body, as appropriate, that the traffic control or device has been approved by the engineer after the engineer's investigation of the circumstances. Before a resolution shall take effect, however, the governing body shall submit a copy of the resolution to the Commissioner of Transportation for his review and approval together with detailed information as to the location of streets, intersections and signs affected by any installation, traffic count, accident and speed sampling data when appropriate, the municipal or county engineer's certification, under the engineer's seal as a licensed professional engineer, to the municipal or county governing body, and any other information as the commissioner may require. If the commissioner disapproves the resolution, he shall file his disapproval, in writing, with a statement of the reasons for his disapproval, with the governing body within 90 days following the receipt of the resolution. If the commissioner approves the resolution or fails to file his disapproval within the 90-day review period, the resolution shall take effect immediately.

For the purposes of this section, the term "public or private school" has the meaning that term is given in N.J.S.18A:1-1.

4. Section 1 of P.L.1952, c.195 (C.40:5-2.11) is amended to read as follows:

C.40:5-2.11 Use of parking meter revenues for off-street parking facilities.

1. The board of chosen freeholders of any county and the governing body of any municipality may by resolution appropriate and dedicate all or any portion of the revenues which it derives from parking meters in excess of the cost of purchase, installation, maintenance and operation of said parking meters, to the purposes of creation, purchase, construction and maintenance of off-street parking facilities.

5. Section 5 of P.L.1977, c.435 (C.40:43-66.39) is amended to read as follows:

C.40:43-66.39 Proposal for formation of joint municipal consolidation study commission.

5. The governing body of any municipality proposing to consolidate with one or more other municipalities may, by ordinance or resolution, propose the formation of a joint municipal consolidation study commission as provided for in section 7 of this act. The ordinance or resolution shall state that the governing body is seeking the formation of a joint municipal consolidation study commission pursuant to the provisions of this act, and shall name the municipalities for which a consolidation study is proposed. Upon adoption of such ordinance or resolution, the clerk of the municipality adopting the ordinance or resolution shall forthwith transmit a certified copy thereof to the municipal clerk of each of the other municipalities named in the ordinance or resolution and to the clerk of the county in which such municipalities are located.

6. Section 7 of P.L.1977, c.435 (C.40:43-66.41) is amended to read as follows:

C.40:43-66.41 Question of forming consolidation commission submitted to voters; alternative methods.

7. a. If, within one year after the date on which the first ordinance or resolution, pursuant to section 5 of P.L.1977, c.435 (C.40:43-66.39), or the first petition, pursuant to section 6 of P.L.1977, c.435 (C.40:43-66.40), is filed with the clerk of the county, either an ordinance or a resolution or a certified petition is transmitted to the county clerk by each of the other municipalities named in the first such ordinance or a resolution or petition, then one of the following shall occur:

(1) The question of forming a consolidation commission shall be submitted to the voters of each of the municipalities named in such ordinances or resolutions or petitions in the following form:

"Shall a joint municipal consolidation study commission be formed to study the feasibility of consolidating (insert the names of each of the municipalities named in such ordinances or resolutions or petitions) into a single new municipality, to study the question of the form of government under which such new municipality should be governed, to study the feasibility of consolidating the local school districts of the aforesaid municipalities, and to make recommendations thereon; or, in the alternative, to make recommendations on the consolidation of certain municipal services?"

The question shall be submitted to the voters of each municipality so named in the ordinances or resolutions or petitions on the date for the next general election or on the date for the next regular municipal election, whichever shall first occur at least 60 days after the date of the filing with the county clerk of the final ordinance or resolution or petition necessary to require the submission of the question to the voters.

The public question submitted to the voters shall be deemed adopted, and a consolidation commission formed, if a majority of the votes cast on the question in each of the municipalities in which the question is submitted shall be in the affirmative; or

(2) An ordinance or resolution expressly creating a consolidation commission shall be adopted by each of the municipalities named in such ordinances or resolutions or petitions. The ordinance or resolution shall state that the governing body will not be submitting the question of forming a consolidation commission to the voters of that municipality by referendum. The ordinance or resolution shall state that the governing body is seeking the formation of a consolidation commission pursuant to P.L.1977, c.435 (C.40:43-66.35 et seq.), and shall name the participating municipalities for which a consolidation commission is proposed. Upon adoption of the ordinance or resolution, the clerk of each participating municipality adopting the ordinance or resolution shall forthwith transmit a certified copy thereof to the municipal clerk of each of the other participating municipalities named in the ordinance or resolution, to the clerk of the county in which each participating municipality is located, and to the Commissioner of Community Affairs.

The ordinance or resolution forming a consolidation commission shall be deemed adopted, and a consolidation commission formed, if each participating municipality adopts an ordinance or resolution agreeing to participate in a consolidation commission pursuant to this subsection; or

(3) One or more of the municipalities named in such ordinances or resolutions or petitions shall submit the question of forming a consolidation commission to the voters pursuant to paragraph (1) of this subsection, and one or more of those municipalities shall adopt an ordinance or resolution expressly creating a consolidation commission pursuant to paragraph (2) of this subsection, in any combination, provided that each of the participating municipalities adopts the formation of a consolidation commission.

b. Nothing herein contained shall be construed to prevent the submission of the question of forming a consolidation commission to the voters of the municipalities pursuant to paragraph (1) of subsection a. of this section, or the forming of a consolidation commission by ordinance or resolution pursuant to paragraph (2) of subsection a. of this section, named in any combination of such ordinances or resolutions pursuant to section 5 of P.L.1977, c. 435 (C.40:43-66.39) and petitions pursuant to section 6 of P.L.1977, c.435 (C.40:43-66.40), provided that such ordinances or resolutions and petitions are substantively similar.

7. Section 27 of P.L.1977, c.435 (C.40:43-66.61) is amended to read as follows:

C.40:43-66.61 Prohibition on creation of joint municipal consolidation study commission while proceedings pending.

27. No ordinance or resolution may be adopted and no petition may be filed for the creation of a joint municipal consolidation study commission pursuant to sections 5 and 6 of this act while proceedings are pending under any other petition filed or ordinance adopted pursuant to the provisions of the "Optional Municipal Charter Law" or any other general law relating to a change in the form of government in any of the participating municipalities. No ordinance or resolution may be adopted and no petition may be filed for the creation of such a commission pursuant to the provisions of this act within four years after the date on which the question of consolidation has been submitted to the voters pursuant to section 25 of this act; provided, however, that the adoption of an ordinance or resolution or the filing of a petition and the holding of any referendum thereafter under the provisions of the "Optional Municipal Charter Law" or other general law relating to a change in the form of government in any of the participating municipalities, if such proceedings have been completed, shall not preclude the participating municipalities from proceeding under the provisions of this act notwithstanding the fact that four years may not have expired since the completion of said proceedings.

8. Section 1 of P.L.1947, c.335 (C.40:48-2.16) is amended to read as follows:

C.40:48-2.16 Monument, memorial to commemorate service of armed forces.

1. The governing body of any municipality may, by resolution, provide for the construction and erection of a monument or memorial of a permanent character commemorative of the services provided by the men and women in the armed forces of the United States, or to provide for a contribution to part of the cost of any similar monument or memorial; provided, that any such resolution shall set forth the price in respect to the monument or memorial, including the type of the monument or memorial and the amount of money proposed to be expended or contributed.

9. Section 76 of P.L.1975, c.291 (C.40:55D-89) is amended to read as follows:

C.40:55D-89 Periodic examination.

76. Periodic examination. The governing body shall, at least every six years, provide for a general reexamination of its master plan and development regulations by the planning board, which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board. A notice that the report and resolution have been prepared shall be sent to the municipal clerk of each adjoining municipality, who may, on behalf of the governing body of the municipality, request a copy of the report and resolution. A reexamination shall be completed at least once every six years from the previous reexamination.

The reexamination report shall state:

a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.

b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.

c. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.

d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

10. 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 multifamily dwellings for the collection and disposal of solid waste generated by the residents of the multifamily dwellings. This subsection shall cease to be operative at the end of the first local budget year in which the municipality has fully phased in its reimbursement amount expenses;

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);

nn. Amounts expended to pay the salaries of police officers hired under the federal "Community Oriented Policing Services" program, which was enacted as part of the "Violent Crime Control and Law Enforcement Act of 1994," Pub.L.No. 103, 108 Stat. 1796 (1994).

11. 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, contracting unit 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, municipality or any contracting unit as defined in section 2 of P.L.1971, c.198 (C.40A:11-2) 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, municipality's or contracting unit's plan to which the employee is entitled by virtue of employment with the county, municipality or contracting unit. The waiver shall be in such form as the county, municipality or contracting unit shall prescribe and shall be filed with the county, municipality or contracting unit. In consideration of filing such a waiver, a county, municipality or contracting unit may pay to the employee annually an amount, to be established in the sole discretion of the county, municipality or contracting unit, which shall not exceed 50% of the amount saved by the county, municipality or contracting unit 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, municipality or contracting unit, in such form as the county, municipality or contracting unit shall prescribe, that the waiver is revoked. The decision of a county, municipality or contracting unit 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.

C.52:27D-118.43 "Adopt a Municipality Program."

12. a. This section shall be known and may be cited as the "Adopt a Municipality Program."

b. The Commissioner of Community Affairs shall establish a business advisory board. The commissioner shall chair the board and shall appoint to the board members who represent private businesses and nonprofit entities that are interested and willing to contribute services and resources to municipalities. Members of the board shall serve three-year terms without compensation. The commissioner shall appoint a program coordinator who shall administer the "Adopt a Municipality Program."

c. The board shall encourage and coordinate municipal-business partnership. The board shall solicit municipalities and business and nonprofit entities to participate in the program. The board shall compile a list of municipal needs and circulate the list among businesses and nonprofit entities. Support of "adopted" municipalities by businesses and nonprofit entities that participate in the program may include, but shall not be limited to, the supplying of services, personnel, materials and funding. Businesses entering into the "Adopt a Municipality Program" shall not seek reimbursement for any donation of time, money, materials or personnel from the State or any subdivision thereof.

d. Contributions provided under this section by local businesses shall in no way affect the amount of State aid to which a municipality is entitled.

e. Acceptance of services, personnel, material or funding by a municipality pursuant to the "Adopt a Municipality Program" shall be subject to the applicable provisions, if any, of the "Local Government Ethics Law," P.L.1991, c.29 (C.40A:9-22.1 et seq.) and the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

C.52:14B-25 Definitions relative to certain mandate requirements, procedures for small municipalities.

13. a. For the purposes of this section:

"State mandate" means a program, service or activity that is to be performed or implemented by a local unit for or on behalf of its residents, which results in an added net cost to the local unit, and which is mandated in any statute enacted by the Legislature either prior to or after the effective date of this act. A "state mandated program" shall not include the following: any activity pertaining to a statute carrying criminal penalties; any mandate required by or arising from a court order or judgment; any program or service which is provided at local option under permissive State laws, rules, regulations or orders; any program which is required by private, special or local laws pursuant to Article IV, Section VII, paragraphs 8 and 10 of the State Constitution; any program required by or arising from an executive order of the Governor in exercising emergency powers granted by law; or any program mandated by federal law, rule, regulation or order.

"Small municipality" shall mean a municipality that has a limited population or geographic area according to criteria promulgated by the Director of the Division of Local Government Services in the Department of Community Affairs.

b. In developing and proposing a rule for adoption, the agency involved shall utilize approaches which will accomplish the objectives of applicable statutes while minimizing any adverse economic impact of the proposed rule on small municipalities. Consistent with the objectives of applicable statutes, the agency shall utilize such approaches as:

(1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small municipalities;

(2) The use of performance rather than design standards; and

(3) An exemption from coverage by the rule, or by any part thereof, for small municipalities so long as the public health, safety, or general welfare is not endangered, or if an exemption is not a possibility, the use of alternative methods of implementing the requirements of the rule.

c. In proposing a rule for adoption, the agency involved shall issue a State mandate flexibility analysis regarding the rule, which shall be included in the notice of a proposed rule as required by subsection (a) of section 4 of P.L.1968, c.410 (C.52:14B-4). Each State mandate flexibility analysis shall contain:

(1) An estimate of the number of small municipalities to which the proposed rule will apply;

(2) A description of the reporting, record-keeping and other compliance requirements being proposed for adoption, and the kinds of professional services that a small municipality is likely to need in order to comply with the requirements;

(3) An estimate of the annual cost to a small municipality of complying with the rule; and

(4) An indication of how the rule, as proposed for adoption, is designed to minimize any adverse economic impact of the proposed rule on small municipalities.

d. This section shall not apply to any proposed rule which the agency finds would not impose reporting, record-keeping, or other compliance requirements on small municipalities. The agency's finding and an indication of the basis for its finding shall be included in the notice of a proposed rule as required by subsection (a) of section 4 of P.L.1968, c.410 (C.52:14B-4).

e. In order to avoid duplicative action, an agency may consider a series of closely related rules as one rule for the purposes of complying with the requirements of this section.

f. In complying with the provisions of this section, an agency may provide either a quantifiable or numerical description of the effects of a proposed rule or more general descriptive statements, if quantification is not practicable or reliable.

Repealer.

14. N.J.S.40A:9-59 is repealed.

15. This act shall take effect immediately.

Approved January 5, 2002.