

LOCAL FINANCE NOTICE

Public Laws of 2001 Update

As the 2000-2001 legislative session ended, many new laws that affect local governments were enacted. This Notice highlights those that are important to local governments. All chapter (c.) references for each law refer to the Laws of 2001 (P.L. 2001). The original bill number is shown in parenthesis (). In addition, links to each law can be found when viewing this document from the *myNewJersey* GovConnect portal CFO and Clerk Document Library.

State of Emergency and 9/11 Issues

- c. 248 (A-22)** Permitted a governing body to adopt a resolution temporarily waiving interest on any delinquent current property tax or current municipal charge due on or before December 31, 2001 for victims of the September 11th terrorist attack.
- c. 270 (S-2710)** Permits a local government employee having duties related to a state of emergency to accumulate vacation leave until used or compensation is paid. The employee's appointing authority may establish a plan to address the issue, however, the plan is not subject to collective negotiation or collective bargaining. For civil service communities, the Commissioner of Personnel must approve the plan.
- c. 297 (S-23)** Prohibits the sale of certain merchandise at excessive prices (over 10% unless costs increased) during a state of emergency or within 30 days of the termination of the state of emergency. Merchandise covered under this provision, are any merchandise which is consumed or used as a direct result of an emergency or is used to preserve, protect, or sustain life, health, safety or comfort of a person or their property. This law supplements the consumer fraud law.
- c. 325 (S-22)** When a State emergency is declared it authorizes local public safety/emergency volunteers and paid emergency responders to participate in search and rescue operations outside their own jurisdiction. The law also provides that a volunteer that is injured or dies is considered a State employee for workers compensation benefits as if it had been a local event. It applies retroactively to 9/11.

PERSONNEL

- c. 278 (S-517)** Allows a PERS retiree to annually earn \$15,000 in the aggregate without having to re-enroll in the pension system. While this increases the threshold from \$10,000, an important change is the use of the *aggregate* amount of \$15,000. This can affect existing employee employment arrangements and Chief Financial Officers or Personnel Directors should ensure that retirees working for them are aware of and in compliance with this provision. Detailed information has been provided to pension certifying officers. The material can be viewed on the *myNewJersey* GovConnect portal under the CFO and Clerk Document Libraries.
- c. 295 (A-2313)** Requires health insurers to provide coverage for colorectal cancer screening. Self-insured organizations should contact their administrators to ensure that the coverage is properly provided.

- c. 300 (S-2093)** Prohibits health care facilities from requiring that employees paid on an hourly basis that are involved in direct patient care to perform overtime work. This applies to a health care facility licensed by DHSS, a state or county psychiatric hospital, state developmental center or health care service firm registered with the State.
- c. 309 (S-2494)** Requires paid leave of absence to members of certain law enforcement and firefighter associations to attend State or national conventions. This law applies only for attendance to the NJ Policemen's Benevolent Association, Inc., the Fraternal Order of Police, the Firemen's Mutual Benevolent Association and the Professional Fire Fighters Association. The law also provides that no more than 10% of the employee organization's membership can receive a paid leave of absence of no more than seven days, but is subject to several exceptions. This law should be carefully reviewed to determine its applicability to individual local units.
- c. 326 (S-246)** Requires workers compensation insurance carriers and third party administrators to now file workers compensation reports electronically with Division of Workers' Compensation as well as limit the number of reports filed from four to two. It also makes changes in the method that workers compensation information is disclosed to ensure confidentiality of the affected employee and places limits on who can obtain the information.
- c. 328 (S-338)** Exempts emergency management volunteers from the seven (7) day waiting period for workers' compensation. The law requires that no compensation other than medical aid can be accrued and paid to the employee until they have been disabled for seven days.
- c. 366 (A-4047)** Expands the Public Employee Retirement System benefits to include county prosecutors, first assistant prosecutors and assistant prosecutors by creating a "prosecutor part" within the system.
- c. 370 (S-553)** Revises fees and salaries of county clerks, registers of deeds and mortgages, sheriffs and surrogates, and use of fees to upgrade and modernize services of sheriffs' offices, and offset salary increases. Fees not used for salary increase or sheriffs' office upgrades must be used for property tax relief.

FINANCE

- c. 266 (A-3636)** Permits urban aid, qualified bond, and fiscally distressed municipalities to contract for property tax lien management services.
- c. 251 (A-3082)** Increases the Homestead property tax income eligibility limit for individual to \$37,174 and for married filers \$45,582.
- c. 310 (S-2727)** Authorizes use of revenue allocation financing (i.e., tax increment financing) by certain municipalities and the use of additional financing mechanism by municipalities in certain areas.
- c. 347 (S-322)** Directs the Urban Enterprise Zone authority to establish specifically defined enterprise zones.
- c. 348 (S-1586)** Permits county contributions for management of self-liquidating solid waste utility to be outside budget cap limits.

c. 354 (S-2652) Expands property tax exemption to volunteer firefighters' organizations, Exempt Firefighter Associations, and Firefighters Relief Association that use their property for income-producing activities. The law removes the 120 day per year limitation. The bill is retroactive to January 1, 1998.

c. 403 (A-1050) Increases contribution limit by counties and municipalities to volunteer first aid, ambulance and rescue squads from \$35,000 to \$70,000.

c. 415 (A-2592) The "Neighborhood Revitalization State Tax Credit Act", which provides an incentive to businesses to invest in neighborhood revitalization and preservation projects sponsored by nonprofit corporations through the granting of a tax credit. A detailed neighborhood preservation and revitalization plan, approved by DCA, is a requirement to participate in the program.

c. 438 (S-2506) Clarifies that steel outdoor advertisement signs and their supporting structures are not real property for local property tax purposes.

MISCELLANEOUS

c. 264 (A 2082) Permits the Municipal Clerk to designate another municipal official to receive and index file the Landlord Registration filings.

c. 272 (A-2107) Revises the Emergency Services Length of Service Award Program (LOSAP). The revision removed the prohibition of paid municipal employees of receiving credit for activities performed during normal work hours. The law also provides penalties for falsifying information.

c. 274 (A-2645) Increases the allowable maximum fine for first violation of a municipal ordinance from \$1,000 to \$1,250.

c. 283 (A-409) Authorizes municipal utilities authorities and school districts to join with municipalities to acquire lands for recreation and conservation purposes. There must be a connection (nexus) to the core mission for the authority or school and the property being acquired (i.e., if school funds are used, the land must be used for some school related purpose) to permit use of the funds.

c. 336 (S-2538) Changes the population requirements for counties of fifth and sixth classes (shore counties) to keep them whole under the new census figures.

c. 369 (S-285) Makes the State Commission of Investigation a permanent State agency.

c. 416 (A-2722) Makes various changes to the limousine law. The law permits municipalities to require a limousine service to obtain a form of authority if the limousine service is providing service on a point-to-point basis within that municipality. The law also requires that the owner of the limousine to file with the Municipal Clerk a \$1,500,000 insurance policy against loss.

c. 421 (A-3277) Authorizes use of the Judiciary's Comprehensive Enforcement Program to collect unpaid municipal court fines. The program is limited to "bad debts" – those individuals who have been found guilty

by the municipal court, and have failed to comply with a court ordered time payment plan. It does not apply to unpaid parking tickets or moving violations that have not been adjudicated.

c. 441 (A2454) Allows a municipality that has received COAH substantive certification and has met its affordable housing construction goals to amend their zoning ordinance or affordable housing element of its master plan without the approval from COAH.

Summary

In addition to the links on the *myNewJersey* GovConnect portal, complete copies of the laws mentioned in this Notice can be downloaded from the New Jersey State Legislative Home page www.njleg.state.nj.us. To see the actual changes to the old law, users should look at the PDF version of the “advance law.” Advance laws show the changes to existing law (PDF’s show them more clearly than the HTML versions), while Pamphlet laws show the final text of the law, without changes. Bill statements are also useful to understand the details of a bill.

Directions to access a copy of the laws from the web

1. Go to the New Jersey State Legislative Home page www.njleg.state.nj.us
2. In the bill search box on the right side of the page change the legislative session to 2000-2001.
3. Type in the bill number without the hyphen (-). Then click the search button.
4. Click the highlighted bill number.
5. Scroll down and locate the advance law option. You can view the document either as a pdf or html format.

If you have any questions on information in this Notice, please contact the Division at 609-292-6110 or by e-mail at dlgs@dca.state.nj.us.

Enclosure

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