

# Mandate Relief Bill of 2000

P.L. 2000, c.126

An Act revising certain mandates, requirements and procedures for local governments and school districts and amending and supplementing various parts of the statutory law.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

## **1. C.52:13H-21 (New section) The Legislature finds and declares:**

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

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

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

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

1. Every board of education shall provide for the [~~yearly~~] biennial examination of every pupil between the ages of 10 and 18 for the condition known as scoliosis in accordance with standards jointly established and promulgated by the Departments of Health and Senior Services and Education. Such examination shall be carried out by a school physician, school nurse, physical education instructor or other school personnel properly trained in the screening process for scoliosis. Every board of education shall further provide for the notification of the parents or guardian of any pupil suspected of having scoliosis. Such notification shall include an explanation of scoliosis, the significance of treating it at an early stage, and the public services available, after diagnosis, for such treatment.

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

## **3. R.S.26:3-3 is amended to read as follows:**

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

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

The terms of the alternate members shall be for two years, except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2, so that the term of not more than one alternate member shall expire in any one year. A vacancy occurring otherwise than by

expiration of term shall be filled by the appointing authority for the unexpired term only.

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

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

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

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

26:3-9. a. The local board in every township having a population of not more than 20,000 inhabitants ~~[shall]~~ may be composed of the members of the township committee, the township assessor or, if the township has a board of assessors, the township clerk, and one physician or school nurse, to be appointed by the township committee for a term of three years from the time of his appointment and until the successor is appointed. Upon the consent of the prospective appointee, the township committee may appoint, as the physician or school nurse appointment, the township physician or a school nurse to the local board, notwithstanding that the physician or nurse is not a resident of the township. The township committee may by ordinance provide for the appointment of not more than two alternate members. Alternate members shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No 2." The term of the alternate members shall be for two years, except that of the first two alternate members appointed, one shall be appointed for a term of one year so that the term of not more than one alternate member shall expire in any one year. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may

vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

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

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

**5. R.S.26:3-10 is amended to read as follows:**

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

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

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

8. The commissioner shall, in consultation with the Commissioner of Health and Senior Services and the Commissioner of Community Affairs and with the advice of the advisory board, promulgate all regulations which he deems necessary for the proper administration and enforcement of this act. A variance may be granted if the commissioner determines that the applicant is in compliance with the requirements for a permanent variance as set forth in subsection c. of section 15 of this act. The variance shall not be deemed to be a variation approved pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or the "Uniform Fire Safety Act," P.L.1983, c.383

(C.52:27D-192 et al.) or any other building or fire safety standard or code.

Space leased by a public employer shall be subject to current health or safety rules and regulations. Any deficiency, including a deficiency resulting either from occupant use or deferred maintenance by the lessor, shall be subject to correction in accordance with the governing rules and regulations at the time that the deficiency is cited by the commissioner or the Commissioner of Health and Senior Service. However, a lease of any duration may not be entered into unless the leased property is in conformance with such rules and regulations as are in effect at the time the lease is executed.

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

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

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

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

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

(b) - (e) no change

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

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

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

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

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

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

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

b. In the case of a contract for the joint provision of services by an officer or employee of a local unit who is required to comply with a State certification requirement as a condition of employment, the contract shall provide for the payment of a salary to the officer or employee and shall designate one of the local units as the primary employer of the officer or employee for the purpose of that person's tenure rights .

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

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

2. a. no change to the text

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

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

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

5. a. no change to the text

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

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

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

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

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

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

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

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

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

40A:2-17. a. Introduction.

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

b. Publication, hearing and adoption.

The bond ordinance, or a summary thereof, in a form prescribed by the Local Finance Board, shall be published after first reading, together with notice of the introduction thereof and of the date, which shall be at least 10 days after introduction and first reading, and the time and place of further consideration for final passage, which may be at an adjournment of such meeting or another meeting. If a summary is published, the summary shall contain a clear and concise statement prepared by the clerk of the governing body setting forth the purpose of the ordinance, the amount of indebtedness being authorized and the time and place when and where a copy of the ordinance can be obtained, without cost,

by any member of the general public residing in the local unit.

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

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

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

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

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

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

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

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

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

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

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

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

c. Final publication with statement.

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

STATEMENT

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

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

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

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

40A:2-18. A bond ordinance shall take effect 20 days after the first publication of the ordinance or of a

summary thereof after final adoption. A bond ordinance which authorizes obligations to fund, refund, renew, extend or retire obligations issued or authorized pursuant to this chapter, or notes or bonds issued or authorized pursuant to any act of which this chapter is a revision shall not be subject to referendum.

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

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

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

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

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

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

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

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

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

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

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

40A:4-41.(a) – (c) no change.

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

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

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

(a) – (kk) no change

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 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). 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).

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

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

(a) - (v) no change

w. Amounts expended by a county under an interlocal services agreement entered into pursuant to the "Interlocal Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.) entered into after the effective date of P.L.2000, c.126 or amounts expended under a joint contract pursuant to the "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et seq.) entered into after the effective date of P.L.2000, c.126.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) - (d) no change

e. To provide contributory or noncontributory self-funded, or partially self-funded, health benefits to employees or their dependants, or both, except for employees, or their dependents, of boards of education, jointure commissions, educational service commissions, county special services school districts, county vocational-technical schools, and county colleges, in accordance with rules and regulations of the Director of the Division of Local Government Services in the Department of Community Affairs. The establishment and operation of a fund to provide health benefits by a local unit prior to the effective date of P.L. 2000, c.126 is hereby validated; however, any such health benefits fund shall comply with all rules and regulations promulgated by the director pursuant to this subsection.

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

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

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

37. Notwithstanding the provisions of any other law to the contrary, a county or municipality which enters into a contract providing group health care benefits to

its employees pursuant to N.J.S.40A:10-16 et seq., may allow any employee who is eligible for coverage as a dependent of the employee's spouse under that plan or another plan, including the State Health Benefits Program established pursuant to P.L.1961, c.49 (C.52:14-17.25 et seq.), offered by the spouse's employer, whether a public or private employer, to waive coverage under the county's or municipality's plan to which the employee is entitled by virtue of employment with the county or municipality. The waiver shall be in such form as the county or municipality shall prescribe and shall be filed with the county or municipality. In consideration of filing such a waiver, a county or municipality may pay to the employee annually an amount, to be established in the sole discretion of the county or municipality, which shall not exceed 50% of the amount saved by the county or municipality because of the employee's waiver of coverage. An employee who waives coverage shall be permitted to resume coverage under the same terms and conditions as apply to initial coverage if the employee ceases to be covered through the employee's spouse for any reason, including, but not limited to, the retirement or death of the spouse or divorce. An employee who resumes coverage shall repay, on a pro rata basis, any amount received which represents an advance payment for a period of time during which coverage is resumed. An employee who wishes to resume coverage shall file a declaration with the county or municipality, in such form as the county or municipality shall prescribe, that the waiver is revoked. The decision of a county or municipality to allow its employees to waive coverage and the amount of consideration to be paid therefor shall not be subject to the collective bargaining process.

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

**26. Section 13 of P.L.1971, c.199 (C.40A:12-13) is amended to read as follows:**

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

(a)(1) -(a)(2) no change

(b)(1) - (b)(4) no change

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

In the case of any sale of real property hereafter made pursuant to subsection (b) of this section, in no event shall the price agreed upon with the owner be less than the difference between the highest bid accepted for the real property subject to easements (Option A) and the highest bid rejected for the real property not subject to easements (Option B). After the adoption of the resolution or ordinance, and compliance by the owner of said real property with the terms thereof, said real property shall be free, and entirely discharged of and from such rights of the public and of the county or municipality, as the case may be, but no such release shall affect the right of lawful occupancy or use of any such real property by any municipal or private utility to occupy or use any such real property lawfully occupied or used by it. A list of the property so authorized to be sold, pursuant to subsection (b) of this section, together with the minimum prices, respectively, as determined by the governing body, shall be included in the resolution or ordinance authorizing the sale, and said list shall be posted on the bulletin board or other conspicuous space in the building which the governing body usually holds its regular meetings, and advertisement thereof made in a newspaper circulating in the municipality or municipalities in which the real

property, capital improvement or personal property is situated, within five days following enactment of said resolution or ordinance. Offers for any or all properties so listed may thereafter be made to the governing body or its designee for a period of 20 days following the advertisement herein required, at not less than said minimum prices, by any prospective purchaser, real estate broker, or other authorized representative. In any such case, the governing body may reconsider its resolution or ordinance, not later than 30 days after its enactment, and advertise the real property, capital improvement, or personal property in question for public sale pursuant to subsection (a) of this section.

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

(c) no change

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

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

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

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

- a. Constitute a public record;
- b. Be entitled "Municipal Real Property Registry" or "County Real Property Registry" as may be appropriate;

c. Be ~~maintained and~~ available for inspection in the office of the municipal clerk or clerk of the board of chosen freeholders, as may be appropriate.

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

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

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

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

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

8. a. The appointing authority of any municipality shall appoint a construction official and any necessary subcode officials to administer and enforce the code ~~and~~. The appointing authority may, by resolution or order as appropriate, set the total number of weekly hours of operation of the construction official's office and the total number of weekly work hours of the construction official, commensurate with the compensation paid to the construction official. The appointing authority shall not set the specific work hours of the construction official. The appointing authority shall also appoint a construction board of appeals to hear and decide appeals from decisions made by said construction official and subcode officials, in the administration and enforcement of the code. Nothing herein, however, shall prevent a municipality from accepting inspections as to compliance with the code or any subcode thereof made by an inspection authority approved by the State of New Jersey pursuant to law.

*Editors Note: Editorial changes were made to the balance of this section replacing archaic references to Civil Service Statutes with contemporary references.*

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

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

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

(1) - (7) no change

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

(9) The purchase of privately owned real property used for residential purposes at the value of all liens secured by the property, excluding any tax liens, notwithstanding that the total amount of debt secured by liens exceeds the appraised value of the property, pursuant to regulations promulgated by the Commissioner of Community Affairs pursuant to subsection b. of section 41 of P.L. 2000, c.126.

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

(c) - (f) no change

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

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

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

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

(1) -(7) no change

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

(b) - (d) no change

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

**32. N.J.S.59:9-2 is amended to read as follows:**

59:9-2. (a) - (c) no change

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

(e) no change

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

**33. C.13:1E-5a (New section)**

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

**34. C.13:1F-1a (New section)**

Notwithstanding the provisions of the "Pesticide Control Act of 1971," P.L.1971, c.176 (C.13:1F-1 et seq.) or any rule or regulation promulgated thereunder to the contrary, the requirements for pesticide applicator or pesticide operator certification, licensing or record keeping shall not

apply to any licensed sanitary or health inspector who applies a pesticide not classified for restricted use, on property or premises for the purpose of determining insect infestation.

**35. C.13:9B-13.1 (New section)**

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

**36. C.18A:7F-5a (New section)**

Notwithstanding any provision of P.L.1996, c.138 (C.18A:7F-1 et seq.) to the contrary, any school district which increases its net budget between the prebudget and budget years in an amount less than that authorized pursuant to subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5d), shall be permitted to include the amount of the difference between its actual net budget and its permitted net budget in either of the next two succeeding budget years.

**37. C.40:23-6.53 (New section)**

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

**38. C.52:27D-20.1 (New section)**

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

under such conditions as permitted by the Local Finance Board.

**39. C.52:27D-10.1 (New section)**

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

**40. C.52:17B-4a (New section)**

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

**41. C.52:27D-311.2 (New section)**

a. Notwithstanding the provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.), or of any other law, rule or regulation to the contrary, a municipality may provide for the purchase of privately owned residential property at the value of all liens secured by real property, excluding any tax lien to which the property is subject and include those units toward the fulfillment of its fair share housing obligation pursuant to P.L.1985, c.222 (C.52:27D-

301 et al.). Any such purchase under this section shall be made pursuant to and consistent with regulations promulgated by the Commissioner of Community Affairs pursuant to subsection b. of this section.

b. The Commissioner of Community Affairs shall, on or before the first day of the seventh month next following the effective date of P.L.2000, c.126, promulgate rules and regulations pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the provisions of subsection a. of this section.

**42. Temporary-unassigned & Note to 40A:4-45.19 (New section)**

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

**43. Temporary-unassigned (New section)**

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

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

b. The task force shall:

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

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

(3) Determine whether these requirements assist or hinder the cost-effective provision of police services and whether a valid reason exists for the collection, reporting or retention of the information; and

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

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

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

**44. 43:8C-2.1 (New section)**

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

**45. This act shall take effect immediately (September 21, 2000).**