SENATE, No. 895

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

Sponsored by:
Senator NELLIE POU
District 35 (Bergen and Passaic)
Senator NILSA I. CRUZ-PEREZ
District 5 (Camden and Gloucester)

SYNOPSIS

Concerns certification of tax collectors.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 3/5/2020)

AN ACT concerning the certification of tax collectors and amending P.L.1979, c.384.

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

1. Section 2 of P.L.1979, c.384 (C.40A:9-145.2) is amended to read as follows:

2. a. Commencing on the effective date of **[**this act**]** P.L.1979, c.384 (C.40A:9-145.1 et seq.), the director shall hold examinations for certification as a tax collector semi-annually **[**,**]** and at such other times as **[**he**]** the director may determine appropriate **[**, for certification as tax collector**]**. An applicant for examination shall furnish proof to the director, not less than 30 days before an examination, that the applicant:

(1) is not less than 21 years of age**[**,**]** ;

(2) is a citizen of the United States**[**,**]** ;

(3) is of good moral character**[**,**]** ;

(4) has obtained a certificate or diploma issued after at least four years of study in an approved secondary school or has received an academic education considered and accepted by the Commissioner of Education as fully equivalent;

(5) has graduated from a four-year course at an institution of higher education of recognized standing, or has not less than two years' full-time experience in tax collection, or has at least one year's full-time experience in tax collection and 30 credit hours at an institution of higher education of recognized standing; and

(6) possesses certificates of completion of Municipal Tax Collection I, II, and III courses **[**offered by**]** from the Division of Local Government Services in the Department of Community Affairs or, with the division's approval, Rutgers, The State University **[**which courses shall be approved by the Division of Local Government Services in the Department of Community Affairs**]** of New Jersey, or any other college or university.

b. For the purpose of this section, experience in tax collection **[**must**]** shall include experience in the following areas: lien enforcement, tax collecting, tax billing, and reporting **[**, and,**]** . An applicant's experience in tax collection shall be attested to by the tax collector of the employing municipality.

c. **[**The**]** An applicant shall furnish the proofs required pursuant to this section **[**shall be provided**]** to the director on such application forms and in such manner as shall be prescribed by the director. Each completed application form shall be accompanied by a fee in the amount of $50 payable to the order of the State

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.

Treasurer and shall be filed with the director at least 30 days prior to the date of the examination. Examinations shall be written, or both written and oral, and shall be of such character as fairly to test and determine the qualifications, fitness and ability of the person tested to actually perform the duties of tax collector.

d. **[**Commencing with examinations given**]** (1) On and after the effective date of P.L.1999, c.300, the examination shall be given in sections on the subjects of:

(a) lien enforcement;

(b) tax collecting, tax billing, and reporting;

(c) policies and practices relating to tax collection in a municipality operating under **[**a**]** the State fiscal year; and

(d) any other material as determined appropriate by the director and in sections as determined necessary. The director shall notify applicants of the nature of any such other material at the time the examinations are announced.

(2) On and after the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), the examination shall be given in sections on the subjects of:

(a) lien enforcement;

(b) tax collecting, tax billing, and reporting; and

(c) any other material as determined appropriate by the director and in sections as determined necessary. The director shall notify applicants of the nature of any such other material at the time the examinations are announced.

(3) There shall be no limit on the number of times an applicant may sit for any section of the examination. When an examination section or sections are taken separately, the fee for registering for a single examination sitting shall not exceed $25.

e. **[**A**]** (1) For examinations given prior to the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), a person shall not be required to pass the State fiscal year section of the examination in order to receive certification as a tax collector, except that any such certification shall be noted as restricted to serve in a municipality operating under a calendar fiscal year; and such a person shall not serve as tax collector in a municipality operating under **[**a**]** the State fiscal year until such time the person successfully passes the State fiscal year section of the examination. The director shall note that a person has passed the State fiscal year section of the examination by appropriately noting the fact on the person's certificate. Notwithstanding the provisions of this subsection, nothing shall preclude a certified tax collector who, prior to the effective date of P.L.1999, c.300, serves, served, or successfully passed the certified tax collector examination, from being appointed as a tax collector in a municipality operating under a State fiscal year.

(2) On and after the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), a person shall not serve

as a tax collector in a municipality operating under the State fiscal year unless the person possesses:

(a) a certificate of completion for a State fiscal year tax collection course offered through the Division of Local Government Services in the Department of Community Affairs; and

(b) a State fiscal year endorsement on the person's tax collector certificate. The registration fee for a person to sit for the State fiscal year tax collection course shall be $250, or such other amount as the director may promulgate by rules and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and shall be payable to the order of the State Treasurer.

(3) Notwithstanding any provision of this section to the contrary, a municipality operating under the State fiscal year may appoint a person as a tax collector if:

(a) prior to the effective date of P.L.1999, c.300, the person served as a tax collector or successfully passed the certified tax collector examination; or

(b) the person is a certified tax collector and successfully passed the State fiscal year section of a certified tax collector examination prior to the effective date of P.L. , c. (C.) (pending before the Legislature as this bill).

(cf: P.L.1999, c.300, s.1)

2. Section 3 of P.L.1979, c.384 (C.40A:9-145.3) is amended to read as follows:

3. a. Upon the successful completion of the examination by an applicant, a tax collector certificate shall be issued to **[**him**]** the applicant, upon the payment of an additional fee of $50 payable to the order of the State Treasurer.

b. Upon the successful completion by an applicant of a State fiscal year tax collection course pursuant to subsection e. of section 2 of P.L.1979, c.384 (C.40A:9-145.2), the Division of Local Government Services shall add a State fiscal year endorsement to the tax collector certificate, upon proper application for the endorsement and payment of the application fee. The application fee to add a State fiscal year endorsement to a tax collector certificate shall be $25, or such other amount as the director may prescribe, by rules and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and shall be payable to the order of the State Treasurer. The director may prescribe the manner in which a person may apply for a State fiscal year endorsement to a tax collector certificate.

(cf: P.L.1993, c.25, s.2)

3. This act shall take effect on the first day of the seventh month next following enactment, except that the Director of the Division of Local Government Services in the Department of Community

Affairs may take any anticipatory administrative action in advance thereof as may be necessary for the implementation of this act.

STATEMENT

This bill revises the manner by which a tax collector may become certified in the collection of property taxes in municipalities that operate on the State fiscal year budget cycle, rather than on a calendar year budget cycle.

Currently, a candidate for certification as a tax collector is required to take, and pass, an additional portion of the certification test related to State fiscal year tax collection in order to serve as a tax collector in a State fiscal year municipality. Many candidates do not elect to take the State fiscal year portion of the examination. This has resulted in comparatively fewer certified tax collectors who are certified to serve as a tax collector in a municipality that operates on a State fiscal year budget cycle.

This bill would revise the process for certification as a tax collector for State fiscal year municipalities by allowing a candidate to simply take an additional course in order to attain that certification.