

SENATE, No. 314

STATE OF NEW JERSEY 221st LEGISLATURE

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Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Concerns expenses to municipalities for tree purchase, planting, and removal.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



S314 DIEGNAN, GREENSTEIN

2

1 AN ACT concerning tree purchase, planting, and removal expenses,
2 and amending N.J.S.40A:2-22 and N.J.S.40A:4-53.

3

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

6

7 1. N.J.S.40A:2-22 is amended to read as follows:

8 40A:2-22. The governing body of the local unit shall determine
9 the period of usefulness of any purpose according to its reasonable
10 life computed from the date of the bonds, which period shall not be
11 greater than the following:

12 a. Buildings and structures.

13 1. Bridges, including retaining walls and approaches, or
14 permanent structures of brick, stone, concrete or metal, or similar
15 durable construction, 30 years.

16 2. Buildings, including the original furnishings and equipment
17 therefor:

18 Class A: A building, of which all walls, floors, partitions, stairs
19 and roof are wholly of incombustible material, except the window
20 frames, doors, top flooring and wooden handrails on the stairs, 40
21 years;

22 Class B: A building, the outer walls of which are wholly of
23 incombustible material, except the window frames and doors, 30
24 years;

25 Class C: A building which does not meet the requirements of
26 Class A or Class B, 20 years.

27 3. Buildings or structures acquired substantially reconstructed
28 or additions thereto, one-half the period fixed in this subsection for
29 such buildings or structures.

30 4. Additional furnishings, five years.

31 b. Marine improvements.

32 1. Harbor improvements, docks or marine terminals, 40 years.

33 2. Dikes, bulkheads, jetties or similar devices of stone,
34 concrete or metal, 15 years; of wood or partly of wood, 10 years.

35 c. Additional equipment and machinery.

36 1. Additional or replacement equipment and machinery, 15
37 years.

38 2. Voting machines, 15 years.

39 3. Information technology and telecommunications equipment,
40 7 years, except that for items with a unit cost of less than \$5,000, 5
41 years.

42 d. Real property.

43 1. Acquisition for any public purpose of lands or riparian
44 rights, or both, and the original dredging, grading, draining or
45 planting thereof, 40 years.

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 2. Improvement of airport, cemetery, golf course, park,
2 playground, 15 years.
- 3 3. Stadia of concrete or other incombustible materials, 20
4 years.
- 5 e. Streets or thoroughfares.
- 6 1. Elimination of grade crossings, 35 years.
- 7 2. Streets or roads:
 - 8 Class A: Rigid pavement. A pavement of not less than eight
9 inches of cement concrete or a six-inch cement concrete base with
10 not less than three-inch bituminous concrete surface course, or
11 equivalent wearing surface, 20 years.
 - 12 Flexible pavement. A pavement not less than 10 inches in depth
13 consisting of five-inch macadam base, three-inch modified
14 penetration macadam and three-inch bituminous concrete surface
15 course or other pavements of equivalent strength, in accordance
16 with the findings of the American Association of State Highway
17 Officials (AASHO) Road Test, 20 years.
 - 18 Class B: Mixed surface-treated road. An eight-inch surface of
19 gravel, stone or other selected material under partial control mixed
20 with cement or lime and fly ash, six inches in compacted thickness
21 with bituminous surface treatment and cover, 10 years.
 - 22 Bituminous penetration road. A five-inch gravel or stone base
23 course and a three-inch course bound with a bituminous or
24 equivalent binder, 10 years.
 - 25 Class C: Mixed bituminous road. An eight-inch surface of
26 gravel, stone, or other selected material under partial control mixed
27 with bituminous material one inch or more in compacted thickness,
28 five years.
 - 29 Penetration macadam road. A road of sand, gravel or water-
30 bound macadam, or surfacing with penetration macadam, five years.
- 31 3. Sidewalks, curbs and gutters of stone, concrete or brick, 10
32 years.
- 33 The period of usefulness in this subsection shall apply to
34 construction and reconstruction of streets and thoroughfares.
- 35 f. Utilities and municipal systems.
- 36 1. Sewerage system, whether sanitary or storm water, water
37 supply or distribution system, 40 years.
- 38 2. Electric light, power or gas systems, garbage, refuse or ashes
39 incinerator or disposal plant, 25 years.
- 40 3. Communication and signal systems, 10 years.
- 41 4. Service connections to publicly-owned gas, water or
42 sewerage systems from the service main in the street to the curb or
43 property lines where not part of original installation, five years.
- 44 5. Service connections to publicly-owned water systems, from
45 the distribution main onto privately-owned real property and into
46 the privately-owned structure, for the purpose of replacing
47 residential, commercial, and institutional lead service lines, 30
48 years.

- 1 g. Vehicles and apparatus.
- 2 1. Fire engines, apparatus and equipment, when purchased
3 new, but not fire equipment purchased separately, 10 years.
- 4 2. Automotive vehicles, including original apparatus and
5 equipment (other than passenger cars and station wagons), when
6 purchased new, five years.
- 7 3. Major repairs, reconditioning or overhaul of fire engines and
8 apparatus, ambulances, rescue vehicles, and similar public safety
9 vehicles (other than passenger cars and station wagons) which may
10 reasonably be expected to extend for at least five years the period of
11 usefulness thereof, five years.
- 12 4. Alternative fuel automotive vehicles, including but not
13 limited to, electric vehicles, plug-in hybrid vehicles, hydrogen fuel
14 cell vehicles, natural gas vehicles, and propane vehicles, when
15 purchased new, five years.
- 16 h. The closure of a sanitary landfill facility utilized, owned or
17 operated by a county or municipality, 15 years; provided that the
18 closure has been approved by the Board of Public Utilities and the
19 Department of Environmental Protection. For the purposes of this
20 subsection, "closure" means all activities associated with the design,
21 purchase or construction of all measures required by the
22 Department of Environmental Protection, pursuant to law, in order
23 to prevent, minimize or monitor pollution or health hazards
24 resulting from sanitary landfill facilities subsequent to the
25 termination of operations at any portion thereof, including, but not
26 necessarily limited to, the costs of the placement of earthen or
27 vegetative cover, and the installation of methane gas vents or
28 monitors and leachate monitoring wells or collection systems at the
29 site of any sanitary landfill facility.
- 30 i. (Deleted by amendment, P.L.2007, c.62)
- 31 j. The prefunding of a claims account for environmental
32 liability claims by an environmental impairment liability insurance
33 pool pursuant to P.L.1993, c.269 (C.40A:10-38.1 et al.), 20 years.
- 34 k. As used in this section:
- 35 "Alternative fuel automotive vehicle" means any passenger car,
36 station wagon, or other motor vehicle that is not solely propelled by
37 gasoline or diesel fuel.
- 38 "Electric vehicle" means any passenger car, station wagon, or
39 other motor vehicle that is propelled solely by an electric motor or
40 energy storage device.
- 41 "Hydrogen fuel cell vehicle" means any passenger car, station
42 wagon, or other motor vehicle that is propelled by power derived
43 from one or more cells that convert chemical energy directly into
44 electricity by combining oxygen with hydrogen fuel.
- 45 "Plug-in hybrid vehicle" means any passenger car, station
46 wagon, or other motor vehicle that can be charged from a source of
47 electricity external to the vehicle through an electric plug, but
48 which is not solely powered by electricity.

- 1 1. The purchase, and planting or removal, or both, of trees and
2 shrubbery, 15 years.
3 (cf: P.L.2021, c.267, s.1)
4
- 5 2. N.J.S.40A:4-53 is amended to read as follows:
6 40A:4-53. A local unit may adopt an ordinance authorizing
7 special emergency appropriations for the carrying out of any of the
8 following purposes:
9 a. Preparation of an approved tax map.
10 b. Preparation and execution of a complete program of
11 reevaluation of real property for the use of the local assessor, or of
12 any program to update and make current any previous revaluation
13 program when such is ordered by the county board of taxation.
14 c. Preparation of a revision and codification of its ordinances.
15 d. Engagement of special consultants for the preparation, and
16 the preparation of a master plan or plans, when required to conform
17 to the planning laws of the State.
18 e. Preparation of drainage maps for flood control purposes.
19 f. Preliminary engineering studies and planning necessary for
20 the installation and construction of a sanitary sewer system.
21 g. Authorized expenses of a consolidation commission
22 established pursuant to the "Municipal Consolidation Act,"
23 P.L.1977, c.435 (C.40:43-66.35 et seq.) or sections 25 through 29 of
24 the "Uniform Shared Services and Consolidation Act," P.L.2007,
25 c.63 (C.40A:65-25 through C.40A:65-29).
26 h. Contractually required severance liabilities resulting from
27 the layoff or retirement of employees. Such liabilities shall be paid
28 without interest and, at the sole discretion of the local unit, may be
29 paid in equal annual installments over a period not to exceed five
30 years.
31 i. Preparation of a sanitary or storm system map.
32 j. Liabilities incurred to the Department of Labor and
33 Workforce Development for the reimbursement of unemployment
34 benefits paid to former employees.
35 k. Subject to approval by the Director of the Division of Local
36 Government Services, non-recurring expenses incurred by a
37 municipality to implement a consolidation with another
38 municipality, or municipalities, pursuant to the "Municipal
39 Consolidation Act," P.L.1977, c.435 (C.40:43-66.35 et seq.); the
40 sparsely populated municipalities law, P.L.1995, c.376 (C.40:43-
41 66.78 et seq.); sections 25 through 29 of the "Uniform Shared
42 Services and Consolidation Act," P.L.2007, c.63 (C.40A:65-25
43 through C.40A:65-29); or N.J.S.40A:7-1 et seq., in the case of a
44 consolidation effectuated through the annexation of land comprising
45 an entire municipality or entire municipalities, to another
46 municipality. The director shall approve the ordinance if he or she
47 determines that the non-recurring expenses are reasonable and

1 permissible by law and that the consolidation will result in long-
2 term savings for the municipality.

3 A copy of all ordinances or resolutions as adopted relating to
4 special emergency appropriations shall be filed with the director.

5 l. The immediate preparation, response, recovery, and
6 restoration of public services during such time as a public health
7 emergency, pursuant to the "Emergency Health Powers Act,"
8 P.L.2005, c.222 (C.26:13-1 et seq.), declared in response to
9 COVID-19 remains in effect.

10 m. Notwithstanding the provisions of any law or regulation to
11 the contrary, a deficit in prior year operations experienced by any
12 municipality, utility, or enterprise during, or in the fiscal year
13 immediately following, a fiscal year in which a public health
14 emergency pursuant to the "Emergency Health Powers Act,"
15 P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency,
16 pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.), or both, has
17 been declared by the Governor in response to COVID-19, the
18 adoption of which shall be subject to approval of the Director. The
19 deficit in operations shall be certified by the chief financial officer
20 of the local unit to be directly attributable to COVID-19. The local
21 unit shall apply for any financial assistance that may be available to
22 the local unit from the federal government, the State, and other
23 sources to offset any operating deficit directly attributable to
24 COVID-19, and any such financial assistance obtained by the local
25 unit shall be utilized to offset any operating deficit. The chief
26 financial officer of a local unit seeking approval pursuant to this
27 subsection shall submit a certification approved by a majority vote
28 of the full governing body. The director shall provide a form,
29 application, schedule and process for review, approval or denial,
30 and reconsideration of the application.

31 The director shall approve or deny, in writing, any application
32 submitted pursuant to this subsection within 45 days, or the next
33 business day following the 45th day if the 45th day falls on a
34 Saturday, Sunday, or holiday. If a written decision is not rendered
35 within this time period, the application shall be deemed to be
36 approved, and the local unit may proceed to adopt the appropriate
37 resolution or ordinance. If an application is denied, the local unit
38 may resubmit the application with such changes as the local unit
39 deems appropriate, with submission and review subject to the same
40 procedures set forth in this subsection.

41 As used in this subsection, "Deficit in operations" means a
42 deficit balance reported on a local unit's "Results of Operation"
43 schedule of the annual financial statement.

44 As used in subsections l. and m., "COVID-19" means the
45 coronavirus disease 2019, as announced by the World Health
46 Organization on February 11, 2020, and first identified in Wuhan,
47 China.

1 n. The purchase, and planting or removal, or both, of trees and
2 shrubbery following natural disaster.

3 (cf: P.L.2020, c.74, s.2)

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5 3. This act shall take effect immediately.

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STATEMENT

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10 This bill allows local government units to finance the purchase,
11 planting, and removal of trees and shrubbery through the issuance of
12 long-term and short-term debt.

13 The bill amends the “Local Bond Law” to provide that the
14 purchase, planting, and removal of trees and shrubbery constitutes a
15 period of usefulness of 15 years. Consequently, the bill permits local
16 government units to issue 15-year bonds to defray the costs of these
17 expenses.

18 The bill also amends the “Local Budget Law” to permit a local
19 government unit to adopt a special emergency appropriation for the
20 purchase, planting, and removal of trees and shrubbery following a
21 natural disaster. This authorization would allow the local government
22 unit to issue special emergency notes to defray the costs of these
23 expenses.