

SENATE, No. 132

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

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SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee with technical review.



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

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

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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 revaluation of real property for the use of the local assessor, or of any
12 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 the
16 preparation of a master plan or plans, when required to conform to
17 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," P.L.1977,
23 c.435 (C.40:43-66.35 et seq.) or sections 25 through 29 of the
24 "Uniform Shared Services and Consolidation Act," P.L.2007, c.63
25 (C.40A:65-25 through C.40A:65-29).

26 h. Contractually required severance liabilities resulting from the
27 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 municipality,
38 or municipalities, pursuant to the "Municipal Consolidation Act,"
39 P.L.1977, c.435 (C.40:43-66.35 et seq.); the sparsely populated
40 municipalities law, P.L.1995, c.376 (C.40:43-66.78 et seq.); sections
41 25 through 29 of the "Uniform Shared Services and Consolidation
42 Act," P.L.2007, c.63 (C.40A:65-25 through C.40A:65-29); or
43 N.J.S.40A:7-1 et seq., in the case of a consolidation effectuated
44 through the annexation of land comprising an entire municipality or
45 entire municipalities, to another municipality. The director shall
46 approve the ordinance if he or she determines that the non-recurring
47 expenses are reasonable and permissible by law and that the
48 consolidation will result in long-term savings for the municipality.

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

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

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

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

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

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

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

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

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49 3. This act shall take effect immediately.