

# 11A:4-1.1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2010                      **CHAPTER:** 26

**NJSA:** 11A:4-1.1 (Increases certain application fees for civil service examinations and requires review of fees every five years; establishes fee for certain appeals)

**BILL NO:** A3010 (Substituted for S2140)

**SPONSOR(S)** Malone and others

**DATE INTRODUCED:** June 24, 2010

**COMMITTEE:**                      **ASSEMBLY:** Budget

**SENATE:** ---

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**                      **ASSEMBLY:** June 28, 2010

**SENATE:** June 28, 2010

**DATE OF APPROVAL:** June 29, 2010

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (Introduced version of bill enacted)

#### A3010

**SPONSOR'S STATEMENT:** (Begins on page 3 of introduced bill) Yes

**COMMITTEE STATEMENT:**                      **ASSEMBLY:** Yes

**SENATE:** No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL NOTE:** Yes

#### S2140

**SPONSOR'S STATEMENT:** (Begins on page 3 of introduced bill) Yes

**COMMITTEE STATEMENT:**                      **ASSEMBLY:** No

**SENATE:** Yes

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL NOTE:** Yes

(continued)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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LAW/RWH

# ASSEMBLY, No. 3010

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JUNE 24, 2010

**Sponsored by:**

**Assemblyman JOSEPH R. MALONE, III**

**District 30 (Burlington, Mercer, Monmouth and Ocean)**

**Co-Sponsored by:**

**Senator Singer**

**SYNOPSIS**

Increases certain application fees for civil service examinations and requires review of fees every five years; establishes fee for certain appeals.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/29/2010)**

A3010 MALONE

2

1 AN ACT concerning certain fees for civil service examinations and  
2 appeals and amending P.L.1992, c.197.

3

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

6

7 1. Section 1 of P.L.1992, c.197 (C.11A:4-1.1) is amended to  
8 read as follows:

9 1. a Except as provided in subsection b. of this section  
10 concerning law enforcement officer and firefighter examinations,  
11 the commission shall establish a ~~[\$15]~~ \$25 fee for each application  
12 for an open competitive or promotional examination and a \$15 fee  
13 for each application for an open competitive or promotional  
14 examination by a veteran. Persons receiving public assistance  
15 benefits pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973,  
16 c.256 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55 et seq.)  
17 shall not be required to pay this fee if they apply for an open  
18 competitive examination. Receipts derived from application fees  
19 established by this subsection shall be appropriated to the  
20 commission. On or after July 1, 2015, and every five years  
21 thereafter, the chairperson of the commission shall review the \$25  
22 fee established by this subsection and may modify the fee,  
23 provided, however, that the fee, along with the \$15 fee, shall not  
24 exceed the cost of developing, procuring, and administering the  
25 examination.

26 b. The commission shall establish a fee for each application for  
27 an open competitive or promotional examination for a law  
28 enforcement officer or firefighter title. The fee shall not exceed the  
29 cost of developing, procuring and administering the examination~~],~~  
30 including the processing of any appeals or reviews associated with  
31 the examination]. Persons receiving public assistance benefits  
32 pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973, c.256  
33 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55 et seq.) shall not  
34 be required to pay this fee if they apply for an open competitive  
35 examination. Receipts derived from application fees established by  
36 this subsection shall be appropriated to the commission for use in  
37 developing, procuring and administering law enforcement officer  
38 and firefighter examinations~~], including the processing of any~~  
39 appeals or reviews associated with those examinations].

40 c. In addition to the fees established in subsections a. and b. of  
41 this section, the commission shall establish a \$15 fee for each  
42 application for an open competitive or promotional examination for  
43 a position in State service. Persons receiving public assistance

**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 benefits pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973,  
2 c.256 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55 et seq.)  
3 shall not be required to pay this fee if they apply for an open  
4 competitive examination. Receipts derived from the application fee  
5 established pursuant to this subsection shall be appropriated  
6 annually to the commission for the costs of the displaced workers  
7 pool program. This fee shall not be assessed and collected unless  
8 the commission implements a displaced workers pool program. If  
9 the displaced workers pool program is terminated at any time by the  
10 commission, the assessment and collection of this additional fee  
11 shall also be terminated.

12 d. The commission shall establish a \$20 fee for each appeal  
13 filed under the provision of subsection a. or b. of N.J.S.11A:2-6,  
14 subsection e. of N.J.S.11A:4-1, N.J.S.11A:8-4, and the rules  
15 promulgated thereunder. Persons who are receiving public  
16 assistance benefits pursuant to P.L.1947, c.156 (C.44:8-107 et seq.),  
17 P.L.1973, c.256 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55  
18 et seq.), or persons who are veterans, shall not be required to pay  
19 this fee.

20 (cf: P.L.2008, c.29, s.29)

21

22 2. This act shall take effect on July 1, 2010, or if enacted after  
23 that date, this act shall take effect immediately upon enactment.

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#### STATEMENT

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28 This bill increases the fee for each application for a civil service  
29 open competitive and promotional examination from \$15 to \$25,  
30 with the exception of law enforcement officer and firefighter  
31 examinations. The fee for veterans will remain at \$15. Persons  
32 receiving public assistance benefits are not required to pay the fee.  
33 In addition, this bill requires that the \$25 examination fee for non-  
34 public safety examinations be reviewed every five years beginning  
35 July 1, 2015 and permits modification of the fee as long as the \$25  
36 fee, along with the \$15 fee for veterans, does not exceed the costs  
37 of developing, procuring, and administering the examinations. This  
38 bill establishes a separate \$20 fee for each appeal filed concerning  
39 discipline or termination actions, adverse actions relating to the  
40 examination and appointment process, and lay-offs and demotions.  
41 Persons who are receiving public assistance or persons who are  
42 veterans would not be required to pay the fee.

# ASSEMBLY BUDGET COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3010

# STATE OF NEW JERSEY

DATED: JUNE 24, 2010

The Assembly Budget Committee reports favorably Assembly Bill No. 3010.

The bill increases the fee for each application for a civil service open competitive and promotional examination from \$15 to \$25, with the exception of law enforcement officer and firefighter examinations. The fee for veterans will remain at \$15. Persons receiving public assistance benefits are not required to pay the fee. In addition, this bill requires that the \$25 examination fee for non-public safety examinations be reviewed every five years beginning July 1, 2015 and permits modification of the fee as long as the \$25 fee, along with the \$15 fee for veterans, does not exceed the costs of developing, procuring, and administering the examinations. This bill establishes a separate \$20 fee for each appeal filed concerning discipline or termination actions, adverse actions relating to the examination and appointment process, and lay-offs and demotions. Persons who are receiving public assistance or persons who are veterans would not be required to pay the fee.

#### FISCAL IMPACT:

According to the Executive Branch, the increase in examination fees from \$15 to \$25 will provide additional revenues of \$360,000 to fund the program and the establishment of a separate appeal fee of \$20 will provide additional revenues of \$80,000 to process appeals.

Without knowing the total cost of the program, the number of applications and appeals filed, and the number of applications and appeals that are filed by persons receiving public assistance, the Office of Legislative Services (OLS) is not able to substantiate the savings estimated to be generated by the bill.

**FISCAL NOTE**  
**ASSEMBLY, No. 3010**  
**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

DATED: JULY 28, 2010

**SUMMARY**

- Synopsis:** Increases certain application fees for civil service examinations and requires review of fees every five years; establishes fee for certain appeals.
- Type of Impact:** Revenue increase to the State General Fund.
- Agencies Affected:** The Civil Service Commission.

**Executive Estimate**

<b>Fiscal Impact</b>	<b><u>FY 2011</u></b>	<b><u>FY 2012</u></b>	<b><u>FY 2013</u></b>
<b>State Revenue</b>	\$440,000	See comments below	

- The Office of Legislative Services (OLS) can **neither concur nor disagree** with the Executive fiscal estimate, given that the Executive Branch has not elaborated on the method and data underlying the assumptions of its projection. Without knowing what assumptions were made with regard to the total current program costs, the number of applications, the number of appeals, and the various fees associated with those applications and appeals, the OLS cannot substantiate the Executive's estimate.
- This bill increases the fee for each application for a civil service open competitive and promotional examination from \$15 to \$25, with the exception of law enforcement officer and firefighter examinations. The bill retains a \$15 fee for each application for an open competitive or promotional exam by a veteran. Persons receiving public assistance benefits are not required to pay the fee.
- According to the Executive Branch, the increase in examination application fees from \$15 to \$25 and the retention of a \$15 examination application fee for veterans will increase by \$360,000 revenues from application fees to offset the cost to develop, procure, and administer civil service examinations. In addition, the Executive Branch estimates that the establishment of a separate appeal fee of \$20 will provide \$80,000 in fee revenue to offset the cost of processing appeals in FY 2011.

## **BILL DESCRIPTION**

Assembly Bill No. 3010 of 2010 increases the fee for each application for a civil service open competitive and promotional examination from \$15 to \$25, with the exception of law enforcement officer and firefighter examinations. In addition, the bill retains a \$15 fee for each application for an open competitive or promotional examination by a veteran. Persons receiving public assistance benefits are not required to pay the fee. This bill requires that the examination fee for non-public safety examinations be reviewed every five years beginning July 1, 2015 and permits modification of the fee as long as the fee does not exceed the costs of developing, procuring, and administering the examinations. This bill establishes a separate \$20 fee for each appeal filed concerning discipline or termination actions, adverse actions relating to the examination and appointment process, and lay-offs and demotions. Veterans and persons who are receiving public assistance are not required to pay the appeal fee.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

According to the Executive Branch, the increase in examination fees from \$15 to \$25 and the retention of a \$15 fee for veterans will increase application fee revenue to develop, procure, and administer civil service examinations by \$360,000. In addition, the Executive Branch estimates that the establishment of a separate appeal fee of \$20 will increase fee revenue to process appeals by \$80,000, in FY 2011.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS can neither concur nor disagree with the Executive Branch's fiscal estimate, given that the Executive Branch has not elaborated on the method and data underlying the assumptions of its projection. While basic application and appeals statistics are provided in the Governor's proposed FY 2011 budget, it is not clear if the increase in fees merely reduces the cost of administering examinations or if the increase in fees provides additional revenues to cover the cost of administering examinations. In addition, budget program data does not breakout how many applications and appeals are filed by non-public safety, public safety applicants, veterans, and by persons receiving public assistance. Each of these applicant types pays a different fee. Furthermore, establishing a separate fee for appeals affects the cost of administering the program under current law as compared to administering the program under this bill. Thus, without knowing what assumptions were made with regard to the total current program costs, the number of applications, the number of appeals, and the fees associated with those applications and appeals, the OLS cannot substantiate the Executive's fiscal estimate.

*Section:* State Government

*Analyst:* Kimberly McCord Clemmensen  
Senior Fiscal Analyst

*Approved:* David J. Rosen  
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).



# SENATE, No. 2140

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JUNE 21, 2010

**Sponsored by:**

**Senator ROBERT W. SINGER**

**District 30 (Burlington, Mercer, Monmouth and Ocean)**

**SYNOPSIS**

Increases certain application fees for civil service examinations and requires review of fees every five years; establishes fee for certain appeals.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning certain fees for civil service examinations and  
2 appeals and amending P.L.1992, c.197.

3

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

6

7 1. Section 1 of P.L.1992, c.197 (C.11A:4-1.1) is amended to  
8 read as follows:

9 1. a Except as provided in subsection b. of this section  
10 concerning law enforcement officer and firefighter examinations,  
11 the commission shall establish a **[\$15]** \$25 fee for each application  
12 for an open competitive or promotional examination. Persons  
13 receiving public assistance benefits pursuant to P.L.1947, c.156  
14 (C.44:8-107 et seq.), P.L.1973, c.256 (C.44:7-85 et seq.), or  
15 P.L.1997, c.38 (C.44:10-55 et seq.) shall not be required to pay this  
16 fee if they apply for an open competitive examination. Receipts  
17 derived from application fees established by this subsection shall be  
18 appropriated to the commission. On or after July 1, 2015, and every  
19 five years thereafter, the chairperson of the commission shall  
20 review the fee established by this subsection and may modify the  
21 fee, provided, however, that the fee shall not exceed the cost of  
22 developing, procuring, and administering the examination.

23 b. The commission shall establish a fee for each application for  
24 an open competitive or promotional examination for a law  
25 enforcement officer or firefighter title. The fee shall not exceed the  
26 cost of developing, procuring and administering the examination[,  
27 including the processing of any appeals or reviews associated with  
28 the examination]. Persons receiving public assistance benefits  
29 pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973, c.256  
30 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55 et seq.) shall not  
31 be required to pay this fee if they apply for an open competitive  
32 examination. Receipts derived from application fees established by  
33 this subsection shall be appropriated to the commission for use in  
34 developing, procuring and administering law enforcement officer  
35 and firefighter examinations[, including the processing of any  
36 appeals or reviews associated with those examinations].

37 c. In addition to the fees established in subsections a. and b. of  
38 this section, the commission shall establish a \$15 fee for each  
39 application for an open competitive or promotional examination for  
40 a position in State service. Persons receiving public assistance  
41 benefits pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973,  
42 c.256 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55 et seq.)  
43 shall not be required to pay this fee if they apply for an open  
44 competitive examination. Receipts derived from the application fee

**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 established pursuant to this subsection shall be appropriated  
2 annually to the commission for the costs of the displaced workers  
3 pool program. This fee shall not be assessed and collected unless  
4 the commission implements a displaced workers pool program. If  
5 the displaced workers pool program is terminated at any time by the  
6 commission, the assessment and collection of this additional fee  
7 shall also be terminated.

8 d. The commission shall establish a \$20 fee for each appeal  
9 filed under the provision of subsection a. or b. of N.J.S.11A:2-6,  
10 subsection e. of N.J.S.11A:4-1, N.J.S.11A:8-4, and the rules  
11 promulgated thereunder. Persons receiving public assistance  
12 benefits pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973,  
13 c.256 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55 et seq.)  
14 shall not be required to pay this fee.  
15 (cf: P.L.2008, c.29, s.29)  
16

17 2. This act shall take effect on July 1, 2010, or if enacted after  
18 that date, this act shall take effect immediately upon enactment.  
19  
20

21 STATEMENT  
22

23 This bill increases the fee for each application for a civil service  
24 open competitive and promotional examination from \$15 to \$25,  
25 with the exception of law enforcement officer and firefighter  
26 examinations. Persons receiving public assistance benefits are not  
27 required to pay the fee. In addition, this bill requires that the  
28 examination fee for non-public safety examinations be reviewed  
29 every five years beginning July 1, 2015 and permits modification of  
30 the fee as long as the fee does not exceed the costs of developing,  
31 procuring, and administering the examinations. This bill establishes  
32 a separate \$20 fee for each appeal filed concerning discipline or  
33 termination actions, adverse actions relating to the examination and  
34 appointment process, and lay-offs and demotions. Persons  
35 receiving public assistance would not be required to pay the fee.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **SENATE, No. 2140**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 23, 2010

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2140 with committee amendments.

Senate Bill No. 2140 increases the fee for each application for a civil service open competitive and promotional examination from \$15 to \$25, with the exception of law enforcement officer and firefighter examinations. The fee for veterans will remain at \$15. Persons receiving public assistance benefits are not required to pay the fee. In addition, this bill requires that the \$25 examination fee for non-public safety examinations be reviewed every five years beginning July 1, 2015 and permits modification of the fee as long as the \$25 fee, along with the \$15 fee for veterans, does not exceed the costs of developing, procuring, and administering the examinations. This bill establishes a separate \$20 fee for each appeal filed concerning discipline or termination actions, adverse actions relating to the examination and appointment process, and lay-offs and demotions. Persons who are receiving public assistance or persons who are veterans would not be required to pay the fee.

#### COMMITTEE AMENDMENTS:

The committee amendments exempt veterans who apply for competitive or promotional civil service examinations or who file certain appeals from the fee increases imposed by the bill.

#### FISCAL IMPACT:

This bill increases the fee for each application for a civil service open competitive and promotional examination from \$15 to \$25, with the exception of public safety examinations and requires a review of the examination fee every five years. In addition, this bill establishes a separate \$20 fee for each appeal filed. Persons receiving public assistance are not required to pay the fee. According to the Executive Branch, the increase in examination fees from \$15 to \$25 will provide additional revenues of \$360,000 to fund the program and the establishment of a separate appeal fee of \$20 will provide additional revenues of \$80,000 to process appeals.

The Office of Legislative Services (OLS) notes that the Executive Branch did not provide information regarding the total cost of the program to administer civil service examinations and appeals, therefore, it is not clear if the increase in fees merely reduces the cost of administering the program or if the increase in fees provides additional revenues to cover the cost of the program. Under current law, exam fees may not exceed the cost of administering the program. In addition, the OLS notes that this bill establishes a separate appeals fee of \$20. Current exam fees include all costs to administer examinations, including the cost of appeals. Without knowing the total cost of the program, the number of applications and appeals filed, and the number of applications and appeals that are filed by persons receiving public assistance, the OLS is not able to substantiate the savings estimated to be generated by the bill.

**FISCAL NOTE**  
[First Reprint]  
**SENATE, No. 2140**  
**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

DATED: JULY 28, 2010

**SUMMARY**

- Synopsis:** Increases certain application fees for civil service examinations and requires review of fees every five years; establishes fee for certain appeals.
- Type of Impact:** Revenue increase to the State General Fund.
- Agencies Affected:** The Civil Service Commission.

**Executive Estimate**

<b>Fiscal Impact</b>	<b><u>FY 2011</u></b>	<b><u>FY 2012</u></b>	<b><u>FY 2013</u></b>
<b>State Revenue</b>	\$440,000	See comments below	

- The Office of Legislative Services (OLS) can **neither concur nor disagree** with the Executive fiscal estimate, given that the Executive Branch has not elaborated on the method and data underlying the assumptions of its projection. Without knowing what assumptions were made with regard to the total current program costs, the number of applications, the number of appeals, and the various fees associated with those applications and appeals, the OLS cannot substantiate the Executive's estimate.
- This bill increases the fee for each application for a civil service open competitive and promotional examination from \$15 to \$25, with the exception of law enforcement officer and firefighter examinations. The bill retains a \$15 fee for each application for an open competitive or promotional exam by a veteran. Persons receiving public assistance benefits are not required to pay the fee.
- According to the Executive Branch, the increase in examination application fees from \$15 to \$25 and the retention of a \$15 examination application fee for veterans will increase by \$360,000 revenues from application fees to offset the cost to develop, procure, and administer civil service examinations. In addition, the Executive Branch estimates that the establishment of a separate appeal fee of \$20 will provide \$80,000 in fee revenue to offset the cost of processing appeals in FY 2011.

## **BILL DESCRIPTION**

Senate Bill No. 2140 (1R) of 2010 increases the fee for each application for a civil service open competitive and promotional examination from \$15 to \$25, with the exception of law enforcement officer and firefighter examinations. In addition, the bill retains a \$15 fee for each application for an open competitive or promotional examination by a veteran. Persons receiving public assistance benefits are not required to pay the fee. This bill requires that the examination fee for non-public safety examinations be reviewed every five years beginning July 1, 2015 and permits modification of the fee as long as the fee does not exceed the costs of developing, procuring, and administering the examinations. This bill establishes a separate \$20 fee for each appeal filed concerning discipline or termination actions, adverse actions relating to the examination and appointment process, and lay-offs and demotions. Veterans and persons who are receiving public assistance are not required to pay the appeal fee.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

According to the Executive Branch, the increase in examination fees from \$15 to \$25 and the retention of a \$15 fee for veterans will increase application fee revenue to develop, procure, and administer civil service examinations by \$360,000. In addition, the Executive Branch estimates that the establishment of a separate appeal fee of \$20 will increase fee revenue to process appeals by \$80,000, in FY 2011.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS can neither concur nor disagree with the Executive Branch's fiscal estimate, given that the Executive Branch has not elaborated on the method and data underlying the assumptions of its projection. While basic application and appeals statistics are provided in the Governor's proposed FY 2011 budget, it is not clear if the increase in fees merely reduces the cost of administering examinations or if the increase in fees provides additional revenues to cover the cost of administering examinations. In addition, budget program data does not breakout how many applications and appeals are filed by non-public safety, public safety applicants, veterans, and by persons receiving public assistance. Each of these applicant types pays a different fee. Furthermore, establishing a separate fee for appeals affects the cost of administering the program under current law as compared to administering the program under this bill. Thus, without knowing what assumptions were made with regard to the total current program costs, the number of applications, the number of appeals, and the fees associated with those applications and appeals, the OLS cannot substantiate the Executive's fiscal estimate.

*Section:* State Government

*Analyst:* Kimberly McCord Clemmensen  
Senior Fiscal Analyst

*Approved:* David J. Rosen  
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).