

LEGISLATIVE HISTORY CHECKLIST  
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(Public works manager--  
examination)

**NJSA:** 40A:9-154.6b

**LAWS OF:** 1995 **CHAPTER:** 46

**BILL NO:** A307

**SPONSOR(S):** Bagger and Collins

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:** **ASSEMBLY:** Commerce  
**SENATE:** Community Affairs

**AMENDED DURING PASSAGE:** Yes Assembly Committee Substitute (1R) enacted

**DATE OF PASSAGE:** **ASSEMBLY:** March 15, 1994 Re-enacted 2-27-95  
**SENATE:** December 15, 1994 Re-enacted 3-2-95

**DATE OF APPROVAL:** March 7, 1995

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

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

**FISCAL NOTE:** No

**VETO MESSAGE:** Yes

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

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ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, No. 307

STATE OF NEW JERSEY

Sponsored by Assemblymen BAGGER and COLLINS

ADOPTED MARCH 7, 1994

1 AN ACT concerning the requirements for public works manager  
2 examination and certification for certain persons and amending  
3 P.L.1991, c.258.

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

7 1. Section 1 of P.L.1991, c.258 (C.40A:9-154.6a) is amended to  
8 read as follows:

9 1. As used in this act:

10 a. "Director" means the Director of the Division of Local  
11 Government Services in the Department of Community Affairs.

12 b. "Management responsibility" means the supervisory  
13 responsibility for planning, scheduling, directing, controlling and  
14 coordinating the daily and long term [activities] operations of [a  
15 municipal or county] public works [department or subdivision]  
16 activities, as applicable, including the utilization of manpower,  
17 equipment, materials [and] 1 funds [appropriated to the public  
18 works department], and other available resources [available to  
19 the department].

20 c. "Public Works Advisory Board" means that board appointed  
21 by the director to [assist the Division of Local Government  
22 Services in the examination and certification process and as may  
23 be required for the general administration of this act] review the  
24 examination, assist in evaluating qualifications for granting  
25 certificates, review of municipal applications for exemption, and  
26 review of continuing education programs and other duties as the  
27 director may from time to time assign. The board shall meet at  
28 least one time each year.

29 d. "Public works [department] activity" means [a local agency  
30 which has the responsibility for the care and] maintenance of  
31 streets, [roads, avenues] drainage, public buildings and places,  
32 water and waste water, solid waste, motor vehicles, or similar  
33 items related to the physical plant and infrastructure of [the  
34 jurisdiction] a municipality. For the purposes of this act, [neither  
35 an agency of county government nor] a municipal utilities  
36 authority shall not be considered a public works [department]  
37 activity.

38 e. "[Public] Principal public works manager" means a [person]  
39 certified public works manager <sup>1</sup>who performs administrative and  
40 supervisory duties relating to installation, maintenance and repair  
41 of public works facilities, or assists in planning, organizing and  
42 directing all programs relating to a public works activity, or a

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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly amendments adopted in accordance with Governor's  
recommendations February 6, 1995.

1 combination thereof, who is<sup>1</sup> appointed by the local governing  
2 body, its designated appointing authority or chief executive  
3 officer [to serve as the public works superintendent, director,  
4 supervisor, foreman, or in a title as designated by that governing  
5 body], and who is not an elected member of that governing body,  
6 [and who has management responsibility for the activities of a  
7 public works department or any subdivision thereof] who <sup>1</sup>[, in  
8 regard to public works activities conducted by the municipality]<sup>1</sup>  
9 advises municipal elected officials and employees in proper  
10 compliance and administration of the various laws, regulations,  
11 technical practices, operations and management techniques <sup>1</sup>with  
12 regard to public works activities conducted by the municipality.  
13 The designation principal public works manager shall not be  
14 considered a separate position or title within the municipality but  
15 shall signify the performance of duties by the person selected to  
16 advise municipal elected officials and employees<sup>1</sup>.

17 f. "[Principal public] Public works manager" means a person  
18 who [has management responsibility for an entire public works  
19 department] in at least 5 of the last 10 years, has served in a  
20 position of public or private public works, construction  
21 management or civil engineering position where no less than fifty  
22 percent of the person's work time was directly spent in daily,  
23 direct supervision of public works activities.

24 g. "Certified public works manager" means a public works  
25 manager who meets any one of the following criteria:

26 i. completes the requirements of section 2 of P.L.1991, c.258  
27 (C.40A:9-154.6b);

28 ii. has a bachelor or greater degree in civil or related public  
29 works engineering, and is a licensed professional engineer in New  
30 Jersey;

31 iii. has served in one or more municipalities continuously for  
32 the five years prior to January 1, 1997, except that certification  
33 shall be limited to the municipality where the public works  
34 manager is employed at the time he applies for the certificate  
35 pursuant to section 3 of P.L.1991, c.258 (C.40A:9-154.6c);

36 iv. graduated as a certified public works manager from  
37 Rutgers, the State University prior to August 13, <sup>1</sup>[1993] 1994<sup>1</sup>.  
38 (cf: P.L.1991, c.258, s.1)

39 2. Section 2 of P.L.1991, c.258 (C.40A:9-154.6b) is amended to  
40 read as follows:

41 2. a. The director shall appoint [~~five~~] nine persons who shall  
42 constitute the Public Works Advisory Board as follows: one  
43 designee from the Division of Local Government Services in the  
44 Department of Community Affairs, who shall serve as chair; one  
45 from Rutgers, The State University of New Jersey, [~~Department~~  
46 of] Center for Government [Services] Service ; two public works  
47 managers who [~~have~~] hold certified public works manager  
48 certificates and are members of the Public Works Association of  
49 New Jersey ; [~~and~~] one public works manager who has a certified  
50 public works manager certificate and a degree in engineering  
51 from a four-year institution of higher education, and is a member  
52 of the Public Works Association of New Jersey; one public works  
53 manager who has a certified public works manager certificate  
54 and is a member of the New Jersey Society of Municipal

1 Engineers; one public works manager who has a certified public  
2 works manager certificate and is a member of the New Jersey  
3 Chapter of the American Public Works Association; and two  
4 representatives from the New Jersey State League of  
5 Municipalities. The terms of each of the appointments shall be  
6 for three years except that the initial term of one of the public  
7 works managers shall be for one year and a second shall serve an  
8 initial term of two years so that the terms of the public works  
9 managers shall be staggered. Any member of the Public Works  
10 Advisory Board may be reappointed to succeed himself. The  
11 director may dismiss any member of the Public Works Advisory  
12 Board for cause and then make another appointment to serve for  
13 the remainder of that term.

14 b. The director, with the advice of the Public Works Advisory  
15 Board, shall develop and hold examinations semi-annually, [and]  
16 or at such times as he may determine appropriate, for  
17 qualification as a certified public works manager. An applicant  
18 for examination shall present to the director a written  
19 application on a form provided by the Division of Local  
20 Government Services, showing that the applicant is not less than  
21 21 years of age, is a citizen of the United States, is of good moral  
22 character, has obtained a certificate or diploma issued after at  
23 least four years of study in an approved secondary school or has  
24 received an academic education considered and accepted by the  
25 Commissioner of Education of this State as fully equivalent, and  
26 has graduated as a [certified] public works manager from  
27 Rutgers, the State University of New Jersey[, or a program  
28 certified as its equivalent by the Division of Local Government  
29 Services]. An applicant shall have a minimum of five years'  
30 experience [in] as a public works [operations in a position  
31 requiring the exercise of management skills] manager.  
32 (cf: P.L.1991, c.258, s.2)

33 3. Section 3 of P.L.1991, c.258 (C.40A:9-154.6c) is amended to  
34 read as follows:

35 3. [Notwithstanding the examination requirements in section 2  
36 of this act, the] The director shall issue, upon [receipt of an  
37 application within one year after the effective date of this act  
38 and] the payment of a fee <sup>1</sup>[of \$25 to the order of the Treasurer  
39 of the State of New Jersey]<sup>1</sup>, a public works manager certificate  
40 to any applicant who meets the definition of a certified public  
41 works manager or a public works manager who has successfully  
42 completed a certified public works manager program described in  
43 section 2 of this act, is not less than 21 years of age, is a citizen  
44 of the United States, is of good moral character, and has obtained  
45 a high school diploma as described in section 2 of this act [, and  
46 has at least 10 years of experience in public works operations,  
47 and has served in a position of management responsibility for any  
48 local unit of government for five consecutive years prior to the  
49 date of application for certification].

50 (cf: P.L.1991, c.258, s.3)

51 4. Section 4 of P.L.1991, c.258 (C.40A:9-154.6d) is amended to  
52 read as follows:

53 4. [a.] Each completed application form for the examination  
54 shall be accompanied by a fee <sup>1</sup>[in the amount of \$50 payable to

1 the Treasurer of the State of New Jersey]<sup>1</sup> and shall be filed with  
2 the director at least 30 days prior to the date of examination.  
3 Examinations shall be written, or both written and oral, and shall  
4 be of such character as fairly to test and determine the ability of  
5 the person tested to perform the duties of a [certified] principal  
6 public works manager.

7 [b. The first examination for a public works manager  
8 certificate shall take place not less than 180 days from the  
9 effective date of this act.]

10 (cf: P.L.1991, c.258, s.4)

11 5. Section 5 of P.L.1991, c.258 (C.40A:9-1546e) is amended to  
12 read as follows:

13 5. Upon a finding by the director that an applicant has  
14 successfully completed the examination, [a public works manager  
15 certificate shall be issued to] the applicant may apply for a  
16 certificate pursuant to the provisions of section 3 of P.L.1991,  
17 c.258 (C.40A:9-154.6c).

18 (cf: P.L.1991, c.258, s.5)

19 6. Section 7 of P.L.1991, c.258 (C.40A:9-1546g) is amended to  
20 read as follows:

21 7. a. Commencing January 1, [1995] 1997, the governing body  
22 or chief executive officer of each municipality, as appropriate,  
23 shall appoint a principal public works manager for that  
24 municipality.

25 b. No [no] person shall be <sup>1</sup>[appointed or reappointed or serve  
26 as] selected to perform the duties of<sup>1</sup> a principal public works  
27 manager unless he holds a public works manager certificate  
28 issued pursuant to [sections] section 3 [and 5] of [this act]  
29 P.L.1991, c.258 (C.40A:9-154.6c), which certificate has not been  
30 revoked or suspended in accordance with the provisions of  
31 subsection b. of section 6 [, except that a principal public works  
32 manager who has held office continuously for five consecutive  
33 years in the same municipality may continue to serve in his  
34 current position and shall not be removed from office or denied  
35 reappointment for failure to qualify as a certified public works  
36 manager pursuant to the provisions of this act; and further  
37 provided, however, that] of P.L.1991, c.258 (C.40A:9-154.6f).

38 c. When [when] a vacancy occurs in <sup>1</sup>[the] a<sup>1</sup> position <sup>1</sup>in  
39 which the duties<sup>1</sup> of principal public works manager <sup>1</sup>are  
40 performed<sup>1</sup>, the governing body or chief executive officer, as  
41 appropriate, may <sup>1</sup>[appoint] select<sup>1</sup>, for a period not to exceed  
42 one year and commencing on the date of the vacancy, a person  
43 who does not hold a certified public works manager certificate to  
44 <sup>1</sup>[serve as a temporary] perform on an interim basis, the duties of  
45 a<sup>1</sup> principal public works manager. Any person so <sup>1</sup>[appointed]  
46 selected<sup>1</sup> may be <sup>1</sup>[reappointed] selected<sup>1</sup> as principal public  
47 works manager <sup>1</sup>[following the termination of the temporary  
48 appointment]<sup>1</sup> for one additional year; provided, however, that no  
49 person shall <sup>1</sup>[serve as] perform on an interim basis, the duties of  
50 a<sup>1</sup> temporary principal public works manager for more than two  
51 years in any municipality <sup>1</sup>, and also provided that, in a  
52 municipality operating under the provisions of Title 11A, the  
53 Civil Services Act, no person so selected on an interim basis shall  
54 be required to perform out-of-title work<sup>1</sup>.

1 d. Any municipality that conducts minimal or no public works  
2 activity may apply to the director for an exemption from this  
3 section. Such exemptions shall be valid for five years from the  
4 date of issuance, at which time the municipality must reapply for  
5 an exemption or <sup>1</sup>[appoint] select a person to perform the duties  
6 of<sup>1</sup> a principal public works manager. Upon receipt of an  
7 application for exemption, the director shall have the public  
8 works advisory board review the applicaton and make a  
9 recommendation to the director for approval or denial. If the  
10 director for good cause disagrees with the recommendation, he  
11 shall advise the public works advisory board of his decision and  
12 take any action he deems appropriate.

13 e. If a governing body or mayor fail or refuses to comply with  
14 this subsection, and has received an order from the director to do  
15 so, the members of a governing body or mayor who willfully fail  
16 or refuse to comply shall each be subject to a personal penalty of  
17 \$25 for each day after the date fixed for final action that failure  
18 or refusal to comply continues. The amount for the penalty may  
19 be recovered by the director in the name of the State as a  
20 personal debt of the member of the governing body or mayor, and  
21 shall be paid, upon receipt, into the State Treasury.

22 (cf: P.L.1991, c.258, s.7)

23 7. Section 8 of P.L.1991, c.258 (C.40A:9-154.6h) is amended to  
24 read as follows:

25 8. a. Commencing January 1, [1995] 1997, all public works  
26 manager certificates shall be renewed upon application, payment  
27 of the required fee, and verification that the applicant has met  
28 continuing education requirements, all as set forth in this  
29 section. Each renewal shall be for a period of three years. The  
30 renewal date shall be 30 days prior to the expiration date.

31 b. All public works manager certificates subject to renewal  
32 pursuant to this section that were issued prior to January 1, 1995  
33 shall have an expiration date of December 31, [1998] <sup>1</sup>[1997]  
34 1998<sup>1</sup>. All public works manager certificates issued on or after  
35 January 1, 1995 shall have an expiration date of either June 30 or  
36 December 31, whichever is sooner, of the third year following the  
37 year in which the certificates were originally issued, provided  
38 that no certificate shall expire sooner than [three years from the  
39 date of original issue] December 31, <sup>1</sup>[1997] 1998<sup>1</sup>.

40 c. Each applicant for renewal of a public works manager  
41 certificate shall, on a form prescribed by the director, furnish  
42 proof of having earned at least two continuing education units in  
43 fields of study related to public works activity. For the purposes  
44 of this section, one continuing education unit equals 10 contact  
45 hours. Upon verification of this requirement, and upon payment  
46 of a fee <sup>1</sup>[of \$10 to the order of the Treasurer of the State of  
47 New Jersey]<sup>1</sup>, the director shall renew the public works manager  
48 certificate.

49 d. If the holder of a public works manager certificate has  
50 allowed the certificate to lapse by failing to renew the  
51 certificate, a new application and certificate shall be required.  
52 If application is made within six months of the expiration of the  
53 lapsed certificate, then application may be made in the same

1 manner as a renewal, but the application shall be accompanied by  
2 the fee for a new application.

3 (cf: P.L.1991, c.258, s.8.)

4 <sup>1</sup>8. (New section) The director shall establish fees, that shall  
5 not exceed those charges for similar programs charged for similar  
6 programs administered by the Division of Local Government  
7 Services, for the purposes of issuing a new or renewed certified  
8 public works manager certificate pursuant to sections 3 and 8 of  
9 P.L.1991, c.258 (C.40A:9-154.6c and C.40A:9-154.6h,  
10 respectively), and for filing an application for the certified public  
11 works manager examination pursuant to section 4 of P.L.1991,  
12 c.258 (C.40A:9-154.6d).<sup>1</sup>

13 <sup>1</sup>[8.] 9.<sup>1</sup> This act shall take effect immediately.

14

15

16

17

18 Revises requirements for public works manager certification.

ASSEMBLY, No. 307  
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblymen BAGGER and COLLINS

1 **AN ACT** concerning the requirements for public works manager  
2 examination and certification for certain persons and amending  
3 P.L.1991, c.258.

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

7 1. Section 2 of P.L.1991, c.258 (C.40A:9-154.6b) is amended to  
8 read as follows:

9 2. a. The director shall appoint five persons who shall  
10 constitute the Public Works Advisory Board as follows: one  
11 designee from the Division of Local Government Services in the  
12 Department of Community Affairs; one from Rutgers, The State  
13 University of New Jersey, Department of Government Services;  
14 two public works managers who have public works manager  
15 certificates; and one public works manager who has a public  
16 works manager certificate and a degree in engineering from a  
17 four-year institution of higher education. The terms of each of  
18 the appointments shall be for three years except that the initial  
19 term of one of the public works managers shall be for one year  
20 and a second shall serve an initial term of two years so that the  
21 terms of the public works managers shall be staggered. Any  
22 member of the Public Works Advisory Board may be reappointed  
23 to succeed himself. The director may dismiss any member of the  
24 Public Works Advisory Board for cause and then make another  
25 appointment to serve for the remainder of that term.

26 b. The director, with the advice of the Public Works Advisory  
27 Board, shall develop and hold examinations semi-annually, and at  
28 such times as he may determine appropriate, for qualification as  
29 a certified public works manager. An applicant for examination  
30 shall present to the director a written application on a form  
31 provided by the Division of Local Government Services, showing  
32 that the applicant is not less than 21 years of age, is a citizen of  
33 the United States, is of good moral character, has obtained a  
34 certificate or diploma issued after at least four years of study in  
35 an approved secondary school or has received an academic  
36 education considered and accepted by the Commissioner of  
37 Education of this State as fully equivalent, and has graduated as a  
38 certified public works manager from Rutgers, the State  
39 University of New Jersey, or a program certified as its equivalent  
40 by the Division of Local Government Services. An applicant shall  
41 have a minimum of five years' experience in public works  
42 operations in a position requiring the exercise of management

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 skills , except that an applicant who has served as a temporary  
2 principal public works manager pursuant to section 7 of P.L.1991,  
3 c.258 (C.40A:9-154.6g), and who has a minimum of five years of  
4 experience in the private sector requiring the exercise of  
5 management skills, deemed acceptable by the Public Works  
6 Advisory Board, shall be credited for up to three years'  
7 experience in public works operations if that applicant passes the  
8 first certified public works manager examination held by the  
9 board following that applicant's termination of employment as a  
10 temporary principal public works manager.

11 c. Notwithstanding the requirements of subsection b. of this  
12 section, an applicant for examination prior to January 1, 1995,  
13 who has at least 15 years of experience in public works operations  
14 and, prior to the date of application for the examination, has  
15 served for the last five consecutive years in the position of  
16 principal public works manager, shall not be required to complete  
17 a public works manager program as described in subsection b. of  
18 this section, except that any such applicant who fails to pass the  
19 examination for a certified public works manager shall  
20 successfully complete a certified public works manager program,  
21 as established under subsection b. of this section, prior to being  
22 eligible for reexamination.

23 (cf: P.L.1991, c.258, s.2)

24 2. Section 3 of P.L.1991, c.258 (C.40A:9-154.6c) is amended to  
25 read as follows:

26 3. a. Notwithstanding the examination requirements in section  
27 2 of this act, the director shall issue, upon receipt of an  
28 application within one year after the effective date of this act  
29 and the payment of a fee of \$25 to the order of the Treasurer of  
30 the State of New Jersey, a public works manager certificate to  
31 any applicant who has successfully completed a certified public  
32 works manager program described in section 2 of this act, is not  
33 less than 21 years of age, is a citizen of the United States, is of  
34 good moral character, has obtained a high school diploma as  
35 described in section 2 of this act, and has at least 10 years of  
36 experience in public works operations, and has served in a  
37 position of management responsibility for any local unit of  
38 government for five consecutive years prior to the date of  
39 application for certification.

40 b. A professional engineer licensed pursuant to P.L.1938, c.342  
41 (C.45:8-27 et seq.) who is employed on a full time basis by a  
42 county or municipal engineering or public works department in  
43 this State for five years in a position of management  
44 responsibility shall be exempt from the certification  
45 requirements of P.L.1991, c.258 (C.40A:9-154.6a et seq.), and the  
46 director shall issue or reissue a public works manager certificate  
47 to that professional engineer upon receipt of an application,  
48 which shall include proof of these experience requirements and a  
49 current professional engineer license issued pursuant to P.L.1938,  
50 c.342 (C.45:8-27 et seq.).

51 c. A professional engineer licensed pursuant to P.L.1938, c.342  
52 (C.45:8-27 et seq.) who has at least five years of public works  
53 experience in this State, requiring the exercise of management  
54 responsibility for the activities of a public works department or

1 any subdivision thereof in the 10 years immediately preceding  
2 application for examination, shall not be required to complete a  
3 public works manager program as described in subsection b. of  
4 section 2 of P.L.1991, c.258 (C.40A:9-154.6b), except that any  
5 such applicant who fails to pass the examination for a certified  
6 public works manager shall successfully complete a certified  
7 public works manager program prior to being eligible for  
8 reexamination.

9 (cf: P.L.1991, c.258, s.3)

10 3. This act shall take effect immediately.

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12  
13 STATEMENT

14  
15 This bill would exempt an applicant for a public works manager  
16 certificate who has at least 15 years of experience in public  
17 works operations and who has served in the position of principal  
18 public works manager for five consecutive years prior to the date  
19 of application for the examination, from a certification  
20 requirement of P.L.1991, c.258 (C.40A:9-154.6a et seq.) which  
21 requires that an applicant graduate from a public works manager  
22 program from Rutgers, the State University of New Jersey, or a  
23 program certified as its equivalent by the Division of Local  
24 Government Services in the Department of Community Affairs.  
25 However, if the applicant fails to pass the examination for a  
26 certified public works manager the bill requires that the  
27 applicant successfully complete a certified public works manager  
28 program, prior to being eligible for reexamination.

29 The bill further provides that a licensed engineer is eligible for  
30 a public works manager certificate upon submission of a written  
31 request and application to the Director of Local Government  
32 Services. The application shall include proof of the applicant's  
33 current professional engineers license and the experience  
34 requirements. These applicants will also be subject to the fee  
35 requirements established under section 8 of P.L.1991, c.258  
36 (C.40A:9-154.6h) for initial licensure and annual renewals.

37 The bill also provides that a professional engineer licensed  
38 pursuant to P.L.1938, c.342 (C.45:8-27 et seq.), with at least five  
39 years of public works experience in the State of New Jersey, who  
40 applies for the examination shall also be exempt from the  
41 requirement that they complete a public works manager  
42 program. However, if the applicant fails to pass the examination  
43 for a certified public works manager, the bill requires that the  
44 applicant successfully complete a certified public works manager  
45 program, prior to being eligible for reexamination.

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49  
50 Exempts certain persons from education requirements and  
51 licensed professional engineers from education, testing and fee  
52 requirements for public works manager certification.

ASSEMBLY COMMERCE AND REGULATED  
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 307**

**STATE OF NEW JERSEY**

DATED: MARCH 7, 1994

The Assembly Commerce and Regulated Professions Committee reports favorably Assembly Committee Substitute for Assembly Bill No. 307.

This committee substitute amends P.L.1991, c.258 (C.40A:9-154.6a et seq.), which concerns the certification of public works managers.

The committee substitute amends the definition section of P.L.1991, c.258 in the following manner: "public works manager" is amended so that it applies to a person who in at least 5 of the last 10 years, has served in a position of public or private public works, construction management or civil management position where fifty percent of the person's work time was directly spent in daily, direct supervision of public works activities; a new definition is established for a "certified public works manager;" and a "principal public works manager" is a certified public works manager who, in regard to public works activities conducted by the municipality advises municipal elected officials and employees in proper compliance and administration of the various laws, regulations, technical practices, operations and management techniques. In addition "public works department" is replaced by "public works activity" and maintenance of drainage is added as part of this definition.

The duties of the Public Works Advisory Board is also revised to denote its role in reviewing the certification examination, assisting in evaluating qualifications for granting certificates, reviewing municipal applications for exemption from the provisions of P.L.1991, c.258, and reviewing continuing education programs.

The committee substitute changes the membership of the Public Works Advisory Board by increasing its membership from five persons to nine persons. It specifies that the designee from the Division of Local Government Services in the Department of Community Affairs shall serve as chair of the board. It states that the public works manager appointees to the board shall hold certified public works manager certificates. The additional members who are public works managers holding public works manager certificates are to be members of the New Jersey Society of Municipal Engineers, the New Jersey chapter of the American Public Works Association and the Public Works Association of New Jersey. Also, two members are to be representatives from the New Jersey State League of Municipalities.

The committee substitute also provides that the governing body or chief executive officer of each municipality, as appropriate, shall appoint a principal public works manager for that municipality commencing January 1, 1997. This changes current law, which specifies that commencing January 1, 1995, no person shall be appointed or reappointed or serve as a principal public works manager unless he holds a public works manager certificate issued pursuant to the provisions of P.L.1991, c.258. In addition, the committee substitute establishes criteria by which a municipality that conducts minimal or no public works activity may apply to the Director of the Division of Local Government Services for an exemption from this provision regarding the appointment of a principal public works manager. Additionally, penalty provisions are established for the members of a governing body or a mayor who refuses to comply with the aforementioned requirements after having received an order from the director to do so.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 307

STATE OF NEW JERSEY

DATED: NOVEMBER 21, 1994

The Senate Community Affairs Committee reports favorably Assembly Committee Substitute for Assembly, No. 307.

The substitute amends P.L.1991, c.258 (C.40A:9-154.6a et seq.), which concerns the certification of public works managers. The substitute amends definitions contained in section 1 of P.L.1991, c.258 (C.40A:9-154.6a) in the following manner:

"public works manager" would mean a person who in at least 5 of the last 10 years, has served in a position of public or private public works, construction management or civil engineering in which fifty percent of the person's work time was directly spent in daily, direct supervision of public works activities;

"principal public works manager" would mean a certified public works manager who, in regard to public works activities conducted by the municipality advises municipal elected officials and employees in proper compliance and administration of the various laws, regulations, technical practices, operations and management techniques;

a new definition would be established for "certified public works manager" which would mean a public works manager who has either:

completed the requirements of section 2 of P.L.1991, c.258 (C.40A:9-154.6b);

graduated with a bachelor or greater degree in civil or related public works engineering, and is a licensed professional engineer in New Jersey;

served in one or more municipalities continuously for the five years prior to January 1, 1997, except that certification for such a person would be limited to the municipality in which the public works manager is employed at the time the application for certification pursuant to section 3 of P.L.1991, c.258 (C.40A:9-154.6c) is submitted; or

graduated as a certified public works manager from Rutgers, the State University prior to August 13, 1993.

Additionally, the term "public works department" would be replaced by the term "public works activity" and maintenance of drainage would be added as part of the definition.

The substitute revises the duties of the Public Works Advisory Board to denote its role in reviewing the certification examination, assisting in evaluating qualifications for granting certificates, reviewing municipal applications for exemption from the provisions of P.L.1991, c.258, and reviewing continuing education programs. The board would be required to meet at least one time each year.

The substitute would increase the membership of the Public Works Advisory Board from five persons to nine persons and specify criteria for board membership. The board member who is the designee from the Division of Local Government Services in the Department of Community Affairs would serve as chair of the board. The public works manager appointees to the board would be required to hold certified public works manager certificates.

The substitute requires the governing body or chief executive officer of each municipality, as appropriate, to appoint a principal public works manager for that municipality commencing January 1, 1997. Current law provides that commencing January 1, 1995, no person shall be appointed or reappointed or serve as a principal public works manager unless that person holds a public works manager certificate issued pursuant to the provisions of P.L.1991, c.258. Under the substitute, penalty provisions would be established for a member of a governing body or a mayor who refuses to comply with the appointment requirement after having received an order from the director to appoint a principal public works manager. Finally, the bill would establish criteria by which a municipality that conducts minimal or no public works activity may apply to the Director of the Division of Local Government Services for an exemption from this provision regarding the appointment of a principal public works manager.

Although the substitute indicates that a municipal governing body or chief executive officer must "appoint" a principal public works manager and may "appoint" a temporary principal public works manager, it is the committee's understanding that the job function of principal public works manager would not be a position or title, as those terms are utilized by the Department of Personnel, but would rather be an advisory role.

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY BILL NO. 307

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning the Assembly Committee Substitute for Assembly Bill No. 307 with my recommendations for reconsideration.

A. Summary of Bill

This bill would revise the 1991 law which established the Public Works Advisory Board, the purpose of which was to assist the Department of Community Affairs with public works issues and licensing. The intent of the bill is to clarify the 1991 law and to facilitate compliance with and enforcement of the requirements of the 1991 law concerning public works managers.

B. Recommended Action

While I agree with the goal of this bill, I have been advised by certain State departments that some of the bill's provisions conflict with the Civil Service Act or current practice regarding the fees associated with the administration of examinations as well as with initial and renewed certification. I also have been made aware of concerns that certain dates in the bill should be revised in the interest of fairness to applicants.

For these reasons, I herewith return the Assembly Committee Substitute for Assembly Bill No. 307 and recommend that it be amended as follows:

Page 1, Section 1, Line 39:

After "manager" insert "who performs administrative and supervisory duties relating to installation, maintenance and repair of public works facilities, or assists in planning, organizing and directing all programs relating to a public works activity, or a combination thereof, who is"

- Page 2, Section 1, Lines 3-4: Delete ", in regard to public works activities conducted by the municipality"
- Page 2, Section 1, Line 7: After "techniques" insert "with regard to public works activities conducted by the municipality. The designation of principal public works manager shall not be considered a separate position or title within the municipality but shall signify the performance of duties by the person selected to advise municipal elected officials and employees"
- Page 2, Section 1, Line 28: Delete "1993" and insert "1994"
- Page 3, Section 3, Lines 29-30: Delete "of \$25 to the order of the Treasurer of the State of New Jersey"
- Page 3, Section 4, Lines 45-46: Delete "in the amount of \$50 payable to the Treasurer of the State of New Jersey"
- Page 4, Section 6, Line 15: Delete "appointed or reappointed or serve as" and insert "selected to perform the duties of"
- Page 4, Section 6, Line 27: After "in" delete "the" and insert "a"; after "position" insert "in which the duties"
- Page 4, Section 6, Line 28: After "manager" insert "are performed"
- Page 4, Section 6, Line 29: Delete "appoint" and insert "select"
- Page 4, Section 6, Line 32: Delete "serve as a temporary" and insert "perform, on an interim basis, the duties of a"
- Page 4, Section 6, Line 33: Delete "appointed" and insert "selected"; delete "reappointed" and insert "selected"
- Page 4, Section 6, Line 34: Delete "following the termination of the temporary appointment"
- Page 4, Section 6, Line 36: Delete "serve as" and insert "perform, on an interim basis, the duties of a"
- Page 4, Section 6, Line 37: After "municipality" insert ", and also provided that, in a municipality operating under the provisions of Title



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11A, the Civil Services Act, no person so selected on an interim basis shall be required to perform out-of-title work"

- Page 4, Section 6, Line 42: Delete "appoint" and insert "select a person to perform the duties of"
- Page 5, Section 7, Line 15: Delete "1997" and insert "1998"
- Page 5, Section 7, Line 21: Delete "1997" and insert "1998"
- Page 5, Section 7, Lines 28-29: Delete "of \$10 to the order of the Treasurer of the State of New Jersey"
- Page 5, Section 8, Line 39: After "8." insert new section "P.L.1991, c.258 (C.40A:9-154.6a et seq.), is supplemented as follows: [New section] The director shall establish fees, that shall not exceed those charged for similar programs administered by the Division of Local Government Services, for the purposes of issuing a new or renewed certified public works manager certificate pursuant to sections 3 and 8 of P.L. 1991, c.258 (C.40A:9-154.6c and C.40A:9-154.6h, respectively), and for filing an application for the certified public works manager examination pursuant to section 4 of P.L. 1991, c.258 (C.40A:9-154.6d)." and renumber former section "8." as "9."

Respectfully,

/s/ Christine Todd Whitman

GOVERNOR

[seal]

Attest:

/s/ Peter Verniero

Chief Counsel to the Governor