

26: 3-3

LEGISLATIVE HISTORY CHECKLIST

NJSA: 26: 3-3

(Local boards of health--appointment of alternate members)

LAWS OF: 1989

CHAPTER: 168

Bill No: A1402

Sponsor(s): Randall

Date Introduced: Pre-filed

Committee: Assembly: Municipal Government

Senate: County & Municipal Government

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: February 18, 1988

Senate: June 15, 1989

Date of Approval: August 14, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

[FIRST REPRINT]
ASSEMBLY, No. 1402

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblywoman RANDALL

2 AN ACT concerning ¹the appointment of alternate members to
certain¹ local boards ¹[of health]¹ and amending R.S.26:3-3
4 ¹and P.L.1968, c.245¹.

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

8 1. R.S.26:3-3 is amended to read as follows:

10 26:3-3. The local board in every municipality, other than a
township, which is subject to the provisions of subdivision C of
12 this article, shall be composed of not less than five nor more than
seven members, except that in a city of the first class the board
14 shall consist of 10 members, and in a city having a population of
over 80,000, but not of the first class, the board shall consist of
not less than five nor more than 10 members.

16 The local board may, by ordinance, provide for the appointment
of two alternate members. Notwithstanding the provisions of any
other law or charter heretofore adopted, the ordinance shall
provide the method of appointment of the alternate members.
Alternate members shall be designated at the time of
appointment by the authority appointing them as "Alternate No.
1" and "Alternate No. 2."

22 The terms of the alternate, members shall be for two years,
except that the terms of the alternate members first appointed
shall be two years for Alternate No. 1 and one year for Alternate
No. 2, so that the term, of not more than one alternate member
shall expire in any one year. A vacancy occurring otherwise that
by expiration of term shall be filled by the appointing authority
for the unexpired term only.

30 An alternate member shall not be permitted to act on any
matter in which he has either directly or indirectly any personal
or financial interest. An alternate member may, after public
hearing if he requests one, be removed by the governing body for
cause.

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:

¹ Senate floor amendments adopted October 17, 1988.

2 An alternate member may participate in discussions of the
3 proceedings but may not vote except in the absence or
4 disqualification of a regular member. A vote shall not be delayed
5 in order that a regular member may vote instead of an alternate
6 member. In the event that a choice must be made as to which
7 alternate member is to vote, Alternate No. 1 shall vote first.

(cf: P.L.1981, c.462, s.28)

8 ¹2. Section 1 of P.L.1968, c.245 (C.40:56A-1) is amended to
read as follows:

10 1. Commission; appointment; terms; vacancies. The governing
11 body of any municipality may by ordinance establish an
12 environmental commission for the protection, development or use
13 of natural resources, including water resources, located within its
14 territorial limits. The commission shall consist of not less than
15 five nor more than seven members, appointed by the mayor of the
16 municipality, one of whom shall also be a member of the
17 municipal planning board and all of whom shall be residents of the
18 municipality; the members shall serve without compensation
19 except as hereinafter provided. The mayor of the municipality
20 shall designate one of the members to serve as chairman and
21 presiding officer of the commission. The terms of office of the
22 first commissioners shall be for 1, 2 or 3 years, to be designated
23 by the mayor in making his appointments so that the terms of
24 approximately 1/3 of the members will expire each year, and
25 their successors shall be appointed for terms of 3 years and until
26 the appointment and qualification of their successors. The mayor
27 or governing body of the municipality may remove any member of
28 the commission for cause, on written charges served upon the
29 member and after a hearing thereon at which the member shall
30 be entitled to be heard in person or by counsel. A vacancy on the
31 commission occurring otherwise than by expiration of a term
32 shall be filled for the unexpired term in the same manner as an
33 original appointment. Notwithstanding any other provisions of
34 law to the contrary, the powers of appointment and removal
35 hereby accorded to the mayor of a municipality shall be vested in
36 the elected official so designated or, where there is a vacancy in
the office of mayor, in the duly designated acting mayor.

38 The governing body may, by ordinance, provide for the
appointment of not more than two alternate members.

2 Notwithstanding the provisions of any other law or charter
3 heretofore adopted, the ordinance shall provide the method of
4 appointment of alternate members. Alternate members shall be
5 designated at the time of appointment by the authority
6 appointing them as "Alternate No. 1" and "Alternate No. 2."

7 The terms of the alternate members shall be for two years,
8 except that the terms of the alternate members first appointed
9 shall be two years for Alternate No. 1 and one year for Alternate
10 No. 2 so that the term of not more than one alternate member
11 shall expire in any one year. A vacancy occurring otherwise than
12 by expiration of term shall be filled by the appointing authority
13 for the unexpired term only.

14 An alternate member shall not be permitted to act on any
15 matter in which he has either directly or indirectly any personal
16 or financial interest. An alternate member may, after public
17 hearing if he requests one, be removed by the governing body for
18 cause.

19 An alternate member may participate in discussions of the
20 proceedings but may not vote except in the absence or
21 disqualification of a regular member. A vote shall not be delayed
22 in order that a regular member may vote instead of an alternate
23 member. In the event that a choice must be made as to which
24 alternate member is to vote, Alternate No. 1 shall vote first.¹

(cf: P.L.1975, c.334, s.8.)

¹[2.] 3.¹ This act shall take effect immediately.

MUNICIPALITIES

Local Officers and Employees

30 Provides for appointment of two alternate members to local
31 boards of health and environmental commissions.
32

ASSEMBLY, No. 1402

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblywoman RANDALL

AN ACT concerning local boards of health and amending R.S. 26:3-3.

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

1. R.S. 26:3-3 is amended to read as follows:

26:3-3. The local board in every municipality, other than a township, which is subject to the provisions of subdivision C of this article, shall be composed of not less than five nor more than seven members, except that in a city of the first class the board shall consist of 10 members, and in a city having a population of over 80,000, but not of the first class, the board shall consist of not less than five nor more than 10 members.

The local board may, by ordinance, provide for the appointment of two alternate members. Notwithstanding the provisions of any other law or charter heretofore adopted, the ordinance shall provide the method of appointment of the alternate members. Alternate members shall be designated at the time of appointment by the authority appointing them as "Alternate No. 1" and "Alternate No. 2."

The terms of the alternate members shall be for two years, except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2, so that the term, of not more than one alternate member shall expire in any one year. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

An alternate member shall not be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause.

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.

An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote. Alternate No. 1 shall vote first.

2. This act shall take effect immediately.

STATEMENT

This bill authorizes local boards of health to provide for the appointment of two alternate members. The term of office for an alternate member shall be two years, except of the alternates first appointed Alternate one shall serve a two year term and Alternate Two shall serve a one year term.

MUNICIPALITIES

Health

Provides for the appointment of two alternate members to local boards of health

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1402

STATE OF NEW JERSEY

DATED: FEBRUARY 1, 1988

The Assembly Municipal Government Committee favorably reports Assembly Bill No. 1402.

This bill authorizes local boards of health to provide for the appointment of two alternate members. The term of office for an alternate member shall be two years, except that of the alternates first appointed, Alternate one shall serve a two year term and Alternate two shall serve a one year term.

This bill was pre-filed for introduction in the 1988 session pending technical review. Technical review has been completed and all technical corrections have been made.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1402

STATE OF NEW JERSEY

DATED: SEPTEMBER 29, 1988

The Senate County and Municipal Government Committee reports favorably Assembly Bill No. 1402.

Assembly Bill 1402 authorizes local boards of health in certain municipalities to provide for the appointment of two alternate members. Specifically, the bill addresses all municipalities except for those governed under a township form of government.

The term of office for an alternate member shall be two years, except that of the alternates first appointed, Alternate One shall serve a two-year term and Alternate Two shall serve a one-year term. The ordinance providing for the appointment of two alternate members shall also provide for their method of appointment. An alternate may participate in discussions of the proceedings, but may not vote except in the absence or disqualification of a regular member.

This bill parallels the provisions of P.L.1986, c.78 which provided for the appointment of alternate members to local boards of health in townships with a population of not more than 20,000.