

26:3-1 ✓

September 11, 1961

N.J. - Legislative History

LEGISLATIVE HISTORY
of
Local Boards of Health - R. S. 26:3-1

The first legislation establishing local boards of health in New Jersey was Laws 1880, Ch. 187, p. 276. This law was introduced as Assembly Bill No. 209 by Mr. McDermott. The bill has no statement. "Previous efforts had centered about the establishment of state public health agencies" - Stanley H. Friedlebaum - Municipal Government in New Jersey, page 23.

The next bill, which was the basis of the present law, was Laws 1887, Chapter 63, Senate Bill No. 148, introduced by Mr. Griggs. This bill had no statement and was not amended.

In 1950 a Governor's committee on local health administration issued a report, which we are enclosing. As a result of this report, a new law was passed.

Laws 1951, Chapter 69, Assembly Bill No. 1, introduced by Messrs. Cavinato, Haines, Wilson and Snediker. This bill, which had a statement, is enclosed. During passage it was amended three times and we are enclosing the amendments.

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ASSEMBLY, No. 1

STATE OF NEW JERSEY

INTRODUCED JANUARY 9, 1951

By Messrs. HAINES, SNEDIKER, WILSON and CAVINATO

Referred to Committee on Public Health

AN ACT relating to public health, authorizing the establishment of consolidated local health districts and county local health districts, prescribing the functions, powers and duties of consolidated local boards of health, and county local boards of health, amending "An act relating to public health; providing for the establishment in the Executive Branch of the State Government of a State Department of Health, defining its organization, functions, powers and duties, providing thereby for the consolidation and co-ordination of public health activities; abolishing the offices of Perth Amboy Port health officer and deputy Perth Amboy Port health officer; transferring to and vesting in said State Department of Health the functions, powers and duties of the Perth Amboy Port health officer and of the deputy Perth Amboy Port health officer; amending section 26:1-1, repealing sections 26:2-1 to 26:2-55, inclusive, 26:4-111, 26:4-114, 26:4-115, and supplementing Title 26 of the Revised Statutes," approved May twenty-second, one thousand nine hundred and forty-seven (P. L. 1947, c. 177), and amending sections 26:1-1, and 26:3-1, and supplementing Title 26, of the Revised Statutes.

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

1 1. As used in this act, unless the context otherwise clearly indicates,
2 "health district" means a consolidated local health district or a
3 county local health district, and

4 "district health board" means a consolidated local board of health
5 or a county local board of health, created pursuant to this act.

1-2 2. Any two or more municipalities in the same county may
3 create a "consolidated local health district" or a "county local health
4 district" in the manner provided in this act, which shall consist of the terri-
5 tory comprised within the territorial limits of such municipalities, but no
6 more than one county local health district shall be created in any one county,
7 and no county local health district shall be created except with the consent
8 of the board of chosen freeholders of the county to the creation thereof un-
9 less the proposed county local health district shall include all of the terri-
10 tory included within the territorial limits of the county.

1 3. Each consolidated local health district shall be designated as the
2 "..... Consolidated Local Health District
3 of County," being numbered in the
4 order of the creation of such consolidated local health district in the county
5 and each county local health district shall be designated as the ".....
6 Local Health District," according to the name of
7 the county.

1 4. Each consolidated local health district shall be governed by a con-
2 solidated local board of health, the members of which shall be appointed in
3 the manner hereinafter provided by the Advisory Council and Budget Review
4 Board of the district created as hereinafter provided and each county local
5 health district shall be governed by a county local board of health, the mem-
6 bers of which shall be appointed by the board of chosen freeholders as herein-
7 after provided.

1 5. Each health district board shall consist of seven members, five of
2 whom shall be residents of the health district and two of whom shall be
3 physicians licensed to practice medicine and surgery in this State and shall be
4 residents of the county in which the health district is situate. All mem-
5 bers of such health district boards shall be selected with due regard to their
6 knowledge of, and interest in, public health needs and the physician mem-

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7 bership shall be selected from the qualified physicians residing in the
 8 health district or the county, as the case may be. One member of each con-
 9 solidated local board of health may be selected from the members of the Ad-
 10 visory Council and Budget Review Board of the consolidated local health
 11 district, and one member of the county local board of health may be
 12 selected from among the membership of the board of chosen freeholders of
 13 the county. No member of any district health board shall succeed himself
 14 consecutively more than once.

1 6. The term of each member of each district board shall be four years,
 2 beginning on the first day of January next succeeding his appointment, but
 3 the first appointments shall be made one for one year, two for two years,
 4 two for three years and two for four years. The members of the board
 5 shall continue to serve after their respective terms and until their respective
 6 successors are appointed. Any vacancy occurring in the membership of any
 7 consolidated local board of health shall be filled by the remaining members
 8 of the board and any vacancy occurring in the membership of any county
 9 local board of health shall be filled by the board of chosen freeholders of
 10 the county, but if the board of chosen freeholders shall fail to fill the same
 11 within sixty days after the vacancy occurs, the same shall be filled by the
 12 remaining members of the county local board of health. In case any mem-
 13 ber of any district health board shall hold over after the expiration of his
 14 term of office, or in case of a vacancy in the membership of any such board,
 15 the appointment shall be made for the unexpired term.

1 7. There shall be established an Advisory Council and Budget Review
 2 Board of each consolidated local health district created under this act, which
 3 shall consist of the mayors or other chief executive officers, for the time
 4 being of the municipalities composing the district but if any such munici-
 5 pality has no chief executive officer, then the presiding officer of its govern-
 6 ing body, for the time being, shall be a member of said board. Such
 7 Advisory Council and Budget Review Board shall meet as provided in this
 8 act and at the call of its chairman at other times and may adjourn its meet-
 9 ings from time to time. It shall perform the duties prescribed by this act.

1 8. It shall be the duty of each Advisory Council and Budget Review
 2 Board to meet on the second Wednesday in February in each year succeeding
 3 the year in which a consolidated local health district is created by referendum
 4 as hereinafter provided and to organize by selecting from its membership,
 5 by a majority vote, a chairman, vice-chairman and a secretary of the board
 6 and to receive and, except in the first year, to take action upon the report
 7 of the activities of the consolidated local board of health of the consolidated
 8 local health district for the preceding year.

1 9. Each Advisory Council and Budget Review Board shall meet, also on
 2 the first Wednesday in October in each year for the purpose of considering
 3 the budget of the consolidated local board of health of the district and at
 4 such meeting it shall appoint, by a majority vote of its members present,
 5 such number of the members of the consolidated local board of health of the
 6 district as may be requisite to take office on the first day of January next
 7 succeeding the date of such meeting, except that in the case of a newly
 8 created local health district, the members of the consolidated local board of
 9 health shall be appointed at a meeting to be held as hereinafter provided.

1 10. Each district health board shall choose annually from its own mem-
 2 bers a president and a vice-president and it shall meet at least once in every
 3 two months at its office and at such other times and places within the dis-
 4 trict as it shall from time to time determine.

1 11. Each consolidated local board of health shall select annually a
 2 treasurer who shall give bond with a surety company, authorized to trans-
 3 act business in the State of New Jersey, as surety, for the faithful perform-
 4 ance of his duties, in such sums and on such conditions as the board may
 5 require.

6 The county treasurer of the county in which a county local board of health
 7 is established shall act as the treasurer of the board.

8 Such treasurer shall be the custodian of the board's funds and shall
 9 disburse the same on the orders of the health officer of the district and the
 10 president of the district health board.

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1 12. Each district health board shall provide adequate quarters for the
2 carrying on of its activities within the district.

1-2 13. Each district health board shall appoint a health officer
3 and fix his compensation. No person shall be so appointed unless
4 he be a person with specialized training and experience in public health as
5 determined by the district health board and be the holder of a license as a
6 "health officer" issued by the State Department of Health. He shall devote
7 his entire time to the duties of his office and shall engage in no other busi-
8 ness or profession and shall not be removed from office except as provided by
9 law.

1 14. The health officer of each health district shall be the executive officer
2 of the board of the district for the enforcement of ordinances and rules and
3 regulations affecting health and of the public health laws and sanitary code
4 of the State within the district; he shall administer the public health program
5 throughout the district, assign duties to all personnel transferred to or em-
6 ployed by the board and, in addition, he shall have all the powers and duties
7 conferred by law upon a qualified health officer of a local board of health.

1 15. The health officer of each health district shall act as secretary of the
2 district health board, shall attend the meetings of the board, keep a careful
3 record of its proceedings, report to the board as to his activities and those of
4 his subordinates and from time to time make recommendations to the board
5 for the improvement of the public health within the district.

1 16. Each district health board shall employ such personnel, in addition
2 to those referred to in section thirteen of this act, as the board may deem
3 necessary to carry out an adequate and efficient public health program in the
4 district. All such persons who shall be so appointed subsequent to the
5 passage of this act, including the health officer of the district, shall be subject
6 to all the provisions of subtitle three of Title 11, Civil Service, of the Revised
7 Statutes, if so provided by resolution of the district health board, except
8 subregistrars of vital statistics appointed in accordance with the provisions
9 of this act who shall not be subject to the provisions of subtitle three of
10 Title 11, Civil Service, of the Revised Statutes.

1 17. Each district health board shall have jurisdiction in matters of public
2 health within the district. It shall succeed to all the powers and perform all
3 the duties conferred and imposed upon the municipal boards of health which
4 it supersedes and, in addition, shall have all the powers and perform all the
5 duties within the district which by law are conferred and imposed upon any
6 township, city or other local board of health in this State.

1 18. The ordinances of each local board of health of each municipality,
2 the territorial limits of which are included within the territorial limits of any
3 health district, shall thereafter remain in effect within the territorial limits
4 of such municipality, until altered or repealed by the district health board of
5 the health district, and may be enforced by and in the name of the district
6 health board by proceedings instituted and prosecuted in any court having
7 jurisdiction of such proceedings in such municipality, and ordinances of the
8 district health board may be enforced by proceedings instituted and prose-
9 cuted in a court having similar jurisdiction in the district, by and in the name
10 of said district health board.

1 19. Each health district shall be deemed a registration district for vital
2 statistics and the health officer of the district shall be the registrar of vital
3 statistics for the district.

1 20. Such registrar of vital statistics shall have all the powers and shall
2 perform all the duties granted to and required of a local registrar by law.

1 21. Each registrar of vital statistics in the municipalities included in a
2 health district shall deliver to the health officer of such district all current
3 and past records of vital statistics which may be in his possession, including
4 records of births, deaths and marriages, promptly after such health officer
5 assumes his duties. Said records shall thereafter be retained by the health
6 officer of the health district as records of such registration district.

1 22. The health officer of a health district shall have authority to appoint
2 with the approval of the district health board of the health district a deputy
3 registrar and such subregistrars as he may deem necessary to facilitate the
4 registration of vital statistics within the district. The compensation to be paid

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5 such deputy registrar and each such subregistrar shall be fixed by the board.

1 23. Each such subregistrar is hereby authorized to receive certificates
2 of births and deaths, to issue burial and removal permits and to issue
3 marriage licenses.

1 24. In case a vacancy occurs in the office of health officer of a health dis-
2 trict, the district health board of such health district may appoint a tempo-
3 rary registrar for the registration district and may also fill temporarily by
4 appointment any vacancy in a position of subregistrar as the board deems
5 necessary. The term of office of any such temporary registrar or tempo-
6 rary subregistrar shall terminate thirty days after the date upon which a
7 health officer for the health district takes office.

1 25. Each district health board hereby is authorized to receive and ex-
2 pend for local public health purposes any funds which may be made avail-
3 able by or through the State Department of Health. Each such board is
4 hereby authorized to receive and expend for public health purposes any
5 funds made available from any other public funds or from private sources,
6 provided the acceptance of said funds and the stipulations and restrictions
7 associated therewith are first approved by the State Commissioner of Health.

1 26. All fees, fines and other moneys which would have been payable to
2 any municipal local board of health superseded by any district health board
3 shall be payable to such district health board. All such fees, fines and other
4 moneys and all fees, fines and other moneys later collected by a district
5 health board shall be transmitted to the treasurer of the board and be held
6 by such treasurer subject to subsequent appropriation.

1 27. At the close of each fiscal year the treasurer of each district health
2 board shall prepare an itemized report showing the amounts of money re-
3 ceived and disbursed by him, and shall file a duplicate of said report with the
4 State Commissioner of Health and whenever required by the State Commis-
5 sioner of Health, the Treasurer shall file with the Commissioner, on such
6 forms and in such detail as he may require, a statement of the expendi-
7 tures made by the board, from any funds made available to it by or through

8 the State Department of Health, for the purposes specified in any applica-
9 tion therefor.

1 28. An annual audit shall be made of the financial accounts and trans-
2 actions of each district health board by a registered municipal accountant
3 of New Jersey or by the Division of Local Government in the Department
4 of the Treasury of the State of New Jersey, who shall file a copy of the
5 audit with the State Department of Health, with said Division of Local Gov-
6 ernment, and with each constituent municipality.

1 29. At the February meeting of the Advisory Council and Budget Review
2 Board of each consolidated local health district the board of health of said
3 district shall present a report on the activities of the health district during
4 the preceding year, and the Advisory Council and Budget Review Board
5 may make recommendations to the board of health for the improvement of
6 the public health within the district. Each member of the Advisory Council
7 and Budget Review Board may attend or may appoint an alternate to
8 attend any meeting of the board of health of the consolidated local health
9 district in an advisory capacity. When a member of the Advisory Council
10 and Budget Review Board appoints an alternate to attend a meeting or meet-
11 ings of the board of health, he shall officially notify the secretary of the
12 board of health of such appointment.

1 30. Each district health board shall prepare, in each year, a budget
2 stating in detail the amounts of money estimated to be necessary to be
3 raised for its current expenses, and the amount of its appropriations, for the
4 ensuing year.

1 31. If said budget includes any items involving the use of funds of the
2 State Department of Health, a copy of said budget shall be submitted to the
3 Commissioner of Health for his approval, disapproval or adjustment of the
4 use of such items on or before the third Wednesday in October of the year
5 in which said budget is made up and the State Commissioner of Health
6 shall inform the district health board submitting its budget to him of his
7 determination as to such items not later than the first Wednesday in

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8 November of such year and said board shall make such changes in said
9 budget, if any, as shall be requisite to comply with such determinations.

1 32. On or before the second Wednesday in November of each year
2 each consolidated local health board shall submit its budget to the Advisory
3 Council and Budget Review Board of the health district and each county
4 local board of health shall submit its budget to the board of chosen free-
5 holders of the county.

1 33. On or about the third Wednesday in November of such year the
2 Advisory Council and Budget Review Board of each consolidated local health
3 district shall inquire into the items included in the budget for the
3A consolidated local health district submitted to it and shall approve,
3B disapprove or modify such items and shall deliver a copy of the
3C budget for said district in the form in which it proposes to adopt
4 the same, to the governing body of each municipality included within
5 the health district and to the State Division of Local Govern-
6 ment in the Department of the Treasury and shall fix a date, place
7 and time for the holding of a public hearing by said Advisory Council and
8 Budget Review Board with respect to said budget and the amount of money
9 necessary to be so appropriated for the ensuing year and with respect to the
10 various items and purposes for which the same are to be appropriated and
11 shall cause a notice of such public hearing to be published at least once in at
12 least one newspaper published in each municipality included within the dis-
13 trict, or if no newspaper be published in such municipality, then in at least
14 one newspaper circulating in said municipality, not less than seven days
15 prior to the date fixed for such public hearing, which date shall be not later
16 than the second Wednesday in December of said year.

1 34. Said notice shall set forth that said budget will be on file and be open
2 to the examination of the public between reasonable hours-to be fixed therein,
3 and at a place to be named therein, from the date of said publication until
4 the date of the holding of said public hearing and the same shall remain on
5 file and be open to the examination of the public accordingly.

1 35. On said date and at the time so fixed for such public hearing, said
 2 budget shall be produced for the information of those attending the hearing
 3 and the district health board shall grant to the taxpayers, the representatives
 4 of the municipalities included within the health district, and other interested
 5 bodies and persons, an opportunity to present objections and to be heard with
 6 respect to the budget and the amount of money necessary to be appropriated
 7 for the current expenses of the consolidated local board of health for the
 8 ensuing year and with respect to the various items and purposes for which
 9 the same are to be appropriated.

1 36. At or after such public hearing, but not later than ten days following
 2 such hearing, said Advisory Council and Budget Review Board shall de-
 3 termine and fix the amount of money necessary to be appropriated and to
 4 be raised by taxation for the establishment of such consolidated local health
 5 district and thereafter for the maintenance of a consolidated local board of
 6 health for such district, for the ensuing year, exclusive of any amount which
 7 shall be made available to it by the State Department of Health or otherwise,
 8 and shall apportion the same among the municipalities comprising the health
 9 district, in the proportion which the assessed valuations of real and personal
 10 property of each municipality bear to the total of such valuations within the
 11 health district as equalized by the county board of taxation and shall certify
 12 the amount of money thus determined to be raised by taxation within each
 13 municipality to the governing body thereof and to the Division of Local Gov-
 14 ernment in the Department of the Treasury, on or before the thirty-first day
 15 of December in said year.

1 37. The governing body of each municipality comprised within a con-
 2 solidated local health district shall include the sum so certified to it as the sum
 3 to be raised by taxation for health purposes within said municipality in its
 4 budget for the following year, which sum shall be levied, assessed and col-
 5 lected therein, as other local taxes are levied, assessed and raised therein,
 6 and the same shall be paid in four equal installments, on or before the fifteenth
 7 day of February, May, August and November, respectively to the treasurer of

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8 the district health board, to be used solely for public health purposes within
9 said district.

1 38. The board of chosen freeholders of each county in which there is
2 established a county local health district shall inquire into the items included
3 in the budget of the county local board of health of said district as submitted
4 to it and shall approve, disapprove or modify such items and shall include the
5 same in the county budget and shall fix and determine the amount of money
6 necessary to be appropriated for the establishment of the county local health
7 district in the county and thereafter for the maintenance of a county local
8 board of health for such district, exclusive of any amount which shall be made
9 available to it by the State Department of Health or otherwise, for the en-
10 suing year and such sum shall be assessed, levied and collected, in the same
11 manner as other county taxes are assessed, levied and collected, in those mu-
12 nicipalities included in such county local health district and the same shall be
13 payable by the participating municipalities to the County Treasurer in four
14 equal installments as county taxes are paid.

1 39. The governing bodies of the municipalities included within a con-
2 solidated local health district, and the board of chosen freeholders of any
3 county in which is located a county local health district, are authorized to bor-
4 row such sum of money in anticipation of the receipt of taxes, levied for health
5 purposes in any such health district, not in excess of the total amount levied for
6 such year therefor, pursuant to the provisions of chapter two of Title 40 of
7 the Revised Statutes, as may be necessary in order to provide continuous and
8 efficient health service in such health district, and to make advances of the
9 sums so borrowed to the district health board of such health district whenever
10 it is necessary for said purposes.

1 40. Each district health board shall be subject to the same supervision
2 and control, including the power to make audits, by the Division of Local Gov-
3 ernment in the Department of the Treasury as though it were a department
4 of a municipal government or of the board of chosen freeholders of the county.

1 41. (a) Whenever two or more petitions signed by not less than the
2 per centum of the registered voters of each of two or more municipalities in

3 the same county, hereinafter designated, requesting that an election be held
 4 on the question of the establishment of a consolidated local health district
 5 or a county local health district shall be filed with the State Commissioner
 6 of Health pursuant to the provisions of this act, proceedings shall be had as
 7 herein provided.

7A In each municipality having a population of seventy thousand or more
 7B inhabitants ten per centum (10%), in each municipality having less than
 7C seventy thousand and more than seven thousand inhabitants twenty per cen-
 7D tum (20%), and in each municipality having less than seven thousand in-
 7E habitants twenty-five per centum (25%), of the registered voters shall be re-
 7F quired, as signers of such a petition.

7G Each petition shall set forth the type of district to be established and
 8 the municipalities which are proposed to be included in such district.

8A In any case in which a county local health district is proposed to be
 8B formed, a certified copy of a resolution of the board of chosen freeholders
 8C of the county consenting to the formation of the health district shall accom-
 8D pany the petitions unless the proposed county local health district shall
 8E include all of the territory included within the territorial limits of the county.

9 (b) The signatures on the petitions need not be appended to one paper
 10 but each signer shall add to his signature his place of residence, giving the
 11 street and number, if any. One of the signers of each such paper shall make
 12 an oath before an officer competent to administer oaths that the statements
 13 therein made are true to the best of his knowledge and belief, and that each
 14 signature to the paper appended is a genuine signature of the person whose
 15 name it purports to be.

16 (c) The commissioner shall review the respective petitions and if he
 17 finds that the petitions, or some of them, request that an election be held on
 18 the question of the establishment of a consolidated local health district or
 19 a county local health district, as the case may be, in two or more municipal-
 19A ities in the same county and that the certified copy of the resolution of the
 19B board of chosen freeholders of the county hereinbefore described is annexed
 19C thereto, when the same is required by this act, he shall annex to such

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20 petition his certificate to that effect and shall thereupon file the
 21 respective petitions with the clerks of the respective municipalities. Each
 22 clerk shall, upon the filing of a valid petition containing the commissioner's
 23 certification, submit a public question to the legal voters of such municipality
 24 for their adoption or rejection at the next general election occurring not
 25 less than forty-five days following the filing of such petitions with the clerk,
 26 in accordance with the provisions of Title 19 of the Revised Statutes and in
 27 the manner hereinafter provided.

28 (d) When such a petition is presented for filing to the municipal clerk he
 29 shall forthwith examine the same and ascertain whether it conforms with the
 30 provisions of this section and if not found in conformity thereto, he shall des-
 31 ignate the defect and return the petition to the person or persons making the
 32 oath. Such petition may again be filed when properly amended if this can be
 33 done at least thirty days before the election at which the public question is to
 34 be voted upon, and upon such filing the amended petition shall have the full
 35 force and effect of a valid petition duly filed within the time limited by sub-
 36 division (c) of this section.

1 42. There shall be printed upon the official ballot to be used at such gen-
 2 eral election the following:

3 If you favor the proposition printed below make a cross (X), plus (+)
 4 or check (V) in the square opposite the word "Yes." If you are opposed
 5 thereto make a cross (X), plus (+) or check (V) in the square opposite the
 6 word "No."

	Yes.	Shall (Names of municipalities) and such other municipalities as may elect to join therein, establish a ("consolidated" orlocal health district "county")
	No.	and maintain a ("consolidated"local board of or "county") health?

1 43. If at such election a majority of all of the votes cast in each of such
 2 municipalities for and against the question shall be cast in favor of its adop-
 3 tion, a consolidated local health district or a county local health district, as
 4 the case may be, consisting of the territory included within the territorial
 5 limits of such municipalities shall be formed pursuant to the provisions of
 6 this act, on the first day of January of the second year succeeding the date of
 7 such election.

8 The municipal clerk in which such public question is submitted to the
 9 voters shall promptly certify the results of the election on the question to the
 10 State Commissioner of Health.

1 44. The State Commissioner of Health shall, within thirty days after the
 2 first day of January of the year following the day of any election at which
 3 the formation of a consolidated local health district is approved, shall call
 4 a meeting of such Advisory Council and Budget Review Board to be held
 5 upon a day to be fixed by him in such request, which day shall be not less
 6 than sixty days from the date of such request, and at said meeting so called
 7 said Advisory Council and Budget Review Board shall organize and appoint
 8 the first members of the consolidated local board of health.

1 45. The State Commissioner of Health shall, by notice duly given to each
 2 member of such consolidated local board of health, fix a time, place and day,
 3 which day shall be not more than fifteen days after the appointment of the
 4 members of such board, for the holding of the organization meeting of said
 5 board, and on said day or on any day to which such meeting may be ad-
 6 journed, said board shall meet and organize and thereafter shall have power to
 7 meet and to take such measures and do such things as may be necessary to
 8 enable it to undertake and carry on the health activities of the district be-
 9 ginning with the first day of January of the next succeeding year.

1 46. The board of chosen freeholders of the county shall, within thirty days
 2 after the first day of January of the year following the day of any election at
 3 which the formation of a county local health district is approved, appoint
 4 the first members of the county local board of health.

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1 47. The board of chosen freeholders shall, by notice duly given to each
2 member of such county local board of health, fix a time, place and day for the
3 holding of the organization meeting of said board, which day shall be not more
4 than fifteen days after the appointment of the members of such county local
5 board of health, and on said day or on any day to which such meeting may be
6 adjourned, said board shall meet and organize and thereafter shall have
7 power to meet and to take such measures and do such things as may be neces-
8 sary to enable it to undertake and carry on the health activities of the district
9 beginning with the first day of January of the next succeeding year.

1 48. On the first day of January of the second year succeeding the date
2 upon which the formation of a consolidated local health district or a county
3 local health district shall be approved, the consolidated local board of health or
4 the county local board of health, as the case may be, shall succeed to all of the
5 powers and functions of the local boards of health of the municipalities com-
6 prised within such district and shall have all of the powers and functions and
7 be subject to all of the duties and restrictions prescribed by this act and such
8 local boards of health shall thereupon be abolished and thereafter the health
9 activities within said district shall be carried on by the consolidated local
10 board of health or the county local board of health, as the case may be.

1 49. Whenever a petition signed by not less than ten per centum (10%) of
2 the registered voters of any municipality having seventy thousand or more
3 inhabitants, not less than twenty per centum (20%) of the registered voters
4 of any municipality having less than seventy thousand or more than seven
5 thousand inhabitants, or not less than twenty-five per centum (25%) of
6 the registered voters of any municipality having less than seven thou-
7 sand inhabitants, which is not included within a consolidated local health
8 district or a county local health district, requesting that such municipality
9 shall become a part of an existing consolidated local health district or
10 county local health district, having annexed thereto, if the municipality seek-
11 ing to be admitted to the health district has a population of one hundred
12 thousand or more, the written consent of the Advisory Council and Budget

13 Review Board of the consolidated local health district, if the petition is for
14 inclusion of the municipality in such a district, or of the board of chosen
15 freeholders of the county if the petition is for the inclusion of the munici-
16 pality in a county local health district, shall be presented to, and filed with,
17 the clerk of such municipality, such clerk shall cause such proposition to be
18 submitted to the legal voters of such municipality for their adoption or re-
19 jection at the next general election succeeding the forty-fifth day following
20 the filing of such petition, in accordance with Title 19 of the Revised Stat-
21 utes and in the manner hereinafter provided.

1 50. There shall be printed upon the official ballot to be used at such gen-
2 eral election the following:

3 If you favor the proposition printed below make a cross (X), plus (+)
4 or check (V) in the square opposite the word "Yes." If you are opposed
5 thereto make a cross (X), plus (+) or check (V) in the square opposite the
6 word "No."

	Yes.	Shall (name of municipality) become a part of the
	No.	(number) consolidated local health district of? (name of county)

or

	Yes.	Shall (name of municipality) become a part of the
	No.	(name of county) county local health district?

1 51. If at such election a majority of all of the votes cast in such munici-
2 pality for and against the question shall be cast in favor of its adoption, the
3 territory included within the territorial limits of such municipality shall on
4 and after the first day of January of the second year succeeding the date of
5 such election become a part of such consolidated local health district or county
6 local health district and the functions, powers and duties of the local board

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7 of health of said municipality shall be transferred to the consolidated local
 8 board of health or the county local board of health of such district and there-
 9 after shall be exercised by such board and said municipal local board of health
 10 shall be abolished.

1 52. Whenever a petition signed by not less than ten per centum (10%) of
 2 the registered voters of any municipality which has been included within a
 3 consolidated local health district or a county local health district for at least
 4 three years of actual operation, requesting the withdrawal of such mu-
 5 nicipality from such consolidated local health district or county local health
 6 district shall be presented to, and filed with, such clerk shall fix a date for
 7 a public hearing, upon such proposition, which shall be held before the gov-
 8 erning body of the municipality at its usual place of meeting at least two
 9 weeks prior to the date of the general election at which such proposition is
 10 to be submitted to the voters and shall give notice of the time and place
 11 fixed for the holding of such public hearing, by advertisement once each
 12 week for two weeks in a newspaper or newspapers printed or circulating in
 13 each of the municipalities included within the health district and by notice in
 14 writing to the State Commissioner of Health and to the members of the dis-
 15 trict health board by delivering the same to them at least two weeks prior to
 16 the date fixed for said hearing, and after such hearing shall be held such
 17 clerk shall cause such proposition to be submitted to the legal voters of such
 18 municipality for their adoption or rejection at the next general election suc-
 19 ceeding the forty-fifth day following the filing of such petition, in accord-
 20 ance with Title 19 of the Revised Statutes and in the manner hereinafter
 21 provided.

1 53. There shall be printed upon the official ballot to be used at such gen-
 2 eral election the following:

3 If you favor the proposition printed below make a cross (X), plus (+) or
 4 check (V) in the square opposite the word "Yes." If you are opposed

5 thereto make a cross (X), plus (+) or check (V) in the square opposite
6 the word "No."

	Yes.	Shall (name of municipality) withdraw from the (name of
	No.? health district)

1 54. If at such election a majority of all of the votes cast in such munici-
2 pality for and against the question shall be cast in favor of its adoption, the
3 municipality shall on the first day of January of the second year following the
4 date of such election cease to be a part of the consolidated local health district
5 or the county local health district, as the case may be, in which it was in-
6 cluded and thereafter shall be governed by a local board of health as in the
7 case of other municipalities but the ordinances adopted by any former local
8 board of health or by the consolidated local board of health or the county local
9 board, of which it formed a part, which are in effect in said municipality
10 on said date, shall remain in effect in said municipality notwithstanding the
11 withdrawal of said municipality from said health district, until they shall be
12 altered or repealed by the local board of health of the municipality, and may
13 be enforced by and in the name of such local board of health.

1 55. Whenever a petition signed by not less than ten per centum (10%) of
2 the registered voters of any municipality which has been included within a
3 consolidated local health district or a county local health district for at
4 least three years in actual operation, requesting the withdrawal of such mu-
5 nicipality from such consolidated local health district or county local health
6 district, as the case may be, and its inclusion within another health district,
7 if the municipality seeking to be admitted to the health district has a
8 population of one hundred thousand or more, the written consent of the Ad-
9 visory Council and Budget Review Board of the consolidated local health dis-
10 trict, if the petition is for inclusion of the municipality in such a district,
11 or of the board of chosen freeholders of the county, if the petition is for the
12 inclusion of the municipality in a county local health district shall be

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13 presented to, and filed with, the clerk of such municipality, such clerk shall
 14 fix a date for a public hearing, upon such proposition, which shall be held
 15 before the governing body of the municipality at its usual place of meeting
 16 at least two weeks prior to the date of the general election at which such
 17 proposition is to be submitted to the voters and shall give notice of the time
 18 and place fixed for the holding of such public hearing, by advertisement
 19 once each week for two weeks in a newspaper or newspapers printed or cir-
 20 culating in each of the municipalities included within the health district and
 21 by notice in writing to the State Commissioner of Health and the members
 22 of the district health board by delivering the same to them at least two
 23 weeks prior to the date fixed for said hearing, and after such hearing shall
 24 be held such clerk shall cause such proposition to be submitted to the legal
 25 voters of such municipality for their adoption or rejection at the next gen-
 26 eral election succeeding the forty-fifth day following the filing of such peti-
 27 tion, in accordance with Title 19 of the Revised Statutes and in the manner
 28 hereinafter provided.

1 56. There shall be printed upon the official ballot to be used at such gen-
 2 eral election the following:

3 If you favor the proposition printed below make a cross (X), plus (+) or
 4 check (V) in the square opposite the word "Yes." If you are opposed
 5 thereto make a cross (X), plus (+) or check (V) in the square opposite the
 6 word "No."

	Yes.	Shall (name of municipality) withdraw from (name of health district to be withdrawn from) and become a part of..... (name of?
	No.	

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1 57. If at such election a majority of all of the votes cast in such munici-
 2 pality for and against the question shall be cast in favor of its adoption, the
 3 territory included within the territorial limits of the municipality shall be
 4 withdrawn from the health district of which it then forms part and shall be
 5 added to the territorial limits of the other health district on the first day of
 6 January of the second year succeeding the date of such election.

1 58. The ordinances adopted by any former local board of health or any
 2 district board of health which are in effect in said municipality on said date
 3 shall remain in effect in said municipality notwithstanding the withdrawal of
 4 said municipality from said health district until they shall be altered or re-
 5 pealed by the district board of health of the health district in which such
 6 municipality shall be included.

1 59. When any municipality shall determine by referendum, as aforesaid,
 2 to become a part of a consolidated local health district, the mayor or other
 3 chief executive officer of the municipality or, if the municipality has no chief
 4 executive officer, then the presiding officer of its governing body, shall become
 5 a member of the Advisory Council and Budget Review Board beginning with
 6 the first day of January next succeeding the date of said election.

1 60. In any municipality in which voting machines are used, the question
 2 to be voted upon at any election hereinbefore set forth shall be placed upon
 3 the official ballot to be used upon the voting machines without the foregoing
 4 instructions to the voters and shall be voted upon "Yes" or "No" by the use
 5 of such machines without marking as aforesaid.

1 61. In any case in which any municipality shall withdraw from any health
 2 district, such municipality shall be liable for its share of the obligations and
 3 indebtedness of the health district, which share shall be determined by the
 4 Director of the Division of Local Government in the Department of the
 5 Treasury on the basis of the ratio which the ratables of the municipality bear
 6 to the sum total of the ratables of all of the municipalities comprising said
 7 health district, prior to the time of the withdrawal of such municipality
 8 therefrom, as of the previous tax year.

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9 Thereafter, the credit of such municipality shall stand pledged for the
10 final payment of the obligations and indebtedness so apportioned to it and it
11 shall make such payments in the manner and at the times as shall be de-
12 termined by said director.

1 62. Every full-time health officer, sanitary inspector, plumbing inspector,
2 food and drug inspector, milk inspector, meat inspector and public health
3 laboratory worker possessing an appropriate license from the State Depart-
4 ment of Health and every public health nurse, and every clerical, secretarial
5 and recording employee, engaged in full-time local public health services prior
6 to the adoption of the referendum who is employed as such by the municipal
7 local boards of health superseded by any such consolidated local board of
8 health or county local board of health shall be transferred to the consoli-
9 dated local board of health or the county local board of health as the case
10 may be and be assigned to duties which are as nearly comparable as may
11 be to those previously performed by them, and shall hold and thereafter con-
12 tinue to hold their respective employments as nearly as possible without im-
13 pairment of tenure or civil service rights and rights under any pension or
14 retirement fund or system, and each such person shall be granted seniority
15 rights depending upon the date of entry into such employment with the mu-
16 nicipal board of health superseded. Their compensation shall be fixed by the
17 board at not less than the amount received during the year immediately
18 preceding the calendar year in which the referendum for the inclusion of
19 the municipality within the consolidated local health district, or the county
20 local health district, as the case may be, was held in the municipality.

1 63. Such other personnel as shall be employed by the municipal board of
2 health of any municipality at the time the municipality shall be included in a
3 consolidated local health district or a county local health district shall hold
4 and thereafter continue to hold their respective employments until the health
5 officer of the consolidated local health district or county local health district
6 as the case may be shall, after consultation with the members of the consoli-
7 dated local board of health or the members of the county local board of health,

8 as the case may be, has determined which of said employees are needed for
 9 the proper performance of the work of such board. Such employees which are
 10 determined to be needed are hereby transferred to the consolidated local board
 11 of health or the county local board of health as the case may be. Persons so
 12 transferred shall be assigned to duties which are as nearly comparable as
 13 may be to those previously performed by them and shall hold and thereafter
 14 continue to hold their respective employments without impairment of tenure
 15 or civil service rights and rights under any pension or retirement fund or
 16 system, and each such person shall be granted seniority rights depending
 17 upon the date of entry into such employment with the municipal board of
 18 health superseded. Their compensation shall be fixed by the board at not
 19 less than the amount received during the year immediately preceding the
 20 calendar year in which the referendum for the inclusion of the municipality
 21 within the consolidated local health district, or the county local health district,
 22 as the case may be, was held in the municipality.

1 64. In case any consolidated local board of health or county board of
 2 health shall, by resolution, so determine, its officers and employees, or such of
 3 them as shall be included within the terms of the resolution, shall be classified
 4 in the classified civil service by the Civil Service Commission without exam-
 5 ination and thereafter shall continue to hold their respective offices, posi-
 6 tions or employments, and said offices, positions and employments, shall be
 7 included within the classified civil service in accordance with the provisions
 8 of subtitle three of Title 11 of the Revised Statutes.

1 65. All moneys and appropriations which were, or would have been, avail-
 2 able to any local board of health of any municipality, on or after the date
 3 when the territorial limits of such municipality shall be included within a con-
 4 solidated local health district or a county local health district, shall, upon the
 5 date of the inclusion thereof in such district, be transferred to the treasurer of
 6 the consolidated local board of health or the county local board of health, as
 7 the case may be, of the district and shall be kept in a separate fund for the use
 8 of such consolidated local board of health or county local board of health, for
 9 the public health purposes of the district.

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1 66. Section one of chapter one hundred seventy-seven of the laws of
2 one thousand nine hundred and forty-seven is amended to read as follows:

3 1. As used in this act, unless otherwise specifically indicated, "State de-
4 partment," "department of health" and "department" mean the State De-
5 partment of Health;

6 "Commissioner" means the State Commissioner of Health who is the
7 chief administrative officer of the State Department of Health;

8 "Council" means the Public Health Council in the State Department of
9 Health;

10 "Division" means one of the divisions in the State Department of Health;

11 "Division Director" means the director of one of the divisions in the
12 State Department of Health;

13 "Local board" or "local board of health" means the board of health of
14 any municipality or the boards, bodies or officers in such municipality law-
15 fully exercising any of the powers of a local board of health under the laws
16 governing such municipality, and includes any consolidated local board of
17 health or county local board of health created and established pursuant to
18 law.

1 67. Section 26:1-1 of the Revised Statutes is amended to read as follows:

2 26:1-1. As used in this Title unless otherwise specifically indicated:

3 "State department," "department of health" and "department" mean
4 the State Department of Health;

5 "Commissioner" or "director" means the State Commissioner of
6 Health, who is the chief administrative officer of the State Department of
7 Health;

8 "Council" means the Public Health Council in the State Department of
9 Health;

10 "Division" means one of the divisions in the State Department of Health;

11 "Division director" means the director of one of the divisions in the State
12 Department of Health;

13 "Local board" or "local board of health" means the board of health of
14 any municipality or the boards, body, or officers in such municipality lawfully

15 exercising any of the powers of a local board of health under the laws govern-
 16 ing such municipality and when, pursuant to law, any local board of health is
 17 superseded by a consolidated local board of health or a county local board of
 18 health, and the functions, powers and duties conferred and imposed by this
 19 Title upon such local board of health shall thereupon be transferred to, and
 20 exercised and performed by, such consolidated local board of health or
 21 county local board of health, as the case may be, the term "local board of
 22 health" or "local board" as used in this Title shall thereafter be deemed to
 23 mean and include such consolidated local board of health, or county local
 24 board of health so far as relates to the exercise of such functions, powers and
 25 duties.

1 68. Section 26:3-1 of the Revised Statutes is amended to read as follows:
 2 26:3-1. There shall be a board of health in every municipality in this
 3 State, except in those municipalities which are included within a consolidated
 4 local health district, or a county local health district, which board shall con-
 5 sist of members appointed or designated, or both, as provided by this chapter,
 6 except that in any municipality operating under laws establishing a form of
 7 government for such municipality under which the full powers of a local board
 8 of health can not be exercised by a local board of health so appointed or desig-
 9 nated, the respective functions of a local board of health shall be exercised by
 10 such boards, bodies, or officers as may exercise the same according to law.

1 69. If any provision of this act is declared unconstitutional, or the ap-
 2 plicability thereof to any person or circumstance is held invalid, the consti-
 3 tutionality of the remainder of the act and the applicability thereof to other
 4 persons and circumstances shall not be affected thereby.

1 70. Nothing in this act shall be construed to mean that any municipality
 2 shall be compelled to be included within a consolidated local health district or
 3 a county local health district, except as the result of a referendum held as in
 4 this act provided.

1 71. This act is intended to protect the public health in this State and shall
 2 be liberally construed.

1 72. This act may be cited as the "Local Health District Act, 1951."

1 73. This act shall take effect immediately.

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ASSEMBLY, No. 1

STATE OF NEW JERSEY

INTRODUCED JANUARY 9, 1951

By Messrs. HAINES, SNEDIKER, WILSON and CAVINATO

Referred to Committee on Public Health

AN ACT relating to public health, authorizing the establishment of consolidated local health districts and county local health districts, prescribing the functions, powers and duties of consolidated local boards of health, and county local boards of health, amending "An act relating to public health; providing for the establishment in the Executive Branch of the State Government of a State Department of Health, defining its organization, functions, powers and duties, providing thereby for the consolidation and co-ordination of public health activities; abolishing the offices of Perth Amboy Port health officer and deputy Perth Amboy Port health officer; transferring to and vesting in said State Department of Health the functions, powers and duties of the Perth Amboy Port health officer and of the deputy Perth Amboy Port health officer; amending section 26:1-1, repealing sections 26:2-1 to 26:2-55, inclusive, 26:4-111, 26:4-114, 26:4-115, and supplementing Title 26 of the Revised Statutes," approved May twenty-second, one thousand nine hundred and forty-seven (P. L. 1947, c. 177), and amending sections 26:1-1, and 26:3-1, and supplementing Title 26, of the Revised Statutes.

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

1 1. As used in this act, unless the context otherwise clearly indicates,
2 "health district" means a consolidated local health district or a

3 county local health district, and

4 "district health board" means a consolidated local board of health
5 or a county local board of health, created pursuant to this act.

1 2. Any two or more municipalities in the same county may, with the
2 approval of the State Commissioner of Health, certified as hereinafter pro-
3 vided, create a "consolidated local health district" or a "county local health
4 district" in the manner provided in this act, which shall consist of the terri-
5 tory comprised within the territorial limits of such municipalities, but no
6 more than one county local health district shall be created in any one county.

1 3. Each consolidated local health district shall be designated as the
2 "..... Consolidated Local Health District
3 of County," being numbered in the
4 order of the creation of such consolidated local health district in the county
5 and each county local health district shall be designated as the ".....
6 Local Health District," according to the name of
7 the county.

1 4. Each consolidated local health district shall be governed by a con-
2 solidated local board of health, the members of which shall be appointed in
3 the manner hereinafter provided by the Advisory Council and Budget Review
4 Board of the district created as hereinafter provided and each county local
5 health district shall be governed by a county local board of health, the mem-
6 bers of which shall be appointed by the board of chosen freeholders as herein-
7 after provided.

1 5. Each health district board shall consist of seven members, five of
2 whom shall be residents of the health district and two of whom shall be
3 physicians licensed to practice medicine and surgery in this State and shall be
4 residents of the county in which the health district is situate. All mem-
5 bers of such health district boards shall be selected with due regard to their
6 knowledge of, and interest in, public health needs and the physician mem-
7 bership shall be selected from a list of not less than five qualified physicians
8 furnished by the county medical society of the county in which such health

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9 district is situate. Except as otherwise provided in this act, in the case of
10 the first district health board to be appointed in any health district it shall be
11 the duty of the Advisory Council and Budget Review Board of the health
12 district or the board of chosen freeholders, as the case may be, to request the
13 submission of such a list by the county medical society of the county at least
14 sixty days before the date for appointment of any physician member of the
15 district health board and if no such list is submitted at least thirty days prior
16 to the date upon which such appointment is to be made, such appointment
17 may be made from among the qualified physicians residing in the health dis-
18 trict or the county, as the case may be, without the submission of any such
19 list. One member of each consolidated local board of health may be selected
20 from the members of the Advisory Council and Budget Review Board of the
21 consolidated local health district, and one member of the county local board
22 of health may be selected from among the membership of the board of chosen
23 freeholders of the county. No member of any district health board shall
24 succeed himself consecutively more than once.

1 6. The term of each member of each district board shall be four years,
2 beginning on the first day of January next succeeding his appointment, but
3 the first appointments shall be made one for one year, two for two years,
4 two for three years and two for four years. The members of the board
5 shall continue to serve after their respective terms and until their respective
6 successors are appointed. Any vacancy occurring in the membership of any
7 consolidated local board of health shall be filled by the remaining members
8 of the board and any vacancy occurring in the membership of any county
9 local board of health shall be filled by the board of chosen freeholders of
10 the county, but if the board of chosen freeholders shall fail to fill the same
11 within sixty days after the vacancy occurs, the same shall be filled by the
12 remaining members of the county local board of health. In case any mem-
13 ber of any district health board shall hold over after the expiration of his
14 term of office, or in case of a vacancy in the membership of any such board,
15 the appointment shall be made for the unexpired term.

1 7. There shall be established an Advisory Council and Budget Review
2 Board of each consolidated local health district created under this act, which
3 shall consist of the mayors or other chief executive officers, for the time
4 being of the municipalities composing the district but if any such munici-
5 pality has no chief executive officer, then the presiding officer of its govern-
6 ing body, for the time being, shall be a member of said board. Such
7 Advisory Council and Budget Review Board shall meet as provided in this
8 act and at the call of its chairman at other times and may adjourn its meet-
9 ings from time to time. It shall perform the duties prescribed by this act.

1 8. It shall be the duty of each Advisory Council and Budget Review
2 Board to meet on the first Wednesday in January in each year succeeding
3 the year in which a consolidated local health district is created by referendum
4 as hereinafter provided and to organize by selecting from its membership,
5 by a majority vote, a chairman, vice-chairman and a secretary of the board
6 and to receive and, except in the first year, to take action upon the report
7 of the activities of the consolidated local board of health of the consolidated
8 local health district for the preceding year.

1 9. Each Advisory Council and Budget Review Board shall meet, also on
2 the first Wednesday in October in each year for the purpose of considering
3 the budget of the consolidated local board of health of the district and at
4 such meeting it shall appoint, by a majority vote of its members present,
5 such number of the members of the consolidated local board of health of the
6 district as may be requisite to take office on the first day of January next
7 succeeding the date of such meeting, except that in the case of a newly
8 created local health district, the members of the consolidated local board of
9 health shall be appointed at a meeting to be held as hereinafter provided.

1 10. Each district health board shall choose annually from its own mem-
2 bers a president and a vice-president and it shall meet at least once in every
3 two months at its office and at such other times and places within the dis-
4 trict as it shall from time to time determine.

1 11. Each consolidated local board of health shall select annually a

2 treasurer who shall give bond with a surety company, authorized to trans-
3 act business in the State of New Jersey, as surety, for the faithful perform-
4 ance of his duties, in such sums and on such conditions as the board may
5 require.

6 The county treasurer of the county in which a county local board of health
7 is established shall act as the treasurer of the board.

8 Such treasurer shall be the custodian of the board's funds and shall
9 disburse the same on the orders of the health officer of the district and the
10 president of the district health board.

1 12. Each district health board shall provide adequate quarters for the
2 carrying on of its activities within the district.

1 13. Each district health board shall appoint a health officer, subject to
2 all the provisions of subtitle three of Title 11, Civil Service, of the Revised
3 Statutes, and fix his compensation. No person shall be so appointed unless
4 he be a person with specialized training and experience in public health as
5 determined by the district health board and be the holder of a license as a
6 "health officer" issued by the State Department of Health. He shall devote
7 his entire time to the duties of his office and shall engage in no other busi-
8 ness or profession and shall not be removed from office except as provided by
9 law.

1 14. The health officer of each health district shall be the executive officer
2 of the board of the district for the enforcement of ordinances and rules and
3 regulations affecting health and of the public health laws and sanitary code
4 of the State within the district; he shall administer the public health program
5 throughout the district, assign duties to all personnel transferred to or em-
6 ployed by the board and, in addition, he shall have all the powers and duties
7 conferred by law upon a qualified health officer of a local board of health.

1 15. The health officer of each health district shall act as secretary of the
2 district health board, shall attend the meetings of the board, keep a careful
3 record of its proceedings, report to the board as to his activities and those of
4 his subordinates and from time to time make recommendations to the board

5 for the improvement of the public health within the district.

1 16. Each district health board shall employ such personnel, in addition
2 to those referred to in section thirteen of this act, as the board may deem
3 necessary to carry out an adequate and efficient public health program in the
4 district. All such persons who shall be so appointed subsequent to the
5 passage of this act, including the health officer of the district, shall be subject
6 to all the provisions of subtitle three of Title 11, Civil Service, of the Revised
7 Statutes, except subregistrars of vital statistics appointed in accordance
8 with the provisions of this act who shall not be subject to the provisions of
9 subtitle three of Title 11, Civil Service, of the Revised Statutes.

1 17. Each district health board shall have jurisdiction in matters of public
2 health within the district. It shall succeed to all the powers and perform all
3 the duties conferred and imposed upon the municipal boards of health which
4 it supersedes and, in addition, shall have all the powers and perform all the
5 duties within the district which by law are conferred and imposed upon any
6 township, city or other local board of health in this State.

1 18. The ordinances of each local board of health of each municipality,
2 the territorial limits of which are included within the territorial limits of any
3 health district, shall thereafter remain in effect within the territorial limits
4 of such municipality, until altered or repealed by the district health board of
5 the health district, and may be enforced by and in the name of the district
6 health board by proceedings instituted and prosecuted in any court having
7 jurisdiction of such proceedings in such municipality, and ordinances of the
8 district health board may be enforced by proceedings instituted and prose-
9 cuted in a court having similar jurisdiction in the district, by and in the name
10 of said district health board.

1 19. Each health district shall be deemed a registration district for vital
2 statistics and the health officer of the district shall be the registrar of vital
3 statistics for the district.

1 20. Such registrar of vital statistics shall have all the powers and shall
2 perform all the duties granted to and required of a local registrar by law.

1 21. Each registrar of vital statistics in the municipalities included in a
2 health district shall deliver to the health officer of such district all current
3 and past records of vital statistics which may be in his possession, including
4 records of births, deaths and marriages, promptly after such health officer
5 assumes his duties. Said records shall thereafter be retained by the health
6 officer of the health district as records of such registration district.

1 22. The health officer of a health district shall have authority to appoint
2 with the approval of the district health board of the health district a deputy
3 registrar and such subregistrars as he may deem necessary to facilitate the
4 registration of vital statistics within the district. The compensation to be paid
5 such deputy registrar and each such subregistrar shall be fixed by the board.

1 23. Each such subregistrar is hereby authorized to receive certificates
2 of births and deaths, to issue burial and removal permits and to issue
3 marriage licenses.

1 24. In case a vacancy occurs in the office of health officer of a health dis-
2 trict, the district health board of such health district may appoint a tempo-
3 rary registrar for the registration district and may also fill temporarily by
4 appointment any vacancy in a position of subregistrar as the board deems
5 necessary. The term of office of any such temporary registrar or tempo-
6 rary subregistrar shall terminate thirty days after the date upon which a
7 health officer for the health district takes office.

1 25. Each district health board hereby is authorized to receive and ex-
2 pend for local public health purposes any funds which may be made avail-
3 able by or through the State Department of Health. Each such board is
4 hereby authorized to receive and expend for public health purposes any
5 funds made available from any other public funds or from private sources,
6 provided the acceptance of said funds and the stipulations and restrictions
7 associated therewith are first approved by the State Commissioner of Health.

1 26. All fees, fines and other moneys which would have been payable to
2 any municipal local board of health superseded by any district health board
3 shall be payable to such district health board. All such fees, fines and other

4 moneys and all fees, fines and other moneys later collected by a district
5 health board shall be transmitted to the treasurer of the board and be held
6 by such treasurer subject to subsequent appropriation.

1 27. At the close of each fiscal year the treasurer of each district health
2 board shall prepare an itemized report showing the amounts of money re-
3 ceived and disbursed by him, and shall file a duplicate of said report with the
4 State Commissioner of Health and whenever required by the State Commis-
5 sioner of Health, the Treasurer shall file with the Commissioner, on such
6 forms and in such detail as he may require, a statement of the expendi-
7 tures made by the board, from any funds made available to it by or through
8 the State Department of Health, for the purposes specified in any applica-
9 tion therefor.

1 28. An annual audit shall be made of the financial accounts and trans-
2 actions of each district health board by a registered municipal accountant
3 of New Jersey or by the Division of Local Government in the Department
4 of the Treasury of the State of New Jersey, who shall file a copy of the
5 audit with the State Department of Health, with said Division of Local
6 Government, and with each constituent municipality.

1 29. At the January meeting of the Advisory Council and Budget Review
2 Board of each consolidated local health district the board of health of said
3 district shall present a report on the activities of the health district during
4 the preceding year, and the Advisory Council and Budget Review Board
5 may make recommendations to the board of health for the improvement of
6 the public health within the district. Each member of the Advisory Council
7 and Budget Review Board may attend or may appoint an alternate to
8 attend any meeting of the board of health of the consolidated local health
9 district in an advisory capacity. When a member of the Advisory Council
10 and Budget Review Board appoints an alternate to attend a meeting or meet-
11 ings of the board of health, he shall officially notify the secretary of the
12 board of health of such appointment.

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1 30. Each district health board shall prepare, in each year, a budget
2 stating in detail the amounts of money estimated to be necessary to be
3 raised for its current expenses, and the amount of its appropriations, for the
4 ensuing year.

1 31. If said budget includes any items involving the use of funds of the
2 State Department of Health, a copy of said budget shall be submitted to the
3 Commissioner of Health for his approval, disapproval or adjustment of the
4 use of such items on or before the third Wednesday in October of the year
5 in which said budget is made up and the State Commissioner of Health
6 shall inform the district health board submitting its budget to him of his
7 determination as to such items not later than the first Wednesday in
8 November of such year and said board shall make such changes in said
9 budget, if any, as shall be requisite to comply with such determinations.

1 32. On or before the second Wednesday in November of each year
2 each consolidated local health board shall submit its budget to the Advisory
3 Council and Budget Review Board of the health district and each county
4 local board of health shall submit its budget to the board of chosen free-
5 holders of the county.

1 33. On or about the third Wednesday in November of such year the
2 Advisory Council and Budget Review Board of each consolidated local health
3 district shall deliver a copy of the budget for said district in the form in
4 which it proposes to adopt the same, to the governing body of each municipi-
5 pality included within the health district and to the State Division of Local
6 Government in the Department of the Treasury and shall fix a date, place
7 and time for the holding of a public hearing by said Advisory Council and
8 Budget Review Board with respect to said budget and the amount of money
9 necessary to be so appropriated for the ensuing year and with respect to the
10 various items and purposes for which the same are to be appropriated and
11 shall cause a notice of such public hearing to be published at least once in at
12 least one newspaper published in each municipality included within the dis-
13 trict, or if no newspaper be published in such municipality, then in at least

14 one newspaper circulating in said municipality, not less than seven days
15 prior to the date fixed for such public hearing, which date shall be not later
16 than the second Wednesday in December of said year.

1 34. Said notice shall set forth that said budget will be on file and be open
2 to the examination of the public between reasonable hours to be fixed therein,
3 and at a place to be named therein, from the date of said publication until
4 the date of the holding of said public hearing and the same shall remain on
5 file and be open to the examination of the public accordingly.

1 35. On said date and at the time so fixed for such public hearing, said
2 budget shall be produced for the information of those attending the hearing
3 and the district health board shall grant to the taxpayers, the representatives
4 of the municipalities included within the health district, and other interested
5 bodies and persons, an opportunity to present objections and to be heard with
6 respect to the budget and the amount of money necessary to be appropriated
7 for the current expenses of the consolidated local board of health for the
8 ensuing year and with respect to the various items and purposes for which
9 the same are to be appropriated.

1 36. At or after such public hearing, but not later than ten days following
2 such hearing, said Advisory Council and Budget Review Board shall de-
3 termine and fix the amount of money necessary to be appropriated and to
4 be raised by taxation for the establishment of such consolidated local health
5 district and thereafter for the maintenance of a consolidated local board of
6 health for such district, for the ensuing year, exclusive of any amount which
7 shall be made available to it by the State Department of Health or otherwise,
8 and shall apportion the same among the municipalities comprising the health
9 district, in the proportion which the assessed valuations of real and personal
10 property of each municipality bear to the total of such valuations within the
11 health district as equalized by the county board of taxation and shall certify
12 the amount of money thus determined to be raised by taxation within each
13 municipality to the governing body thereof and to the Division of Local Gov-
14 ernment in the Department of the Treasury, on or before the thirty-first day
15 of December in said year.

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1 37. The governing body of each municipality comprised within a con-
2 solidated local health district shall include the sum so certified to it as the sum
3 to be raised by taxation for health purposes within said municipality in its
4 budget for the following year, which sum shall be levied, assessed and col-
5 lected therein, as other local taxes are levied, assessed and raised therein,
6 and the same shall be paid in four equal installments, on or before the fifteenth
7 day of February, May, August and November, respectively to the treasurer of
8 the district health board, to be used solely for public health purposes within
9 said district.

1 38. The board of chosen freeholders of each county in which there is
2 established a county local health district shall inquire into the items included
3 in the budget of the county local board of health of said district as submitted
4 to it and shall approve, disapprove or modify such items and shall include the
5 same in the county budget and shall fix and determine the amount of money
6 necessary to be appropriated for the establishment of the county local health
7 district in the county and thereafter for the maintenance of a county local
8 board of health for such district, exclusive of any amount which shall be made
9 available to it by the State Department of Health or otherwise, for the en-
10 suing year and such sum shall be assessed, levied and collected, in the same
11 manner as other county taxes are assessed, levied and collected, in those mu-
12 nicipalities included in such county local health district and the same shall be
13 payable by the participating municipalities to the County Treasurer in four
14 equal installments as county taxes are paid.

1 39. The governing bodies of the municipalities included within a con-
2 solidated local health district, and the board of chosen freeholders of any
3 county in which is located a county local health district, are authorized to bor-
4 row such sum of money in anticipation of the receipt of taxes, levied for health
5 purposes in any such health district, not in excess of the total amount levied for
6 such year therefor, pursuant to the provisions of chapter two of Title 40 of
7 the Revised Statutes, as may be necessary in order to provide continuous and

8 efficient health service in such health district, and to make advances of the
9 sums so borrowed to the district health board of such health district whenever
10 it is necessary for said purposes.

1 40. Each district health board shall be subject to the same supervision
2 and control, including the power to make audits, by the Division of Local Gov-
3 ernment in the Department of the Treasury as though it were a department
4 of a municipal government or of the board of chosen freeholders of the county.

1 41. (a) Whenever two or more petitions signed by not less than five
2 per centum (5%) of the registered voters of each of two or more municipali-
3 ties in the same county, requesting that an election be held on the question of
4 the establishment of a consolidated local health district or a county local
5 health district shall be filed with the State Commissioner of Health pur-
6 suant to the provisions of this act, proceedings shall be had as herein pro-
7 vided. Each petition shall set forth the type of district to be established and
8 the municipalities which are proposed to be included in such district.

9 (b) The signatures on the petitions need not be appended to one paper
10 but each signer shall add to his signature his place of residence, giving the
11 street and number, if any. One of the signers of each such paper shall make
12 an oath before an officer competent to administer oaths that the statements
13 therein made are true to the best of his knowledge and belief, and that each
14 signature to the paper appended is a genuine signature of the person whose
15 name it purports to be.

16 (c) The commissioner shall review the respective petitions and if he
17 determines that the municipalities proposed to be included within such health
18 district are of such population and such geographical location that a health
19 district composed thereof can or may subsequently be efficiently operated, he
20 shall annex thereto his certificate to that effect and shall thereupon file the
21 respective petitions with the clerks of the respective municipalities. Each
22 clerk shall, upon the filing of a valid petition containing the commissioner's
23 certification, submit a public question to the legal voters of such municipality
24 for their adoption or rejection at the next general election occurring not

25 less than forty-five days following the filing of such petitions with the clerk,
 26 in accordance with the provisions of Title 19 of the Revised Statutes and in
 27 the manner hereinafter provided.

28 (d) When such a petition is presented for filing to the municipal clerk he
 29 shall forthwith examine the same and ascertain whether it conforms with the
 30 provisions of this section and if not found in conformity thereto, he shall des-
 31 ignate the defect and return the petition to the person or persons making the
 32 oath. Such petition may again be filed when properly amended if this can be
 33 done at least thirty days before the election at which the public question is to
 34 be voted upon, and upon such filing the amended petition shall have the full
 35 force and effect of a valid petition duly filed within the time limited by sub-
 36 division (c) of this section.

1 42. There shall be printed upon the official ballot to be used at such gen-
 2 eral election the following:

3 If you favor the proposition printed below make a cross (X), plus (+)
 4 or check (V) in the square opposite the word "Yes." If you are opposed
 5 thereto make a cross (X), plus (+) or check (V) in the square opposite the
 6 word "No."

	Yes.	Shall (Names of municipalities) and such other municipalities as may elect to join therein, establish a ("consolidated" orlocal health district "county") and maintain a ("consolidated"local board of or "county") health?
	No.	

1 43. If at such election a majority of all of the votes cast in each of such
 2 municipalities for and against the question shall be cast in favor of its adop-
 3 tion, a consolidated local health district or a county local health district, as
 4 the case may be, consisting of the territory included within the territorial

5 limits of such municipalities shall be formed pursuant to the provisions of
6 this act, on the first day of January of the second year succeeding the date of
7 such election.

8 The municipal clerk in which such public question is submitted to the
9 voters shall promptly certify the results of the election on the question to the
10 State Commissioner of Health. Where the question is adopted in less than
11 all of the municipalities voting on the same question at any general election,
12 the commissioner may review the results of the elections and may find and
13 determine:

14 (a) that the municipalities in which the question has been adopted form
15 a health district which can or may subsequently be efficiently operated; or

16 (b) that such municipalities together with others which may elect at the
17 next general election to join in such health district would form a health dis-
18 trict which could or subsequently may be efficiently operated.

19 The commissioner shall file his certificate in accordance with his deter-
20 mination in (a) and (b) above with the municipal clerk of each municipality,
21 in which such question was submitted to the voters, and the question was
22 affirmatively adopted. Where certifications under subsection (a) above shall
23 be filed, a consolidated local health district or a county local health district,
24 as the case may be, shall be formed including the territory of such municipali-
25 ties, pursuant to this act, on the first day of January of the second year suc-
26 ceeding the date of such election. Where certifications under subsection (b)
27 above shall be filed the adoption of the question by the voters of the respec-
28 tive municipalities shall remain in full force and effect until the succeeding
29 general election, and shall be deemed to be an election upon and adoption of
30 the question for the purpose of determining the number of municipalities
31 which have voted upon and adopted the question at such succeeding general
32 election.

1 44. The State Commissioner of Health shall, within thirty days after the
2 first day of January of the year following the day of any election at which
3 the formation of a consolidated local health district is approved, make written

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4 request of the county medical society of the county to submit, to the Advisory
5 Council and Budget Review Board of the district, its list of physicians quali-
6 fied for appointment to the consolidated local board of health of the district,
7 within thirty days after the date of such request, and shall call a meeting of
8 such Advisory Council and Budget Review Board to be held upon a day to be
9 fixed by him in such request, which day shall be not less than sixty days from
10 the date of such request, and at said meeting so called said Advisory Council
11 and Budget Review Board shall organize and appoint the first members of the
12 consolidated local board of health.

1 45. The State Commissioner of Health shall, by notice duly given to each
2 member of such consolidated local board of health, fix a time, place and day,
3 which day shall be not more than fifteen days after the appointment of the
4 members of such board, for the holding of the organization meeting of said
5 board, and on said day or on any day to which such meeting may be ad-
6 journed, said board shall meet and organize and thereafter shall have power to
7 meet and to take such measures and do such things as may be necessary to
8 enable it to undertake and carry on the health activities of the district be-
9 ginning with the first day of January of the next succeeding year.

1 46. The board of chosen freeholders of the county shall, within thirty days
2 after the first day of January of the year following the day of any election at
3 which the formation of a county local health district is approved, make writ-
4 ten request of the county medical society of the county to submit to it its list
5 of physicians qualified for appointment to the county local board of health
6 within thirty days after the date of such request and not less than sixty days
7 from the date of said request shall appoint the first members of the county
8 local board of health.

1 47. The board of chosen freeholders shall, by notice duly given to each
2 member of such county local board of health, fix a time, place and day for the
3 holding of the organization meeting of said board, which day shall be not more
4 than fifteen days after the appointment of the members of such county local
5 board of health, and on said day or on any day to which such meeting may be

6 adjourned, said board shall meet and organize and thereafter shall have
7 power to meet and to take such measures and do such things as may be neces-
8 sary to enable it to undertake and carry on the health activities of the district
9 beginning with the first day of January of the next succeeding year.

1 48. On the first day of January of the second year succeeding the date
2 upon which the formation of a consolidated local health district or a county
3 local health district shall be approved, the consolidated local board of health or
4 the county local board of health, as the case may be, shall succeed to all of the
5 powers and functions of the local boards of health of the municipalities com-
6 prised within such district and shall have all of the powers and functions and
7 be subject to all of the duties and restrictions prescribed by this act and such
8 local boards of health shall thereupon be abolished and thereafter the health
9 activities within said district shall be carried on by the consolidated local
10 board of health or the county local board of health, as the case may be.

1 49. Whenever a petition signed by not less than five per centum (5%) of
2 the registered voters of any municipality which is not included within a con-
3 solidated local health district or a county local health district, requesting
4 that such municipality shall become a part of an existing consolidated local
5 health district or county local health district, to which petition shall be an-
6 nexed the certificate of the State Commissioner of Health stating that in his
7 opinion the municipality proposed to be included within such health district
8 is of such population and such geographical location that a health district
9 composed thereof and of the other municipalities included within said district
10 can be efficiently operated, shall be presented to, and filed with, the clerk of
11 such municipality, such clerk shall cause such proposition to be submitted to
12 the legal voters of such municipality for their adoption or rejection at the
13 next general election succeeding the forty-fifth day following the filing of such
14 petition, in accordance with Title 19 of the Revised Statutes and in the manner
15 hereinafter provided.

1 50. There shall be printed upon the official ballot to be used at such gen-
 2 eral election the following:

3 If you favor the proposition printed below make a cross (X), plus (+)
 4 or check (V) in the square opposite the word "Yes." If you are opposed
 5 thereto make a cross (X), plus (+) or check (V) in the square opposite the
 6 word "No."

	Yes.	Shall (name of municipality) become a part of the (number)
	No.	consolidated local health district of? (name of county)

or

	Yes.	Shall (name of municipality) become a part of the (name of county)
	No.	county local health district?

1 51. If at such election a majority of all of the votes cast in such munici-
 2 pality for and against the question shall be cast in favor of its adoption, the
 3 territory included within the territorial limits of such municipality shall on
 4 and after the first day of January of the second year succeeding the date of
 5 such election become a part of such consolidated local health district or county
 6 local health district and the functions, powers and duties of the local board
 7 of health of said municipality shall be transferred to the consolidated local
 8 board of health or the county local board of health of such district and there-
 9 after shall be exercised by such board and said municipal local board of health
 10 shall be abolished.

1 52. Whenever a petition signed by not less than five per centum (5%) of
 2 the registered voters of any municipality, included within a consolidated
 3 local health district or a county local health district, requesting the with-
 4 drawal of such municipality from such consolidated local health district or
 5 county local health district, to which petition shall be annexed the certificate

6 of the State Commissioner of Health stating that in his opinion the municipi-
 7 palities remaining within such consolidated local health district or county local
 8 health district, after the withdrawal therefrom of such municipality, are of
 9 such population and such geographical location that a health district com-
 10 posed thereof can be efficiently operated, shall be presented to, and filed with,
 11 the clerk of the municipality, such clerk shall cause such proposition to be
 12 submitted to the legal voters of such municipality for their adoption or rejec-
 13 tion at the next general election succeeding the forty-fifth day following the
 14 filing of such petition, in accordance with Title 19 of the Revised Statutes and
 15 in the manner hereinafter provided.

1 53. There shall be printed upon the official ballot to be used at such gen-
 2 eral election the following:

3 If you favor the proposition printed below make a cross (×), plus (+) or
 4 check (√) in the square opposite the word "Yes." If you are opposed
 5 thereto make a cross (×), plus (+) or check (√) in the square opposite
 6 the word "No."

	Yes.	Shall (name of municipality) withdraw from the
	No.? health district)

1 54. If at such election a majority of all of the votes cast in such municipi-
 2 pality for and against the question shall be cast in favor of its adoption, the
 3 municipality shall on the first day of January of the second year following the
 4 date of such election cease to be a part of the consolidated local health district
 5 or the county local health district, as the case may be, in which it was in-
 6 cluded and thereafter shall be governed by a local board of health as in the
 7 case of other municipalities but the ordinances adopted by any former local
 8 board of health or by the consolidated local board of health or the county local
 9 board, of which it formed a part, which are in effect in said municipality

10 on said date, shall remain in effect in said municipality notwithstanding the
11 withdrawal of said municipality from said health district, until they shall be
12 altered or repealed by the local board of health of the municipality, and may
13 be enforced by and in the name of such local board of health.

1 55. Whenever a petition signed by not less than five per centum (5%) of
2 the registered voters of any municipality included within a consolidated local
3 health district or a county local health district requesting the withdrawal of
4 such municipality from such consolidated local health district or county local
5 health district, as the case may be, and its inclusion within another health dis-
6 trict, to which petition shall be annexed the certificate of the State Commis-
7 sioner of Health stating that in his opinion the municipalities remaining in
8 the health district from which such municipality proposes to withdraw, and
9 the municipalities proposed to be included in a health district in which such
10 municipality proposes to be included, are of such population and such geo-
11 graphical location that health districts composed thereof can be efficiently
12 operated, shall be presented to, and filed with, the clerk of such municipality,
13 such clerk shall cause such proposition to be submitted to the legal voters of
14 such municipality for their adoption or rejection at the next general election
15 succeeding the forty-fifth day following the filing of such petition, in ac-
16 cordance with Title 19 of the Revised Statutes and in the manner herein-
17 after provided.

1 56. There shall be printed upon the official ballot to be used at such gen-
2 eral election the following:

3 If you favor the proposition printed below make a cross (X), plus (+) or
4 check (V) in the square opposite the word "Yes." If you are opposed
5 thereto make a cross (X), plus (+) or check (V) in the square opposite the
6 word "No."

	Yes.	Shall (name of municipality) withdraw from (name of health district to be withdrawn from) and become a part of (name of?
	No.? health district to be included in)

1 57. If at such election a majority of all of the votes cast in such munici-
 2 pality for and against the question shall be cast in favor of its adoption, the
 3 territory included within the territorial limits of the municipality shall be
 4 withdrawn from the health district of which it then forms part and shall be
 5 added to the territorial limits of the other health district on the first day of
 6 January of the second year succeeding the date of such election.

1 58. The ordinances adopted by any former local board of health or any
 2 district board of health which are in effect in said municipality on said date
 3 shall remain in effect in said municipality notwithstanding the withdrawal of
 4 said municipality from said health district until they shall be altered or re-
 5 pealed by the district board of health of the health district in which such
 6 municipality shall be included.

1 59. When any municipality shall determine by referendum, as aforesaid,
 2 to become a part of a consolidated local health district, the mayor or other
 3 chief executive officer of the municipality or, if the municipality has no chief
 4 executive officer, then the presiding officer of its governing body, shall become
 5 a member of the Advisory Council and Budget Review Board beginning with
 6 the first day of January next succeeding the date of said election.

1 60. In any municipality in which voting machines are used, the question
 2 to be voted upon at any election hereinbefore set forth shall be placed upon
 3 the official ballot to be used upon the voting machines without the foregoing
 4 instructions to the voters and shall be voted upon "Yes" or "No" by the use
 5 of such machines without marking as aforesaid.

1 61. Every full-time health officer, sanitary inspector, plumbing inspector,
2 food and drug inspector, milk inspector, meat inspector and public health
3 laboratory worker possessing an appropriate license from the State Depart-
4 ment of Health and every public health nurse, and every clerical, secretarial
5 and recording employee, engaged in full-time local public health services prior
6 to the adoption of the referendum who is employed as such by the municipal
7 local boards of health superseded by any such consolidated local board of
8 health or county local board of health shall be classified in the classified civil
9 service by the Civil Service Commission without examination and shall be
10 transferred to the consolidated local board of health or the county local
11 board of health as the case may be and be assigned to duties which are as
12 nearly comparable as may be to those previously performed by them, and
13 shall hold and thereafter continue to hold their respective employments
14 within and as part of the classified service in accordance with the provisions
15 of subtitle three, Title 11, of Revised Statutes (Civil Service) as nearly as
16 possible without impairment of rights under any pension or retirement fund
17 or system, and each such person shall be granted seniority rights depending
18 upon the date of entry into such employment with the municipal board of
19 health superseded. Their compensation shall be fixed by the board at not less
20 than the amount received during the year immediately preceding the calen-
21 dar year in which the referendum for the inclusion of the municipality within
22 the consolidated local health district, or the county local health district, as
23 the case may be, was held in the municipality.

1 62. Such other personnel as shall be employed by the municipal board of
2 health of any municipality at the time the municipality shall be included in a
3 consolidated local health district or a county local health district shall hold
4 and thereafter continue to hold their respective employments until the health
5 officer of the consolidated local health district or county local health district
6 as the case may be shall, after consultation with the members of the consoli-
7 dated local board of health or the members of the county local board of health,
8 as the case may be, has determined which of said employees are needed for

9 the proper performance of the work of such board. Such employees which are
 10 determined to be needed are hereby transferred to the consolidated local board
 11 of health or the county local board of health as the case may be. Persons so
 12 transferred shall be classified in the classified civil service by the Civil
 13 Service Commission without examination and shall be assigned to duties which
 14 are as nearly comparable as may be to those previously performed by them
 15 and shall hold and thereafter continue to hold their respective employments
 16 within and as part of the classified service in accordance with the provisions
 17 of subtitle three, Title 11, Civil Service, of Revised Statutes, without impair-
 18 ment of rights under any pension or retirement fund or system, and each
 19 such person shall be granted seniority rights depending upon the date of entry
 20 into such employment with the municipal board of health superseded. Their
 21 compensation shall be fixed by the board at not less than the amount received
 22 during the year immediately preceding the calendar year in which the refer-
 23 endum for the inclusion of the municipality within the consolidated local
 24 health district, or the county local health district, as the case may be, was
 25 held in the municipality.

1 63. All moneys and appropriations which were, or would have been, avail-
 2 able to any local board of health of any municipality, on or after the date
 3 when the territorial limits of such municipality shall be included within a con-
 4 solidated local health district or a county local health district, shall, upon the
 5 date of the inclusion thereof in such district, be transferred to the treasurer of
 6 the consolidated local board of health or the county local board of health, as
 7 the case may be, of the district and shall be kept in a separate fund for the use
 8 of such consolidated local board of health or county local board of health, for
 9 the public health purposes of the district.


1 64. Section one of chapter one hundred seventy-seven of the laws of
 2 one thousand nine hundred and forty-seven is amended to read as follows:

3 1. As used in this act, unless otherwise specifically indicated, "State de-
 4 partment," "department of health" and "department" mean the State De-
 5 partment of Health;

6 "Commissioner" means the State Commissioner of Health who is the
7 chief administrative officer of the State Department of Health;

8 "Council" means the Public Health Council in the State Department of
9 Health;

10 "Division" means one of the divisions in the State Department of Health;

11 "Division Director" means the director of one of the divisions in the
12 State Department of Health; 

13 "Local board" or "local board of health" means the board of health of
14 any municipality or the boards, bodies or officers in such municipality law-
15 fully exercising any of the powers of a local board of health under the laws
16 governing such municipality, and includes any consolidated local board of
17 health or county local board of health created and established pursuant to
18 law.

1 65. Section 26:1-1 of the Revised Statutes is amended to read as follows:

2 26:1-1. As used in this Title unless otherwise specifically indicated:

3 "State department," "department of health" and "department" mean
4 the State Department of Health;

5 "Commissioner" or "director" means the State Commissioner of
6 Health, who is the chief administrative officer of the State Department of
7 Health;

8 "Council" means the Public Health Council in the State Department of
9 Health;

10 "Division" means one of the divisions in the State Department of Health;

11 "Division director" means the director of one of the divisions in the State
12 Department of Health;

13 "Local board" or "local board of health" means the board of health of
14 any municipality or the boards, body, or officers in such municipality lawfully
15 exercising any of the powers of a local board of health under the laws govern-
16 ing such municipality and when, pursuant to law, any local board of health is
17 superseded by a consolidated local board of health or a county local board of

18 health, and the functions, powers and duties conferred and imposed by this
19 Title upon such local board of health shall thereupon be transferred to, and
20 exercised and performed by, such consolidated local board of health or
21 county local board of health, as the case may be, the term "local board of
22 health" or "local board" as used in this Title shall thereafter be deemed to
23 mean and include such consolidated local board of health, or county local
24 board of health so far as relates to the exercise of such functions, powers and
25 duties.

1 66. Section 26:3-1 of the Revised Statutes is amended to read as follows:

2 26:3-1. There shall be a board of health in every municipality in this
3 State, except in those municipalities which are included within a consolidated
4 local health district, or a county local health district, which board shall con-
5 sist of members appointed or designated, or both, as provided by this chapter,
6 except that in any municipality operating under laws establishing a form of
7 government for such municipality under which the full powers of a local board
8 of health can not be exercised by a local board of health so appointed or desig-
9 nated, the respective functions of a local board of health shall be exercised by
10 such boards, bodies, or officers as may exercise the same according to law.

1 67. If any provision of this act is declared unconstitutional, or the ap-
2 plicability thereof to any person or circumstance is held invalid, the consti-
3 tutionality of the remainder of the act and the applicability thereof to other
4 persons and circumstances shall not be affected thereby.

1 68. Nothing in this act shall be construed to mean that any municipality
2 shall be compelled to be included within a consolidated local health district or
3 a county local health district, except as the result of a referendum held as in
4 this act provided.

1 69. This act is intended to protect the public health in this State and shall
2 be liberally construed.

1 70. This act may be cited as the "Local Health District Act, 1951."

1 71. This act shall take effect immediately.

STATEMENT

This permissive bill provides two practical methods by which local municipalities may join together in providing needed local health services through a consolidated local board of health, or a county local board of health.

The purpose of this permissive bill is to empower municipalities to join together in creating consolidated local health districts within a county in a manner similar to the formation of school districts, or to create county local health districts.

It provides for the creation of a consolidated local board of health or a county local board of health for such districts, preserving the principle of home rule and further provides that a municipality may withdraw from a district under certain conditions.

The bill provides that employees of consolidated local boards of health or county local boards of health shall hold employment subject to the provisions of the Civil Service law.

This bill is recommended by the Governor's Committee on Local Health Administration.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1

STATE OF NEW JERSEY

INTRODUCED JANUARY 9, 1951

By Messrs. HAINES, SNEDIKER, WILSON and CAVINATO

Referred to Committee on Public Health

AN ACT relating to public health, authorizing the establishment of consolidated local health districts and county local health districts, prescribing the functions, powers and duties of consolidated local boards of health, and county local boards of health, amending "An act relating to public health; providing for the establishment in the Executive Branch of the State Government of a State Department of Health, defining its organization, functions, powers and duties, providing thereby for the consolidation and co-ordination of public health activities; abolishing the offices of Perth Amboy Port health officer and deputy Perth Amboy Port health officer; transferring to and vesting in said State Department of Health the functions, powers and duties of the Perth Amboy Port health officer and of the deputy Perth Amboy Port health officer; amending section 26:1-1, repealing sections 26:2-1 to 26:2-55, inclusive, 26:4-111, 26:4-114, 26:4-115, and supplementing Title 26 of the Revised Statutes," approved May twenty-second, one thousand nine hundred and forty-seven (P. L. 1947, c. 177), and amending sections 26:1-1, and 26:3-1, and supplementing Title 26, of the Revised Statutes.

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

1 1. As used in this act, unless the context otherwise clearly indicates,
2 "health district" means a consolidated local health district or a

3 county local health district, and

4 "district health board" means a consolidated local board of health
5 or a county local board of health, created pursuant to this act.

1 2. Any two or more municipalities in the same county may, with the
2 approval of the State Commissioner of Health, certified as hereinafter pro-
3 vided, create a "consolidated local health district" or a "county local health
4 district" in the manner provided in this act, which shall consist of the terri-
5 tory comprised within the territorial limits of such municipalities, but no
6 more than one county local health district shall be created in any one county,
7 and no county local health district shall be created except with the consent
8 of the board of chosen freeholders of the county to the creation thereof un-
9 less the proposed county local health district shall include all of the terri-
10 tory included within the territorial limits of the county.

1 3. Each consolidated local health district shall be designated as the
2 "..... Consolidated Local Health District
3 of County," being numbered in the
4 order of the creation of such consolidated local health district in the county
5 and each county local health district shall be designated as the ".....
6 Local Health District," according to the name of
7 the county.

1 4. Each consolidated local health district shall be governed by a con-
2 solidated local board of health, the members of which shall be appointed in
3 the manner hereinafter provided by the Advisory Council and Budget Review
4 Board of the district created as hereinafter provided and each county local
5 health district shall be governed by a county local board of health, the mem-
6 bers of which shall be appointed by the board of chosen freeholders as herein-
7 after provided.

1 5. Each health district board shall consist of seven members, five of
2 whom shall be residents of the health district and two of whom shall be
3 physicians licensed to practice medicine and surgery in this State and shall be
4 residents of the county in which the health district is situate. All mem-
5 bers of such health district boards shall be selected with due regard to their

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6 knowledge of, and interest in, public health needs and the physician mem-
7 bership shall be selected from a list of not less than five qualified physicians
8 furnished by the county medical society of the county in which such health
9 district is situate. Except as otherwise provided in this act, in the case of
10 the first district health board to be appointed in any health district it shall be
11 the duty of the Advisory Council and Budget Review Board of the health
12 district or the board of chosen freeholders, as the case may be, to request the
13 submission of such a list by the county medical society of the county at least
14 sixty days before the date for appointment of any physician member of the
15 district health board and if no such list is submitted at least thirty days prior
16 to the date upon which such appointment is to be made, such appointment
17 may be made from among the qualified physicians residing in the health dis-
18 trict or the county, as the case may be, without the submission of any such
19 list. One member of each consolidated local board of health may be selected
20 from the members of the Advisory Council and Budget Review Board of the
21 consolidated local health district, and one member of the county local board
22 of health may be selected from among the membership of the board of chosen
23 freeholders of the county. No member of any district health board shall
24 succeed himself consecutively more than once.

1 6. The term of each member of each district board shall be four years,
2 beginning on the first day of January next succeeding his appointment, but
3 the first appointments shall be made one for one year, two for two years,
4 two for three years and two for four years. The members of the board
5 shall continue to serve after their respective terms and until their respective
6 successors are appointed. Any vacancy occurring in the membership of any
7 consolidated local board of health shall be filled by the remaining members
8 of the board and any vacancy occurring in the membership of any county
9 local board of health shall be filled by the board of chosen freeholders of
10 the county, but if the board of chosen freeholders shall fail to fill the same
11 within sixty days after the vacancy occurs, the same shall be filled by the
12 remaining members of the county local board of health. In case any mem-
13 ber of any district health board shall hold over after the expiration of his

14 term of office, or in case of a vacancy in the membership of any such board,
15 the appointment shall be made for the unexpired term.

1 7. There shall be established an Advisory Council and Budget Review
2 Board of each consolidated local health district created under this act, which
3 shall consist of the mayors or other chief executive officers, for the time
4 being of the municipalities composing the district but if any such munici-
5 pality has no chief executive officer, then the presiding officer of its govern-
6 ing body, for the time being, shall be a member of said board. Such
7 Advisory Council and Budget Review Board shall meet as provided in this
8 act and at the call of its chairman at other times and may adjourn its meet-
9 ings from time to time. It shall perform the duties prescribed by this act.

1 8. It shall be the duty of each Advisory Council and Budget Review
2 Board to meet on the first Wednesday in January in each year succeeding
3 the year in which a consolidated local health district is created by referendum
4 as hereinafter provided and to organize by selecting from its membership,
5 by a majority vote, a chairman, vice-chairman and a secretary of the board
6 and to receive and, except in the first year, to take action upon the report
7 of the activities of the consolidated local board of health of the consolidated
8 local health district for the preceding year.

1 9. Each Advisory Council and Budget Review Board shall meet, also on
2 the first Wednesday in October in each year for the purpose of considering
3 the budget of the consolidated local board of health of the district and at
4 such meeting it shall appoint, by a majority vote of its members present,
5 such number of the members of the consolidated local board of health of the
6 district as may be requisite to take office on the first day of January next
7 succeeding the date of such meeting, except that in the case of a newly
8 created local health district, the members of the consolidated local board of
9 health shall be appointed at a meeting to be held as hereinafter provided.

1 10. Each district health board shall choose annually from its own mem-
2 bers a president and a vice-president and it shall meet at least once in every
3 two months at its office and at such other times and places within the dis-
4 trict as it shall from time to time determine.

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1 11. Each consolidated local board of health shall select annually a
2 treasurer who shall give bond with a surety company, authorized to trans-
3 act business in the State of New Jersey, as surety, for the faithful perform-
4 ance of his duties, in such sums and on such conditions as the board may
5 require.

6 The county treasurer of the county in which a county local board of health
7 is established shall act as the treasurer of the board.

8 Such treasurer shall be the custodian of the board's funds and shall
9 disburse the same on the orders of the health officer of the district and the
10 president of the district health board.

1 12. Each district health board shall provide adequate quarters for the
2 carrying on of its activities within the district.

1 13. Each district health board shall appoint a health officer, subject to
2 all the provisions of subtitle three of Title 11, Civil Service, of the Revised
3 Statutes, and fix his compensation. No person shall be so appointed unless
4 he be a person with specialized training and experience in public health as
5 determined by the district health board and be the holder of a license as a
6 "health officer" issued by the State Department of Health. He shall devote
7 his entire time to the duties of his office and shall engage in no other busi-
8 ness or profession and shall not be removed from office except as provided by
9 law.

1 14. The health officer of each health district shall be the executive officer
2 of the board of the district for the enforcement of ordinances and rules and
3 regulations affecting health and of the public health laws and sanitary code
4 of the State within the district; he shall administer the public health program
5 throughout the district, assign duties to all personnel transferred to or em-
6 ployed by the board and, in addition, he shall have all the powers and duties
7 conferred by law upon a qualified health officer of a local board of health.

1 15. The health officer of each health district shall act as secretary of the
2 district health board, shall attend the meetings of the board, keep a careful
3 record of its proceedings, report to the board as to his activities and those of

4 his subordinates and from time to time make recommendations to the board
5 for the improvement of the public health within the district.

1 16. Each district health board shall employ such personnel, in addition
2 to those referred to in section thirteen of this act, as the board may deem
3 necessary to carry out an adequate and efficient public health program in the
4 district. All such persons who shall be so appointed subsequent to the
5 passage of this act, including the health officer of the district, shall be subject
6 to all the provisions of subtitle three of Title 11, Civil Service, of the Revised
7 Statutes, except subregistrars of vital statistics appointed in accordance
8 with the provisions of this act who shall not be subject to the provisions of
9 subtitle three of Title 11, Civil Service, of the Revised Statutes.

1 17. Each district health board shall have jurisdiction in matters of public
2 health within the district. It shall succeed to all the powers and perform all
3 the duties conferred and imposed upon the municipal boards of health which
4 it supersedes and, in addition, shall have all the powers and perform all the
5 duties within the district which by law are conferred and imposed upon any
6 township, city or other local board of health in this State.

1 18. The ordinances of each local board of health of each municipality,
2 the territorial limits of which are included within the territorial limits of any
3 health district, shall thereafter remain in effect within the territorial limits
4 of such municipality, until altered or repealed by the district health board of
5 the health district, and may be enforced by and in the name of the district
6 health board by proceedings instituted and prosecuted in any court having
7 jurisdiction of such proceedings in such municipality, and ordinances of the
8 district health board may be enforced by proceedings instituted and prose-
9 cuted in a court having similar jurisdiction in the district, by and in the name
10 of said district health board.

1 19. Each health district shall be deemed a registration district for vital
2 statistics and the health officer of the district shall be the registrar of vital
3 statistics for the district.

1 20. Such registrar of vital statistics shall have all the powers and shall
2 perform all the duties granted to and required of a local registrar by law.

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1 21. Each registrar of vital statistics in the municipalities included in a
2 health district shall deliver to the health officer of such district all current
3 and past records of vital statistics which may be in his possession, including
4 records of births, deaths and marriages, promptly after such health officer
5 assumes his duties. Said records shall thereafter be retained by the health
6 officer of the health district as records of such registration district.

1 22. The health officer of a health district shall have authority to appoint
2 with the approval of the district health board of the health district a deputy
3 registrar and such subregistrars as he may deem necessary to facilitate the
4 registration of vital statistics within the district. The compensation to be paid
5 such deputy registrar and each such subregistrar shall be fixed by the board.

1 23. Each such subregistrar is hereby authorized to receive certificates
2 of births and deaths, to issue burial and removal permits and to issue
3 marriage licenses.

1 24. In case a vacancy occurs in the office of health officer of a health dis-
2 trict, the district health board of such health district may appoint a tempo-
3 rary registrar for the registration district and may also fill temporarily by
4 appointment any vacancy in a position of subregistrar as the board deems
5 necessary. The term of office of any such temporary registrar or tempo-
6 rary subregistrar shall terminate thirty days after the date upon which a
7 health officer for the health district takes office.

1 25. Each district health board hereby is authorized to receive and ex-
2 pend for local public health purposes any funds which may be made avail-
3 able by or through the State Department of Health. Each such board is
4 hereby authorized to receive and expend for public health purposes any
5 funds made available from any other public funds or from private sources,
6 provided the acceptance of said funds and the stipulations and restrictions
7 associated therewith are first approved by the State Commissioner of Health.

1 26. All fees, fines and other moneys which would have been payable to
2 any municipal local board of health superseded by any district health board
3 shall be payable to such district health board. All such fees, fines and other
4 moneys and all fees, fines and other moneys later collected by a district

5 health board shall be transmitted to the treasurer of the board and be held
6 by such treasurer subject to subsequent appropriation.

1 27. At the close of each fiscal year the treasurer of each district health
2 board shall prepare an itemized report showing the amounts of money re-
3 ceived and disbursed by him, and shall file a duplicate of said report with the
4 State Commissioner of Health and whenever required by the State Commis-
5 sioner of Health, the Treasurer shall file with the Commissioner, on such
6 forms and in such detail as he may require, a statement of the expendi-
7 tures made by the board, from any funds made available to it by or through
8 the State Department of Health, for the purposes specified in any applica-
9 tion therefor.

1 28. An annual audit shall be made of the financial accounts and trans-
2 actions of each district health board by a registered municipal accountant
3 of New Jersey or by the Division of Local Government in the Department
4 of the Treasury of the State of New Jersey, who shall file a copy of the
5 audit with the State Department of Health, with said Division of Local Gov-
6 ernment, and with each constituent municipality.

1 29. At the January meeting of the Advisory Council and Budget Review
2 Board of each consolidated local health district the board of health of said
3 district shall present a report on the activities of the health district during
4 the preceding year, and the Advisory Council and Budget Review Board
5 may make recommendations to the board of health for the improvement of
6 the public health within the district. Each member of the Advisory Council
7 and Budget Review Board may attend or may appoint an alternate to
8 attend any meeting of the board of health of the consolidated local health
9 district in an advisory capacity. When a member of the Advisory Council
10 and Budget Review Board appoints an alternate to attend a meeting or meet-
11 ings of the board of health, he shall officially notify the secretary of the
12 board of health of such appointment.

1 30. Each district health board shall prepare, in each year, a budget
2 stating in detail the amounts of money estimated to be necessary to be

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3 raised for its current expenses, and the amount of its appropriations, for the
4 ensuing year.

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1 31. If said budget includes any items involving the use of funds of the
2 State Department of Health, a copy of said budget shall be submitted to the
3 Commissioner of Health for his approval, disapproval or adjustment of the
4 use of such items on or before the third Wednesday in October of the year
5 in which said budget is made up and the State Commissioner of Health
6 shall inform the district health board submitting its budget to him of his
7 determination as to such items not later than the first Wednesday in
8 November of such year and said board shall make such changes in said
9 budget, if any, as shall be requisite to comply with such determinations.

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1 32. On or before the second Wednesday in November of each year
2 each consolidated local health board shall submit its budget to the Advisory
3 Council and Budget Review Board of the health district and each county
4 local board of health shall submit its budget to the board of chosen free-
5 holders of the county.

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1 33. On or about the third Wednesday in November of such year the
2 Advisory Council and Budget Review Board of each consolidated local health
3 district shall deliver a copy of the budget for said district in the form in
4 which it proposes to adopt the same, to the governing body of each municipi-
5 pality included within the health district and to the State Division of Local
6 Government in the Department of the Treasury and shall fix a date, place
7 and time for the holding of a public hearing by said Advisory Council and
8 Budget Review Board with respect to said budget and the amount of money
9 necessary to be so appropriated for the ensuing year and with respect to the
10 various items and purposes for which the same are to be appropriated and
11 shall cause a notice of such public hearing to be published at least once in at
12 least one newspaper published in each municipality included within the dis-
13 trict, or if no newspaper be published in such municipality, then in at least
14 one newspaper circulating in said municipality, not less than seven days
15 prior to the date fixed for such public hearing, which date shall be not later
16 than the second Wednesday in December of said year.

1 34. Said notice shall set forth that said budget will be on file and be open
 2 to the examination of the public between reasonable hours to be fixed therein,
 3 and at a place to be named therein, from the date of said publication until
 4 the date of the holding of said public hearing and the same shall remain on
 5 file and be open to the examination of the public accordingly.

1 35. On said date and at the time so fixed for such public hearing, said
 2 budget shall be produced for the information of those attending the hearing
 3 and the district health board shall grant to the taxpayers, the representatives
 4 of the municipalities included within the health district, and other interested
 5 bodies and persons, an opportunity to present objections and to be heard with
 6 respect to the budget and the amount of money necessary to be appropriated
 7 for the current expenses of the consolidated local board of health for the
 8 ensuing year and with respect to the various items and purposes for which
 9 the same are to be appropriated.

1 36. At or after such public hearing, but not later than ten days following
 2 such hearing, said Advisory Council and Budget Review Board shall de-
 3 termine and fix the amount of money necessary to be appropriated and to
 4 be raised by taxation for the establishment of such consolidated local health
 5 district and thereafter for the maintenance of a consolidated local board of
 6 health for such district, for the ensuing year, exclusive of any amount which
 7 shall be made available to it by the State Department of Health or otherwise,
 8 and shall apportion the same among the municipalities comprising the health
 9 district, in the proportion which the assessed valuations of real and personal
 10 property of each municipality bear to the total of such valuations within the
 11 health district as equalized by the county board of taxation and shall certify
 12 the amount of money thus determined to be raised by taxation within each
 13 municipality to the governing body thereof and to the Division of Local Gov-
 14 ernment in the Department of the Treasury, on or before the thirty-first day
 15 of December in said year.

1 37. The governing body of each municipality comprised within a con-
 2 solidated local health district shall include the sum so certified to it as the sum
 3 to be raised by taxation for health purposes within said municipality in its

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4 budget for the following year, which sum shall be levied, assessed and col-
5 lected therein, as other local taxes are levied, assessed and raised therein,
6 and the same shall be paid in four equal installments, on or before the fifteenth
7 day of February, May, August and November, respectively to the treasurer of
8 the district health board, to be used solely for public health purposes within
9 said district.

1 38. The board of chosen freeholders of each county in which there is
2 established a county local health district shall inquire into the items included
3 in the budget of the county local board of health of said district as submitted
4 to it and shall approve, disapprove or modify such items and shall include the
5 same in the county budget and shall fix and determine the amount of money
6 necessary to be appropriated for the establishment of the county local health
7 district in the county and thereafter for the maintenance of a county local
8 board of health for such district, exclusive of any amount which shall be made
9 available to it by the State Department of Health or otherwise, for the en-
10 suing year and such sum shall be assessed, levied and collected, in the same
11 manner as other county taxes are assessed, levied and collected, in those mu-
12 nicipalities included in such county local health district and the same shall be
13 payable by the participating municipalities to the County Treasurer in four
14 equal installments as county taxes are paid.

1 39. The governing bodies of the municipalities included within a con-
2 solidated local health district, and the board of chosen freeholders of any
3 county in which is located a county local health district, are authorized to bor-
4 row such sum of money in anticipation of the receipt of taxes, levied for health
5 purposes in any such health district, not in excess of the total amount levied for
6 such year therefor, pursuant to the provisions of chapter two of Title 40 of
7 the Revised Statutes, as may be necessary in order to provide continuous and
8 efficient health service in such health district, and to make advances of the
9 sums so borrowed to the district health board of such health district whenever
10 it is necessary for said purposes.

1 40. Each district health board shall be subject to the same supervision
2 and control, including the power to make audits, by the Division of Local Gov-
3 ernment in the Department of the Treasury as though it were a department
4 of a municipal government or of the board of chosen freeholders of the county.

1 41. (a) Whenever two or more petitions signed by not less than five
2 per centum (5%) of the registered voters of each of two or more municipali-
3 ties in the same county, requesting that an election be held on the question of
4 the establishment of a consolidated local health district or a county local
5 health district shall be filed with the State Commissioner of Health pur-
6 suant to the provisions of this act, proceedings shall be had as herein pro-
7 vided. Each petition shall set forth the type of district to be established and
8 the municipalities which are proposed to be included in such district.

8A In any case in which a county local health district is proposed to be
8B formed, a certified copy of a resolution of the board of chosen freeholders
8C of the county consenting to the formation of the health district shall accom-
8D pany the petitions unless the proposed county local health district shall
8E include all of the territory included within the territorial limits of the county.

8F The State Commissioner of Health shall disregard any petitions which
8G are not accompanied by a certified copy of such a resolution in any case
8H in which the consent of the board of chosen freeholders of the county to the
8I creation of a county local health district is required by this act.

9 (b) The signatures on the petitions need not be appended to one paper
10 but each signer shall add to his signature his place of residence, giving the
11 street and number, if any. One of the signers of each such paper shall make
12 an oath before an officer competent to administer oaths that the statements
13 therein made are true to the best of his knowledge and belief, and that each
14 signature to the paper appended is a genuine signature of the person whose
15 name it purports to be.

16 (c) The commissioner shall review the respective petitions and if he
17 determines that the municipalities proposed to be included within such health
18 district are of such population and such geographical location that a health

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19 district composed thereof can or may subsequently be efficiently operated, he
20 shall annex thereto his certificate to that effect and shall thereupon file the
21 respective petitions with the clerks of the respective municipalities. Each
22 clerk shall, upon the filing of a valid petition containing the commissioner's
23 certification, submit a public question to the legal voters of such municipality
24 for their adoption or rejection at the next general election occurring not
25 less than forty-five days following the filing of such petitions with the clerk,
26 in accordance with the provisions of Title 19 of the Revised Statutes and in
27 the manner hereinafter provided.

28 (d) When such a petition is presented for filing to the municipal clerk he
29 shall forthwith examine the same and ascertain whether it conforms with the
30 provisions of this section and if not found in conformity thereto, he shall des-
31 ignate the defect and return the petition to the person or persons making the
32 oath. Such petition may again be filed when properly amended if this can be
33 done at least thirty days before the election at which the public question is to
34 be voted upon, and upon such filing the amended petition shall have the full
35 force and effect of a valid petition duly filed within the time limited by sub-
36 division (c) of this section.

1 42. There shall be printed upon the official ballot to be used at such gen-
2 eral election the following:

3 If you favor the proposition printed below make a cross (X), plus (+)
4 or check (V) in the square opposite the word "Yes." If you are opposed
5 thereto make a cross (X), plus (+) or check (V) in the square opposite the
6 word "No."

	Yes.	Shall (Names of municipalities) and such other municipalities as may elect to join therein, establish a ("consolidated" orlocal health district "county")
	No.	and maintain a ("consolidated"local board of or "county") health?

1 43. If at such election a majority of all of the votes cast in each of such
 2 municipalities for and against the question shall be cast in favor of its adop-
 3 tion, a consolidated local health district or a county local health district, as
 4 the case may be, consisting of the territory included within the territorial
 5 limits of such municipalities shall be formed pursuant to the provisions of
 6 this act, on the first day of January of the second year succeeding the date of
 7 such election.

8 The municipal clerk in which such public question is submitted to the
 9 voters shall promptly certify the results of the election on the question to the
 10 State Commissioner of Health. Where the question is adopted in less than
 11 all of the municipalities voting on the same question at any general election,
 12 the commissioner may review the results of the elections and may find and
 13 determine:

14 (a) that the municipalities in which the question has been adopted form
 15 a health district which can or may subsequently be efficiently operated; or

16 (b) that such municipalities together with others which may elect at the
 17 next general election to join in such health district would form a health dis-
 18 trict which could or subsequently may be efficiently operated.

19 The commissioner shall file his certificate in accordance with his deter-
 20 mination in (a) and (b) above with the municipal clerk of each municipality,
 21 in which such question was submitted to the voters, and the question was
 22 affirmatively adopted. Where certifications under subsection (a) above shall
 23 be filed, a consolidated local health district or a county local health district,
 24 as the case may be, shall be formed including the territory of such municipali-
 25 ties, pursuant to this act, on the first day of January of the second year suc-
 26 ceeding the date of such election. Where certifications under subsection (b)
 27 above shall be filed the adoption of the question by the voters of the respec-
 28 tive municipalities shall remain in full force and effect until the succeeding
 29 general election, and shall be deemed to be an election upon and adoption of
 30 the question for the purpose of determining the number of municipalities
 31 which have voted upon and adopted the question at such succeeding general
 32 election.

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1 44. The State Commissioner of Health shall, within thirty days after the
 2 first day of January of the year following the day of any election at which
 3 the formation of a consolidated local health district is approved, make written
 4 request of the county medical society of the county to submit, to the Advisory
 5 Council and Budget Review Board of the district, its list of physicians quali-
 6 fied for appointment to the consolidated local board of health of the district,
 7 within thirty days after the date of such request, and shall call a meeting of
 8 such Advisory Council and Budget Review Board to be held upon a day to be
 9 fixed by him in such request, which day shall be not less than sixty days from
 10 the date of such request, and at said meeting so called said Advisory Council
 11 and Budget Review Board shall organize and appoint the first members of the
 12 consolidated local board of health.

1 45. The State Commissioner of Health shall, by notice duly given to each
 2 member of such consolidated local board of health, fix a time, place and day,
 3 which day shall be not more than fifteen days after the appointment of the
 4 members of such board, for the holding of the organization meeting of said
 5 board, and on said day or on any day to which such meeting may be ad-
 6 journed, said board shall meet and organize and thereafter shall have power to
 7 meet and to take such measures and do such things as may be necessary to
 8 enable it to undertake and carry on the health activities of the district be-
 9 ginning with the first day of January of the next succeeding year.

1 46. The board of chosen freeholders of the county shall, within thirty days
 2 after the first day of January of the year following the day of any election at
 3 which the formation of a county local health district is approved, make writ-
 4 ten request of the county medical society of the county to submit to it its list
 5 of physicians qualified for appointment to the county local board of health
 6 within thirty days after the date of such request and not less than sixty days
 7 from the date of said request shall appoint the first members of the county
 8 local board of health.

1 47. The board of chosen freeholders shall, by notice duly given to each
 2 member of such county local board of health, fix a time, place and day for the
 3 holding of the organization meeting of said board, which day shall be not more

4 than fifteen days after the appointment of the members of such county local
5 board of health, and on said day or on any day to which such meeting may be
6 adjourned, said board shall meet and organize and thereafter shall have
7 power to meet and to take such measures and do such things as may be neces-
8 sary to enable it to undertake and carry on the health activities of the district
9 beginning with the first day of January of the next succeeding year.

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1 48. On the first day of January of the second year succeeding the date
2 upon which the formation of a consolidated local health district or a county
3 local health district shall be approved, the consolidated local board of health or
4 the county local board of health, as the case may be, shall succeed to all of the
5 powers and functions of the local boards of health of the municipalities com-
6 prised within such district and shall have all of the powers and functions and
7 be subject to all of the duties and restrictions prescribed by this act and such
8 local boards of health shall thereupon be abolished and thereafter the health
9 activities within said district shall be carried on by the consolidated local
10 board of health or the county local board of health, as the case may be.

1 49. Whenever a petition signed by not less than five per centum (5%) of
2 the registered voters of any municipality which is not included within a con-
3 solidated local health district or a county local health district, requesting
4 that such municipality shall become a part of an existing consolidated local
5 health district or county local health district, to which petition shall be an-
6 nexed the certificate of the State Commissioner of Health stating that in his
7 opinion the municipality proposed to be included within such health district
8 is of such population and such geographical location that a health district
9 composed thereof and of the other municipalities included within said district
10 can be efficiently operated, shall be presented to, and filed with, the clerk of
11 such municipality, such clerk shall cause such proposition to be submitted to
12 the legal voters of such municipality for their adoption or rejection at the
13 next general election succeeding the forty-fifth day following the filing of such
14 petition, in accordance with Title 19 of the Revised Statutes and in the manner
15 hereinafter provided.

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1 50. There shall be printed upon the official ballot to be used at such gen-
 2 eral election the following:

3 If you favor the proposition printed below make a cross (X), plus (+)
 4 or check (V) in the square opposite the word "Yes." If you are opposed
 5 thereto make a cross (X), plus (+) or check (V) in the square opposite the
 6 word "No."

	Yes.	Shall (name of municipality) become a part of the (number)
	No.	consolidated local health district of? (name of county)

or

	Yes.	Shall (name of municipality) become a part of the (name of county)
	No.	county local health district?

1 51. If at such election a majority of all of the votes cast in such munici-
 2 pality for and against the question shall be cast in favor of its adoption, the
 3 territory included within the territorial limits of such municipality shall on
 4 and after the first day of January of the second year succeeding the date of
 5 such election become a part of such consolidated local health district or county
 6 local health district and the functions, powers and duties of the local board
 7 of health of said municipality shall be transferred to the consolidated local
 8 board of health or the county local board of health of such district and there-
 9 after shall be exercised by such board and said municipal local board of health
 10 shall be abolished.

1 52. Whenever a petition signed by not less than five per centum (5%) of
 2 the registered voters of any municipality, included within a consolidated
 3 local health district or a county local health district, requesting the with-
 4 drawal of such municipality from such consolidated local health district or
 5 county local health district, to which petition shall be annexed the certificate

6 of the State Commissioner of Health, made with the advice and consent of
 6A the Public Health Council, stating that in his opinion the municipalities
 7 remaining within such consolidated local health district or county local
 8 health district, after the withdrawal therefrom of such municipality, are of
 9 such population and such geographical location that a health district com-
 10 posed thereof can be efficiently operated, shall be presented to, and filed with,
 11 the clerk of the municipality, such clerk shall cause such proposition to be
 12 submitted to the legal voters of such municipality for their adoption or rejec-
 13 tion at the next general election succeeding the forty-fifth day following the
 14 filing of such petition, in accordance with Title 19 of the Revised Statutes and
 15 in the manner hereinafter provided.

1 53. There shall be printed upon the official ballot to be used at such gen-
 2 eral election the following:

3 If you favor the proposition printed below make a cross (X), plus (+) or
 4 check (V) in the square opposite the word "Yes." If you are opposed
 5 thereto make a cross (X), plus (+) or check (V) in the square opposite
 6 the word "No."

	Yes.	Shall (name of municipality) withdraw from the
	No.? (name of health district)

1 54. If at such election a majority of all of the votes cast in such munic-
 2 ipality for and against the question shall be cast in favor of its adoption, the
 3 municipality shall on the first day of January of the second year following the
 4 date of such election cease to be a part of the consolidated local health district
 5 or the county local health district, as the case may be, in which it was in-
 6 cluded and thereafter shall be governed by a local board of health as in the
 7 case of other municipalities but the ordinances adopted by any former local
 8 board of health or by the consolidated local board of health or the county local

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9 board, of which it formed a part, which are in effect in said municipality
10 on said date, shall remain in effect in said municipality notwithstanding the
11 withdrawal of said municipality from said health district, until they shall be
12 altered or repealed by the local board of health of the municipality, and may
13 be enforced by and in the name of such local board of health.

1 55. Whenever a petition signed by not less than five per centum (5%) of
2 the registered voters of any municipality included within a consolidated local
3 health district or a county local health district requesting the withdrawal of
4 such municipality from such consolidated local health district or county local
5 health district, as the case may be, and its inclusion within another health dis-
6 trict, to which petition shall be annexed the certificate of the State Commis-
7 sioner of Health stating that in his opinion the municipalities remaining in
8 the health district from which such municipality proposes to withdraw, and
9 the municipalities proposed to be included in a health district in which such
10 municipality proposes to be included, are of such population and such geo-
11 graphical location that health districts composed thereof can be efficiently
12 operated, shall be presented to, and filed with, the clerk of such municipality,
13 such clerk shall cause such proposition to be submitted to the legal voters of
14 such municipality for their adoption or rejection at the next general election
15 succeeding the forty-fifth day following the filing of such petition, in ac-
16 cordance with Title 19 of the Revised Statutes and in the manner herein-
17 after provided.

1 56. There shall be printed upon the official ballot to be used at such gen-
2 eral election the following:

3 If you favor the proposition printed below make a cross (X), plus (+) or
4 check (V) in the square opposite the word "Yes." If you are opposed
5 thereto make a cross (X), plus (+) or check (V) in the square opposite the
6 word "No."

	Yes.	Shall (name of municipality) withdraw from (name of health
	No. district to be withdrawn from) and become a part of..... (name of? health district to be included in)

1 57. If at such election a majority of all of the votes cast in such munici-
 2 pality for and against the question shall be cast in favor of its adoption, the
 3 territory included within the territorial limits of the municipality shall be
 4 withdrawn from the health district of which it then forms part and shall be
 5 added to the territorial limits of the other health district on the first day of
 6 January of the second year succeeding the date of such election.

1 58. The ordinances adopted by any former local board of health or any
 2 district board of health which are in effect in said municipality on said date
 3 shall remain in effect in said municipality notwithstanding the withdrawal of
 4 said municipality from said health district until they shall be altered or re-
 5 pealed by the district board of health of the health district in which such
 6 municipality shall be included.

1 59. When any municipality shall determine by referendum, as aforesaid,
 2 to become a part of a consolidated local health district, the mayor or other
 3 chief executive officer of the municipality or, if the municipality has no chief
 4 executive officer, then the presiding officer of its governing body, shall become
 5 a member of the Advisory Council and Budget Review Board beginning with
 6 the first day of January next succeeding the date of said election.

1 60. In any municipality in which voting machines are used, the question
 2 to be voted upon at any election hereinbefore set forth shall be placed upon
 3 the official ballot to be used upon the voting machines without the foregoing
 4 instructions to the voters and shall be voted upon "Yes" or "No" by the use
 5 of such machines without marking as aforesaid.

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1 61. Every full-time health officer, sanitary inspector, plumbing inspector,
2 food and drug inspector, milk inspector, meat inspector and public health
3 laboratory worker possessing an appropriate license from the State Depart-
4 ment of Health and every public health nurse, and every clerical, secretarial
5 and recording employee, engaged in full-time local public health services prior
6 to the adoption of the referendum who is employed as such by the municipal
7 local boards of health superseded by any such consolidated local board of
8 health or county local board of health shall be classified in the classified civil
9 service by the Civil Service Commission without examination and shall be
10 transferred to the consolidated local board of health or the county local
11 board of health as the case may be and be assigned to duties which are as
12 nearly comparable as may be to those previously performed by them, and
13 shall hold and thereafter continue to hold their respective employments
14 within and as part of the classified service in accordance with the provisions
15 of subtitle three, Title 11, of Revised Statutes (Civil Service) as nearly as
16 possible without impairment of rights under any pension or retirement fund
17 or system, and each such person shall be granted seniority rights depending
18 upon the date of entry into such employment with the municipal board of
19 health superseded. Their compensation shall be fixed by the board at not less
20 than the amount received during the year immediately preceding the calen-
21 dar year in which the referendum for the inclusion of the municipality within
22 the consolidated local health district, or the county local health district, as
23 the case may be, was held in the municipality.

1 62. Such other personnel as shall be employed by the municipal board of
2 health of any municipality at the time the municipality shall be included in a
3 consolidated local health district or a county local health district shall hold
4 and thereafter continue to hold their respective employments until the health
5 officer of the consolidated local health district or county local health district
6 as the case may be shall, after consultation with the members of the consoli-
7 dated local board of health or the members of the county local board of health,
8 as the case may be, has determined which of said employees are needed for

9 the proper performance of the work of such board. Such employees which are
 10 determined to be needed are hereby transferred to the consolidated local board
 11 of health or the county local board of health as the case may be. Persons so
 12 transferred shall be classified in the classified civil service by the Civil
 13 Service Commission without examination and shall be assigned to duties which
 14 are as nearly comparable as may be to those previously performed by them
 15 and shall hold and thereafter continue to hold their respective employments
 16 within and as part of the classified service in accordance with the provisions
 17 of subtitle three, Title 11, Civil Service, of Revised Statutes, without impair-
 18 ment of rights under any pension or retirement fund or system, and each
 19 such person shall be granted seniority rights depending upon the date of entry
 20 into such employment with the municipal board of health superseded. Their
 21 compensation shall be fixed by the board at not less than the amount received
 22 during the year immediately preceding the calendar year in which the refer-
 23 endum for the inclusion of the municipality within the consolidated local
 24 health district, or the county local health district, as the case may be, was
 25 held in the municipality.

1 63. All moneys and appropriations which were, or would have been, avail-
 2 able to any local board of health of any municipality, on or after the date
 3 when the territorial limits of such municipality shall be included within a con-
 4 solidated local health district or a county local health district, shall, upon the
 5 date of the inclusion thereof in such district, be transferred to the treasurer of
 6 the consolidated local board of health or the county local board of health, as
 7 the case may be, of the district and shall be kept in a separate fund for the use
 8 of such consolidated local board of health or county local board of health, for
 9 the public health purposes of the district.

1 64. Section one of chapter one hundred seventy-seven of the laws of
 2 one thousand nine hundred and forty-seven is amended to read as follows:

3 1. As used in this act, unless otherwise specifically indicated, "State de-
 4 partment," "department of health" and "department" mean the State De-
 5 partment of Health;

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6 "Commissioner" means the State Commissioner of Health who is the
7 chief administrative officer of the State Department of Health;

8 "Council" means the Public Health Council in the State Department of
9 Health;

10 "Division" means one of the divisions in the State Department of Health;

11 "Division Director" means the director of one of the divisions in the
12 State Department of Health;

13 "Local board" or "local board of health" means the board of health of
14 any municipality or the boards, bodies or officers in such municipality law-
15 fully exercising any of the powers of a local board of health under the laws
16 governing such municipality, and includes any consolidated local board of
17 health or county local board of health created and established pursuant to
18 law.

1 65. Section 26:1-1 of the Revised Statutes is amended to read as follows:

2 26:1-1. As used in this Title unless otherwise specifically indicated:

3 "State department," "department of health" and "department" mean
4 the State Department of Health;

5 "Commissioner" or "director" means the State Commissioner of
6 Health, who is the chief administrative officer of the State Department of
7 Health;

8 "Council" means the Public Health Council in the State Department of
9 Health;

10 "Division" means one of the divisions in the State Department of Health;

11 "Division director" means the director of one of the divisions in the State
12 Department of Health;

13 "Local board" or "local board of health" means the board of health of
14 any municipality or the boards, body, or officers in such municipality lawfully
15 exercising any of the powers of a local board of health under the laws govern-
16 ing such municipality and when, pursuant to law, any local board of health is
17 superseded by a consolidated local board of health or a county local board of

18 health, and the functions, powers and duties conferred and imposed by this
19 Title upon such local board of health shall thereupon be transferred to, and
20 exercised and performed by, such consolidated local board of health or
21 county local board of health, as the case may be, the term "local board of
22 health" or "local board" as used in this Title shall thereafter be deemed to
23 mean and include such consolidated local board of health, or county local
24 board of health so far as relates to the exercise of such functions, powers and
25 duties.

1 66. Section 26:3-1 of the Revised Statutes is amended to read as follows:

2 26:3-1. There shall be a board of health in every municipality in this
3 State, except in those municipalities which are included within a consolidated
4 local health district, or a county local health district, which board shall con-
5 sist of members appointed or designated, or both, as provided by this chapter,
6 except that in any municipality operating under laws establishing a form of
7 government for such municipality under which the full powers of a local board
8 of health can not be exercised by a local board of health so appointed or desig-
9 nated, the respective functions of a local board of health shall be exercised by
10 such boards, bodies, or officers as may exercise the same according to law.

1 67. If any provision of this act is declared unconstitutional, or the ap-
2 plicability thereof to any person or circumstance is held invalid, the consti-
3 tutionality of the remainder of the act and the applicability thereof to other
4 persons and circumstances shall not be affected thereby.

1 68. Nothing in this act shall be construed to mean that any municipality
2 shall be compelled to be included within a consolidated local health district or
3 a county local health district, except as the result of a referendum held as in
4 this act provided.

1 69. This act is intended to protect the public health in this State and shall
2 be liberally construed.

1 70. This act may be cited as the "Local Health District Act, 1951."

1 71. This act shall take effect immediately.

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[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1

STATE OF NEW JERSEY

INTRODUCED JANUARY 9, 1951

By Messrs. HAINES, SNEDIKER, WILSON and CAVINATO

Referred to Committee on Public Health

AN ACT relating to public health, authorizing the establishment of consolidated local health districts and county local health districts, prescribing the functions, powers and duties of consolidated local boards of health, and county local boards of health, amending "An act relating to public health; providing for the establishment in the Executive Branch of the State Government of a State Department of Health, defining its organization, functions, powers and duties, providing thereby for the consolidation and co-ordination of public health activities; abolishing the offices of Perth Amboy Port health officer and deputy Perth Amboy Port health officer; transferring to and vesting in said State Department of Health the functions, powers and duties of the Perth Amboy Port health officer and of the deputy Perth Amboy Port health officer; amending section 26:1-1, repealing sections 26:2-1 to 26:2-55, inclusive, 26:4-111, 26:4-114, 26:4-115, and supplementing Title 26 of the Revised Statutes," approved May twenty-second, one thousand nine hundred and forty-seven (P. L. 1947, c. 177), and amending sections 26:1-1, and 26:3-1, and supplementing Title 26, of the Revised Statutes.

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

1 1. As used in this act, unless the context otherwise clearly indicates,

2 "health district" means a consolidated local health district or a

3 county local health district, and

4 "district health board" means a consolidated local board of health
5 or a county local board of health, created pursuant to this act.

1 2. Any two or more municipalities in the same county may, with the
2 approval of the State Commissioner of Health, certified as hereinafter pro-
3 vided, create a "consolidated local health district" or a "county local health
4 district" in the manner provided in this act, which shall consist of the terri-
5 tory comprised within the territorial limits of such municipalities, but no
6 more than one county local health district shall be created in any one county,
7 and no county local health district shall be created except with the consent
8 of the board of chosen freeholders of the county to the creation thereof un-
9 less the proposed county local health district shall include all of the terri-
10 tory included within the territorial limits of the county.

1 3. Each consolidated local health district shall be designated as the
2 "..... Consolidated Local Health District
3 of County," being numbered in the
4 order of the creation of such consolidated local health district in the county
5 and each county local health district shall be designated as the ".....
6 Local Health District," according to the name of
7 the county.

1 4. Each consolidated local health district shall be governed by a con-
2 solidated local board of health, the members of which shall be appointed in
3 the manner hereinafter provided by the Advisory Council and Budget Review
4 Board of the district created as hereinafter provided and each county local
5 health district shall be governed by a county local board of health, the mem-
6 bers of which shall be appointed by the board of chosen freeholders as herein-
7 after provided.

1 5. Each health district board shall consist of seven members, five of
2 whom shall be residents of the health district and two of whom shall be
3 physicians licensed to practice medicine and surgery in this State and shall be
4 residents of the county in which the health district is situate. All mem-
5 bers of such health district boards shall be selected with due regard to their

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6 knowledge of, and interest in, public health needs and the physician mem-
 7 bership shall be selected from a list of not less than five qualified physicians
 8 furnished by the county medical society of the county in which such health
 9 district is situate. Except as otherwise provided in this act, in the case of
 10 the first district health board to be appointed in any health district it shall be
 11 the duty of the Advisory Council and Budget Review Board of the health
 12 district or the board of chosen freeholders, as the case may be, to request the
 13 submission of such a list by the county medical society of the county at least
 14 sixty days before the date for appointment of any physician member of the
 15 district health board and if no such list is submitted at least thirty days prior
 16 to the date upon which such appointment is to be made, such appointment
 17 may be made from among the qualified physicians residing in the health dis-
 18 trict or the county, as the case may be, without the submission of any such
 19 list. One member of each consolidated local board of health may be selected
 20 from the members of the Advisory Council and Budget Review Board of the
 21 consolidated local health district, and one member of the county local board
 22 of health may be selected from among the membership of the board of chosen
 23 freeholders of the county. No member of any district health board shall
 24 succeed himself consecutively more than once.

1 6. The term of each member of each district board shall be four years,
 2 beginning on the first day of January next succeeding his appointment, but
 3 the first appointments shall be made one for one year, two for two years,
 4 two for three years and two for four years. The members of the board
 5 shall continue to serve after their respective terms and until their respective
 6 successors are appointed. Any vacancy occurring in the membership of any
 7 consolidated local board of health shall be filled by the remaining members
 8 of the board and any vacancy occurring in the membership of any county
 9 local board of health shall be filled by the board of chosen freeholders of
 10 the county, but if the board of chosen freeholders shall fail to fill the same
 11 within sixty days after the vacancy occurs, the same shall be filled by the
 12 remaining members of the county local board of health. In case any mem-
 13 ber of any district health board shall hold over after the expiration of his

14 term of office, or in case of a vacancy in the membership of any such board,
15 the appointment shall be made for the unexpired term.

1 7. There shall be established an Advisory Council and Budget Review
2 Board of each consolidated local health district created under this act, which
3 shall consist of the mayors or other chief executive officers, for the time
4 being of the municipalities composing the district but if any such munici-
5 pality has no chief executive officer, then the presiding officer of its govern-
6 ing body, for the time being, shall be a member of said board. Such
7 Advisory Council and Budget Review Board shall meet as provided in this
8 act and at the call of its chairman at other times and may adjourn its meet-
9 ings from time to time. It shall perform the duties prescribed by this act.

1 8. It shall be the duty of each Advisory Council and Budget Review
2 Board to meet on the first Wednesday in January in each year succeeding
3 the year in which a consolidated local health district is created by referendum
4 as hereinafter provided and to organize by selecting from its membership,
5 by a majority vote, a chairman, vice-chairman and a secretary of the board
6 and to receive and, except in the first year, to take action upon the report
7 of the activities of the consolidated local board of health of the consolidated
8 local health district for the preceding year.

1 9. Each Advisory Council and Budget Review Board shall meet, also on
2 the first Wednesday in October in each year for the purpose of considering
3 the budget of the consolidated local board of health of the district and at
4 such meeting it shall appoint, by a majority vote of its members present,
5 such number of the members of the consolidated local board of health of the
6 district as may be requisite to take office on the first day of January next
7 succeeding the date of such meeting, except that in the case of a newly
8 created local health district, the members of the consolidated local board of
9 health shall be appointed at a meeting to be held as hereinafter provided.

1 10. Each district health board shall choose annually from its own mem-
2 bers a president and a vice-president and it shall meet at least once in every
3 two months at its office and at such other times and places within the dis-
4 trict as it shall from time to time determine.

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1 11. Each consolidated local board of health shall select annually a
2 treasurer who shall give bond with a surety company, authorized to trans-
3 act business in the State of New Jersey, as surety, for the faithful perform-
4 ance of his duties, in such sums and on such conditions as the board may
5 require.

6 The county treasurer of the county in which a county local board of health
7 is established shall act as the treasurer of the board.

8 Such treasurer shall be the custodian of the board's funds and shall
9 disburse the same on the orders of the health officer of the district and the
10 president of the district health board.

1 12. Each district health board shall provide adequate quarters for the
2 carrying on of its activities within the district.

1 13. Each district health board shall appoint a health officer, subject to
2 all the provisions of subtitle three of Title 11, Civil Service, of the Revised
3 Statutes, and fix his compensation. No person shall be so appointed unless
4 he be a person with specialized training and experience in public health as
5 determined by the district health board and be the holder of a license as a
6 "health officer" issued by the State Department of Health. He shall devote
7 his entire time to the duties of his office and shall engage in no other busi-
8 ness or profession and shall not be removed from office except as provided by
9 law.

1 14. The health officer of each health district shall be the executive officer
2 of the board of the district for the enforcement of ordinances and rules and
3 regulations affecting health and of the public health laws and sanitary code
4 of the State within the district; he shall administer the public health program
5 throughout the district, assign duties to all personnel transferred to or em-
6 ployed by the board and, in addition, he shall have all the powers and duties
7 conferred by law upon a qualified health officer of a local board of health.

1 15. The health officer of each health district shall act as secretary of the
2 district health board, shall attend the meetings of the board, keep a careful
3 record of its proceedings, report to the board as to his activities and those of

4 his subordinates and from time to time make recommendations to the board
5 for the improvement of the public health within the district.

1 16. Each district health board shall employ such personnel, in addition
2 to those referred to in section thirteen of this act, as the board may deem
3 necessary to carry out an adequate and efficient public health program in the
4 district. All such persons who shall be so appointed subsequent to the
5 passage of this act, including the health officer of the district, shall be subject
6 to all the provisions of subtitle three of Title 11, Civil Service, of the Revised
7 Statutes, except subregistrars of vital statistics appointed in accordance
8 with the provisions of this act who shall not be subject to the provisions of
9 subtitle three of Title 11, Civil Service, of the Revised Statutes.

1 17. Each district health board shall have jurisdiction in matters of public
2 health within the district. It shall succeed to all the powers and perform all
3 the duties conferred and imposed upon the municipal boards of health which
4 it supersedes and, in addition, shall have all the powers and perform all the
5 duties within the district which by law are conferred and imposed upon any
6 township, city or other local board of health in this State.

1 18. The ordinances of each local board of health of each municipality,
2 the territorial limits of which are included within the territorial limits of any
3 health district, shall thereafter remain in effect within the territorial limits
4 of such municipality, until altered or repealed by the district health board of
5 the health district, and may be enforced by and in the name of the district
6 health board by proceedings instituted and prosecuted in any court having
7 jurisdiction of such proceedings in such municipality, and ordinances of the
8 district health board may be enforced by proceedings instituted and prose-
9 cuted in a court having similar jurisdiction in the district, by and in the name
10 of said district health board.

1 19. Each health district shall be deemed a registration district for vital
2 statistics and the health officer of the district shall be the registrar of vital
3 statistics for the district.

1 20. Such registrar of vital statistics shall have all the powers and shall
2 perform all the duties granted to and required of a local registrar by law.

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1 21. Each registrar of vital statistics in the municipalities included in a
2 health district shall deliver to the health officer of such district all current
3 and past records of vital statistics which may be in his possession, including
4 records of births, deaths and marriages, promptly after such health officer
5 assumes his duties. Said records shall thereafter be retained by the health
6 officer of the health district as records of such registration district.

1 22. The health officer of a health district shall have authority to appoint
2 with the approval of the district health board of the health district a deputy
3 registrar and such subregistrars as he may deem necessary to facilitate the
4 registration of vital statistics within the district. The compensation to be paid
5 such deputy registrar and each such subregistrar shall be fixed by the board.

1 23. Each such subregistrar is hereby authorized to receive certificates
2 of births and deaths, to issue burial and removal permits and to issue
3 marriage licenses.

1 24. In case a vacancy occurs in the office of health officer of a health dis-
2 trict, the district health board of such health district may appoint a tempo-
3 rary registrar for the registration district and may also fill temporarily by
4 appointment any vacancy in a position of subregistrar as the board deems
5 necessary. The term of office of any such temporary registrar or tempo-
6 rary subregistrar shall terminate thirty days after the date upon which a
7 health officer for the health district takes office.

1 25. Each district health board hereby is authorized to receive and ex-
2 pend for local public health purposes any funds which may be made avail-
3 able by or through the State Department of Health. Each such board is
4 hereby authorized to receive and expend for public health purposes any
5 funds made available from any other public funds or from private sources,
6 provided the acceptance of said funds and the stipulations and restrictions
7 associated therewith are first approved by the State Commissioner of Health.

1 26. All fees, fines and other moneys which would have been payable to
2 any municipal local board of health superseded by any district health board
3 shall be payable to such district health board. All such fees, fines and other
4 moneys and all fees, fines and other moneys later collected by a district

5 health board shall be transmitted to the treasurer of the board and be held
6 by such treasurer subject to subsequent appropriation.

1 27. At the close of each fiscal year the treasurer of each district health
2 board shall prepare an itemized report showing the amounts of money re-
3 ceived and disbursed by him, and shall file a duplicate of said report with the
4 State Commissioner of Health and whenever required by the State Commis-
5 sioner of Health, the Treasurer shall file with the Commissioner, on such
6 forms and in such detail as he may require, a statement of the expendi-
7 tures made by the board, from any funds made available to it by or through
8 the State Department of Health, for the purposes specified in any applica-
9 tion therefor.

1 28. An annual audit shall be made of the financial accounts and trans-
2 actions of each district health board by a registered municipal accountant
3 of New Jersey or by the Division of Local Government in the Department
4 of the Treasury of the State of New Jersey, who shall file a copy of the
5 audit with the State Department of Health, with said Division of Local Gov-
6 ernment, and with each constituent municipality.

1 29. At the January meeting of the Advisory Council and Budget Review
2 Board of each consolidated local health district the board of health of said
3 district shall present a report on the activities of the health district during
4 the preceding year, and the Advisory Council and Budget Review Board
5 may make recommendations to the board of health for the improvement of
6 the public health within the district. Each member of the Advisory Council
7 and Budget Review Board may attend or may appoint an alternate to
8 attend any meeting of the board of health of the consolidated local health
9 district in an advisory capacity. When a member of the Advisory Council
10 and Budget Review Board appoints an alternate to attend a meeting or meet-
11 ings of the board of health, he shall officially notify the secretary of the
12 board of health of such appointment.

1 30. Each district health board shall prepare, in each year, a budget
2 stating in detail the amounts of money estimated to be necessary to be

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3 raised for its current expenses, and the amount of its appropriations, for the
4 ensuing year.

1 31. If said budget includes any items involving the use of funds of the
2 State Department of Health, a copy of said budget shall be submitted to the
3 Commissioner of Health for his approval, disapproval or adjustment of the
4 use of such items on or before the third Wednesday in October of the year
5 in which said budget is made up and the State Commissioner of Health
6 shall inform the district health board submitting its budget to him of his
7 determination as to such items not later than the first Wednesday in
8 November of such year and said board shall make such changes in said
9 budget, if any, as shall be requisite to comply with such determinations.

1 32. On or before the second Wednesday in November of each year
2 each consolidated local health board shall submit its budget to the Advisory
3 Council and Budget Review Board of the health district and each county
4 local board of health shall submit its budget to the board of chosen free-
5 holders of the county.

1 33. On or about the third Wednesday in November of such year the
2 Advisory Council and Budget Review Board of each consolidated local health
3 district shall deliver a copy of the budget for said district in the form in
4 which it proposes to adopt the same, to the governing body of each municipi-
5 pality included within the health district and to the State Division of Local
6 Government in the Department of the Treasury and shall fix a date, place
7 and time for the holding of a public hearing by said Advisory Council and
8 Budget Review Board with respect to said budget and the amount of money
9 necessary to be so appropriated for the ensuing year and with respect to the
10 various items and purposes for which the same are to be appropriated and
11 shall cause a notice of such public hearing to be published at least once in at
12 least one newspaper published in each municipality included within the dis-
13 trict, or if no newspaper be published in such municipality, then in at least
14 one newspaper circulating in said municipality, not less than seven days
15 prior to the date fixed for such public hearing, which date shall be not later
16 than the second Wednesday in December of said year.

1 34. Said notice shall set forth that said budget will be on file and be open
2 to the examination of the public between reasonable hours to be fixed therein,
3 and at a place to be named therein, from the date of said publication until
4 the date of the holding of said public hearing and the same shall remain on
5 file and be open to the examination of the public accordingly.

1 35. On said date and at the time so fixed for such public hearing, said
2 budget shall be produced for the information of those attending the hearing
3 and the district health board shall grant to the taxpayers, the representatives
4 of the municipalities included within the health district, and other interested
5 bodies and persons, an opportunity to present objections and to be heard with
6 respect to the budget and the amount of money necessary to be appropriated
7 for the current expenses of the consolidated local board of health for the
8 ensuing year and with respect to the various items and purposes for which
9 the same are to be appropriated.

1 36. At or after such public hearing, but not later than ten days following
2 such hearing, said Advisory Council and Budget Review Board shall de-
3 termine and fix the amount of money necessary to be appropriated and to
4 be raised by taxation for the establishment of such consolidated local health
5 district and thereafter for the maintenance of a consolidated local board of
6 health for such district, for the ensuing year, exclusive of any amount which
7 shall be made available to it by the State Department of Health or otherwise,
8 and shall apportion the same among the municipalities comprising the health
9 district, in the proportion which the assessed valuations of real and personal
10 property of each municipality bear to the total of such valuations within the
11 health district as equalized by the county board of taxation and shall certify
12 the amount of money thus determined to be raised by taxation within each
13 municipality to the governing body thereof and to the Division of Local Gov-
14 ernment in the Department of the Treasury, on or before the thirty-first day
15 of December in said year.

1 37. The governing body of each municipality comprised within a con-
2 solidated local health district shall include the sum so certified to it as the sum
3 to be raised by taxation for health purposes within said municipality in its

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4 budget for the following year, which sum shall be levied, assessed and col-
 5 lected therein, as other local taxes are levied, assessed and raised therein,
 6 and the same shall be paid in four equal installments, on or before the fifteenth
 7 day of February, May, August and November, respectively to the treasurer of
 8 the district health board, to be used solely for public health purposes within
 9 said district.

1 38. The board of chosen freeholders of each county in which there is
 2 established a county local health district shall inquire into the items included
 3 in the budget of the county local board of health of said district as submitted
 4 to it and shall approve, disapprove or modify such items and shall include the
 5 same in the county budget and shall fix and determine the amount of money
 6 necessary to be appropriated for the establishment of the county local health
 7 district in the county and thereafter for the maintenance of a county local
 8 board of health for such district, exclusive of any amount which shall be made
 9 available to it by the State Department of Health or otherwise, for the en-
 10 suing year and such sum shall be assessed, levied and collected, in the same
 11 manner as other county taxes are assessed, levied and collected, in those mu-
 12 nicipalities included in such county local health district and the same shall be
 13 payable by the participating municipalities to the County Treasurer in four
 14 equal installments as county taxes are paid.

1 39. The governing bodies of the municipalities included within a con-
 2 solidated local health district, and the board of chosen freeholders of any
 3 county in which is located a county local health district, are authorized to bor-
 4 row such sum of money in anticipation of the receipt of taxes, levied for health
 5 purposes in any such health district, not in excess of the total amount levied for
 6 such year therefor, pursuant to the provisions of chapter two of Title 40 of
 7 the Revised Statutes, as may be necessary in order to provide continuous and
 8 efficient health service in such health district, and to make advances of the
 9 sums so borrowed to the district health board of such health district whenever
 10 it is necessary for said purposes.

1 40. Each district health board shall be subject to the same supervision 19
2 and control, including the power to make audits, by the Division of Local Gov- 20
3 ernment in the Department of the Treasury as though it were a department 21
4 of a municipal government or of the board of chosen freeholders of the county. 22

1 41. (a) Whenever two or more petitions signed by not less than ten 23
2 per centum (10%) of the registered voters of each of two or more municipali- 24
3 ties in the same county, requesting that an election be held on the question of 25
4 the establishment of a consolidated local health district or a county local 26
5 health district shall be filed with the State Commissioner of Health pur- 27
6 suant to the provisions of this act, proceedings shall be had as herein pro- 28
7 vided. Each petition shall set forth the type of district to be established and 29
8 the municipalities which are proposed to be included in such district. 30

8A In any case in which a county local health district is proposed to be 31
8B formed, a certified copy of a resolution of the board of chosen freeholders 32
8C of the county consenting to the formation of the health district shall accom- 33
8D pany the petitions unless the proposed county local health district shall 34
8E include all of the territory included within the territorial limits of the county. 35

8F The State Commissioner of Health shall disregard any petitions which 36
8G are not accompanied by a certified copy of such a resolution in any case 1
8H in which the consent of the board of chosen freeholders of the county to the 2
8I creation of a county local health district is required by this act. 3

9 (b) The signatures on the petitions need not be appended to one paper 4
10 but each signer shall add to his signature his place of residence, giving the 5
11 street and number, if any. One of the signers of each such paper shall make 6
12 an oath before an officer competent to administer oaths that the statements
13 therein made are true to the best of his knowledge and belief, and that each
14 signature to the paper appended is a genuine signature of the person whose
15 name it purports to be.

16 (c) The commissioner shall review the respective petitions and if he
17 determines that the municipalities proposed to be included within such health
18 district are of such population and such geographical location that a health

19 district composed thereof can or may subsequently be efficiently operated, he
20 shall annex thereto his certificate to that effect and shall thereupon file the
21 respective petitions with the clerks of the respective municipalities. Each
22 clerk shall, upon the filing of a valid petition containing the commissioner's
23 certification, submit a public question to the legal voters of such municipality
24 for their adoption or rejection at the next general election occurring not
25 less than forty-five days following the filing of such petitions with the clerk,
26 in accordance with the provisions of Title 19 of the Revised Statutes and in
27 the manner hereinafter provided.

28 (d) When such a petition is presented for filing to the municipal clerk he
29 shall forthwith examine the same and ascertain whether it conforms with the
30 provisions of this section and if not found in conformity thereto, he shall des-
31 ignate the defect and return the petition to the person or persons making the
32 oath. Such petition may again be filed when properly amended if this can be
33 done at least thirty days before the election at which the public question is to
34 be voted upon, and upon such filing the amended petition shall have the full
35 force and effect of a valid petition duly filed within the time limited by sub-
36 division (c) of this section.

1 42. There shall be printed upon the official ballot to be used at such gen-
2 eral election the following:

3 If you favor the proposition printed below make a cross (X), plus (+)
4 or check (V) in the square opposite the word "Yes." If you are opposed
5 thereto make a cross (X), plus (+) or check (V) in the square opposite the
6 word "No."

	Yes.	Shall (Names of municipalities) and such other municipalities as may elect to join therein, establish a ("consolidated" orlocal health district "county")
	No.	and maintain a ("consolidated"local board of or "county") health?

1 43. If at such election a majority of all of the votes cast in each of such
 2 municipalities for and against the question shall be cast in favor of its adop-
 3 tion, a consolidated local health district or a county local health district, as
 4 the case may be, consisting of the territory included within the territorial
 5 limits of such municipalities shall be formed pursuant to the provisions of
 6 this act, on the first day of January of the second year succeeding the date of
 7 such election.

8 The municipal clerk in which such public question is submitted to the
 9 voters shall promptly certify the results of the election on the question to the
 10 State Commissioner of Health. Where the question is adopted in less than
 11 all of the municipalities voting on the same question at any general election,
 12 the commissioner may review the results of the elections and may find and
 13 determine:

14 (a) that the municipalities in which the question has been adopted form
 15 a health district which can or may subsequently be efficiently operated; or

16 (b) that such municipalities together with others which may elect at the
 17 next general election to join in such health district would form a health dis-
 18 trict which could or subsequently may be efficiently operated.

19 The commissioner shall file his certificate in accordance with his deter-
 20 mination in (a) and (b) above with the municipal clerk of each municipality,
 21 in which such question was submitted to the voters, and the question was
 22 affirmatively adopted. Where certifications under subsection (a) above shall
 23 be filed, a consolidated local health district or a county local health district,
 24 as the case may be, shall be formed including the territory of such municipali-
 25 ties, pursuant to this act, on the first day of January of the second year suc-
 26 ceeding the date of such election. Where certifications under subsection (b)
 27 above shall be filed the adoption of the question by the voters of the respec-
 28 tive municipalities shall remain in full force and effect until the succeeding
 29 general election, and shall be deemed to be an election upon and adoption of
 30 the question for the purpose of determining the number of municipalities
 31 which have voted upon and adopted the question at such succeeding general
 32 election.

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1 44. The State Commissioner of Health shall, within thirty days after the
2 first day of January of the year following the day of any election at which
3 the formation of a consolidated local health district is approved, make written
4 request of the county medical society of the county to submit, to the Advisory
5 Council and Budget Review Board of the district, its list of physicians quali-
6 fied for appointment to the consolidated local board of health of the district,
7 within thirty days after the date of such request, and shall call a meeting of
8 such Advisory Council and Budget Review Board to be held upon a day to be
9 fixed by him in such request, which day shall be not less than sixty days from
10 the date of such request, and at said meeting so called said Advisory Council
11 and Budget Review Board shall organize and appoint the first members of the
12 consolidated local board of health.

1 45. The State Commissioner of Health shall, by notice duly given to each
2 member of such consolidated local board of health, fix a time, place and day,
3 which day shall be not more than fifteen days after the appointment of the
4 members of such board, for the holding of the organization meeting of said
5 board, and on said day or on any day to which such meeting may be ad-
6 journed, said board shall meet and organize and thereafter shall have power to
7 meet and to take such measures and do such things as may be necessary to
8 enable it to undertake and carry on the health activities of the district be-
9 ginning with the first day of January of the next succeeding year.

1 46. The board of chosen freeholders of the county shall, within thirty days
2 after the first day of January of the year following the day of any election at
3 which the formation of a county local health district is approved, make writ-
4 ten request of the county medical society of the county to submit to it its list
5 of physicians qualified for appointment to the county local board of health
6 within thirty days after the date of such request and not less than sixty days
7 from the date of said request shall appoint the first members of the county
8 local board of health.

1 47. The board of chosen freeholders shall, by notice duly given to each
2 member of such county local board of health, fix a time, place and day for the
3 holding of the organization meeting of said board, which day shall be not more

4 than fifteen days after the appointment of the members of such county local
 5 board of health, and on said day or on any day to which such meeting may be
 6 adjourned, said board shall meet and organize and thereafter shall have
 7 power to meet and to take such measures and do such things as may be neces-
 8 sary to enable it to undertake and carry on the health activities of the district
 9 beginning with the first day of January of the next succeeding year.

1 48. On the first day of January of the second year succeeding the date
 2 upon which the formation of a consolidated local health district or a county
 3 local health district shall be approved, the consolidated local board of health or
 4 the county local board of health, as the case may be, shall succeed to all of the
 5 powers and functions of the local boards of health of the municipalities com-
 6 prised within such district and shall have all of the powers and functions and
 7 be subject to all of the duties and restrictions prescribed by this act and such
 8 local boards of health shall thereupon be abolished and thereafter the health
 9 activities within said district shall be carried on by the consolidated local
 10 board of health or the county local board of health, as the case may be.

1 49. Whenever a petition signed by not less than ten per centum (10%) of
 2 the registered voters of any municipality which is not included within a con-
 3 solidated local health district or a county local health district, requesting
 4 that such municipality shall become a part of an existing consolidated local
 5 health district or county local health district, to which petition shall be an-
 6 nexed the certificate of the State Commissioner of Health stating that in his
 7 opinion the municipality proposed to be included within such health district
 8 is of such population and such geographical location that a health district
 9 composed thereof and of the other municipalities included within said district
 10 can be efficiently operated, shall be presented to, and filed with, the clerk of
 11 such municipality, such clerk shall cause such proposition to be submitted to
 12 the legal voters of such municipality for their adoption or rejection at the
 13 next general election succeeding the forty-fifth day following the filing of such
 14 petition, in accordance with Title 19 of the Revised Statutes and in the manner
 15 hereinafter provided.

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1 50. There shall be printed upon the official ballot to be used at such gen-
 2 eral election the following:

3 If you favor the proposition printed below make a cross (X), plus (+)
 4 or check (V) in the square opposite the word "Yes." If you are opposed
 5 thereto make a cross (X), plus (+) or check (V) in the square opposite the
 6 word "No."

	Yes.	Shall (name of municipality) become a part of the (number)
	No.	consolidated local health district of? (name of county)

or

	Yes.	Shall (name of municipality) become a part of the (name of county)
	No.	county local health district?

1 51. If at such election a majority of all of the votes cast in such munic-
 2 pality for and against the question shall be cast in favor of its adoption, the
 3 territory included within the territorial limits of such municipality shall on
 4 and after the first day of January of the second year succeeding the date of
 5 such election become a part of such consolidated local health district or county
 6 local health district and the functions, powers and duties of the local board
 7 of health of said municipality shall be transferred to the consolidated local
 8 board of health or the county local board of health of such district and there-
 9 after shall be exercised by such board and said municipal local board of health
 10 shall be abolished.

1 52. Whenever a petition signed by not less than ten per centum (10%) of
 2 the registered voters of any municipality, included within a consolidated
 3 local health district or a county local health district, requesting the with-
 4 drawal of such municipality from such consolidated local health district or
 5 county local health district, to which petition shall be annexed the certificate

6 of the State Commissioner of Health, made with the advice and consent of
 6A the Public Health Council, stating that in his opinion the municipalities
 7 remaining within such consolidated local health district or county local
 8 health district, after the withdrawal therefrom of such municipality, are of
 9 such population and such geographical location that a health district com-
 10 posed thereof can be efficiently operated, shall be presented to, and filed with,
 11 the clerk of the municipality, such clerk shall cause such proposition to be
 12 submitted to the legal voters of such municipality for their adoption or rejec-
 13 tion at the next general election succeeding the forty-fifth day following the
 14 filing of such petition, in accordance with Title 19 of the Revised Statutes and
 15 in the manner hereinafter provided.

1 53. There shall be printed upon the official ballot to be used at such gen-
 2 eral election the following:

3 If you favor the proposition printed below make a cross (X), plus (+) or
 4 check (V) in the square opposite the word "Yes." If you are opposed
 5 thereto make a cross (X), plus (+) or check (V) in the square opposite
 6 the word "No."

	Yes.	Shall (name of municipality) withdraw from the
	No.? health district)

1 54. If at such election a majority of all of the votes cast in such munici-
 2 pality for and against the question shall be cast in favor of its adoption, the
 3 municipality shall on the first day of January of the second year following the
 4 date of such election cease to be a part of the consolidated local health district
 5 or the county local health district, as the case may be, in which it was in-
 6 cluded and thereafter shall be governed by a local board of health as in the
 7 case of other municipalities but the ordinances adopted by any former local
 8 board of health or by the consolidated local board of health or the county local

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9 board, of which it formed a part, which are in effect in said municipality
 10 on said date, shall remain in effect in said municipality notwithstanding the
 11 withdrawal of said municipality from said health district, until they shall be
 12 altered or repealed by the local board of health of the municipality, and may
 13 be enforced by and in the name of such local board of health.

1 55. Whenever a petition signed by not less than ten per centum (10%) of
 2 the registered voters of any municipality included within a consolidated local
 3 health district or a county local health district requesting the withdrawal of
 4 such municipality from such consolidated local health district or county local
 5 health district, as the case may be, and its inclusion within another health dis-
 6 trict, to which petition shall be annexed the certificate of the State Commis-
 7 sioner of Health stating that in his opinion the municipalities remaining in
 8 the health district from which such municipality proposes to withdraw, and
 9 the municipalities proposed to be included in a health district in which such
 10 municipality proposes to be included, are of such population and such geo-
 11 graphical location that health districts composed thereof can be efficiently
 12 operated, shall be presented to, and filed with, the clerk of such municipality,
 13 such clerk shall cause such proposition to be submitted to the legal voters of
 14 such municipality for their adoption or rejection at the next general election
 15 succeeding the forty-fifth day following the filing of such petition, in ac-
 16 cordance with Title 19 of the Revised Statutes and in the manner herein-
 17 after provided.

1 56. There shall be printed upon the official ballot to be used at such gen-
 2 eral election the following:

3 If you favor the proposition printed below make a cross (X), plus (+) or
 4 check (V) in the square opposite the word "Yes." If you are opposed
 5 thereto make a cross (X), plus (+) or check (V) in the square opposite the
 6 word "No."

	Yes.	Shall (name of municipality) withdraw from (name of health
	No. district to be withdrawn from) and become a part of..... (name of? health district to be included in)

1 57. If at such election a majority of all of the votes cast in such munici-
 2 pality for and against the question shall be cast in favor of its adoption, the
 3 territory included within the territorial limits of the municipality shall be
 4 withdrawn from the health district of which it then forms part and shall be
 5 added to the territorial limits of the other health district on the first day of
 6 January of the second year succeeding the date of such election.

1 58. The ordinances adopted by any former local board of health or any
 2 district board of health which are in effect in said municipality on said date
 3 shall remain in effect in said municipality notwithstanding the withdrawal of
 4 said municipality from said health district until they shall be altered or re-
 5 pealed by the district board of health of the health district in which such
 6 municipality shall be included.

1 59. When any municipality shall determine by referendum, as aforesaid,
 2 to become a part of a consolidated local health district, the mayor or other
 3 chief executive officer of the municipality or, if the municipality has no chief
 4 executive officer, then the presiding officer of its governing body, shall become
 5 a member of the Advisory Council and Budget Review Board beginning with
 6 the first day of January next succeeding the date of said election.

1 60. In any municipality in which voting machines are used, the question
 2 to be voted upon at any election hereinbefore set forth shall be placed upon
 3 the official ballot to be used upon the voting machines without the foregoing
 4 instructions to the voters and shall be voted upon "Yes" or "No" by the use
 5 of such machines without marking as aforesaid.

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1 61. Every full-time health officer, sanitary inspector, plumbing inspector,
 2 food and drug inspector, milk inspector, meat inspector and public health
 3 laboratory worker possessing an appropriate license from the State Depart-
 4 ment of Health and every public health nurse, and every clerical, secretarial
 5 and recording employee, engaged in full-time local public health services prior
 6 to the adoption of the referendum who is employed as such by the municipal
 7 local boards of health superseded by any such consolidated local board of
 8 health or county local board of health shall be classified in the classified civil
 9 service by the Civil Service Commission without examination and shall be
 10 transferred to the consolidated local board of health or the county local
 11 board of health as the case may be and be assigned to duties which are as
 12 nearly comparable as may be to those previously performed by them, and
 13 shall hold and thereafter continue to hold their respective employments
 14 within and as part of the classified service in accordance with the provisions
 15 of subtitle three, Title 11, of Revised Statutes (Civil Service) as nearly as
 16 possible without impairment of rights under any pension or retirement fund
 17 or system, and each such person shall be granted seniority rights depending
 18 upon the date of entry into such employment with the municipal board of
 19 health superseded. Their compensation shall be fixed by the board at not less
 20 than the amount received during the year immediately preceding the calen-
 21 dar year in which the referendum for the inclusion of the municipality within
 22 the consolidated local health district, or the county local health district, as
 23 the case may be, was held in the municipality.

1 62. Such other personnel as shall be employed by the municipal board of
 2 health of any municipality at the time the municipality shall be included in a
 3 consolidated local health district or a county local health district shall hold
 4 and thereafter continue to hold their respective employments until the health
 5 officer of the consolidated local health district or county local health district
 6 as the case may be shall, after consultation with the members of the consoli-
 7 dated local board of health or the members of the county local board of health,
 8 as the case may be, has determined which of said employees are needed for

9 the proper performance of the work of such board. Such employees which are
 10 determined to be needed are hereby transferred to the consolidated local board
 11 of health or the county local board of health as the case may be. Persons so
 12 transferred shall be classified in the classified civil service by the Civil
 13 Service Commission without examination and shall be assigned to duties which
 14 are as nearly comparable as may be to those previously performed by them
 15 and shall hold and thereafter continue to hold their respective employments
 16 within and as part of the classified service in accordance with the provisions
 17 of subtitle three, Title 11, Civil Service, of Revised Statutes, without impair-
 18 ment of rights under any pension or retirement fund or system, and each
 19 such person shall be granted seniority rights depending upon the date of entry
 20 into such employment with the municipal board of health superseded. Their
 21 compensation shall be fixed by the board at not less than the amount received
 22 during the year immediately preceding the calendar year in which the refer-
 23 endum for the inclusion of the municipality within the consolidated local
 24 health district, or the county local health district, as the case may be, was
 25 held in the municipality.

1 63. All moneys and appropriations which were, or would have been, avail-
 2 able to any local board of health of any municipality, on or after the date
 3 when the territorial limits of such municipality shall be included within a con-
 4 solidated local health district or a county local health district, shall, upon the
 5 date of the inclusion thereof in such district, be transferred to the treasurer of
 6 the consolidated local board of health or the county local board of health, as
 7 the case may be, of the district and shall be kept in a separate fund for the use
 8 of such consolidated local board of health or county local board of health, for
 9 the public health purposes of the district.

1 64. Section one of chapter one hundred seventy-seven of the laws of
 2 one thousand nine hundred and forty-seven is amended to read as follows:

3 1. As used in this act, unless otherwise specifically indicated, "State de-
 4 partment," "department of health" and "department" mean the State De-
 5 partment of Health;

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6 “Commissioner” means the State Commissioner of Health who is the
7 chief administrative officer of the State Department of Health;

8 “Council” means the Public Health Council in the State Department of
9 Health;

10 “Division” means one of the divisions in the State Department of Health;

11 “Division Director” means the director of one of the divisions in the
12 State Department of Health;

13 “Local board” or “local board of health” means the board of health of
14 any municipality or the boards, bodies or officers in such municipality law-
15 fully exercising any of the powers of a local board of health under the laws
16 governing such municipality, and includes any consolidated local board of
17 health or county local board of health created and established pursuant to
18 law.

1 65. Section 26:1-1 of the Revised Statutes is amended to read as follows:

2 26:1-1. As used in this Title unless otherwise specifically indicated:

3 “State department,” “department of health” and “department” mean
4 the State Department of Health;

5 “Commissioner” or “director” means the State Commissioner of
6 Health, who is the chief administrative officer of the State Department of
7 Health;

8 “Council” means the Public Health Council in the State Department of
9 Health;

10 “Division” means one of the divisions in the State Department of Health;

11 “Division director” means the director of one of the divisions in the State
12 Department of Health;

13 “Local board” or “local board of health” means the board of health of
14 any municipality or the boards, body, or officers in such municipality lawfully
15 exercising any of the powers of a local board of health under the laws govern-
16 ing such municipality and when, pursuant to law, any local board of health is
17 superseded by a consolidated local board of health or a county local board of

18 health, and the functions, powers and duties conferred and imposed by this
19 Title upon such local board of health shall thereupon be transferred to, and
20 exercised and performed by, such consolidated local board of health or
21 county local board of health, as the case may be, the term "local board of
22 health" or "local board" as used in this Title shall thereafter be deemed to
23 mean and include such consolidated local board of health, or county local
24 board of health so far as relates to the exercise of such functions, powers and
25 duties.

1 66. Section 26:3-1 of the Revised Statutes is amended to read as follows:

2 26:3-1. There shall be a board of health in every municipality in this
3 State, except in those municipalities which are included within a consolidated
4 local health district, or a county local health district, which board shall con-
5 sist of members appointed or designated, or both, as provided by this chapter,
6 except that in any municipality operating under laws establishing a form of
7 government for such municipality under which the full powers of a local board
8 of health can not be exercised by a local board of health so appointed or desig-
9 nated, the respective functions of a local board of health shall be exercised by
10 such boards, bodies, or officers as may exercise the same according to law.

1 67. If any provision of this act is declared unconstitutional, or the ap-
2 plicability thereof to any person or circumstance is held invalid, the consti-
3 tutionality of the remainder of the act and the applicability thereof to other
4 persons and circumstances shall not be affected thereby.

1 68. Nothing in this act shall be construed to mean that any municipality
2 shall be compelled to be included within a consolidated local health district or
3 a county local health district, except as the result of a referendum held as in
4 this act provided.

1 69. This act is intended to protect the public health in this State and shall
2 be liberally construed.

1 70. This act may be cited as the "Local Health District Act, 1951."

1 71. This act shall take effect immediately.

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[OFFICIAL COPY REPRINT]

SENATE COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 1

[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED MARCH 28, 1951

Amend page 2, section 2, line 1, omit “, with the”.

Amend page 2, section 2, line 2, omit entire line.

Amend page 2, section 2, line 3, omit “vided,”.

Amend page 3, section 5, line 7, omit after “from”.

Amend page 3, section 5, lines 8 to 16, inclusive, omit entire lines.

Amend page 3, section 5, line 17, omit “may be made from among”.

Amend page 3, section 5, lines 18 and 19, omit “, without the submission of any such list”.

Amend page 4, section 8, line 2, replace “first” with “second”. Replace “January” with “February”.

Amend page 5, section 13, line 1, omit after “officer”.

Amend page 5, section 13, line 2, omit entire line.

Amend page 5, section 13, line 3, omit “Statutes,”.

Amend page 6, section 16, line 7, after “Statutes,” insert “if so provided by resolution of the district health board,”.

Amend page 8, section 29, line 1, replace “January” with “February”.

Amend page 9, section 33, line 3, after first “district” insert “shall inquire into the items included in the budget for the consolidated local health district submitted to it and shall approve, disapprove or modify such items and”.

Amend page 12, section 41, line 1, replace “ten” with “the”.

Amend page 12, section 41, line 2, omit “(10%)”.

Amend page 12, section 41, line 3, after "county," insert "hereinafter designated,".

Amend page 12, section 41, line 7, after "vided." insert a new paragraph as follows:

"In each municipality having a population of 70,000 or more inhabitants ten per centum (10%), in each municipality having less than 70,000 and more than 7,000 inhabitants twenty per centum (20%), and in each municipality having less than 7,000 inhabitants twenty-five per centum (25%), of the registered voters shall be required, as signers of such a petition."

Amend page 12, section 41, lines 7 and 8, beginning with "Each petition" set up as new paragraph.

Amend page 12, section 41, lines 8F to 8I, omit entire lines.

Amend page 12, section 41, lines 17 and 18, omit entire lines.

Amend page 13, section 41, line 19, omit entire line and insert "finds that the petitions, or some of them, request that an election be held on the question of the establishment of a consolidated local health district or a county local health district, as the case may be, in two or more municipalities in the same county and that the certified copy of the resolution of the board of chosen freeholders of the county hereinbefore described is annexed thereto, when the same is required by this act, he".

Amend page 13, section 41, line 20, replace "thereto" with "to such petitions".

Amend page 14, section 43, line 10, after "Health." omit.

Amend page 14, section 43, lines 11 to 32, omit entire lines.

Amend page 15, section 44, line 3, omit after "approved".

Amend page 15, section 44, lines 4 to 6, omit entire lines.

Amend page 15, section 44, line 7, omit to and including "and".

Amend page 15, section 46, line 3, omit "make writ—".

Amend page 15, section 46, lines 4 to 6, inclusive, omit entire lines.

Amend page 15, section 46, line 7, omit "from the date of said request shall".

Amend page 16, section 49, line 2 after "municipality" insert "having 70,000 or more inhabitants, not less than twenty per centum (20%) of the registered voters of any municipality having less than 70,000 or more than 7,000 inhabitants, or not less than twenty-five per centum (25%) of the registered voters of any municipality having less than 7,000 inhabitants,".

Amend page 16, section 49, line 5, omit "to which petition shall be an-".

Amend page 16, section 49, lines 6 to 9, inclusive, omit entire lines.

Amend page 16, section 49, line 10, omit "can be efficiently operated," insert "having annexed thereto, if the municipality seeking to be admitted to the health district has a population of 100,000 or more, the written consent of the Advisory Council and Budget Review Board of the consolidated local health district, if the petition is for inclusion of the municipality in such a district, or of the board of chosen freeholders of the county if the petition is for the inclusion of the municipality in a county local health district,".

Amend page 17, section 52, line 2, after "municipality," insert "which has been".

Amend page 17, section 52, line 3, after second "district" insert "for at least three years of actual operation".

Amend page 17, section 52, line 5, omit after "district,".

Amend page 18, section 52, lines 6 to 9, inclusive, omit entire lines.

Amend page 18, section 52, line 10, omit to and including "operated,".

Amend page 18, section 52, line 11, omit "the clerk of the municipality,".

After "such clerk" insert "shall fix a date for a public hearing, upon such proposition, which shall be held before the governing body of the municipality at its usual place of meeting at least two weeks prior to the date of the general election at which such proposition is to be submitted to the voters and shall give notice of the time and place fixed for the holding of such public hearing, by advertisement once each week for two weeks in a newspaper or newspapers printed or circulating in each of the municipalities included within the health district and by notice in writing to the State Commissioner of Health and to the members of the district health board by delivering the same to them at least two

weeks prior to the date fixed for said hearing, and after such hearing shall be held such clerk”.

Amend page 19, section 55, line 2, after “municipality” insert “, which has been”.

Amend page 19, section 55, line 3, after second “district” insert “for at least three years in actual operation,”.

Amend page 19, section 55, line 6, omit after “trict,”.

Amend page 19, section 55, lines 7 to 11, inclusive, omit entire lines.

Amend page 19, section 55, line 12, omit “operated” insert “if the municipality seeking to be admitted to the health district has a population of 100,000 or more, the written consent of the Advisory Council and Budget Review Board of the consolidated local health district, if the petition is for inclusion of the municipality in such a district, or of the board of chosen freeholders of the county, if the petition is for the inclusion of the municipality in a county local health district”.

Amend page 19, section 55, line 13, after “clerk” insert “shall fix a date for a public hearing, upon such proposition, which shall be held before the governing body of the municipality at its usual place of meeting at least two weeks prior to the date of the general election at which such proposition is to be submitted to the voters and shall give notice of the time and place fixed for the holding of such public hearing, by advertisement once each week for two weeks in a newspaper or newspapers printed or circulating in each of the municipalities included within the health district and by notice in writing to the State Commissioner of Health and the members of the district health board by delivering the same to them at least two weeks prior to the date fixed for said hearing, and after such hearing shall be held such clerk”.

Amend page 20, after section 60, insert new section:

“61. In any case in which any municipality shall withdraw from any health district, such municipality shall be liable for its share of the obligations and indebtedness of the health district, which share shall be determined by the Director of the Division of Local Government in the Department of the Treasury on

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the basis of the ratio which the ratables of the municipality bear to the sum total of the ratables of all of the municipalities comprising said health district, prior to the time of the withdrawal of such municipality therefrom, as of the previous tax year.

Thereafter, the credit of such municipality shall stand pledged for the final payment of the obligations and indebtedness so apportioned to it and it shall make such payments in the manner and at the times as shall be determined by said Director."

Amend page 21, section 61, line 1, replace "61" with "62".

Amend page 21, section 61, line 8, omit "shall be classified in the classified civil".

Amend page 21, section 61, line 9, omit "service by the Civil Service Commission without examination and".

Amend page 21, section 61, line 14, omit entire line.

Amend page 21, section 61, line 15, omit "of subtitle three, Title 11, of Revised Statutes (Civil Service)"

Amend page 21, section 61, line 16, after "of" insert "tenure or civil service rights and".

Amend page 21, section 62, replace "62" with "63".

Amend page 22, section 62, line 12, omit "shall be classified in the classified civil service by the Civil".

Amend page 22, section 62, line 13, omit "Service Commission without examination and"

Amend page 22, section 62, line 16, omit entire line.

Amend page 22, section 62, line 17, omit "of subtitle three, Title 11, Civil Service, of Revised Statutes,".

Amend page 22, section 62, line 18, after "of" insert "tenure or civil service rights and".

Amend page 22, after section 62, add new section as follows:

"64. In case any consolidated local board of health or county board of health shall, by resolution, so determine, its officers and employees, or such of

them as shall be included within the terms of the resolution, shall be classified in the classified civil service by the Civil Service Commission without examination and thereafter shall continue to hold their respective offices, positions or employments, and said offices, positions and employments, shall be included within the classified civil service in accordance with the provisions of subtitle 3 of Title 11 of the Revised Statutes.''

Amend pages 22, 23 and 24, renumber sections 63 to 71 as sections 65 to 73.

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Assembly Bill No. 112, entitled "An act concerning elections, and amending sections 19:14-8 and 19:14-10 of the Revised Statutes,"

Was taken up, and, on motion of Mrs. Pilger, was read a third time by its title, and passed by the following vote:

In the affirmative were—

Messrs. Brixie, Casciano, Cavinato, Curtis, Dwyer, Field, Fowler, Freeman, Glenn, Gray, Haines, C. W., Haines, M. D., Hauser, Hillery, Hoff, Jamieson, Job, Jones, Krawczyk, Kurtz, Little, Litvany, Loutrel, Mackey, Marggraff, Meloni, Mills, Neutze, Pilger, Reilly, J. E., Riley, C. H., Russell, Saiber, Salsburg, Savage, Schaeffer, Schulter, Shannon, Shepard, Simmill, Smith, A. M., Smith, N. C., Snediker, Stewart, Thomas, Thompson, Frank, Thompson, M. H. (Speaker), Tompkins, Wegner, Wilson, Zangara—51.

In the negative—None.

Ordered, that the Speaker sign the said bill, and that the Clerk carry it to the Senate and inform the Senate that the House of Assembly has passed the same, and requests its concurrence therein.

Mr. Russell, Chairman of the Committee on Public reported

Assembly Bill No. 1,

With the following committee amendments, which were read by the Clerk.

Amendments proposed to Assembly Bill No. 1:

Amend page 2, section 2, line 6, after "county" insert "and no county local health district shall be created except with the consent of the board of chosen freeholders of the county to the creation thereof unless the proposed county local health district shall include all of the territory included within the territorial limits of the county".

Amend page 12, section 41, after line 8 insert "In any case in which a county local health district is proposed to be formed, a certified copy of a resolution of the board of chosen freeholders of the county consenting to the formation of the health district shall accompany the petitions

unless the proposed county local health district shall include all of the territory included within the territorial limits of the county.

The State Commissioner of Health shall disregard any petitions which are not accompanied by a certified copy of such a resolution in any case in which the consent of the board of chosen freeholders of the county to the creation of a county local health district is required by this act."

Amend page 18, section 52, line 6, after "health" insert "made with the advice and consent of the Public Health Council".

Mr. Russell, moved the adoption of the committee amendments.

Which motion was adopted.

Mr. N. C. Smith, Chairman of the Committee on Interstate Co-operation, reported

Senate Joint Resolution No. 3,

Favorably, without amendment.

Mr. Pike, Chairman of the Committee on Highways, reported

Senate Concurrent Resolution No. 1,

Favorably, without amendment.

Assembly Bill No. 1, entitled "An act relating to public health, authorizing the establishment of consolidated local health districts and county local health districts, prescribing the functions, powers and duties of consolidated local boards of health, and county local boards of health, amending 'An act relating to public health; providing for the establishment in the Executive Branch of the State Government of a State Department of Health, defining its organization, functions, powers and duties, providing thereby for the consolidation and co-ordination of public health activities; abolishing the offices of Perth Amboy Port health officer and deputy Perth Amboy Port health officer; transferring to, and vesting in said State Department of Health the functions, powers and duties of the Perth Amboy Port health officer and of the deputy Perth Amboy Port health officer; amending section 27:1-1. repealing sections 26:2-1

political subdivisions, and to repeal article one of chapter four of Title 43 of the New Jersey Revised Statutes,"

As amended,

Was taken up, read a second time, considered by sections, agreed to, and ordered to have a third reading.

Mr. Haines offered the following resolution, which was read by the Clerk and adopted.

Resolved, That Assembly Bill No. 1 (Official Copy Reprint) be placed back on second reading for the purpose of amendment.

Mr. Haines offered the following amendments to Assembly Bill No. 1, which were read.

Assembly amendments proposed to Assembly Bill No. 1 (Official Copy Reprint):

Amend page 12, section 41, lines 1 and 2, omit "five per centum (5%)" insert "ten per centum (10%)".

Amend page 16, section 49, line 1, omit "five per centum (5%)" insert "ten per centum (10%)".

Amend page 17, section 52, line 1, omit "five per centum (5%)" insert "ten per centum (10%)".

Amend page 19, section 55, line 1, omit "five per centum (5%)" insert "ten per centum (10%)".

Mr. Haines moved the adoption of the Assembly amendments to Assembly Bill No. 1.

Which motion was adopted.

Assembly Bill No. 1, entitled "An act relating to public health, authorizing the establishment of consolidated local health districts and county local health districts, prescribing the functions, powers and duties of consolidated local boards of health, and county local boards of health, amending 'An act relating to public health; providing for the establishment in the Executive Branch of the State Government of a State Department of Health, defining its organization, functions, powers and duties, providing thereby for the consolidation and co-ordination of public health activities; abolishing the offices of Perth Amboy Port health officer and deputy Perth Amboy Port health officer; transferring to, and vesting in said State Department of Health

the functions, powers and duties of the Perth Amboy Port health officer and of the deputy Perth Amboy Port health officer; amending section 27:1-1, repealing sections 26:2-1 to 26:2-55, inclusive, 26:4-111, 26:4-114, 26:4-115, and supplementing Title 26 of the Revised Statutes,' approved May twenty-second, one thousand nine hundred and forty-seven (P. L. 1947, c. 177), and amending sections 26:1-1, and 26:3-1, and supplementing Title 26, of the Revised Statutes,'"

As amended,

Was taken up, read a second time, considered by sections, agreed to, and ordered to have a third reading.

Mr. Salsburg offered the following resolution, which was read by the Clerk and adopted:

Resolved, That Assembly Bill No. 113 (Official Copy Reprint) be placed back on second reading for the purpose of amendment.

Mr. Salsburg offered the following amendments to Assembly Bill No. 113, which were read.

Assembly amendment proposed to Assembly Bill No. 113 (Official Copy Reprint):

Amend page 2, section 1, lines 42 and 43, omit "except the retail sale of nonalcoholic beverages," after "on" insert "except that any such ordinance, heretofore or hereafter adopted, shall not prohibit the retail sale of nonalcoholic beverages as accessory beverages to alcoholic beverages".

Mr. Salsburg moved that adoption of the Assembly amendments to Assembly Bill No. 113.

Which motion was adopted.

Assembly Bill No. 113, entitled "An act concerning the sale of alcoholic beverages, and amending section 33:1-12 of the Revised Statutes,"

As amended,

Was taken up, read a second time, considered by sections, agreed to, and ordered to have a third reading