

LEGISLATIVE HISTORY OF R.S. 40:32-3
(County buildings - repair and maintenance)

COPY NO. 2

L. 1918, Chapter 185, §701 - S17

Introduced January 8 by Mr. Richards.

This section not amended during passage.

No statement on bill.

52-page introduced bill
49-page Committee Substitute for Senate, No. 17

This bill was among several others recommended by the 1918 report of the N.J. Commission for the Revision and Codification of Laws relating to Municipalities. (See: 7 National Municipal Review 421, enclosed).

We have been unable to locate a copy of this report.

L. 1955, Chapter 62 - A426

Introduced March 21 by Mr. Barnes.

Not amended during passage.

Statement on bill.

The purpose of this bill is to clearly express the implied power now existing in boards of chosen freeholders to construct and maintain parking spaces for public county buildings.

L. 1965, Chapter 150 - A577

Added the words "incinerators and composts".

Introduced March 15 by Assemblymen Moraites and Woodcock

Not amended during passage.

No statement on bill.

See the following newspaper articles (copies enclosed):

"Incinerator bills passed," Newark Evening News, May 11, 1965.

"Act now on garbage disposal" [editorial], Hudson Dispatch, October 13, 1965.

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The New Jersey Commission for the Revision and Codification of Laws Relating to Municipalities, created by the 1916 legislature, which rendered a report to the 1917 legislature, as a result of which a so-called home rule bill was passed, was continued by the 1917 legislature. The purpose of continuing the commission was threefold:

1. That they might continue the work of revising and codifying the statutes of the state relating to counties, as well as other statutes relating to governmental functions of all municipalities.

2. To study the operation of the bills theretofore reported by the commission.

3. To report a bill providing that salaries paid by counties should be fixed and regulated by local agencies, rather than by application to the legislature.

The very valuable report rendered by the commission to the 1917 legislature was even more valuable because of the revision and codification of the statutes relating to municipalities than for the merits of the bill which resulted from the report. The work of the commission which, in the words of Mr. Edward F. Merrey, one of the members of the commission, was chiefly for the purpose of revising and codifying the vast number of statutes relating to municipalities, was most thoroughly performed and resulted in paving the way for a proper approach to more complete home rule whenever that may be found possible.

The report of the commission to the 1918 Legislature has likewise been successful, and valuable, in clearing up the confusing and conflicting statutes relating to counties. The legislation resulting from both reports has worked out as planned and has resulted as expected in a great reduction in the number of bills introduced in the legislature.

However, the commission found that the statutes relating to counties, although not as numerous as those relating to mu-

nicipalities, did not lend themselves, as easily to codification. The following statement from the report of the commission shows something of their problem as the commission saw it:

Good county government requires that there should be a governing body with full control over the various departments of the county. This cannot be accomplished in New Jersey without an amendment to the constitution. Our present constitution provides for a number of county officials with power to expend the county funds independent of any direct control and without responsibility to anyone. The board of chosen freeholders, the present governing body, which is responsible to the people of the county for the raising of funds and the expenditures of the county's money, has not proper control over such expenditures.

In many respects the county is not an independent corporation, but merely a division of the state government. The commission felt that it was not within the scope of its work to revise the laws relating to this phase of county activity. Such laws cover matters which should be under state rather than county control.

The commission directed its attention principally to the revision and codification of statutes conferring powers on boards of chosen freeholders.

The bills prepared by the commission were Senate Bills Nos. 17 to 34, inclusive. These were all passed with the exceptions of Nos. 20 and 23, both of which were relatively unimportant, so that, in general, it may be said that the entire work recommended by the commission was passed.

Eleven of the bills passed are repealers and greatly clarify the statutes relating to counties. In addition to this much desired end, among the advantageous features of the laws as passed are:

1. Provision for a system of county planning, by which it is made possible to have all the municipalities within a county, and adjoining it, co-operate in the laying out of roads and boulevards, and in the betterment and systematic development of the county.

2. One of the bills made several amendments to Chapter 152, Laws 1917, the result of the report of the commission to the 1917 legislature. Among the more important of these amendments is one which provides for a change in the procedure relating to the passing of ordinances. It abolishes the different methods of proce-

dures under all other statutes and fixes one method of procedure for all municipalities. Another provides a referendum in the question of fixing salaries of officers of municipalities. A referendum is also provided on the question of fixing the hours of service of police departments. There is also provision permitting municipalities to join with counties in doing certain work. Another amendment provides a method of procedure in appeals from assessments and awards of damages for local improvements.

While both the 1917 and 1918 reports of this commission have resulted in much immediate good in clearing the New Jersey code of the confusion and complexity previously existing in the statutes relating to municipalities, the chief good will come later. The way has been opened for laws that the municipalities sorely need and which the work of this commission has made more nearly possible of attainment.

C. H. ANDERSON.

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New Jersey Legislation Affecting Municipalities.—At last New Jersey has local option on the liquor question. This is a measure that, after years of importuning of the legislature from many quarters, the 1918 session has seen fit to pass. While perhaps not the most important of the laws affecting municipalities enacted by the legislature just adjourned, it is the first one of importance to appear in the new volume of the statutes. It is Ch. 2. The act authorizes municipalities, by popular vote, at general or special elections, to prohibit the sale of liquor within their boundaries. (Pertinent to the liquor question it may be well to note that the 1918 Legislature of New Jersey took no action toward ratifying the federal prohibition amendment.) Already several municipalities are planning to hold elections soon and a few have already voted on the question. The result of the vote in at least half of those that have voted has been to make their municipalities dry.

An important health and sanitation measure is Ch. 23, Laws 1918, which requires those in charge of water purification and sewage treatment plants to be examined and licensed by the state department of health.

Municipalities are authorized to buy and sell food and fuel during the present war and for six months thereafter. Ch. 53, Laws 1918. This act supersedes Ch. 8, Laws 1917.

Police powers have been conferred upon members of fire departments by Ch. 129.

The motor vehicle law relative to signals for slowing, stopping, turning or backing of vehicles has been amended by Ch. 141. Additional requirements to those just enumerated are bells on horses drawing sleighs and regulations for lamps and signals on bicycles.

An act of very considerable importance from the standpoint of city planning, has been passed by the 1918 New Jersey legislature. It authorizes governing bodies of first and second class cities to create building zones. New Jersey has two cities of the first class and thirty-four of the second class. Ch. 146, Laws 1918.

As a war measure the tenure of office of municipal employees entering the military or naval service of the United States, has been extended. Ch. 151, Laws 1918.

Another health measure is found in Ch. 155 of the 1918 session laws which authorizes municipalities to expend money for dental clinics for children of school age.

After a year's experience with a department of municipal accounts, which department was created as a result of the work, and the legislation resulting therefrom, of the commission for the survey of municipal finances, it was found that, in the interests of efficiency, the powers of the commissioner of municipal accounts should be enlarged. This has been done under Ch. 266, Laws 1918. This act is an amendment to Ch. 154, Laws 1917. The amendment gives the commissioner of municipal accounts supervision over the financial affairs of municipalities and counties, including the annual budget. This enlarged scope of authority is recommended by the commission that investigated the affairs of Jersey City, and from the conditions found in the department's examination of sinking funds and the careless methods employed by so many municipalities it would seem that a duly consti-