

40:41A-38 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40:41A-38 et al. (County roads - municipal regulation of traffic and parking - approval by resolution)

LAWS OF: 1983

CHAPTER: 199

Bill No: A1751/A1823

Sponsor(s): Garvin and Zangari

Date Introduced: Aug. 5, 1982

Committee: Assembly: County Government

Senate: County and Municipal Government

Amended during passage: /// No Assembly committee substitute enacted

Date of Passage: Assembly: Nov. 29, 1982

Senate: April 25, 1983

Date of Approval: June 1, 1983

Following statements are attached if available:

Sponsor statement:		Yes	//
Committee statement:	Assembly	///	No
	Senate	Yes	//
Fiscal Note:		Yes	//
Veto Message:		///	No
Message on Signing:		///	No
Following were printed:			
Reports:		///	No
Hearings:		///	No

6-1-83

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 1751 and 1823**

**STATE OF NEW JERSEY**

ADOPTED NOVEMBER 15, 1982

By Assemblywoman GARVIN and Assemblyman ZANGARI

AN ACT concerning county consent to municipal regulation of traffic  
 or parking on county roads and amending P. L. 1972, c. 154.

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

1 1. Section 38 of P. L. 1972, c. 154 (C. 40:41A-38) is amended  
 2 to read as follows:

3 38. The legislative power of the county shall be vested in the  
 4 board of chosen freeholders. Such legislative power shall be exer-  
 5 cised by ordinance, except for the exercise of the following powers  
 6 which are required to be, or are permitted to be, exercised by  
 7 resolution:

8 a. The establishment of a municipal advisory council pursuant  
 9 to section 29 of **the act of which this act is amendatory** *P. L. 1972,*  
 10 *c. 154* (C. 40:41A-29);

11 b. The conduct of an inquiry or investigation pursuant to sec-  
 12 tion 86 of such act (C. 40:41A-86);

13 c. The expression of disapproval of the suspension or dismissal  
 14 of officers or employees pursuant to section 87 of such act  
 15 (C. 40:41A-87);

16 d. The exercise of the power of advice and consent to actions of  
 17 the executive pursuant to section 41a. of such act (C. 40:41A-41a.);

18 e. The override of a veto of the county executive pursuant to  
 19 section 41f. of such act (C. 40:41A-41f.);

20 f. The adoption of rules for the board pursuant to section 100  
 21 of such act (C. 40:41A-100);

22 g. The establishment of times and places for board meetings  
 23 pursuant to section 99 of such act (C. 40:41A-99);

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill  
 is not enacted and is intended to be omitted in the law.  
 Matter printed in italics thus is new matter.**

- 24 h. The establishment of the board as a committee of the whole  
 25 and the delegation of any number of its members as an ad hoc com-  
 26 mittee, both pursuant to section 86 of such act (C. 40:41A-86);
- 27 i. The declaration of emergencies pursuant to section 101c. of  
 28 such act (C. 40:41A-101c.);
- 29 j. The identification of emergency situations pursuant to section  
 30 128 of such act (C. 40:41A-128);
- 31 k. Application for a county department of civil service pursuant  
 32 to section 130 of such act (C. 40:41A-130);
- 33 l. Designation of qualified newspapers pursuant to section 142  
 34 of such act (C. 40:41A-142);
- 35 m. The appointment and removal of such officers and employees  
 36 as the board is permitted by law;
- 37 n. Approval of contracts presented by the county executive;
- 38 o. Actions specified as resolutions in the "Local Budget Law"  
 39 (N. J. S. 40A:4-1 et seq.); **[and,]**
- 40 *p. Consent to municipal ordinances or resolutions regulating*  
 41 *traffic or parking on county roads pursuant to section 1 of P. L.*  
 42 *1957, c. 69 (C. 39:4-197.2), except that the resolution of consent*  
 43 *shall be subject to the approval or veto of the county executive, as*  
 44 *provided for in the case of ordinances by subsection g. of section*  
 45 *37 of P. L. 1972, c. 154 (C. 40:41A-37g.), and to the requirements*  
 46 *set forth therein for overriding a veto; and,*
- 47 **[p.]** q. The expression of such board policies or opinions as  
 48 require no formal action by the governing body.
- 1 2. Section 52 of P. L. 1972, c. 154 (C. 40:41A-52) is amended  
 2 to read as follows:
- 3 52. The legislative power of the county shall be vested in the  
 4 board of chosen freeholders. Such legislative power shall be exer-  
 5 cised by ordinance, except for the exercise of the following powers  
 6 which are required to be, or are permitted to be, exercised by  
 7 resolution:
- 8 a. The establishment of a municipal advisory council pursuant  
 9 to section 29 of **[the act of which this act is amendatory]** *P. L.*  
 10 *1972, c. 154 (C. 40:41A-29);*
- 11 b. The conduct of an inquiry or investigation pursuant to sec-  
 12 tion 86 of such act (C. 40:41A-86);
- 13 c. The expression of disapproval of the suspension or dismissal  
 14 of officers or employees pursuant to section 87 of such act  
 15 (C. 40:41A-87);
- 16 d. The adoption of rules for the board pursuant to section 100  
 17 of such act (C. 40:41A-100);

- 18 e. The establishment of times and places for board meetings  
19 pursuant to section 99 of such act (C. 40:41A-99);
- 20 f. The establishment of the board as a committee of the whole  
21 and the delegation of any number of its members as an ad hoc  
22 committee, both pursuant to section 86 of such act (C. 40:41A-86);
- 23 g. The declaration of emergencies pursuant to section 101c. of  
24 such act (C. 40:41A-101c.);
- 25 h. The identification of emergency situations pursuant to sec-  
26 tion 128 of such act (C. 40:41A-128);
- 27 i. Application for a county department of civil service pursuant  
28 to section 130 of such act (C. 40:41A-130);
- 29 j. The election, appointment and removal of such officers and  
30 employees as the board is permitted by law;
- 31 k. Designation of qualified newspapers pursuant to section 142  
32 of such act (C. 40:41A-142);
- 33 l. Approval of contracts presented by the county manager;
- 34 m. Actions specified as resolutions in the "Local Budget Law"  
35 (N. J. S. 40A:4-1 et seq.); **[and]**
- 36 *n. Consent to municipal ordinances or resolutions regulating*  
37 *traffic or parking on county roads pursuant to section 1 of P. L.*  
38 *1957, c. 69 (C. 39:4-197.2); and,*
- 39 **[n.]** *o.* The expression of such board policies or opinions as  
40 require no formal board action.
- 1 3. Section 66 of P. L. 1972, c. 154 (C. 40:41A-66) is amended  
2 to read as follows:
- 3 66. The legislative power of the county shall be vested in the  
4 board of chosen freeholders. Such legislative power shall be exer-  
5 cised by ordinance, except for the exercise of the following powers  
6 which are required to be, or are permitted to be, exercised by  
7 resolution:
- 8 a. The establishment of a municipal advisory council pursuant to  
9 section 29 of **[the act of which this act is amendatory]** *P. L. 1972,*  
10 *c. 154* (C. 40:41A-29);
- 11 b. The conduct of an inquiry or investigation pursuant to sec-  
12 tion 86 of such act (C. 40:41A-86);
- 13 c. The expression of disapproval of the suspension or dismissal  
14 of officers or employees pursuant to section 87 of such act  
15 (C. 40:41A-87);
- 16 d. The exercise of the power of advice and consent to actions of  
17 the supervisor pursuant to section 67c. of such act (C. 40:41A-67c.);
- 18 e. The override of a veto of the county supervisor pursuant to  
19 section 67g. of such act (C. 40:41A-67g.);

20 f. The adoption of rules for the board pursuant to section 100  
21 of such act (C. 40:41A-100);

22 g. The establishment of times and places for board meetings  
23 pursuant to section 99 of such act (C. 40:41A-99);

24 h. The establishment of the board as a committee of the whole  
25 and the delegation of any number of its members as an ad hoc  
26 committee, both pursuant to section 86 of such act (C. 40:41A-86);

27 i. The declaration of emergencies pursuant to section 101c. of  
28 such act (C. 40:41A-101c.);

29 j. The identification of emergency situations pursuant to sec-  
30 tion 128 of such act (C. 40:41A-128);

31 k. Application for a county department of civil service pursuant  
32 to section 130 of such act (C. 40:41A-130);

33 l. Designation of qualified newspapers pursuant to section 142  
34 of such act (C. 40:41A-142);

35 m. The appointment and removal of such officers and employees  
36 as the board is permitted by law;

37 n. Approval of contracts presented by the county administrator;

38 o. Actions specified as resolutions in the "Local Budget Law"  
39 (N. J. S. 40A:4-1 et seq.); **[and,]**

40 *p. Consent to municipal ordinances or resolutions regulating*  
41 *traffic or parking on county roads pursuant to section 1 of P. L.*  
42 *1957, c. 69 (C. 39:4-197.2), except that the resolution of consent*  
43 *shall be subject to the approval or veto of the county supervisor,*  
44 *as provided for in the case of ordinances by subsection f. of sec-*  
45 *tion 65 of P. L. 1972, c. 154 (C. 40:41A-65f.), and to the require-*  
46 *ments set forth therein for overriding a veto; and,*

47 **[p.]** *q.* The expression of such board policies or opinions as re-  
48 quired no formal action by the governing body.

1 4. Section 79 of P. L. 1972, c. 154 (C. 40:41A-79) is amended  
2 to read as follows:

3 79. The legislative power of the county shall be vested in the  
4 board of chosen freeholders. Such legislative power shall be  
5 exercised by ordinance, except for the exercise of the following  
6 powers which are required to be, or are permitted to be, exercised  
7 by resolution.

8 a. The establishment of a municipal advisory council pursuant  
9 to section 29 of **[the act of which this act as amendatory]** *P. L.*  
10 *1972, c. 154 (C. 40:41A-29);*

11 b. The conduct of an inquiry or investigation pursuant to sec-  
12 tion 86 of such act (C. 40:41A-86);

13 c. The expression of disapproval of the suspension or dismissal

14 of officers or employees pursuant to section 87 of such act  
15 (C. 40:41A-87);

16 d. The exercise of the power of advice and consent to actions of  
17 the president and administrative officer pursuant to section 81c.  
18 of such act (C. 40:41A-81c.);

19 e. The adoption of rules for the board pursuant to section 100  
20 of such act (C. 40:41A-100);

21 f. The establishment of times and places for board meetings  
22 pursuant to section 99 of such act (C. 40:41A-99);

23 g. The establishment of the board as a committee of the whole  
24 and the delegation of any number of its members as an ad hoc  
25 committee, both pursuant to section 86 of such act (C. 40:41A-86);

26 h. The declaration of emergencies pursuant to section 101c. of  
27 such act (C. 40:41A-101c.);

28 i. The identification of emergency situations pursuant to sec-  
29 tion 128 of such act (C. 40:41A-128);

30 j. Application for a county department of civil service pursuant  
31 to section 130 of such act (C. 40:41A-130);

32 k. Designation of qualified newspapers pursuant to section 142  
33 of such act (C. 40:41A-142);

34 l. The appointment and removal of such officers and employees  
35 as the board is permitted by law;

36 m. Approval of contracts presented by the county administrator;

37 n. Actions specified as resolutions in the "Local Budget Law"  
38 (N. J. S. 40A:4-1 et seq.); **[and,]**

39 o. *Consent to municipal ordinances or resolutions regulating*  
40 *traffic or parking on county roads pursuant to section 1 of P. L.*  
41 *1957, c. 69 (C. 39:4-197.2); and,*

42 **[o.]** p. The expression of such board policies or opinions as re-  
43 quire no formal board action.

1 5. This act shall take effect immediately.

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#### STATEMENT

The Assembly Committee Substitute for Assembly Bills Nos. 1751 and 1823 amends the "Optional County Charter Law" (P. L. 1972, c. 154; C. 40:41A-1 et seq.) in order to permit counties organized under that law to consent, by resolution, to municipal ordinances or resolutions which regulate traffic or parking on county roads. This consent is required by section 1 of P. L. 1957, c. 69 (C. 39:4-197.2).

Currently, this consent must be given by ordinance. As noted by the sponsors of Assembly Bills Nos. 1751 and 1823, however,

the cost of enacting an ordinance may run as high as \$250.00, while the publication of a resolution generally costs no more than \$50.00. Thus, providing for county consent to municipal traffic or parking regulations by resolution would help reduce operating costs in charter counties.

Except for certain technical differences, the provisions of this bill are the same as those of Assembly Bills Nos. 1751 and 1823. However, the latter bills amend only section 38 of P. L. 1972, c. 154 (C. 40:41A-38), which applies to counties organized under the county executive plan of government. The committee substitute amends all pertinent sections of the "Optional County Charter Law," thus extending the provisions of Assembly Bills Nos. 1751 and 1823 to all counties organized under that law, and to any county or counties which may, in the future, choose to adopt the provisions thereof.

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FISCAL ESTIMATE TO  
**ASSEMBLY, No. 1751**

**STATE OF NEW JERSEY**

DATED: NOVEMBER 5, 1982

Assembly Bill No. 1751, of 1982, would allow counties operating under the "Optional County Charter Law" to give consent to and approval of municipal ordinances and resolutions (regulating traffic on county roads) by resolution rather than ordinance.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This bill affects the following five counties: Atlantic, Essex, Hudson, Mercer and Union.

Enactment of the bill will effect a reduction in expenditures for these counties by allowing certain actions now taken by ordinance to be taken by resolution. Action by ordinance is more costly than action by resolution because ordinances must be publicly advertised in full upon introduction, with notification of adoption also publicly advertised. No such requirements for public advertisement apply to resolutions.

No estimate can be made of the savings that will result because cost data pertaining to the type of ordinances affected by this bill are not available.

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In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1980, c. 67.



**SENATE COUNTY AND MUNICIPAL GOVERNMENT  
COMMITTEE**

**STATEMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, Nos. 1751 and 1823**

**STATE OF NEW JERSEY**

DATED: MARCH 7, 1983

The Assembly Committee statement attached to the Assembly Committee Substitute is adequate.

The Senate Committee notes that while this committee has previously released favorably Senate Bill No. 1619 with amendments, and while that bill has passed the Senate, this Assembly Committee Substitute would fulfill the purposes of the Senate bill as amended. The sponsor of the Senate bill has requested this committee to give favorable consideration to the Assembly Committee Substitute.

**ASSEMBLY, No. 1751**

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**STATE OF NEW JERSEY**

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INTRODUCED AUGUST 5, 1982

By Assemblyman ZANGARI

AN ACT concerning the form of consent given by a county to municipal regulation of traffic on county roads, and amending the "Optional County Charter Law," approved September 19, 1972 (P. L. 1972, c. 154).

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

1 1. Section 38 of P. L. 1972, c. 154 (C. 40:41A-38) is amended  
2 to read as follows:

3 38. The legislative power of the county shall be vested in the  
4 board of chosen freeholders. Such legislative power shall be ex-  
5 ercised by ordinance, except for the exercise of the following powers  
6 which are required to be, or are permitted to be, exercised by  
7 resolution:

8 a. The establishment of a municipal advisory council pursuant  
9 to section 29 of the act of which this act is amendatory  
10 (C. 40:41A-29);

11 b. The conduct of an inquiry or investigation pursuant to section  
12 86 of such act (C. 40:41A-86);

13 c. The expression of disapproval of the suspension or dismissal  
14 of officers or employees pursuant to section 87 of such act  
15 (C. 40:41A-87);

16 d. The exercise of the power of advice and consent to actions of  
17 the executive pursuant to section 41a. of such act (C. 40:41A-41a.);

18 e. The override of a veto of the county executive pursuant to  
19 section 41f. of such act (C. 40:41A-41f.);

20 f. The adoption of rules for the board pursuant to section 100 of  
21 such act (C. 40:41A-100);

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.**

**Matter printed in italics thus is new matter.**

- 22 g. The establishment of times and places for board meetings  
 23 pursuant to section 99 of such act (C. 40:41A-99);
- 24 h. The establishment of the board as a committee of the whole  
 25 and the delegation of any number of its members as an ad hoc com-  
 26 mittee, both pursuant to section 86 of such act (C. 40:41A-86);
- 27 i. The declaration of emergencies pursuant to section 101c. of  
 28 such act (C. 40:41A-101c.);
- 29 j. The identification of emergency situations pursuant to section  
 30 128 of such act (C. 40:41A-128);
- 31 k. Application for a county department of civil service pursuant  
 32 to section 130 of such act (C. 40:41A-130);
- 33 l. Designation of qualified newspapers pursuant to section 142  
 34 of such act (C. 40:41A-142);
- 35 m. The appointment and removal of such officers and employees  
 36 as the board is permitted by law;
- 37 n. Approval of contracts presented by the county executive;
- 38 o. Actions specified as resolutions in the "Local Budget Law"  
 39 (N. J. S. 40A:4-1 et seq.); **[and,]**
- 40 *p. The consent to or approval of municipal ordinances or reso-*  
 41 *lutions regulating traffic or parking on county roads pursuant to*  
 42 *P. L. 1957, c. 69 (C. 39:4-197.2); and,*
- 43 **[p.]** q. The expression of such board policies or opinions as  
 44 require no formal action by the governing body.
- 1 2. This act shall take effect immediately.

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#### STATEMENT

This bill would allow counties operating under the "Optional County Charter Law" to give consent to and approval of municipal ordinances and resolutions regulating traffic on county roads, by resolution rather than ordinance. The enactment of an ordinance in such a matter costs approximately \$150.00 to \$250.00, but the publication of a resolution costs only \$25.00 to \$50.00. It is expected that passage of this bill will save the taxpayers of the larger counties in particular, significant sums of money.

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**ASSEMBLY, No. 1823**

**STATE OF NEW JERSEY**

INTRODUCED SEPTEMBER 30, 1982

By Assemblywoman GARVIN

AN ACT concerning the form of consent given by a county to municipal regulation of traffic on county roads, and amending P. L. 1972, c. 154.

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

1 1. Section 38 of P. L. 1972, c. 154 (C. 40:41A-38) is amended to  
2 read as follows:

3 38. The legislative power of the county shall be vested in the  
4 board of chosen freeholders. Such legislative power shall be ex-  
5 ercised by ordinance, except for the exercise of the following powers  
6 which are required to be, or are permitted to be, exercised by  
7 resolution:

8 a. The establishment of a municipal advisory council pursuant  
9 to section 29 of **the act of which this act is amendatory** *P. L. 1972,*  
10 *c. 154* (C. 40:41A-29);

11 b. The conduct of an inquiry or investigation pursuant to section  
12 86 of such act (C. 40:41A-86);

13 c. The expression of disapproval of the suspension or dismissal  
14 of officers or employees pursuant to section 87 of such act  
15 (C. 40:41A-87);

16 d. The exercise of the power of advice and consent to actions of  
17 the executive pursuant to section 41a. of such act (C. 40:41A-41a.);

18 e. The override of a veto of the county executive pursuant to  
19 section 41f. of such act (C. 40:41A-41f.);

20 f. The adoption of rules for the board pursuant to section 100 of  
21 such act (C. 40:41A-100);

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.  
Matter printed in italics thus is new matter.**

- 22 g. The establishment of times and places for board meetings  
 23 pursuant to section 99 of such act (C. 40:41A-99);
- 24 h. The establishment of the board as a committee of the whole  
 25 and the delegation of any number of its members as an ad hoc com-  
 26 mittee, both pursuant to section 86 of such act (C. 40:41A-86);
- 27 i. The declaration of emergencies pursuant to section 101c. of  
 28 such act (C. 40:41A-101c.);
- 29 j. The identification of emergency situations pursuant to section  
 30 128 of such act (C. 40:41A-128);
- 31 k. Application for a county department of civil service pursuant  
 32 to section 130 of such act (C. 40:41A-130);
- 33 l. Designation of qualified newspapers pursuant to section 142  
 34 of such act (C. 40:41A-142);
- 35 m. The appointment and removal of such officers and employees  
 36 as the board is permitted by law;
- 37 n. Approval of contracts presented by the county executive;
- 38 o. Actions specified as resolutions in the "Local Budget Law"  
 39 (N. J. S. 40A:4-1 et seq.); **[and,]**
- 40 *p. The consent to or approval of municipal ordinances or resolu-*  
 41 *tions regulating traffic or parking on county roads pursuant to*  
 42 *P. L. 1957, c. 69 (C. 39:4-197.2); and,*
- 43 **[p.]** q. The expression of such board policies or opinions as  
 44 require no formal action by the governing body.
- 1 2. This act shall take effect immediately.

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#### STATEMENT

The purpose of this bill is to allow counties operating under the "Optional County Charter Law," P. L. 1972, c. 154 (C. 40:41A-1 et seq.) to give consent to and approval of municipal ordinances and resolutions regulating traffic on county roads by resolution rather than ordinance.

The bill will alleviate operating costs in charter counties because the cost of publishing a resolution, which is no more than \$50.00, is considerably less than the cost of enacting an ordinance, which may cost as much as \$250.00.

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