

18A:12-1.1

LEGISLATIVE HISTORY COMMENT

NJSA 18A:12-1.1 (Prohibits school board member from accepting appointment for
6 months to certain positions)

LAWS 1981 CHAPTER 413

Bill No. A2018

Sponsor(s) Stockman

Date Introduced Sept. 22, 1980

Committee: Assembly Education

Senate Education

Amended during passage Yes ~~XXX~~ Amendments during passage
denoted by asterisks

Date of Passage: Assembly June 22, 1981

Senate Dec. 14, 1981

Date of approval Jan. 9, 1982

Following statements are attached if available:

Sponsor statement Yes ~~XXX~~

Committee Statement: Assembly Yes ~~XXX~~

Senate Yes ~~XXX~~

Fiscal Note ~~XXX~~ No

Veto Message ~~XXX~~ No

Message on signing ~~XXX~~ No

Following were printed:

Reports ~~XXX~~ No

Hearings ~~XXX~~ No

6/22/81

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ASSEMBLY, No. 2018

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 22, 1980

By Assemblyman STOCKMAN

Referred to Committee on Education

AN ACT concerning appointments by boards of education and supplementing Title 18A of the New Jersey Statutes.

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

1 1. No member of a board of education shall, during the term
2 for which he is elected or appointed, be eligible for appointment
3 to any office or position required to be filled by the board unless
4 he shall resign and cease to be a member at least 6 months prior
5 to his appointment, except in cases where the office or position is
6 by law required or permitted to be filled by a member of the board.

1 2. This act shall take effect immediately.

STATEMENT

This bill provides that no member of a school board may accept appointment by his board to any office or position unless there is a lapse of at least 6 months between his resignation from the board and his appointment by it, except in cases where the appointive office or position is, by law, required or permitted to be filled by a member of the board. Although "conflict of interest" provisions currently exist for county and municipal governing bodies, there is no such requirement for school boards. This bill is based on N. J. S. 40A:9-23, concerning appointments by county governing bodies.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2018

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 16, 1980

PROVISIONS:

Assembly Bill No. 2018 Aca prohibits a school board member from being appointed to a paid staff position in the school district in which he has served as a board member until he has resigned and 6 months have elapsed since the resignation.

BACKGROUND:

Currently, there is no "conflict of interest" statute prohibiting board members from assuming a position within the district in which they serve. The current statute regulating municipal government prohibits municipal officials from being appointed until 3 months have elapsed after their resignation.

COMMITTEE AMENDMENT:

The original draft did not require a period of time to elapse in the event that a board member was appointed to a position after his term expired, nor did it specify that the position which the prohibition affects is to be a "paid" position.

The Assembly Education Committee amended the bill to impose a 6 month waiting period to occur after a board member's term expires and specifies that the prohibition shall apply only to the appointments of board members to paid positions.

ASSEMBLY COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 2018

STATE OF NEW JERSEY

ADOPTED OCTOBER 16, 1980

Amend page 1, section 1, line 3, after "any", insert "paid".
Amend page 1, section 1, line 4, omit "and", insert "or".

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ASSEMBLY, No. 2018

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 22, 1980

By Assemblyman STOCKMAN

Referred to Committee on Education

AN ACT concerning appointments by boards of education and supplementing Title 18A of the New Jersey Statutes.

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

1 1. No member of a board of education shall, during the term
2 for which he is elected or appointed, be eligible for appointment
3 to any **paid** office or position required to be filled by the board
4 unless he shall resign ***[and]*** **or** cease to be a member at least
5 6 months prior to his appointment, except in cases where the office
6 or position is by law required or permitted to be filled by a member
7 of the board.

1 2. This act shall take effect immediately.

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

SENATE EDUCATION COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2018

STATE OF NEW JERSEY

DATED: OCTOBER 1, 1981

The Senate Education Committee favorably reports this bill which prohibits a school board member from being appointed to a paid staff position in the school district in which he has served as a board member until 6 months have elapsed since his resignation or the expiration of his term.

This would not apply to offices or positions which current law permits be filled by a member of the board. This would include such offices as the board secretary (N. J. S. 18A:17-5), custodian of school moneys (N. J. S. 18A:13-14) and assistant secretary (N. J. S. 18A:17-13).

BACKGROUND:

Currently, there is no "conflict of interest" statute prohibiting board members from assuming a position within the district in which they serve. The current statute prohibits a member of a board of chosen freeholders from being appointed until 3 months have elapsed after their resignation (N. J. S. 40A:9-23).

A-543, sponsored by Assemblyman Dennis L. Riley (D-Gloucester), giving any municipality the option of conducting a public sale for new liquor licenses with the license issued to the highest qualified bidder. The bill also sets forth procedures for screening qualified from unqualified bidders. In municipalities having either an alcoholic beverage control board or an excise commission, the municipality is required to direct the board or commission to conduct a public sale of the licenses.

✓ A-2018, sponsored by Assemblyman Gerald R. Stockman (D-Mercer), prohibiting a member of a board of education from being appointed to any paid office or position unless the member has resigned from the board for at least six months. An exemption is made for offices required by law to be filled by members of the board. This law is similar to the conflict of interest prohibitions governing county freeholders.

A-2061, sponsored by Assemblyman Walter Rand (D-Camden), transferring jurisdiction over pedestrian, bicycling and moped traffic offenses from Juvenile and Domestic Relations Court to municipal courts. The move is expected to raise juvenile awareness of the seriousness of vehicular violations.

A-2127, sponsored by Assemblyman James W. Bornheimer (D-Middlesex), equalizing the reserve requirements for state-chartered savings and loan associations with the recently liberalized requirements for federally-chartered S&L's. A state-chartered S&L must currently maintain a reserve equal to 5-percent of its accounts or deposits; parity with federal law will be achieved by reducing that requirement to 4-percent.

A-2153, sponsored by Assemblyman Thomas H. Paterniti (D-Middlesex), permitting members of a group health plan issued by a commercial insurer to retain full benefits from the plan if they are forced to leave the group plan due to total disability. The bill is designed to provide full health insurance coverage for disabled persons at the same benefit level they had while employed.

A-3744, sponsored by Assemblyman Christopher Jackman (D-Hudson), exempting the earned interest on "all-savers" certificates from the New Jersey Gross Income Tax, up to a maximum of \$1,000.00 for an individual or \$2,000.00 for a couple filing jointly. In line with the comparable federal law, 75-percent of the proceeds raised through the issue of the certificates is dedicated to residential financing.