

40:82-3

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:82-3 (Municipal managers serve at pleasure of
municipal council)
LAWS 1981 CHAPTER 466
Bill No. S3156
Sponsor(s) Perskie and Musto
Date Introduced March 23, 1981
Committee: Assembly Municipal Government
Senate Council & Municipal Government
Amended during passage Yes ~~No~~ Amendments during passage
denoted by asterisks
Date of Passage: Assembly Jan. 4, 1982
Senate June 15, 1981
Date of approval Jan. 9, 1982

Following statements are attached if available:

Sponsor statement	Yes	No
Committee Statement: Assembly	Yes	No
Senate	Yes	No
Fiscal Note	Yes	No
Veto Message	Yes	No
Message on signing	Yes	No

Following were printed:

Reports	Yes	No
Hearings	Yes	No

Report, referred to in statements:

974.90 Reock, Ernest
M966 Forms of municipal government in New Jersey. 17th report.
1979 County and Municipal Government Study Commission, January, 1979.
Trenton, 1979. (See pp.viii and 135-136)

6/22/81

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SENATE, No. 3156

STATE OF NEW JERSEY

INTRODUCED MARCH 23, 1981

By Senators PERSKIE and MUSTO

Referred to Committee on County and Municipal Government

AN ACT concerning the municipal manager in municipalities governed by the municipal manager form of government and amending R. S. 40:82-3.

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

1 1. R. S. 40:82-3 is amended to read as follows:

2 40:82-3. *a.* The municipal manager shall hold office as long as
3 he shall perform the duties of his office to the satisfaction of the
4 municipal council. During the first 3 consecutive calendar years of
5 his employment he may be removed for or without cause and after
6 said 3-year period of employment he may be removed only for
7 cause, after hearing, by a resolution signed by one more than a
8 majority of all the members of the municipal council setting forth
9 the reasons for such removal.

10 *b.* *Notwithstanding the provisions of subsection a. of this section,*
11 *any municipal manager appointed on or after the effective*
12 *date of this act shall hold office for an indefinite term and may be*
13 *removed by a majority vote of the council as hereinafter provided.*
14 *To effect the removal of a municipal manager a preliminary resolution*
15 *stating the reasons for its removal action shall be adopted by*
16 *a majority vote of the council members. The manager may reply*
17 *in writing to the resolution and may request a public hearing on*
18 *the matter of his removal, which shall be held not earlier than 20*
19 *days and not later than 30 days after the filing of the request. After*
20 *the public hearing, if one be requested, and after full consideration,*
21 *but not later than 60 days after the adoption of the preliminary*
22 *resolution of removal, the council by a majority vote of its mem-*
23 *bers may adopt a final resolution of removal, and that removal*
24 *shall take effect immediately. Upon the adoption of a preliminary*
25 *resolution of removal, the council may suspend a manager from*

26 *duty, and shall pay the manager his full salary during his suspen-*
27 *sion and, if a final resolution of removal is adopted, for the next 3*
28 *calendar months following the adoption of the preliminary reso-*
29 *lution of removal, unless the removal is for *good* cause. *For*
30 *the purposes of this section "good cause" shall mean conviction of*
31 *a crime or offense involving moral turpitude, the violation of the*
32 *provisions of sections 40:83-2, 40:83-3 or 40:83-4 of the Revised*
33 *Statutes, or the violation of any code of ethics in effect within the*
34 *municipality.**

1 2. This act shall take effect immediately.

27 sion and, if a final resolution of removal is adopted, for the next 3
28 calendar months following the adoption of the preliminary reso-
29 lution of removal, unless the removal is for cause.

1 2. This act shall take effect immediately.

STATEMENT

This bill would amend the law relating to the "municipal manager form of government (1923)" to provide that any municipal manager appointed in the future shall serve at the pleasure of the council, subject to removal at any time by a majority of the council after public hearing.¹ The term and removal procedures for these future managers would be similar to those currently provided for managers under the council-manager plans of the "Optional Municipal Charter Law" (see section 9-13 of P. L. 1950, c. 210; C. 40:69A-93).

The bill applies only to managers appointed after the effective date of the act, and would not affect the tenure any manager may have previously acquired under R. S. 40:82-3.

The bill implements recommendation No. 22 of the County and Municipal Government Study (Musto) Commission contained in its report, *Forms of Municipal Government in New Jersey*.

S. 3156 (1981)

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SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO
SENATE, No. 3156

STATE OF NEW JERSEY

DATED: MAY 4, 1981

Senate Bill No. 3156 would amend the law relating to the "municipal manager form of government (1923)" to provide that any municipal manager appointed in the future shall serve at the pleasure of the council, subject to removal at any time by a majority of the council after public hearing. The term and removal procedures for these future managers would be similar to those currently provided for managers under the council-manager plans of the "Optional Municipal Charter Law" (see section 9-13 of P. L. 1950, c. 210; C. 40:69A-93).

The bill applies only to managers appointed after the effective date of the act, and would not affect the tenure any manager may have previously acquired under R. S. 40:82-3.

The bill implements recommendation No. 22 of the County and Municipal Government Study (Musto) Commission contained in its report, Forms of Municipal Government in New Jersey.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

JANUARY 18, 1982

DAVE DeMAIO

S-3195, sponsored by Senator Joseph Merlino (D-Mercer), raising the income eligibility ceiling for the State's Pharmaceutical Assistance to the Aged (PAA) program. The eligibility ceilings are raised from \$9,000 to \$12,000 for single individuals and from \$12,000 to \$15,000 for married couples. The bill extends PAA benefits to disabled persons as well.

Because the PAA program also determines eligibility for the "lifeline" utility credit and tenant rebate programs, the bill will effectively increase the number of recipients in all three programs.

The bill takes effect March 1, 1982.

S-3501, sponsored by Senator John Russo (D-Ocean), establishing a Statewide Speedy Trial Coordinating Committee to administer a Speedy Trial Program.

The bill is a one-time-only appropriation of \$500,000 in grants to county speedy trial committees to clear the criminal case backlog.

S-3508, sponsored by Senator Donald DiFrancesco (R-Union), keeping the maximum contribution for gubernatorial inaugural events at the current \$250 per person. The bill also prohibits non-profit fundraisers from contributing to the Governor-elect's activities.

S-3484, sponsored by Senator John Caufield (D-Essex), authorizing the State Housing Finance Agency (HFA) to finance fire and other safety improvement loans for boarding homes. Under the bill, the HFA would sell bonds and use the proceeds to make the improvement loans.

S-3156, sponsored by Senator Steven P. Perskie (D-Atlantic), eliminating tenure for municipal managers in municipalities with a council-manager system of government. A grandfather clause will protect current municipal managers with tenure.