

40: 14B-18

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:14B-18 (County and municipal utilities authorities allows terms to be fixed for advisors and experts)

LAWS 1981 CHAPTER 493

Bill No. S3120

Sponsor(s) Feldman

Date Introduced Feb. 23, 1981

Committee: Assembly County Government

Senate County and Municipal Government

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

Date of Passage: Assembly Jan. 7, 1982

Senate June 22, 1981

Date of approval Jan. 12, 1982

Following statements are attached if available:

Sponsor statement	Yes	<del>YES</del>	(Below) Also attached: Assembly amendments (adopted 12-7-81 & 1-4-82) and Senate amendments (adopted 5-14-81) with statements
Committee Statement: <u>Assembly</u>	Yes	<del>YES</del>	
<u>Senate</u>	Yes	<del>YES</del>	
Fiscal Note	<del>Yes</del>	No	
Veto Message	<del>Yes</del> <del>XXX</del>	No	
Message on signing	Yes	<del>YES</del>	

Following were printed:

Reports	<del>YES</del>	No
Hearings	<del>YES</del>	No

Sponsors' statement:

The purpose of this bill is to allow a municipal utilities authority to establish fixed terms of office for its general counsel, special counsel, auditor and other professional employees.

6/22/81

CHAPTER 493 LAWS OF N. J. 1981  
APPROVED 1-12-82

[THIRD OFFICIAL COPY REPRINT]

SENATE, No. 3120

# STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1981

By Senator FELDMAN

Referred to Committee on County and Municipal Government

AN ACT to amend the "Municipal and County Utilities Authorities Law", approved August 22, 1957 (P. L. 1957, c. 183) as said short title was amended by P. L. 1977, c. 384.

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

1 1. Section 18 of P. L. 1957, c. 183 (\*\*C.\*\* 40:14B-18) is amended  
2 to read as follows:

3 18. Every municipal authority, upon the first appointment of its  
4 members and thereafter on or after February 1 in each year, shall  
5 annually elect from among its members a chairman and a vice-  
6 chairman who shall hold office until February 1 next ensuing and  
7 until their respective successors have been appointed and have  
8 qualified. Every municipal authority may also appoint and employ,  
9 *full- or part-time,* without regard to the provisions of Title 11  
10 of the Revised Statutes, a secretary, an executive director  
11 **[and]** *\*,* **[a]** *\*\*\*\** **[chief engineer]** *\*\*\*\** **[.]**  
12 *\*\*\*\** **[and]** *\*\*\*\** **[a general counsel]** *\*\*\*\** **[counsels]** *\*\*\*\**  
13 *\*\*\*\** **[professional and]** *\*\*\*\** *managerial personnel,* *\*\*\*\**  
14 *technical advisers and experts* *\*\*\*\**, **[special counsels, an auditor**  
15 *and any other professional employees as the authority may deter-*  
16 *mine necessary for its efficient operations,]* *\*\*\*\** *professional*  
17 *employees, and persons who shall render professional services as*  
18 *set forth in section 5 of P. L. 1971, c. 198 (C. 40A:11-5) as the*  
19 *authority may determine necessary for its efficient operations,* *\*\*\*\**  
20 and it shall determine their qualifications, terms of office, for  
21 periods not to exceed 5 years, duties and compensation *\*\*\*\** and  
22 enter into contracts therefor, for periods not to exceed 5 years, as it  
23 deems necessary *\*\*\*\**. *\*\*\*\** **[The municipal authority may ap-**

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

24 point and employ, *\*\*full- or part-time,\*\** without regard to the  
25 provisions of Title 11 of the Revised Statutes, such other profes-  
26 sional employees as the authority may determine necessary for its  
27 efficient operations, and determine their qualifications, terms of  
28 office, duties and compensation.\*]\*\*\*\*\* Such municipal authority  
29 may also appoint and employ such other agents and employees  
30 as it may require and determine their duties and compensation.  
31 \*\*\*\*\*The provisions of this section with regard to terms shall not  
32 apply to the positions of general counsel and consulting  
33 engineer.\*\*\*\*\*

1 2. This act shall take effect immediately.

---

SENATE, No. 3120

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1981

By Senator FELDMAN

Referred to Committee on County and Municipal Government

AN ACT to amend the "Municipal and County Utilities Authorities Law", approved August 22, 1957 (P. L. 1957, c. 183) as said short title was amended by P. L. 1977, c. 384.

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4 members and thereafter on or after February 1 in each year, shall  
5 annually elect from among its members a chairman and a vice-  
6 chairman who shall hold office until February 1 next ensuing and  
7 until their respective successors have been appointed and have  
8 qualified. Every municipal authority may also appoint and employ,  
9 without regard to the provisions of Title 11 of the Revised Statutes,  
10 a secretary, an executive director and a chief engineer, *a general*  
11 *counsel, special counsels, an auditor and any other professional*  
12 *employees as the authority may determine necessary for its*  
13 *efficient operations*, and it shall determine their qualifications, terms  
14 of office, *for periods not to exceed 5 years*, duties and compensation.  
15 Such municipal authority may also appoint and employ such other  
16 agents and employees as it may require and determine their  
17 duties and compensation.

1 2. This act shall take effect immediately.

---

STATEMENT

The purpose of this bill is to allow a municipal utilities authority to establish fixed terms of office for its general counsel, special counsel, auditor and other professional employees.

SENATE COUNTY AND MUNICIPAL  
GOVERNMENT COMMITTEE

STATEMENT TO

**SENATE, No. 3120**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: APRIL 23, 1981

Senate Bill No. 3120 would permit a municipal utilities authority to fix a term of office for a general counsel, special counsels, auditor and other professional employees. The term of office is not to exceed 5 years.

As written, the 5 year limitation on the term of office would also apply to those employees for whom an authority is currently allowed to fix a term—a secretary, an executive director, and a chief engineer.

The Senate committee amended the bill at the suggestion of the Department of Community Affairs to remove special counsel and auditor from those professional employees who may be appointed for a term of up to 5 years. The department stated that such a term of office was inappropriate for auditor, and was not consistent with the policy of the "Local Fiscal Affairs Law," to promote local flexibility in contracting for this financial service.

SENATE COMMITTEE AMENDMENTS TO  
**SENATE, No. 3120**  
**STATE OF NEW JERSEY**

ADOPTED APRIL 27, 1981

Amend page 1, section 1, line 10, omit "and"; insert ","; after "engineer" omit ","; insert "and".

Amend page 1, section 1, lines 11 and 12, after "counsel," on line 11 omit these lines.

Amend page 1, section 1, line 13, omit "efficient operations,".

Amend page 1, section 1, line 14, after "compensation.", insert "The municipal authority may appoint and employ, without regard to the provisions of Title 11 of the Revised Statutes, such other professional employees as the authority may determine necessary for its efficient operations, and determine their qualifications, terms of office, duties and compensation.".

ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 3120

STATE OF NEW JERSEY

DATED: DECEMBER 3, 1981

Senate Bill No. 3120, as received by the committee, would permit a municipal utility authority to appoint and employ counsel for a term of office not to exceed 5 years and such other professional employees as it may deem necessary for the efficient operation of the authority.

The committee amended the bill to omit the reference to counsels, substituting "such professional and technical advisers and experts." The committee amendment would bring the appointing authority of the "municipal and county utilities authorities law" (P. L. 1957, c. 183; C. 40:14B-18) into conformity with that of the "sewerage authorities law" (P. L. 1946, c. 138; C. 40:14A-5).

Under the provisions of the bill, as amended, the authority would be permitted to appoint and employ professional and technical advisers and experts for terms of office not to exceed 5 years and to appoint such other professional employees as it may deem necessary for its efficient operation. The bill further provides that such appointments may be for either full-time or part-time employment.

The 5 year limitation would also apply to the positions of secretary, executive director, and chief engineer.

[OFFICIAL COPY REPRINT]  
SENATE, No. 3120

**STATE OF NEW JERSEY**

INTRODUCED FEBRUARY 23, 1981

By Senator FELDMAN

Referred to Committee on County and Municipal Government

AN ACT to amend the "Municipal and County Utilities Authorities Law", approved August 22, 1957 (P. L. 1957, c. 183) as said short title was amended by P. L. 1977, c. 384.

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

1 1. Section 18 of P. L. 1957, c. 183 (40:14B-18) is amended to  
2 read as follows:

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4 members and thereafter on or after February 1 in each year, shall  
5 annually elect from among its members a chairman and a vice-  
6 chairman who shall hold office until February 1 next ensuing and  
7 until their respective successors have been appointed and have  
8 qualified. Every municipal authority may also appoint and employ,  
9 without regard to the provisions of Title 11 of the Revised Statutes,  
10 a secretary, an executive director \***[and]** \* \* a chief engineer\***[,]**\*  
11 \*and\* a general counsel, \***[special counsels, an auditor and any**  
12 *other professional employees as the authority may determine*  
13 *necessary for its efficient operations,]\* and it shall determine their  
14 qualifications, terms of office, *for periods not to exceed 5 years,*  
15 duties and compensation. \**The municipal authority may appoint*  
16 *and employ, without regard to the provisions of Title 11 of the*  
17 *Revised Statutes, such other professional employees as the au-*  
18 *thority may determine necessary for its efficient operations, and*  
19 *determine their qualifications, terms of office, duties and compensa-*  
20 *tion.\** Such municipal authority may also appoint and employ such  
21 other agents and employees as it may require and determine their  
22 duties and compensation.*

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 AMENDMENTS TO  
**SENATE, No. 3120**

[OFFICIAL COPY REPRINT]

**STATE OF NEW JERSEY**

ADOPTED MAY 14, 1981

Amend page 1, section 1, line 1, before "40:14B-18", insert "C."

Amend page 1, section 1, line 8, after "employ," insert "full- or part-time,".

Amend page 1, section 1, line 11, omit "a general counsel", insert "counsels".

Amend page 1, section 1, line 16, after "employ," insert "full- or part-time,".

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STATEMENT

These amendments provide that municipal and county utilities authorities may appoint counsels, whether general or special, full- or part-time, for terms of office not to exceed 5 years.

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 3120

# STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1981

By Senator FELDMAN

Referred to Committee on County and Municipal Government

AN ACT to amend the "Municipal and County Utilities Authorities Law", approved August 22, 1957 (P. L. 1957, c. 183) as said short title was amended by P. L. 1977, c. 384.

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6 chairman who shall hold office until February 1 next ensuing and  
7 until their respective successors have been appointed and have  
8 qualified. Every municipal authority may also appoint and employ,  
9 *\*\*full- or part-time,\*\** without regard to the provisions of Title 11  
10 of the Revised Statutes, a secretary, an executive director  
11 **\*[and]** *\*,* a chief engineer **[.]** *\*and\** **\*[a general counsel]** *\*\**  
12 *\*\*counsels\*\**, **\*[special counsels, an auditor and any other profes-**  
13 *sional employees as the authority may determine necessary for its*  
14 *efficient operations,]* *\** and it shall determine their qualifications,  
15 terms of office, *for periods not to exceed 5 years*, duties and com-  
16 pensation. *\*The municipal authority may appoint and employ,*  
17 *\*\*full- or part-time,\*\** without regard to the provisions of Title 11  
18 *of the Revised Statutes, such other professional employees as the*  
19 *authority may determine necessary for its efficient operations, and*  
20 *determine their qualifications, terms of office, duties and compen-*  
21 *sation.\** Such municipal authority may also appoint and employ  
22 such other agents and employees as it may require and determine  
23 their duties and compensation.

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.**

ASSEMBLY COMMITTEE AMENDMENT TO

**SENATE, No. 3120**

[SECOND OFFICIAL COPY REPRINT]

**STATE OF NEW JERSEY**

ADOPTED DECEMBER 3, 1981

Amend page 1, section 1, line 12, omit "counsels", insert "professional and technical advisers and experts".

[ASSEMBLY REPRINT]

## SENATE, No. 3120

[SECOND OFFICIAL COPY REPRINT]

with Assembly committee amendment adopted December 3, 1981

# STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1981

By Senator FELDMAN

Referred to Committee on County and Municipal Government

AN ACT to amend the "Municipal and County Utilities Authorities Law", approved August 22, 1957 (P. L. 1957, c. 183) as said short title was amended by P. L. 1977, c. 384.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
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1 1. Section 18 of P. L. 1957, c. 183 (\*\*C.\*\* 40:14B-18) is amended  
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3 18. Every municipal authority, upon the first appointment of its  
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8 qualified. Every municipal authority may also appoint and employ,  
9 *\*\*full- or part-time,\*\** without regard to the provisions of Title 11  
10 of the Revised Statutes, a secretary, an executive director  
11 *\*[and]\* \**, a chief engineer\***[,]**\* *\*and\* \*\*[a general counsel]\*\*\*\**  
12 *\*\*\*[\*\*counsels\*\*]\*\*\* \*\*professional and technical advisers and*  
12A *experts\*\*\*, \*[special counsels, an auditor and any other profes-*  
13 *sional employees as the authority may determine necessary for its*  
14 *efficient operations,]\** and it shall determine their qualifications,  
15 terms of office, *for periods not to exceed 5 years*, duties and com-  
16 pensation. *\*The municipal authority may appoint and employ,*  
17 *\*\*full- or part-time,\*\** without regard to the provisions of Title 11  
18 *of the Revised Statutes, such other professional employees as the*  
19 *authority may determine necessary for its efficient operations, and*  
20 *determine their qualifications, terms of office, duties and compen-*  
21 *sation.\** Such municipal authority may also appoint and employ  
22 such other agents and employees as it may require and determine  
23 their duties and compensation.

1 2. This act shall take effect immediately.

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ASSEMBLY AMENDMENT TO  
**SENATE, No. 3120**  
[SECOND OFFICIAL COPY REPRINT]  
[ASSEMBLY REPRINT]

**STATE OF NEW JERSEY**

ADOPTED DECEMBER 7, 1981

Amend page 1, section 1, line 11, omit "a chief engineer".

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STATEMENT

This amendment would omit the reference to "a chief engineer" in the list of specific positions a county or municipal utility authority is permitted to appoint.

The elimination of the reference to "a chief engineer" would bring the appointing authority of a county or municipal utility authority, organized pursuant to P. L. 1957, c. 183 (C. 40:14B-1 et seq.), into conformity with that of the "sewerage authorities law" (P. L. 1946, c. 138; C. 40:14A-1 et seq.).

The sponsor contends that the committee's amendment, which inserted the phrase "such professional and technical advisers and experts," provides appropriate appointing authority.

[SECOND ASSEMBLY REPRINT]

## SENATE, No. 3120

[SECOND OFFICIAL COPY REPRINT]

with Assembly committee amendment adopted December 3, 1981  
and Assembly amendment adopted December 7, 1981

# STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1981

By Senator FELDMAN

Referred to Committee on County and Municipal Government

AN ACT to amend the "Municipal and County Utilities Authorities Law", approved August 22, 1957 (P. L. 1957, c. 183) as said short title was amended by P. L. 1977, c. 384.

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6 chairman who shall hold office until February 1 next ensuing and  
7 until their respective successors have been appointed and have  
8 qualified. Every municipal authority may also appoint and employ,  
9 **full- or part-time,** without regard to the provisions of Title 11  
10 of the Revised Statutes, a secretary, an executive director **[and]**  
11 **\*,\* a [chief engineer]\*\*\*\* \*[,] \* and\* \*\*[a general counsel]\*\***  
12 **\*\*\*[counsels]\*\*** **\*\*\*professional and technical advisers and**  
12A **experts\*\*\*, [special counsels, an auditor and any other profes-**  
13 **sional employees as the authority may determine necessary for its**  
14 **efficient operations,]** and it shall determine their qualifications,  
15 terms of office, for periods not to exceed 5 years, duties and com-  
16 pensation. *The municipal authority may appoint and employ,*  
17 **full- or part-time,** without regard to the provisions of Title 11  
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19 authority may determine necessary for its efficient operations, and  
20 determine their qualifications, terms of office, duties and compen-  
21 sation.\* Such municipal authority may also appoint and employ  
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23 their duties and compensation.

1 2. This act shall take effect immediately.

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ASSEMBLY AMENDMENTS TO  
**SENATE, No. 3120**  
[SECOND OFFICIAL COPY REPRINT]  
(Second Assembly Reprint)  
**STATE OF NEW JERSEY**

ADOPTED JANUARY 4, 1982

Amend page 1, section 1, line 11, omit "a", omit "and".

Amend page 1, section 1, line 12, omit "professional and", insert "managerial personnel,".

Amend page 1, section 1, line 14, after "operations,"]", insert "professional employees, and persons who shall render professional services as set forth in section 5 of P. L. 1971, c. 198 (C. 40A:11-5) as the authority may determine necessary for its efficient operations,".

Amend page 1, section 1, line 16, after "pensation", insert "and enter into contracts therefor, for periods not to exceed 5 years, as it deems necessary".

Amend page 1, section 1, lines 16-21, after "pensation.", omit remainder of line 16, all of lines 17-20 and "sation." on line 21.

Amend page 1, section 1, line 23, after "compensation.", insert "The provisions of this section with regard to terms shall not apply to the positions of general counsel and consulting engineer.".

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STATEMENT

The purpose of these amendments is to conform the language regarding professional services to that contained in the Local Public Contracts Law and to provide that all terms of employment and contracts therefor shall be appointed for 5 year terms.

[THIRD ASSEMBLY REPRINT]

## SENATE, No. 3120

[SECOND OFFICIAL COPY REPRINT]

with Assembly committee amendment adopted December 3, 1981  
and Assembly amendment adopted December 7, 1981  
and Assembly amendment's adopted January 4, 1982

# STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1981

By Senator FELDMAN

Referred to Committee on County and Municipal Government

AN ACT to amend the "Municipal and County Utilities Authorities Law", approved August 22, 1957 (P. L. 1957, c. 183) as said short title was amended by P. L. 1977, c. 384.

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8 qualified. Every municipal authority may also appoint and employ,  
9 *\*\*full- or part-time,\*\** without regard to the provisions of Title 11  
10 of the Revised Statutes, a secretary, an executive director  
11 **\*[and] \***, **\*\*\*\*\*[a]\*\*\*\*\*** **\*\*\*\*[chief engineer]\*\*\*\*** **\*[,]\***  
12 **\*\*\*\*\*[\*and\*]\*\*\*\*\*** **\*\*[a general counsel]\*\*** **\*\*\*[\*\*counsels\*\*]\*\*\*\***  
13 **\*\*\*\*\*[\*\*professional and]\*\*\*\*\*** **\*\*\*\*\*managerial personnel,\*\*\*\*\***  
14 *technical advisers and experts\*\*\**, **\*[special counsels, an auditor**  
15 *and any other professional employees as the authority may deter-*  
16 *mine necessary for its efficient operations,]\** **\*\*\*\*\*professional**  
17 *employees, and persons who shall render professional services as*  
18 *set forth in section 5 of P. L. 1971, c. 198 (C. 40A:11-5) as the*  
19 *authority may determine necessary for its efficient operations,\*\*\*\*\**  
20 and it shall determine their qualifications, terms of office, for  
21 periods not to exceed 5 years, duties and compensation **\*\*\*\*\*and**

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



22 *enter into contracts therefor, for periods not to exceed 5 years, as it*  
23 *deems necessary\*\*\*\*\*. \*\*\*\*\*[\*The municipal authority may ap-*  
24 *point and employ, \*\*full- or part-time,\*\* without regard to the*  
25 *provisions of Title 11 of the Revised Statutes, such other profes-*  
26 *sional employees as the authority may determine necessary for its*  
27 *efficient operations, and determine their qualifications, terms of*  
28 *office, duties and compensation.\*]\*\*\*\*\*\* Such municipal authority*  
29 *may also appoint and employ such other agents and employees*  
30 *as it may require and determine their duties and compensation.*  
31 *\*\*\*\*\*The provisions of this section with regard to terms shall not*  
32 *apply to the positions of general counsel and consulting*  
33 *engineer.\*\*\*\*\**

1     2. This act shall take effect immediately.

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JANUARY 13, 1982

-6-

S-680, sponsored by Senator Anthony Russo (D-Union), permitting members of the Public Employees' Retirement System (PERS), the Teachers' Pension and Annuity Fund (TPAF), and the Police and Firemen's Retirement System to purchase credit for previous membership service earned in any other retirement system or pension fund administered by the State of New Jersey.

S-1437, sponsored by Senator Wynona Lipman (D-Essex), extending the definition of the unclassified section of the civil service to the positions of assistant executive director, director of staff operations, director of administration, director of redevelopment and the urban initiatives coordinator of any local housing authority:

S-3556, sponsored by Senator Joseph Merlino (D-Mercer), eliminating the requirement that proposed construction on State-owned facilities by the the New Jersey Building Authority be prefaced by a public hearing, as long as the facility will continue to be used for a purpose similar to its original purpose.

The bill is primarily intended to expedite renovation projects on the State House.

S-3330, sponsored by Senator Steven P. Perskie (D-Atlantic), eliminating the requirement that casino hotel employees be licensed before starting work. Instead, an employee may begin work as soon as he is registered with the Casino Control Commission registration is automatically given to employees who hold a temporary license or who have applied for a license. The provision extends to bartenders, waiters, maintenance and kitchen staff.

In addition, the bill eliminates the two-year licenses for gaming-related casino employees and for gaming school instructors, changing the license period to three years.

S-3120, also sponsored by Senator Feldman, permitting municipal and county utility authorities to appoint managerial personnel, technical advisors and experts, and professional employees without regard to civil service laws. The appointments are for terms not to exceed five years. General counsels and consulting engineers are excluded from the act.

S-3010, also by Senator Feldman and called the County Library Reorganization Law, establishes a county library study commission to evaluate the system and make recommendations to be approved by the voters.