

40:72-26

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:72-26

Laws of 1975 Chapter 292

Bill No. A3530

Sponsor(s) Hurley, Chinnici, Perskie

Date Introduced June 23, 1975

Committee: Assembly -

Senate -

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks.

Date of passage: Assembly July 30, 1975; Re'enacted Dec. 15, 1975

Senate August 4, 1975; Re'enacted Jan. 8, 1976

Date of approval January 14, 1976

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~~

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## ASSEMBLY, No. 3530

## STATE OF NEW JERSEY

INTRODUCED JUNE 23, 1975

By Assemblymen HURLEY, CHINNICI and PERSKIE

(Without Reference)

\*[AN ACT to amend "An act concerning the compensation of the mayor and the commissioners in certain cities of the fourth class governed by chapters 70 to 76 of Title 40 ("Commission Form of Government Law") of the Revised Statutes, and supplementing chapter 72 of Title 40 of the Revised Statutes," approved July 7, 1950 (P. L. 1950, c. 319).]\* \*AN ACT concerning the compensation of the commissioners and mayors of municipalities and supplementing subtitle 4 of Title 40 of the Revised Statutes\*.

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

1 \*[1. Section 1 of P. L. 1950, c. 319 (C. 40:72-24.1) is amended to  
2 read as follows:]\*

3 1. Notwithstanding any other provision of law, in *\*all municipal-*  
4 *ities\** \*[cities of the fourth class governed by chapters 70 to 76 of  
5 Title 40 ("Commission Form of Government Law") of the Revised  
6 Statutes, and now or hereafter having the population hereinafter  
7 set forth, the compensation of the mayor and each commissioner  
8 shall be within the limits as hereinafter provided; and such salary  
9 shall be payable in equal monthly installments and shall be the total  
10 compensation payable to the mayor and the commissioners, except  
11 that such salary may be increased in the manner provided by R. S.  
12 40:72-24 for the increase of the salary as fixed by R. S. 40:72-21 and  
13 40:72-22, but the amount of such increase shall in no instance  
14 exceed 50% of the salary provided in this act.

15 In such cities having from 2,500 to 7,500 population, the mayor's  
16 annual salary shall not exceed \$6,000.00, and that of each commis-  
17 sioner shall not exceed \$5,000.00.

18 In such cities having from 7,500 to [10,000] 15,000 population,  
19 the mayor's annual salary shall not exceed \$8,000.00 and that of

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

20 each commissioner shall not exceed \$7,000.00]\*. \*the governing  
 21 body thereof shall, by ordinance, fix the annual salary of the mayor  
 22 and commissioners at any amount it determines is appropriate.  
 23 The salaries of the mayor and commissioners shall be payable in  
 24 installments in the same manner as in the case of other officials of  
 25 the municipality. Any ordinance passed pursuant to this act shall  
 26 become operative in 10 days after the publication thereof after its  
 27 final passage, unless within said days a petition, signed by the  
 28 electors of such municipality equal in number to at least 15% of  
 29 the entire vote cast at the last preceding general election, protest-  
 30 ing against the passage of such ordinance, be presented to the gov-  
 31 erning body, in which case such ordinance shall remain inoperative  
 32 until a proposition for the ratification thereof shall be adopted at  
 33 the next general or municipal election.\*

1 \*2. R. S. 40:72-21, R. S. 40:72-22, R. S. 40:72-23, R. S. 40:72-24,  
 2 R. S. 40:72-24.1, R. S. 40:72-24.1 a. R. S. 40:72-24.2, R. S.  
 3 42:72-24.3, R. S. 40:72-24.4, R. S. 40:72-24.5, R. S. 40:72-24.6,  
 4 R. S. 40:72-24.7, R. S. 40:72-24.8, R. S. 40:72-24.9, R. S.  
 5 40:72-24.10, R. S. 40:72-24.11, R. S. 40:72-24.12, R. S. 40:72-24.13,  
 6 R. S. 40:72-24.12, R. S. 40:72-24.15, R. S. 40:72-24.16 and R. S.  
 7 40:72-25 are repealed.\*

1 \***[2.]**\* \*3.\* This act shall take effect immediately and shall be  
 2 effective retroactively to February 4, 1971.

ASSEMBLY, No. 3530

STATE OF NEW JERSEY

INTRODUCED JUNE 23, 1975

By Assemblymen HURLEY, CIINNICI and PERSKIE

(Without Reference)

AN ACT to amend "An act concerning the compensation of the mayor and the commissioners in certain cities of the fourth class governed by chapters 70 to 76 of Title 40 ("Commission Form of Government Law") of the Revised Statutes, and supplementing chapter 72 of Title 40 of the Revised Statutes," approved July 7, 1950 (P. L. 1950, c. 319).

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

1 1. Section 1 of P. L. 1950, c. 319 (C. 40:72-24.1) is amended to  
2 read as follows:

3 1. Notwithstanding any other provision of law, in cities of the  
4 fourth class governed by chapters 70 to 76 of Title 40 ("Commis-  
5 sion Form of Government Law") of the Revised Statutes, and  
6 now or hereafter having the population hereinafter set forth, the  
7 compensation of the mayor and each commissioner shall be within  
8 the limits as hereinafter provided; and such salary shall be payable  
9 in equal monthly installments and shall be the total compensation  
10 payable to the mayor and the commissioners, except that such  
11 salary may be increased in the manner provided by R. S. 40:72-24  
12 for the increase of the salary as fixed by R. S. 40:72-21 and  
13 40:72-22, but the amount of such increase shall in no instance  
14 exceed 50% of the salary provided in this act.

15 In such cities having from 2,500 to 7,500 population, the mayor's  
16 annual salary shall not exceed \$6,000.00, and that of each commis-  
17 sioner shall not exceed \$5,000.00.

18 In such cities having from 7,500 to **[10,000]** 15,000 population,  
19 the mayor's annual salary shall not exceed \$8,000.00 and that of  
20 each commissioner shall not exceed \$7,000.00.

1 2. This act shall take effect immediately and shall be effective  
2 retroactively to February 4, 1971.

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

A3530 (1975)

2

STATEMENT

This bill provides a maximum salary for mayors and commissioners of certain fourth class cities which have a population between 7,500 and 15,000 inhabitants.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

December 15, 1975

ASSEMBLY BILL NO. 3530

TO THE GENERAL ASSEMBLY:

Pursuant to Article V, Section 1, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 3530, with my objections, for reconsideration.

This bill would increase the maximum annual salary for mayors and commissioners of certain fourth class cities.

Municipal governments should be able to set the salaries of governing officials through the democratic process without legislative oversight. Elected local officials should have to answer only to their constituents for their pay, not to the Legislature.

Accordingly, I herewith return Assembly Bill No. 3530 for reconsideration and recommend that it be amended to allow all municipalities to fix the salary of mayors and commissioners. The bill should be changed as follows:

Title: Delete from "An Act to "(P.L. 1950, c. 319)." and insert "An Act concerning the compensation of the commissioners and mayors of municipalities and supplementing subtitle 4 of Title 40 of the Revised Statutes".

Page 1, Section 1, Lines 1-2: Delete "1. Section 1 of P.L. 1950, c. 319 (C. 40:72-24.1) is amended to read as follows:".

Page 1, Section 1, Line 3: After "in" insert "all municipalities" and delete "cities of the".

Page 1, Section 1, Lines 4-20: Delete "fourth" to "\$7,000" and insert "the governing body thereof shall, by ordinance, fix the annual salary of the mayor and commissioners at any amount it determines is appropriate. The salaries of the mayor and commissioners shall be payable in installments in the same manner as in the case of other officials of the municipality. Any ordinance passed pursuant to this act shall become operative in ten days after the publication thereof after its final passage, unless within said days a petition, signed by the electors of such municipality equal in number to at least 15% of the entire vote cast at the last preceding general election, protesting against the passage of such ordinance, be

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

- 2 -

presented to the governing body, in which case such ordinance shall remain inoperative until a proposition for the ratification thereof shall be adopted at the next general or municipal election."

Page 1, Section 2, Line 1: Before "2." insert a new section as follows:

"2. R.S. 40:72-21, R.S. 40:72-22, R.S. 40:72-23, R.S. 40:72-24, R.S. 40:72-24.1, R.S. 40:72-24.1a, R.S. 40:72-24.2, R.S. 40:72-24.3, R.S. 40:72-24.4, R.S. 40:72-24.5, R.S. 40:72-24.6, R.S. 40:72-24.7, R.S. 40:72-24.8, R.S. 40:72-24.9, R.S. 40:72-24.10, R.S. 40:72-24.11, R.S. 40:72-24.12, R.S. 40:72-24.13, R.S. 40:72-24.14, R.S. 40:72-24.15, R.S. 40:72-24.16 and R.S. 40:72-25 are repealed.

Page 1, Section 2, Line 1: Omit "2" and insert "3".

Respectfully,

/s/ Frank J. Dodd

President of the Senate  
ACTING GOVERNOR

[seal]

Attest:

/s/ Charles C. Carella

EXECUTIVE SECRETARY TO THE GOVERNOR