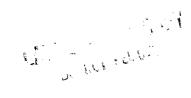
40: 41 A-27

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:41A-27	-		
Laws of <u>1974</u> Chapter	144		
Bill No. <u>S 612</u>			
Sponsor(s)Musto			
Date Introduced <u>January 21</u>			
Committee: Assembly <u>County</u>	Government	t	
Senate <u>County</u> 8	& <u>Municipa</u>	al Govt.	
Amended during passage	жө <i>х</i>	No) EPOSITORY COPY No Not Remove From Library
Date of passage: Assembly <u>Oc</u>	ctober 7		ŤŌ
Senate Ar	pril 4		er 🕐
Date of approval November	11		H on
Following statements are attach	ed if ava	ailable:	Ve O
Sponsor statement	Yes	XX	Fr
Committee Statement: Assembly	***	No	om
Senate	Yes	X X	E S
Fiscal Note	***	No	
Veto message	¥¥¥	No	any
Message on signing	***	No	
Following were printed:			
Reports	X & R	No	
Hearings	XXX	No	

10/4/76 Jan 1977



CHAPTER 144 LAWS OF N. J. 19.74 APPROVED 11-11-74

SENATE, No. 612

STATE OF NEW JERSEY

INTRODUCED JANUARY 21, 1974

By Senator MUSTO

Referred to Committee on County and Municipal Government

AN ACT to amend 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 27 of P. L. 1972, c. 154 (C. 40:41A-27) is amended to 2 read as follows:

3 27. County powers generally. Any county that has adopted a
4 charter pursuant to this act may, subject to the provisions of such
5 charter, general law and the State Constitution:

a. Organize and regulate its internal affairs; create, alter and
abolish offices, positions and employments and define the functions,
powers and duties thereof; establish qualifications for persons
holding offices, positions and employments; and provide for the
manner of their appointment and removal and for their term, tenure
and compensation.

b. Adopt, amend, enforce, and repeal ordinances and resolutions
as defined in section 100, notwithstanding the effect of any referendum conducted prior to the county's adoption of its charter
pursuant to this act.

c. Construct, acquire, operate or maintain public improvements,
projects or enterprises for any public purposes, subject to such
referendum as may otherwise be imposed by law;

d. Exercise powers of eminent domain, borrowing and taxationonly as provided by general State law;

e. Exercise all powers of county government in such manner as
its board of freeholders may determine;

f. Sue and be sued; have a corporate seal; contract and be contracted with; buy, sell, lease, hold and dispose of real and personal
property; appropriate and expend moneys for county purposes;

26 g. Enter into contractual agreements with any other govern-27 mental body or group of bodies within or without the borders of 28 the county *but within the borders of the State*; without regard to

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29whether such other governmental body or group of bodies be a unit 30 of State, county, or municipal government or a school district, authority or special district, to perform on behalf of that unit, any 3132service or function which that unit would be authorized to provide 33 for itself or for any other unit of government; provided, however, 34that no county shall contract to provide a service or function to 35any unit in any other county unless the board of freeholders of such 36other county shall first approve the proposed contract. All contracts 37 under this section shall be specific as to the terms for rendering of services, the level, quality, and scope of the services to be per-38formed, the cost of providing these services, and the duration of 39 **40** the contract. Such contract may provide for binding arbitration or 41 for binding fact-finding procedures to settle disputes or questions 42arising as to the terms of service and quality and quantity levels 43thereof to be provided under the contract. All services shall be performed on a cost basis, and no contract shall be for a duration **44** of more than 7 years. Nothing in this section shall be construed to 45prevent two or more counties from jointly undertaking a contract 46 to provide a service or function to any other unit or group of units. 4748For the purposes of this section, the county shall be deemed to be 49 the general agent of the other party or parties to the contract with 50respect to the performance of the service or services as specified in the contract, with full powers of performance and maintenance 51of the service contracted for and full powers to undertake any 52operation ancillary thereto, and all other powers of enforcement 53 and administrative regulation which are or might be exercised by 54the contracting principal. Except that no contracting party shall be 55liable for any part or share of the cost of constructing or maintain-56ing any capital facility built by the county to provide such service 57unless such part or share of the cost of such capital facility's con-58struction or maintenance is provided for in the contract between 59the two parties and the governing bodies of such contracting parties 60 shall have ratified the contract. Nothing in this section shall be 61 62construed to prevent the contracting for provision of more than one service or group of services by the county, and the county may 63 become the agent of any other unit of government in the perform-64 65 ance of any and all functions which the contracting unit sees fit to employ the county as agent to perform. 66

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to clarify the intention of the authority granted to counties to enter into contracts with other governmental bodies. LAW LIGSTARY COPY

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SENATE COUNTY AND MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 612

STATE OF NEW JERSEY

DATED: APRIL 1, 1974

Senate Bill No. 612 amends the Optional County Charter Law so as to limit the making of contractual agreements by optional charter counties with other public bodies to such bodies or groups of bodies as are situate within the borders of the State.