

40:41A-27

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:41A-27

Laws of 1974 Chapter 144

Bill No. S 612

Sponsor(s) Musto

Date Introduced January 21

Committee: Assembly County Government

Senate County & Municipal Govt.

Amended during passage  Yes  No

Date of passage: Assembly October 7

Senate April 4

Date of approval November 11

Following statements are attached if available:

Sponsor statement  Yes  No

Committee Statement: Assembly   No

Senate  Yes  No

Fiscal Note   No

Veto message   No

Message on signing   No

Following were printed:

Reports   No

Hearings   No

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JAN 1977

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:

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

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

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

19 d. Exercise powers of eminent domain, borrowing and taxation  
20 only as provided by general State law;

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

23 f. Sue and be sued; have a corporate seal; contract and be con-  
24 tracted with; buy, sell, lease, hold and dispose of real and personal  
25 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

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

1     2. This act shall take effect immediately.

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#### 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.

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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 situated within the borders of the State.