

40:20-35.4

August 28, 1969

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Legislative Notes on R.S. 40:20-35.4
(Freeholders - Salaries)

Similar bills introduced were:

1968 - A375
Passed in Assembly.
Died in Senate.

1968 - S457 (Copy enc)
Filed without approval by Governor; copy of his message is attached.

1969 - S579
In committee.

L. 1969, Chapter 133 - S640
Introduced March 24th by White.
No statement.
Not amended during passage.

The following clipping deals with S457 of 1968: (copy enc)

"Freeholder Pay Hikes Blocked" - Trenton Evening Times -
March 9, 1969.

JH/rb

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SENATE, No. 457

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1968

By Senator HIERING

Referred to Committee on County and Municipal Government

AN ACT concerning annual salaries of members of the board of chosen freeholders and additional compensation for directors of such boards in certain counties of the fifth class.

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

1 1. Notwithstanding the provisions of Revised Statutes 40:20-72
2 the board of chosen freeholders of any fifth class county having
3 a population of less than ***[150,000]*** *300,000* may, by resolution
4 and in accordance with the procedure set forth in sections 4 through
5 9 of P. L. 1947, chapter 302 (C. 40:20-74.1 to 40:20-74.6), increase
6 the annual salary of members of the board of chosen freeholders to
7 not more than \$12,000.00 and for the director thereof an additional
8 amount not in excess of \$1,000.00.

9 No resolution authorized pursuant to this act may be adopted
10 after September 1 in any year and no such resolution shall take
11 effect prior to January 1 next succeeding its adoption.

12 Salaries and additional compensation fixed pursuant to this act
13 shall be in lieu of all fees or other compensation, except additional
14 compensation for premiums on group insurance authorized under
15 P. L. 1960, chapter 180 (C. 40:11-15.1 et seq.) and shall be paid in
16 equal monthly installments by the county treasurer.

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.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

SENATE BILL NO. 457 (1968)

STATEMENT

I am filing Senate Bill No. 457 (1968) in the State Library without my approval.

Under the provisions of Article V, Section I, paragraph 14(b) of the Constitution, this bill does not become law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto but I deem it to be in the public interest to state my reasons for deciding not to sign this bill.

Senate Bill No. 457 (1968) would authorize counties of the fifth-class (Atlantic, Ocean and Monmouth) with a population of less than 300,000 (Atlantic and Ocean) to pay members of their Board of Chosen Freeholders annual salaries not in excess of \$12,000, except for the Director of the County Board of Freeholders, who would be authorized to receive up to \$13,000. The legislation is permissive and not mandatory.

The present law now authorizes counties governed by small Boards of Freeholders having a population of more than 75,000, but not more than 600,000 to pay their freeholders annual salaries of between \$6,000 and \$9,000 (plus \$500 additional to the director of the board). In all three counties of the fifth-class, the present freeholders' salaries have a maximum of \$9,000 a year.

This bill would further compound an already complex system of classification by stating that in the case of counties of the fifth-class having a population under 300,000, the salary range shall be higher than in a county having a population in excess of 300,000, despite the fact that it is in the same class. If there is any unifying principle in the way freeholders are paid, it is in the present language of NJSA 40:20-72.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

SENATE BILL NO. 457 (1968)

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There, the Legislature based the salary ranges for freeholders on the assumption that the larger and more populated the county the more responsibility was vested in the freeholder --- and therefore the freeholders of the larger counties receive higher salaries. This bill removes whatever basis of rationality existed in NJSA 40:20-72 by allowing a smaller county to pay more than a larger one. Furthermore, it discriminates against a larger county which the Legislature itself has determined to be of the same class by NJSA 40:17-2. This would appear to be an arbitrary classification under the provisions of the N.J. Const., Article IV, Section 7, paragraphs 7 and 9(5), prohibiting the enactment of "private, special or local" laws, in particular, those changing the salary at which public officials are entitled [see Sawyer v. Kearny, 85 NJL 625 (1913)].

I would be prepared to approve a bill which would authorize counties on their own motion to raise the salaries of freeholders, when justified, uniformly throughout the State. I am not prepared, however, to endorse special legislation of this type, however much it may be merited in the particular case before us.

/S/ RICHARD J. HUGHES

GOVERNOR

Dated: March 7, 1969