

40A:9-154.5'6

LEGISLATIVE HISTORY CHECKLIST

NJSA 40A:9-154.5 and 40A:9-154.6 (Supt. of Public Works -- tenure -- certain municipalities)

LAWS 1981 CHAPTER 383

Bill No. S1061

Sponsor(s) DiFrancesco

Date Introduced Feb. 21, 1980

Committee: Assembly Municipal Government

Senate County and Municipal Government

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

Date of Passage: Assembly Nov 30, 1981

Senate May 14, 1981

Date of approval Jan. 4, 1982

Following statements are attached if available:

Sponsor statement Yes ~~NoX~~

Committee Statement: Assembly Yes ~~NoX~~

Senate Yes ~~NoX~~

Fiscal Note Yes ~~XXX~~ No

Veto Message Yes ~~XXX~~ No

Message on signing Yes ~~NoX~~

Following were printed:

Reports Yes ~~XXX~~ No

Hearings Yes ~~XXX~~ No

6/22/81

PP

1-4-82

[OFFICIAL COPY REPRINT]

## SENATE, No. 1061

## STATE OF NEW JERSEY

INTRODUCED FEBRUARY 21, 1980

By Senator DiFRANCESCO

Referred to Committee on County and Municipal Government

AN ACT concerning tenure of office for certain municipal superintendents of public works and supplementing chapter 9 of Title 40A of the New Jersey Statutes.

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

1 1. As used in this act, "municipal superintendent of public  
2 works" means the officer or employee of a municipality whose  
3 duties include supervising the care and maintenance of streets,  
4 roads, avenues, public buildings, public places, sewers and motor  
5 vehicles of the municipality, notwithstanding the job title given the  
6 office or position.

1 2. A person holding office, position or employment as full-time  
2 municipal superintendent of public works who has held the office,  
3 position or employment continuously for 5 years or more shall  
4 continue to hold the office, position or employment, notwithstanding  
5 he is serving for a fixed term, during good behavior and efficiency  
6 and shall not be removed therefrom for political or other reasons  
7 except for good cause, upon written charges filed with the municipal  
8 clerk and after a public, fair and impartial hearing; except that the  
9 governing body of the municipality shall first pass \***[a resolution by**  
10 **a majority vote of its members approving and]**\* *\*an ordinance\**  
11 *authorizing the tenure of office herein provided\****[;** *\* and that the]\* \*.  
12 *The\** person may be retired when he shall have attained 70 years of  
13 age.*

1 3. 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, No. 1061

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 21, 1980

By Senator DiFRANCESCO

Referred to Committee on County and Municipal Government

AN ACT concerning tenure of office for certain municipal superintendents of public works and supplementing chapter 9 of Title 40A of the New Jersey Statutes.

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

1 1. As used in this act, "municipal superintendent of public  
2 works" means the officer or employee of a municipality whose  
3 duties include supervising the care and maintenance of streets,  
4 roads, avenues, public buildings, public places, sewers and motor  
5 vehicles of the municipality, notwithstanding the job title given the  
6 office or position.

1 2. A person holding office, position or employment as full-time  
2 municipal superintendent of public works who has held the office,  
3 position or employment continuously for 5 years or more shall  
4 continue to hold the office, position or employment, notwithstanding  
5 he is serving for a fixed term, during good behavior and efficiency  
6 and shall not be removed therefrom for political or other reasons  
7 except for good cause, upon written charges filed with the municipal  
8 clerk and after a public, fair and impartial hearing; except that the  
9 governing body of the municipality shall first pass a resolution by  
10 a majority vote of its members approving and authorizing the  
11 tenure of office herein provided; and that the person may be retired  
12 when he shall have attained 70 years of age.

1 3. This act shall take effect immediately.

STATEMENT

This bill grants municipal superintendents of public works tenure in office after 5 years of service.

The purpose of this bill is to give recognition to the increasing demands for professional expertise that these positions require and to remove the opportunity for capricious appointments where the superintendent of public works has developed that expertise.

LAW LIBRARY COPY

DO NOT REMOVE

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1061

STATE OF NEW JERSEY

DATED: NOVEMBER 23, 1981

Senate Bill No. 1061 would authorize a municipality to grant tenure to any municipal superintendent of public works who has held that position for 5 or more years, notwithstanding that the person is serving for a fixed term. Tenure shall be granted to a superintendent of public works only upon the adoption of an authorizing ordinance by the municipal governing body.

SENATE COUNTY AND MUNICIPAL  
GOVERNMENT COMMITTEE

STATEMENT TO

**SENATE, No. 1061**

with Senate committee amendment

**STATE OF NEW JERSEY**

DATED: APRIL 23, 1981

Senate Bill No. 1061 would authorize municipalities to grant tenure in office to their municipal superintendents of public works after 5 years of service.

According to the sponsor, the purpose is "to give recognition to the increasing demands for professional expertise that these positions require and to remove the opportunity for capricious appointments where the superintendent of public works has developed that expertise."

The Senate committee amendment would require that tenure for the position be authorized by ordinance, rather than by resolution, of the governing body. This would subject the act of authorization to public hearing, and to action of the mayor in those municipalities where the mayor has a veto power.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

JANUARY 4, 1982

KATHRYN FORSYTH

Governor Brendan Byrne today signed the following bills:

A-3426, sponsored by Assemblywoman Barbara Kalik (D-Burlington), permits all state employees to direct the State Treasury Department to desposit their bi-weekly paychecks directly in a designated banking institution. Direct deposit is now used by the Federal Government for retirement, salary and Social Security checks and by the State for pension checks. The bill provides that for institutions anticipating multiple deposits of State employee's checks, the deposits could be made electronically, by computer, or by one check for the total amount of the salary deposits.

S-1061, sponsored by Senator Donald DiFrancesco (R-Union), permits municipalities to provide tenure to "municipal superintendents of public works" after five consecutive years. This bill would primarily affect smaller municipalities that have not adopted Civil Service.

S-1511, sponsored by Senator John Gregorio (D-Union), clarifies that "deadly weapons" used in the commission of certain crimes will include such items as toy guns and other objects which can be reasonably mistaken as a "deadly weapon". The bill would, in effect, increase the severity of a criminal act committed with toy guns, or such items, under the new Penal Code.

#####