

2A:4-4 et al

LEGISLATIVE HISTORY CHECKLIST

2A:4-4 et al: 11:22-2 and 11:22-2.1
NJSA18A:24-19 et al; 19:23-22.1 et al.

(1980 Census--amends
statutes re:effects)
462

LAWS 1981

CHAPTER

Bill No. S3445

Sponsor(s) Rodgers and others

Date Introduced Nov. 16, 1981

Committee: Assembly

Senate County and Municipal Govt.

Amended during passage Yes

* Amendments during passage
denoted by asterisks

Date of Passage: Assembly Jan. 4, 1982

Senate Dec. 14, 1981

Date of approval Jan. 9, 1982

Following statements are attached if available:

Also attached: Senate
amendments, adopted 12-14-81
(with statement)

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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SENATE, No. 3445

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 16, 1981

By Senators RODGERS, GALDIERI, PERSKIE, GRAVES, ORECHIO, MUSTO, LIPMAN and GREGORIO

Referred to Committee on County and Municipal Government

AN ACT concerning the effects of the 1980 federal census on statutes pertaining to local governmental units of this State, and revising and repealing parts of the statutory law.

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

1 1. N. J. S. 2A:4-4 is amended to read as follows:

2 2A:4-4. The Governor, with the advice and consent of the Senate,

3 (1) Shall appoint six attorneys-at-law in each county of the first
4 class having a population of more than **[900,000]** *850,000* and four
5 attorneys-at-law in each county of the first class, having a popula-
6 tion of less than **[900,000]** *850,000*,

7 (2) Shall appoint **[two attorneys-at-law in each county having a**
8 *population of more than 430,000 and less than 600,000, and*

9 (3) May appoint, in addition to such other judge or judges, if
10 any, authorized by law in said county, one attorney-at-law in each
11 county having a population of not less than 305,000 nor more than
12 **410,000]** *four attorneys-at-law in each county not of the first class*
13 *having population of more than 500,000,*

14 (3) *Shall appoint two attorneys-at-law in each county having a*
15 *population of more than 400,000 and less than 500,000,*

16 (4) *Shall appoint one attorney-at-law in each county of the*
17 *second class having a population of less than 400,000, and in each*
18 *county of the fifth class having a population of less than 300,000,*
19 *to be the judges or judge of the juvenile and domestic relations court*
20 *of the county.*

21 **[Each judge of the juvenile and domestic relations court who is**
22 *required by law to devote his entire time to his judicial duties and*
23 *is prohibited from practice of law shall be paid an annual salary*
24 *by the board of chosen freeholders in the amount of \$25,000.00.*

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

25 The salary of a judge not required to devote his entire time to his
 26 judicial duties shall be paid by the board in such amount as the
 27 board shall determine.】

28 The judges 【in counties of more than 390,000 inhabitants】 shall
 29 devote their entire time to their judicial duties and shall not engage
 30 in the practice of law【; except that each judge in office in such
 31 a county on the effective date of this act who was not required
 32 to devote his entire time to his judicial duties immediately prior
 33 to the effectiveness of the 1960 census, shall elect either to con-
 34 tinue until the expiration of his term at the same salary as he
 35 was then receiving without being required to devote his entire time
 36 to his judicial duties, or to devote his entire time to his judicial
 37 duties, in which latter case he shall thereafter during the balance
 38 of said term devote his entire time to his judicial duties and shall
 39 not engage in the practice of law. Any such election shall be evi-
 40 denced by a notice in writing filed with the Administrative Director
 41 of the Courts and with the board of chosen freeholders of the
 42 county】.

43 Each judge of the juvenile and domestic relations court of a
 44 county who is required to devote his entire time to his judicial
 45 duties may be assigned by the Chief Justice of the Supreme Court
 46 to hold temporarily the 【County】 *Superior Court* or county district
 47 court of that county and, upon such assignment, shall have all the
 48 power, authority and jurisdiction of a judge of the 【county court】
 49 *Superior Court* or county district court.

1 2. N. J. S. 2A:6-3 is amended to read as follows:

2 2A:6-3. The county district courts enumerated herein shall have,
 3 respectively, the following number of judges: Atlantic, 1 judge;
 4 Bergen, 【5】 6 judges; Camden, 【1 judge】 2 judges; Essex, 【4】
 5 6 judges; Hudson, 4 judges; Mercer, 1 judge; Middlesex, 【2】
 6 4 judges; Morris, 3 judges; Passaic, 4 judges; Sussex, 1 judge;
 7 Union, 4 judges; and Warren, 1 judge.

1 3. N. J. S. 2A:6-12 is amended to read as follows:

2 2A:6-12. 【In counties of the first class, judges】 *Judges* of the
 3 county district court shall devote their entire time to their duties
 4 and shall not engage in the practice of law. 【In all other counties,
 5 judges of the county district court may practice law in any court
 6 of this State except in a county district court or in the Superior or
 7 Supreme Court in cases removed or appealed thereto from a county
 8 district court.】

1 4. Section 1 of P. L. 1968, c. 293 (C. 2A:8-6.1) is amended to
 2 read as follows:

3 1. In every municipality having a population of not less than
 4 ~~90,000~~ 82,000 nor more than 200,000, the governing body of such
 5 municipality may provide for the appointment as the need may
 6 appear, of an additional ~~magistrate~~ judge of the municipal court
 7 of such municipality.

1 5. Section 1 of P. L. 1975, c. 395 (C. 2A:8-6.3) is amended to
 2 read as follows:

3 1. The governing body of every municipality having a popula-
 4 tion of not less than ~~75,000~~ 72,000 nor more than 103,000 inhabi-
 5 tants in a county of the second class may provide for the appoint-
 6 ment, as the need may appear, of two additional ~~magistrates~~
 7 judges of the municipal court of such municipality; provided, how-
 8 ever, that this provision shall not limit the appointment of addi-
 9 tional ~~magistrates~~ judges in municipalities included within the
 10 provisions of any other law.

1 6. Section 1 of P. L. 1979, c. 357 (C. 2A:8-6.4) is amended to
 2 read as follows:

3 1. The governing body of every municipality having a population
 4 of not less than ~~40,000~~ 37,000 nor more than ~~45,000~~ 47,000
 5 inhabitants in a county of the first class having a population in
 6 excess of ~~900,000~~ 850,000 inhabitants may provide for the appoint-
 7 ment, as the need may appear, of one additional judge of the muni-
 8 cipal court of such municipality; provided, however, that this
 9 provision shall not limit the appointment of additional judges in
 10 municipalities included within the provisions of any other law.

1 7. Section 1 of P. L. 1953, c. 310 (C. 2A:11-36.1) is amended
 2 to read as follows:

3 1. The sheriff, of each county of the second or fifth class having a
 4 population of not less than 300,000 nor more than 600,000 inhabi-
 5 tants, shall have power by and with the consent of the ~~board of~~
 6 chosen freeholders county governing body to appoint in accordance
 7 with Title 11 (Civil Service) of the Revised Statutes two of the
 8 permanent court attendants as supervisors of court attendants, who
 9 shall be in charge of court attendants.

1 8. N. J. S. 2A:157-4 is amended to read as follows:

2 2A:157-4. a. In counties of the second class having a population
 3 in excess of 500,000 there may be appointed not in excess of 28
 4 county detectives, of whom one may be designated chief of county
 5 detectives, one deputy chief of county detectives, one captain of
 6 county detectives, six lieutenants of county detectives and four
 7 sergeants of county detectives.

8 b. In counties of the second class having a population between
 9 460,000 and 500,000 there may be appointed not in excess of ~~28~~

10 ~~24~~ county detectives, of whom one may be designated chief of county
 11 detectives, one deputy chief of county detectives, four captains
 12 of county detectives and six lieutenants of county detectives.

13 c. In counties of the second class having a population between
 14 ~~400,000~~ 410,000 and 460,000, there may be appointed not in excess
 15 of ~~24~~ 28 county detectives, of whom one may be designated chief
 16 of county detectives, one captain of county detectives, four lieuten-
 17 ants of county detectives, and two sergeants of county detectives.

18 d. In the counties of the second class having a population of
 19 ~~400,000~~ 410,000 or under, there may be appointed not in excess of
 20 12 county detectives of whom one may be designated chief of county
 21 detectives, one captain of county detectives, and three lieutenants
 22 of county detectives.

23 e. Their annual salaries shall be fixed as follows: chief of county
 24 detectives, not less than \$9,500.00; deputy chief of county detectives
 25 not less than \$9,000.00; captain of county detectives, not less than
 26 \$8,000.00; lieutenant of county detectives, not less than \$7,000.00;
 27 sergeant of county detectives, not less than \$6,500.00; and other
 28 county detectives, not less than \$6,000.00.

1 9. N. J. S. 2A :157-15 is amended to read as follows:

2 2A :157-15. In counties of the fifth class ~~having a population in~~
 3 ~~excess of 175,000~~ there may be appointed not in excess of 12 county
 4 investigators, who shall be paid annual salaries of not less than
 5 \$5,500.00.

1 10. Section 1 of P. L. 1970, c. 6 (C. 2A :158-1.1) is amended to
 2 read as follows:

3 1. Any person appointed ~~on or after January 20, 1970~~ to the
 4 office of county prosecutor ~~of any of the following counties~~ shall
 5 devote his entire time to the duties of his office and shall not engage
 6 in the practice of law or other gainful employment~~:~~

7 a. Counties of the first class;

8 b. Counties of the second class;

9 c. Counties of the third class having a population between
 10 60,000 and 72,000 under the 1970 federal census;

11 d. Counties of the third class having a population in excess of
 12 120,000 under the 1970 federal census;

13 e. Counties of the fifth class; and

14 f. Counties of the sixth class.

15 Any county prosecutor of any of the aforementioned counties in
 16 office on the effective date of this 1980 amendatory act who shall
 17 elect to devote this entire time to the duties of such office for the
 18 remainder of his term may elect so to do by filing a written election
 19 with the Governor, the Attorney General, the Secretary of State

20 and the clerk of the board of chosen freeholders], *except those*
 21 *appointed to that office in counties of the third class having a*
 22 *population between 65,000 and 85,000 or between 90,000 and 130,000.*

1 11. N. J. S. 2A :158–10 is amended to read as follows:

2 2A :158–10. County prosecutors [shall receive annual salaries as
 3 fixed by resolution of the board of chosen freeholders in each
 4 county, as follows:

5 a. In counties having a population of more than 600,000, not less
 6 than \$17,000.00 nor more than \$24,000.00.

7 b. In counties having a population of more than 265,000, and
 8 less than 600,000, except counties bordering on the Atlantic ocean,
 9 not less than \$15,000.00 nor more than \$22,000.00.

10 c. In counties bordering on the Atlantic ocean having a popula-
 11 tion of more than 265,000, not less than \$12,000.00 nor more than
 12 \$19,000.00.

13 d. In counties having a population of more than 130,000, and
 14 less than 265,000, except counties bordering on the Atlantic ocean,
 15 not less than \$11,000.00 nor more than \$18,000.00.

16 e. In counties bordering on the Atlantic ocean having a popu-
 17 lation of more than 100,000 and less than 265,000, not less than
 18 \$10,000.00 nor more than \$17,000.00.

19 f. In counties having a population of more than 100,000 and less
 20 than 130,000, not less than \$10,000.00 nor more than \$17,000.00.

21 g. In counties having a population of more than 75,000 and less
 22 than 100,000, not less than \$8,500.00 nor more than \$24,000.00.

23 h. In counties having a population of less than 75,000, except
 24 counties bordering on the Atlantic ocean, not less than \$7,500.00
 25 nor more than \$14,500.00.

26 i. In counties bordering on the Atlantic ocean having a popula-
 27 tion of less than 100,000, not less than \$8,500.00 nor more than
 28 \$15,500.00] *not required by law to devote full time to their duties*
 29 *shall receive annual salaries to be fixed by the governing body of*
 30 *the county at not less than \$8,500.00 nor more than \$24,000.00.*

1 12. N. J. S. 2A :158–15 is amended to read as follows:

2 2A :158–15. Assistant prosecutors in and for the respective
 3 counties may be appointed by the prosecutors of such counties as
 4 hereinafter provided, who shall hold their appointments at the
 5 pleasure of the respective prosecutors, and shall, before entering
 6 upon the performance of the duties of their appointments, take,
 7 before a judge of the Superior Court[, a judge of the County
 8 Court] or the Clerk of the [County] Superior Court of the county
 9 in and for which they are appointed, an oath or affirmation to
 10 faithfully perform the duties of the office to the best of their ability.

11 a. In counties [having a population of more than 600,000] of the
12 first class, the county prosecutor may appoint 15 assistant prosecu-
13 tors, one of whom shall be designated as first assistant prosecutor.

14 b. In counties [having a population of more than 265,000 and not
15 more than 600,000, except counties bordering on the Atlantic ocean]
16 of the second class, the county prosecutor may appoint six assistant
17 prosecutors, one of whom shall be designated as first assistant
18 prosecutor.

19 c. In counties [bordering on the Atlantic ocean having a popula-
20 tion of more than 150,000 and in all other counties having a popula-
21 tion of more than 100,000 and less than 265,000] of the fifth class
22 and counties of the third class having a population in excess of
23 120,000, the county prosecutor may appoint three assistant prose-
24 cutors, one of whom may be designated as first assistant prosecutor.

25 d. In all other counties the prosecutor may appoint one assistant
26 prosecutor who may be designated first assistant prosecutor.

27 Creation of new or additional positions of assistant prosecutor as
28 authorized by paragraphs a. through d. of this section, as hereby
29 amended, shall require authorization by the [board of chosen free-
30 holders] governing body of the county.

31 Assistant prosecutors in addition to those provided for in para-
32 graphs a. through d. of this section may be appointed by the county
33 prosecutor in any county of the State where there appears to be
34 a reasonable necessity therefor, if approved by order of the assign-
35 ment judge and by resolution of the [board of chosen freeholders]
36 governing body of the county.

1 13. Section 2 of P. L. 1976, c. 15 (C. 2A:158-15.1a) is amended
2 to read as follows:

3 2. The provisions of P. L. 1970, c. 6, s. 3 (C. 2A:158-15.1) shall
4 not apply to any assistant prosecutor in a county of the fifth class
5 having a population [of less than 150,000 under the 1960 Federal
6 census] between 300,000 and 500,000 or to any assistant prosecutor
7 in a county of the sixth class, or to any assistant prosecutor in a
8 county of the third class having a population of less than [61,000
9 under the 1970 Federal census] 80,000, or to any assistant pros-
10 ecutor in a county of the third class having a population [between
11 120,000 and 175,000 under the 1970 Federal census] in excess of
12 120,000; provided, however, that the county prosecutor of any such
13 county, whether or not such county prosecutor is required to devote
14 his entire time to the duties of such office, where there appears to be
15 a reasonable necessity therefore and where approved by order of
16 the assignment judge, may direct that any assistant prosecutor
17 devote his entire time to the duties of such office and not engage in
18 the practice of law or other gainful employment.

- 1 14. R. S. 11:22-2 is amended to read as follows:
- 2 11:22-2. The unclassified service shall not be subject to the pro-
- 3 visions of this subtitle and shall include the following:
- 4 a. Officers elected by popular vote;
- 5 b. Members of district boards of elections; employees in voting
- 6 machine departments and the chief deputy, chief clerk, secretary,
- 7 clerical and other assistants or employees appointed by the super-
- 8 intendants of elections and commissioners of registration in coun-
- 9 ties of the first class having less than 800,000 inhabitants, and by
- 10 the county boards of elections in all other counties and such of said
- 11 officers, assistants and employees as are appointed by superin-
- 12 tendents of elections in counties of the first class having more than
- 13 800,000 inhabitants to serve for terms of 6 months or less in any 1
- 14 year;
- 15 c. Appointments of the mayor;
- 16 d. Heads of municipal departments, the members of commissions
- 17 and boards elected by the board of aldermen, common council or
- 18 other governing body of any county, municipality or school district
- 19 operating under this subtitle;
- 20 e. Heads of such county departments as are created by the ad-
- 21 ministrative code of any county organized pursuant to any of the
- 22 plans contained in the Optional County Charter Law (P. L. 1972,
- 23 c. 154; C. 40:41A-1 et seq.), which departments shall not exceed 12
- 24 in number, and the heads of any divisions created within such de-
- 25 partments; provided, however, that the total number of positions
- 26 created pursuant to this subsection by the administrative code shall
- 27 not exceed 20 in number;
- 28 f. Law officers of a county, municipality or school district operat-
- 29 ing under this subtitle;
- 30 g. Teaching staff members, as defined in N. J. S. 18A:1-1, in the
- 31 public schools and county superintendents and members and busi-
- 32 ness managers of boards of education;
- 33 h. Police magistrates appointed by the mayor or other head
- 34 officer of the municipality operating under this subtitle;
- 35 i. Officers and employees of county park commissioners in
- 36 counties of the second class appointed under the provisions of
- 37 sections 40:37-96 to 40:37-174 of the Title, Municipalities and
- 38 Counties;
- 39 j. The superintendent of a county hospital for persons suffering
- 40 from communicable diseases appointed under the provisions of
- 41 R. S. 30:9-61 and 30:9-69; and
- 42 k. The deputy or first assistant of principal executive officers
- 43 authorized by law to act generally for and in place of his principal;

- 44 l. The legal assistants of the law department of the counties,
 45 municipalities or school districts operating under this subtitle
 46 except as herein otherwise provided;
- 47 m. One secretary, clerk or executive director of each depart-
 48 ment, appointed board or commission authorized by law to appoint
 49 a secretary, clerk or executive director;
- 50 n. One secretary or confidential aide, if so provided in the ad-
 51 ministrative code of any county organized pursuant to any of the
 52 plans contained in the Optional County Charter Law, to be ap-
 53 pointed by each head of any county department or of any designated
 54 division within such department, when the head of any such divi-
 55 sion is an unclassified position;
- 56 o. One private secretary or clerk or stenographer of each judge
 57 or principal executive officer;
- 58 p. All officials of county or municipal institutions who must of
 59 necessity be physicians;
- 60 q. Offices or positions whose incumbents by specific statute serve
 61 for fixed terms, or whose incumbents by specific statute serve at
 62 the pleasure of the appointing authority;
- 63 r. One council secretary to the municipal council appointed by
 64 the council in any city of the first class with a population of less
 65 than 300,000;
- 66 s. All directors of municipal free public libraries in cities of the
 67 first class having a population of not less than ~~350,000~~ 300,000 in
 68 habitants;
- 69 t. The following positions in school districts which have been
 70 reorganized pursuant to P. L. 1975, c. 169 (C. 18A:17-1 et seq.):
- 71 Executive director of board affairs;
- 72 Executive director of personnel;
- 73 Executive director of the budget;
- 74 Executive director of purchasing;
- 75 Executive director of physical facilities;
- 76 Executive director of data processing;
- 77 Executive director of financial affairs;
- 78 Executive controller;
- 79 Executive director of internal audit; and
- 80 Public information officer; and
- 81 u. One confidential secretary, for each member of the board of
 82 freeholders of any county which has not adopted the provisions of
 83 the Optional County Charter Law (P. L. 1972, c. 154, C. 40A:41A-1
 84 et seq.); provided, however, that this subsection shall not be con-
 85 strued so as to authorize a board of chosen freeholders to increase

86 the number of secretaries attached to such board of chosen free-
 87 holders upon the effective date of this amendatory act;

88 v. Such other officers and positions not now included in the un-
 89 classified service by this section or by any other statute, as the
 90 Civil Service Commission shall, from time to time, determine,
 91 according to law, to be in the unclassified service.

1 15. Section 2 of P. L. 1978, c. 81 (C. 11:22-2.1) is amended to
 2 read as follows:

3 2. Any person appointed as a director of a municipal free public
 4 library in a city of the first class having a population of not less
 5 than ~~350,000~~ 300,000 inhabitants shall be a graduate of an
 6 accredited university or college and shall, prior to his appointment,
 7 have graduated from a school of library service accredited by the
 8 American Library Association, and have had at least 4 years of
 9 library experience in a responsible administrative capacity.

1 16. N. J. S. 18A:24-19 is amended to read as follows:

2 18A:24-19. Except as otherwise provided in sections 18A:24-20
 3 to 18A:24-27, no bonds shall be authorized for the purposes of any
 4 school district if the principal amount thereof shall, when added
 5 to the net school debt of the district exceed the percentage of the
 6 average equalized valuation of taxable property in such district as
 7 herein provided:

- | | | |
|----|--|-----|
| 8 | (1) From kindergarten grade (or grade 1) through | |
| 9 | grade 6 | 2½% |
| 10 | (2) From kindergarten grade (or grade 1) through | |
| 11 | grade 8 | 3 % |
| 12 | (3) From kindergarten grade (or grade 1) through | |
| 13 | grade 9 | 3½% |
| 14 | (4) From kindergarten grade (or grade 1) through | |
| 15 | grade 12 | 4 % |
| 16 | (5) From grade 7 through grade 9 | 1½% |
| 17 | (6) From grade 10 through grade 12 | 2 % |
| 18 | (7) From grade 9 through grade 12 | 3 % |
| 19 | (8) From grade 7 through grade 12 | 3½% |

20 Each school district prior to the issuance of bonds shall secure
 21 from the State Commissioner of Education a certificate of the
 22 grade levels of instruction provided or to be provided by said
 23 school district.

24 Provided, however, that except as otherwise provided in sections
 25 18A:24-20 to 18A:24-27, bonds may be authorized for the purposes
 26 of a school district in a city of the first class ~~with a population in~~
 27 ~~excess of 250,000~~ if the principal amount thereof shall, when added

28 to the net school debt of the district, not exceed 8% of the average
29 equalized valuation of taxable property in such district.

30 Further provided, that except as otherwise provided in sections
31 18A :24-20 to 18A :24-27, bonds may be authorized for the purposes
32 of a school district in a city of the second class with a population
33 in excess of **100,000** *80,000, according to the latest federal decen-*
34 *ennial census* if the principal amount thereof shall, when added to the
35 net school debt of the district, not exceed 6% of the average equal-
36 ized valuation of taxable property in such district.

1 17. Section 1 of P. L. 1973, c. 365 (C. 18A :54-11.4) is amended
2 to read as follows:

3 1. The board of education of each school district or regional
4 school district in any county of the second class having a popula-
5 tion of not less than **460,000** nor more than **500,000** *410,000 nor*
6 *more than 470,000* according to the **1970 Federal Census** *latest*
7 *federal decennial census* in which there is a county vocational school
8 district referred to in section 18A :54-11.1 shall send to any of the
9 schools of such county vocational school district all pupils residing
10 in such school district or regional school district who have applied
11 for admission to and have been accepted by any of the schools of
12 such county vocational school district and each such board of educa-
13 tion shall pay tuition for said pupils to such county vocational
14 school districts pursuant to N. J. S. 18A :54-23. The provisions of
15 this section shall not apply to any board of education of a school
16 district or regional school district maintaining a vocational school
17 or schools pursuant to article 2 of chapter 54 of Title 18A of the
18 New Jersey Statutes.

1 18. N. J. S. 18A :54-16 is amended to read as follows:

2 18A :54-16. For each county system of vocational schools estab-
3 lished in accordance with this chapter, there shall be a board of
4 education consisting of the county superintendent of schools and
5 four persons to be appointed; provided, however, that a county
6 of the first class which has adopted **the county executive** *a form*
7 *of government* pursuant to the provisions of the "Optional County
8 Charter Law" (P. L. 1972, c. 154, C. 40:41A-1 et seq.) may, by
9 ordinance, establish a board of education consisting of seven persons
10 to be appointed.

11 **In counties of the first class having the office of county super-**
12 **visor the four appointive members of such board shall be appointed**
13 **by the county supervisor.** **In counties of the first class [having the**
14 **county executive form of government] which, by ordinance, have**
15 **established a board consisting of seven persons to be appointed, the**
16 **seven appointive members shall be appointed by the [county execu-**

17 tive] *chief elected executive officer of the county*. In all other
 18 counties of the first class, in all counties of the second class, and
 19 in counties of the third and fifth classes having populations in
 20 excess of [120,000] *125,000*, the four appointive members of the
 21 board shall be appointed by the *chief elected executive officer of the*
 22 *county, or the* director of the board of chosen freeholders, with the
 23 advice and consent of that board, *as appropriate to the appointment*
 24 *procedures established by the form of government of the county*.
 25 Not more than two members appointed in any such county of the
 26 second, third or fifth class shall be members of the same political
 27 party, but no changes for adjustment of party representation shall
 28 be made in a board except as vacancies occur. In other counties,
 29 the four appointive members of the board shall be appointed by
 30 the judge of the [county court] *Superior Court sitting therein* or
 31 in counties where there is more than one judge by a majority of
 32 them.

33 In making the first appointments to a board, one person shall be
 34 appointed to serve for 1 year, one for 2 years, one for 3 years and
 35 one for 4 years from November 1 next succeeding the date of their
 36 respective appointments. In a county of the first class [having the
 37 county executive form of government] which, by ordinance, has
 38 established a board with seven appointive members, the [county
 39 executive] *chief elected executive officer* shall make the first ap-
 40 pointments to the board in the following manner: two shall be
 41 appointed to serve for 1 year, two for 2 years, two for 3 years, and
 42 one for 4 years from November 1 next succeeding the date of their
 43 respective appointments. The persons so appointed shall also serve
 44 from the date of their respective appointments until November 1
 45 next ensuing.

46 Annually during the month of October a member or members,
 47 as the case may be, of the board shall be appointed to servæ for
 48 a term of 4 years, and thereafter until the appointment and qualifi-
 49 cation of his respective successor, to take the place of the member
 50 or members, as the case may be, whose term or terms shall expire
 51 on November 1 then next ensuing.

52 A vacancy in the board [caused by the death, resignation or
 53 removal of a member, or in any other manner, shall be reported
 54 forthwith by the secretary of the board to the county supervisor,
 55 county executive, director of the board of chosen freeholders, or the
 56 judge or judges, as the case may be, who, within 30 days thereafter,
 57 and in the manner herein prescribed for making appointments for
 58 a full term, shall appoint a person to fill the vacancy for the
 59 unexpired term] *shall be deemed to exist, and shall be filled, in the*
 60 *manner prescribed in P. L. 1979, c. 302 (C. 40A:9-12.1).*

1 19. N. J. S. 18A:54-23 is amended to read as follows:

2 18A:54-23. The boards of education of schools established under
3 the provisions of section 18A:54-12 in any county of the third
4 class with a population not less than [60,000 nor more than 100,000,
5 according to the 1960 federal] *65,000 nor more than 85,000 accord-*
6 *ing to the latest federal decennial census*, and the boards of educa-
7 tion of schools established under the provisions of section
8 18A:54-13, shall receive pupils from districts without the county
9 so far as their facilities will permit, provided a rate of tuition
10 not exceeding the cost of such education as prescribed by rule of
11 the commissioner, approved by the State board, is paid by the
12 sending districts.

13 The board of education of any county vocational school district
14 referred to in section 18A:54-11.1 and the board of education of
15 any other school district within the county thereof are each hereby
16 authorized and empowered to undertake and to enter into agree-
17 ments with respect to the attendance at schools of the county
18 vocational school district, of residents or pupils of such other school
19 vocational who are students attending the schools of the county
20 vocational school district and as to the payments to be made or the
21 rate of tuition to be charged on account of such students. The pay-
22 ment or rate of tuition per student shall be 50% of the pro rata
23 annual cost of the operation and maintenance of the county voca-
24 tional school district remaining after deduction from such cost of
25 all amounts of aid received by the county vocational school district
26 or the county thereof on account of such district or credited thereto
27 from the State of New Jersey or the United States of America or
28 agencies thereof, but excluding from such cost any amounts on
29 account of required payments of interest on or principal of bonds
30 or notes of the county issued for the purposes of such district.
31 The annual aggregate amount of all of such payments or tuition
32 may be anticipated by the board of education of the county voca-
33 tional school district and by the [board of chosen freeholders]
34 *governing body* of the county with respect to the annual budget of
35 the county vocational school district. The amounts of all annual
36 payments or tuition to be paid by any such other school district
37 shall be raised in each year in the annual budget of such other
38 school district and paid to the county vocational school district.

39 [The board of chosen freeholders of any county of the fourth
40 class, in which a county vocational school has been established shall
41 be entitled to collect and receive from the sending districts in said
42 county in which the pupils attending the vocational school reside,
43 for the tuition of such pupils, a sum not exceeding the annual cost

44 of education per pupil as determined according to rules prescribed
 45 by the commissioner and approved by the State board; provided,
 46 however, that the maximum tuition per pupil shall be the pro rata
 47 annual cost of the operation and maintenance of said school remain-
 48 ing after deduction from such cost of all amounts of aid received by
 49 the county vocational school or the county thereof on account of
 50 such school or credited thereto from the State of New Jersey or the
 51 United States of America or agencies thereof, but excluding from
 52 such cost any amounts on account of required payments of interest
 53 on or principal of bonds or notes of the county issued for the pur-
 54 poses of such school; and, provided further that the maximum
 55 tuition per pupil shall not exceed the average annual cost of high
 56 school education per pupil in all sending districts in the current
 57 year determined according to rules prescribed by the commissioner
 58 and approved by the State board and certified to the board of
 59 chosen freeholders of the county in which the vocational school has
 60 been established. Any difference between the average cost of high
 61 school education per pupil in the respective sending districts and
 62 in the vocational school shall be an obligation of the board of chosen
 63 freeholders of the county in which said vocational school has been
 64 established. Such tuition shall be established in advance of the
 65 school year by the board of chosen freeholders, shall be certified
 66 to each sending district, and shall be paid quarterly by the board
 67 of education of each sending district.】

1 20. Section 1 of P. L. 1973, c. 305 (C. 18A :54-37) is amended to
 2 read as follows:

3 1. Notwithstanding any of the provisions of chapter 54 of Title
 4 18A of the New Jersey Statutes, in any county of the first class hav-
 5 ing a population of not more than 700,000 according to the 【1970 fed-
 6 eral census】 *latest federal decennial census*, each municipality
 7 included within a school district which has maintained for a mini-
 8 mum of 20 years a vocational education program approved for the
 9 purposes of federal or State allotment of vocational funds by the
 10 Commissioner of Education under the regulation of the State Board
 11 of Education shall be exempt from assessment, levy or collection of
 12 taxes based on any apportionment of amounts appropriated for the
 13 use of a county vocational school district.

1 21. Section 1 of P. L. 1945, c. 68 (C. 19 :23-22.1) is amended to
 2 read as follows:

3 1. In counties having a population of 700,000 or more inhabitants
 4 and in *second class* counties having a population of not less than
 5 300,000 or more than 【450,000】 *425,000* inhabitants and in counties
 6 having a population of not less than 150,000 or more than 【200,000】

7 300,000 inhabitants, each municipal clerk shall, on or before the
 8 sixth day following the last day for the filing of petitions for the
 9 primary election in each year, certify to the county clerk the full
 10 and correct names and addresses of all candidates for nomination
 11 for public and party office, and the name of the political party of
 12 which such persons are candidates, together with their slogan and
 13 designation, and the order in which their names were drawn in
 14 accordance with the provisions of Title 19 of the Revised Statutes.

1 22. Section 3 of P. L. 1965, c. 29 (C. 19:23-22.5) is amended to
 2 read as follows:

3 3. In counties having a population of 700,000 or more inhabitants
 4 and in *second class* counties having a population of not less than
 5 300,000 or more than **[450,000]** 425,000 inhabitants and in counties
 6 having a population of not less than 150,000 or more than **[200,000]**
 7 300,000 inhabitants, the cost of printing of the official primary
 8 election ballots and primary election sample ballots shall be paid
 9 by the county but the county shall be reimbursed by the municipi-
 10 palities, each municipality paying such amount as shall be appor-
 11 tioned to it by the county clerk based on the proportion of the
 12 number of such official primary election ballots and primary elec-
 13 tion sample ballots required for use in such municipality.

1 23. R. S. 19:31-1 is amended to read as follows:

2 19:3-1. **[Except as otherwise provided in this section, no]** NO
 3 person shall be permitted to vote at any election **[in either of the**
 4 **classes of municipalities enumerated in paragraphs "a" or "b"**
 5 **of this section]** unless such person shall have been permanently
 6 registered in the manner hereinafter in this chapter provided**[:**

7 a. Municipalities having a population in excess of 14,000 as
 8 ascertained by the federal census of the year 1920;

9 b. Municipalities which by the federal census of the year 1930 or
 10 any subsequent federal census had or shall have a population
 11 exceeding 14,000, and which are located in a county which on
 12 January 1, 1940, had a municipality having permanent registration.
 13 The provisions of this section shall be inoperative after January 1,
 14 1941, in all municipalities in counties of the second class where
 15 voting machines are used; provided, however, that after January
 16 1, 1941, in every municipality in counties where voting machines
 17 are used, regardless of population, no person shall be permitted
 18 to vote at any election unless such person shall have been perma-
 19 nently registered as now provided by law, but at every election
 20 held in said municipalities in counties where voting machines are
 21 used where permanent registration is not now in effect, every
 22 voter before voting, shall register permanently, in the manner

23 provided by chapter 31 of Title 19 of the Revised Statutes, after
 24 the passage of this act; provided, further, that in municipalities
 25 in counties affected by this act, any qualified person shall be per-
 26 mitted to vote at both the primary and general election of 1940,
 27 in accordance with the provisions of the act to which this act is
 28 an amendment, but at the time of such elections, all persons
 29 qualified to vote shall be required to register permanently for all
 30 future elections, in accordance with the provisions of article 19:31-1
 31 of this act; provided, further, that extra registration days for
 32 the registration of voters in municipalities in counties where voting
 33 machines are used not now having permanent registration shall be
 34 provided prior to January 1, 1941, by the commissioner having
 35 supervision of permanent registration in such municipalities].

1 24. R. S. 19:31-2 is amended to read as follows:

2 19:31-2. In all counties having a superintendent of elections,
 3 the superintendent of elections is hereby constituted the commis-
 4 sioner of registration and in all other counties the secretary of
 5 the county board is hereby constituted the commissioner of regis-
 6 tration.

7 The commissioner of registration in all counties having a super-
 8 intendent of elections, and the county board in all other counties,
 9 shall have complete charge of the permanent registration of all
 10 eligible voters within their respective counties.

11 The commissioner of registration in counties of the first class
 12 having a superintendent of elections and having less than 800,000
 13 inhabitants, and the county board in all other counties, shall have
 14 power to appoint temporarily, and the commissioner of registration
 15 in counties of the first class having more than 800,000 inhabitants
 16 shall have power to appoint on a permanent, or temporary basis,
 17 such number of persons, as in his or its judgment may be necessary
 18 in order to carry out the provisions of this Title. All persons ap-
 19 pointed by the commissioner of registration in counties of the first
 20 class having more than [900,000] 850,000 inhabitants according to
 21 the [1970 federal] latest federal decennial census to serve for
 22 terms of more than 6 months in any 1 year shall be in the classified
 23 service of the civil service and shall be appointed, and hold their
 24 positions, in accordance with the provisions of Title 11, Civil
 25 Service. All persons appointed by the commissioner of registration
 26 in counties of the first class having more than [800,000 but less
 27 than 900,000] 600,000 but less than 850,000 inhabitants according
 28 to the [1970 federal] latest federal decennial census to serve for
 29 terms of more than 6 months in any 1 year, other than the chief
 30 deputy and chief clerk and confidential secretary and chief custo-

31 dian, shall be in the classified service of the civil service and shall
32 be appointed and hold their positions, in accordance with the
33 provisions of Title 11, Civil Service. Persons appointed by the
34 commissioner of registration in such counties to serve for terms
35 of 6 months or less in any 1 year and persons appointed by the
36 commissioner of registration, or by the county board of elections,
37 in other counties, shall not be subject to any of the provisions of
38 Title 11, Civil Service, but shall be in the unclassified service.

39 In each county the commissioner of registration shall submit
40 to the Secretary of State on or before February 15 of each year a
41 plan providing for evening registration for the primary election
42 and on or before July 1 plans providing for evening and out-
43 of-office registration for the general election, which plans shall
44 be subject to approval by the Secretary of State. Evening registra-
45 tion shall be made available in the office of each commissioner of
46 registration between the hours of 4 p.m. and 9 p.m. for at least 6
47 working days immediately preceding the close of registration, in
48 each municipality having a population in excess of 12,000 persons
49 according to the most recent United States census between the
50 hours of 4 p.m. and 9 p.m. for at least 3 working days immediately
51 preceding the close of registration, and in each municipality having
52 a population of less than 12,000 persons between the hours of 4
53 p.m. and 9 p.m. on the day of the close of registration for the
54 primary and general elections and for municipal elections. Such
55 plan for out-of-office registration may include door-to-door regis-
56 tration, and shall include the schedule and route to be followed by
57 any out-of-office registration units, as well as a description of the
58 number and nature of units to be used, and such further pertinent
59 information as the Secretary of State may by rule or regulation
60 require. Out-of-office registration shall be made available pursuant
61 to such plan in each municipality having a population in excess of
62 12,000 persons according to the most recent United States census.
63 Nothing in this section shall preclude the commissioner from pro-
64 viding pursuant to plan evening registration or out-of-office regis-
65 tration in excess of the requirements of this section, or shall pre-
66 clude or in any way limit out-of-office registration conducted by
66A persons or groups other than the commissioner.

67 During the month of March of each year the commissioner of
68 registration in all counties shall arrange for and conduct registra-
69 tion in each public and nonpublic high school in the county, of all
70 students who are eligible to register to vote in the ensuing election.
71 School officials shall cooperate with efforts to register students in
72 such schools. The commissioner of registration shall complete, on

73 a form prescribed by the Secretary of State, a report concerning
 74 the number of students registered during the designated month.
 75 Copies of such report shall be forwarded to the Secretary of State.

76 The commissioner of registration in counties having a super-
 77 intendent of elections, and the county board in all other counties,
 78 shall provide such printed forms, blanks, supplies and office tele-
 79 phone and transportation equipment and shall prescribe such rea-
 80 sonable rules and regulations not inconsistent with those of the
 81 Secretary of State as are necessary in the opinion of the commis-
 82 sioner or county board to carry out the provisions of this Title
 83 and any amendments or supplements thereto.

84 Subject to the limitations set forth in chapter 32 of this Title
 85 as hereby amended all necessary expenses incurred, as and when
 86 certified and approved by the commissioner of registration in
 87 counties having a superintendent of elections, and by the county
 88 board in all other counties, shall be paid by the county treasurer
 89 of the county.

90 Nothing in the provisions of subtitle 2 of the Title, Municipalities
 91 and Counties (40:16-1 et seq.), shall in anywise be construed
 92 to affect, restrict or abridge the powers herein conferred on the
 93 commissioners in counties having a superintendent of elections,
 94 and upon the county boards in all other counties.

95 All powers granted to the commissioner in all counties not hav-
 96 ing superintendents of elections by the provisions of this Title are
 97 hereby conferred on the county board in such counties and any and
 98 all duties conferred upon the commissioner in all counties not
 99 having a superintendent of elections by the provisions of this Title
 100 shall only be exercised and performed by such commissioner under
 101 the instructions and directions of and subject to the approval of
 102 the county board of such counties.

1 25. R. S. 19:32-2 is amended to read as follows:

2 19:32-2. Each superintendent may appoint a chief deputy, a
 3 chief clerk, a secretary, such personnel as is authorized under
 4 section 19:48-6 of this Title, and any other assistants he considers
 5 necessary to carry out the provisions of this Title, and, except as
 6 hereinafter provided, may remove the same whenever he deems it
 7 necessary and all persons so appointed, by superintendents of
 8 elections in counties of the first class have more than **900,000**
 9 *850,000* inhabitants, according to the **1970 federal** *latest federal*
 10 *decennial census* to serve for terms of more than 6 months in any
 11 1 year, shall be in the classified service of the civil service and shall
 12 be appointed in accordance with and shall be subject to the pro-
 13 visions of Title 11, Civil Service; but all other persons so appointed

14 shall not be subject to any of the provisions of Title 11, Civil
 15 Service, but shall be in the unclassified service. All persons ap-
 16 pointed by the commissioner of registration in counties of the first
 17 class having more than ~~800,000 but less than 900,000~~ *600,000 but*
 18 *less than 850,000* inhabitants according to the ~~1970 federal~~ *latest*
 19 *federal decennial census* to serve for terms of more than 6 months
 20 in any 1 year, other than the chief deputy and chief clerk and
 21 confidential secretary and chief custodian, shall be in the classified
 22 service of the civil service and shall be appointed, and hold their
 23 positions, in accordance with the provisions of Title 11, Civil Ser-
 24 vice, but all other persons so appointed shall not be subject to any
 25 of the provisions of Title 11, Civil Service, but shall be in the
 26 unclassified service. Each superintendent shall fix the salaries of
 27 the persons so appointed and such salaries certified to and approved
 28 under his hand shall be paid semimonthly by the county treasurer
 29 of the county in which such persons are so engaged. All other
 30 necessary expenses incurred in carrying out the provisions of this
 31 Title when certified to and approved by the superintendent shall
 32 be paid by the county treasurer of the county in which the superin-
 33 tendent shall maintain his office provided, however, that all neces-
 34 sary expenses incurred by the commissioner of registration, the
 35 superintendent of elections, and the custodian of voting machines
 36 in the counties of the first class for the proper performance of all
 37 of his duties of all his offices as set forth in Title 19, shall not exceed,
 38 in the aggregate, the sum of \$1,250,000.00 per annum.

1 26. Section 1 of P. L. 1947, c. 167 (C. 19:32-26) is amended to
 2 read as follows:

3 1. In any county of the second class~~,~~ other than those having a
 4 population between 275,000 and 325,000 and other than those having
 5 a population between 350,000 and 400,000 according to the 1950
 6 Census,~~]~~ and in any county of the fifth class ~~[~~having a population in
 7 excess of 200,000 according to the 1950 Census, or less than 200,000
 8 according to the 1970 Census~~]~~, the ~~[~~board of chosen freeholders~~]~~
 9 *governing body* may establish, by *ordinance or resolution, as appro-*
 10 *priate*, the office of superintendent of elections for the county, and
 11 said office when once established shall not be altered or abolished.

12 The ~~[~~board of chosen freeholders~~]~~ *governing body* shall file a
 13 certified copy of such *ordinance or resolution*, attested by the *chief*
 14 *elected executive officer or director of the board of freeholders, if*
 16 *appropriate* and clerk of the board, in the office of the Secretary
 17 of State within 10 days after ~~[the]~~ adoption ~~[of the resolution]~~,
 18 and the *ordinance or resolution* shall take effect at the expiration
 19 of 30 days after the next primary election for the general election,

20 or the next general election, after **the** adoption **of such resolu-**
 21 **tion** whichever shall occur first.

22 The office so established shall be filled by some suitable person
 23 who shall be nominated by the Governor with the advice and consent
 24 of the Senate for a term of 5 years from the date of his appoint-
 25 ment and until his successor is appointed and shall have qualified.
 26 In the event that no such appointment to such office is made within
 27 30 days following the taking effect of the *ordinance or* resolution,
 28 heretofore or hereafter adopted, of the **board of chosen free-**
 29 **holders** *governing body* of the county, as herein provided, then the
 30 **said board of chosen freeholders** *governing body* of the county
 31 shall appoint some suitable person to fill such office for a term of
 32 5 years from the date of appointment and until the successor of
 33 such person is in the same manner appointed and shall have quali-
 34 fied. The **board** *governing body* shall file notice of such appoint-
 35 ment in the office of the Secretary of State.

36 Each superintendent so appointed in a county of the fifth class
 37 shall receive a salary of \$4,000.00 per annum and each superin-
 38 tendent so appointed in a county of the second class shall receive a
 39 salary in such amount, not less than \$4,000.00 per annum, as shall
 40 be fixed by the **board of chosen freeholders** *county governing*
 41 *body*; such salaries shall be paid by the county treasurer and the
 42 superintendent shall have his office in the county for which he is
 43 appointed.

44 Any vacancy occurring in such office of superintendent of elec-
 45 tions shall be filled in the same manner as the original appointment
 46 to such office was made, but for the unexpired term **only**.

1 27. R. S. 19:45-7 is amended to read as follows:

2 19:45-7. The compensation of the members of the several county
 3 boards shall be as follows:

County Population	Minimum Salary	Maximum Salary
4 Over 600,000	\$8,700.00	\$10,600.00
5 200,000 to 600,000	\$6,000.00	\$ 8,000.00
6 150,000 to 200,000	\$4,500.00	\$ 6,000.00
7 115,000 to 150,000	\$3,700.00	\$ 5,000.00
8 55,000 to 115,000	\$3,200.00	\$ 4,500.00
9 Less than 55,000	\$2,800.00	\$ 3,800.00]
10 <i>Over 550,000</i>	<i>\$8,700.00</i>	<i>\$10,600.00</i>
11 <i>300,000 to 550,000</i>	<i>\$6,000.00</i>	<i>\$ 8,000.00</i>
12 <i>150,000 to 300,000</i>	<i>\$4,500.00</i>	<i>\$ 6,000.00</i>
13 <i>120,000 to 150,000</i>	<i>\$3,700.00</i>	<i>\$ 5,000.00</i>
14 <i>Under 120,000</i>	<i>\$3,200.00</i>	<i>\$ 4,500.00</i>

15 provided, however, that any increases herein granted shall be
16 effected only upon the approval of the governing body in the county
17 affected.

18 The compensation fixed and determined under any of the fore-
19 going classifications shall include all services rendered by any
20 county board in conducting all elections, and in connection with any
21 recount or recheck after any such election.

22 The members of the county board in counties other than counties
23 of the first class and in counties of the first class not having a
24 superintendent of elections who shall be elected as chairman and
25 secretary thereof and who shall perform the duties of chairman
26 and secretary thereof shall each receive an additional compensation
27 of one-half of the compensation of the individual members of the
28 board.

29 The commissioner of registration in a county of the first class
30 having a superintendent of elections shall receive not less than
31 \$10,000.00 nor more than \$12,500.00, as shall be determined by the
32 governing body, for services performed as such commissioner of
33 registration, and the commissioner of registration in a county of
34 the second class having a superintendent of elections shall receive
35 \$2,500.00 per annum for services performed as such commissioner
36 of registration, and for such services performed by a commissioner
37 of registration in a county not having a superintendent of elections
38 additional compensation shall be paid to such commissioner in an
39 amount equal to 50% of his salary as member and secretary of
40 the county board. In counties of the second class and in counties
41 of the first class not having a superintendent of elections where a
42 member of the county board serves as commissioner of registra-
43 tion, he shall receive no additional compensation for the perform-
44 ance of his duties as such commissioner unless he shall devote
45 his full time to the performance of his duties as member of the
46 county board, secretary thereof, and commissioner of registration.
47 "Full time" as here used means such time as is duly required of
48 employees in the office of the county board. Notwithstanding the
49 above, the commissioner of registration in a county having a super-
50 intendent of elections, upon the approval of the governing body of
51 the county, shall receive a salary not less than the maximum which
52 the secretary of a county board of elections in a county of the same
53 class, not having a superintendent of elections, would receive for
54 performing the duties of secretary and commissioner of registra-
55 tion. This minimum does not reduce the current base salary for any
56 superintendent who also serves as commissioner of registration.

1 28. R. S. 26:3-3 is amended to read as follows:

2 26:3-3. The local board in every municipality, other than a
 3 township, which is subject to the provisions of subdivision C of
 4 this article, shall be composed of not less than five nor more than
 5 seven members, except that in a city of the first class the board shall
 6 consist of 10 members, and in a city having a population of over
 7 ~~100,000~~ 80,000, but not of the first class, the board shall consist
 8 of not less than five nor more than 10 members.

1 29. R. S. 26:3-6 is amended to read as follows:

2 26:3-6. The members of the local board in every municipality,
 3 other than a township, which is subject to the provisions of sub-
 4 division C of this article, shall serve for such term as the governing
 5 body may by ordinance provide, but, except in a city having a
 6 population of over ~~100,000~~ 80,000 but not of the first class, no
 7 term shall exceed 4 years, and in a city of the first class the term
 8 shall be 3 years. The terms shall be so arranged that the terms of
 9 not more than three members shall expire in any 1 year, except that
 10 in a city of the first class the terms of three members shall expire
 11 in 1 year, the terms of an additional three members in the next
 12 succeeding year, and the terms of the remaining members in the
 13 second succeeding year.

1 30. R. S. 26:3-32 is amended to read as follows:

2 26:3-32. Local boards of health in cities having a population of
 3 more than ~~100,000~~ 80,000 inhabitants may grant and regulate
 4 licenses and permits incident to health matters and charge a reason-
 5 able fee for any such license or permit, but this provision shall not
 6 apply to any fee otherwise specifically provided for.

1 31. Section 5 of P. L. 1974, c. 80 (C. 34:1B-5) is amended to read
 2 as follows:

3 5. The authority shall have the following powers:

- 4 a. To adopt bylaws for the regulation of its affairs and the
- 5 conduct of its business;
- 6 b. To adopt and have a seal and to alter the same at pleasure;
- 7 c. To sue and be sued;
- 8 d. To acquire in the name of the authority by purchase or other-
- 9 wise, on such terms and conditions and such manner as it may deem
- 10 proper, or by the exercise of the power of eminent domain in the
- 11 manner provided by the Eminent Domain Act of 1971, P. L. 1971,
- 12 c. 361 (C. 20:3-1 et seq.), any lands or interests therein or other
- 13 property which it may determine is reasonably necessary for
- 14 any project; provided, however, that the authority shall not take
- 15 by exercise of the power of eminent domain any real property
- 16 except upon consent thereto given by resolution of the governing
- 17 body of the municipality in which such real property is located;

18 and provided further that the authority shall be limited in its
19 exercise of the power of eminent domain to municipalities receiving
20 State aid under the provisions of [P. L. 1971, c. 64] *P. L. 1978, c.*
21 *14 (C. 52:27D-178 et seq.)*, or to municipalities which had a popula-
22 tion [in 1970], *according to the latest federal decennial census*, in
23 excess of 10,000;

24 e. To enter into contracts with a person upon such terms and
25 conditions as the authority shall determine to be reasonable, in-
26 cluding but not limited to reimbursement for the planning, de-
27 signing, financing, construction, reconstruction, improvement,
28 equipping, furnishing, operation and maintenance of the project
29 and to pay or compromise any claims arising therefrom;

30 f. To establish and maintain reserve and insurance funds with
31 respect to the financing of the project;

32 g. To sell, convey or lease to any person all or any portion of
33 a project, for such consideration and upon such terms as the au-
34 thority may determine to be reasonable;

35 h. To mortgage, pledge or assign or otherwise encumber all or
36 any portion of a project or revenues whenever it shall find such
37 action to be in furtherance of the purposes of this act;

38 i. To grant options to purchase or renew a lease for any of its
39 projects on such terms as the authority may determine to be
40 reasonable;

41 j. To contract for and to accept any gifts or grants or loans of
42 funds or property or financial or other aid in any form from the
43 United States of America or any agency or instrumentality thereof,
44 or from the State or any agency, instrumentality or political sub-
45 division thereof, or from any other source and to comply, subject
46 to the provisions of the act, with the terms and conditions thereof;

47 k. In connection with any application for assistance under this
48 act or commitments therefor, to require and collect such fees and
49 charges as the authority shall determine to be reasonable;

50 l. To adopt, amend and repeal regulations to carry out the pro-
51 visions of this act;

52 m. To acquire, purchase, manage and operate, hold and dispose
53 of real and personal property or interests therein, take assign-
54 ments of rentals and leases and make and enter into all contracts,
55 leases, agreements and arrangements necessary or incidental to
56 the performance of its duties;

57 n. To purchase, acquire and take assignments of notes, mort-
58 gages and other forms of security and evidences of indebtedness;

59 o. To purchase, acquire, attach, seize, accept or take title to any
60 project by conveyance or, by foreclosure, and sell, lease, manage
61 or operate any project for a use specified in this act;

62 p. To borrow money and to issue bonds of the authority and to
63 provide for the rights of the holders thereof as provided in this act;

64 q. To extend credit or make loans to any person for the plan-
65 ning, designing, acquiring, constructing, reconstructing, improving,
66 equipping and furnishing of a project which credits or loans may
67 be secured by loan and security agreements, mortgages, leases,
68 and any other instruments, upon such terms and conditions as the
69 authority shall deem reasonable, including provision for the estab-
70 lishment and maintenance of reserve and insurance funds, and to
71 require the inclusion in any mortgage, lease, contract, loan and
72 security agreement or other instrument, such provisions for the
73 construction, use, operation and maintenance and financing of a
74 project as the authority may deem necessary or desirable;

75 r. To employ consulting engineers, architects, attorneys, real
76 estate counselors, appraisers, and such other consultants and em-
77 ployees as may be required in the judgment of the authority to
78 carry out the purposes of the act, and to fix and pay their compen-
79 sation from funds available to the authority therefor, all without
80 regard to the provisions of Title 11, Civil Service, of the Revised
81 Statutes;

82 s. To do and perform any acts and things authorized by this act
83 under, through or by means of its own officers, agents and em-
84 ployees, or by contracts with any person;

85 t. To procure insurance against any losses in connection with its
86 property, operations or assets in such amounts and from such
87 insurers as it deems desirable;

88 u. To do any and all things necessary or convenient to carry
89 out its purposes and exercise the powers given and granted in the
90 act;

91 v. To construct, reconstruct, rehabilitate, improve, alter, equip,
92 maintain or repair or provide for the construction, reconstruction,
93 improvement, alteration, equipment or maintenance or repair of
94 any development property and lot, award and enter into construc-
95 tion contracts, purchase orders and other contracts with respect
96 thereto upon such terms and conditions as the authority shall
97 determine to be reasonable, including but not limited to reim-
98 bursement for the planning, designing, financing, construction,
99 reconstruction, improvement, equipping, furnishing, operation and
100 maintenance of any such development property and the settlement
101 of any claims arising therefrom and the establishment and mainte-
102 nance of reserve funds with respect to the financing of such de-
103 velopment property; and

104 w. When authorized by the governing body of a municipality
 105 exercising jurisdiction over an urban growth zone, to construct,
 106 cause to be constructed or to provide financial assistance to projects
 107 in an urban growth zone which shall be exempt from the terms and
 108 requirements of the land use ordinances and regulations, including
 109 but not limited to the master plan and zoning ordinances, of such
 110 municipality.

1 32. R. S. 40:10-2 is amended to read as follows:

2 40:10-2. Any municipality having a population in excess of
 3 ~~100,000~~ 80,000 inhabitants and which is the county seat, may,
 4 jointly with the county, erect and maintain a suitable building or
 5 buildings for public use, as a permanent memorial commemorative
 6 of the services of the soldiers and sailors of the United States in
 7 any war in which the United States has been engaged or
 8 participated.

1 33. Section 4 of P. L. 1948, c. 198 (C. 40:11A-4) is amended to
 2 read as follows:

3 4. The governing body of any county or municipality may, by
 4 resolution or ordinance, as appropriate, create a public body
 5 corporate and politic and a political subdivision of the State to be
 6 known as the "Parking Authority of the _____,"
 7 inserting all or any significant part of the name of the municipality
 8 or county creating such authority. The creating resolution or
 9 ordinance, as the case may be, may provide that no real property
 10 shall be acquired by the power of eminent domain without the
 11 consent of the governing body. Such authority shall constitute an
 12 agency and instrumentality of the municipality or county creating
 13 it. Thereupon the governing body shall, by resolution or ordinance,
 14 as appropriate, appoint five persons as commissioners of the au-
 15 thority. The commissioners who are first appointed shall be
 16 designated to serve for terms of 1, 2, 3, 4 and 5 years, respectively,
 17 from the date of their appointment, but thereafter commissioners
 18 shall be appointed as aforesaid for a term of 5 years, except that
 19 all vacancies shall be filled for the unexpired term.

20 The governing body of any county, or of any municipality with
 21 a population of ~~100,000~~ 80,000 or more, may by resolution or
 22 ordinance, as appropriate, provide for the appointment of two addi-
 23 tional commissioners who shall serve 1- and 2-year terms respec-
 24 tively, from the date of their appointment, but thereafter, such
 25 commissioners shall be appointed to terms of 5 years, except that all
 26 vacancies shall be filled for the unexpired term.

27 No municipality the area of which has been included (with its
 28 consent) within the area of operation of a parking authority cre-
 29 ated by a county shall thereafter create a parking authority.

30 Upon the creation of any such authority, the clerk shall certify
31 a copy of the ordinance or resolution creating the parking authority,
32 and also a copy of the resolution or ordinance appointing the first
33 commissioners thereof, which documents shall be filed with the clerk
34 of the county and be recorded in records of certificates of incorpora-
35 tion, and the clerk of the county shall cause duplicate certified copies
36 of said documents to be filed forthwith with the Secretary of State.

1 34. R. S. 40:20-20 is amended to read as follows:

2 40:20-20. The board of chosen freeholders in [counties having
3 a population of more than 500,000 shall consist of nine members;
4 in counties having a population between 265,000 and 500,000, other
5 than counties of the fifth class, seven members; in counties having
6 a population between 125,000 and 265,000, five members; in counties
7 having a population less than 125,000, other than counties of the
8 sixth class, three members; in counties of the fifth class having a
9 population of more than 200,000 the board shall consist of five
10 members; in counties of the sixth class the board shall consist of
11 five members] *each county shall consist of that number of members*
12 *authorized for the county immediately prior to the effective date*
13 *of this 1981 amendatory act. At any time after that date, a propo-*
14 *sition may be submitted to the voters of the county to increase or*
15 *decrease the number of members of the board of chosen freeholders*
16 *to three, five, seven or nine. The proposition shall be submitted*
17 *either upon adoption of a resolution by the county governing body*
18 *after a public hearing thereon, or upon submission to the county*
19 *clerk of a petition signed by a number of the legal voters of the*
20 *county equal in number to at least 15% of the total votes cast in*
21 *the county at the last election at which members of the General*
22 *Assembly were elected. The proposition shall not be submitted*
23 *more than once in any 3 year period.*

24 *A petition submitted pursuant to this section shall be verified,*
25 *inspected and certified as to the authenticity of the signatures*
26 *attached thereto by the county clerk within 20 days of submission,*
27 *and shall be submitted at the next general election occurring at*
28 *least 40 days after certification.*

29 *The question of the increase or decrease in the number of mem-*
30 *bers of the board of chosen freeholders shall be submitted to the*
31 *voters at the election in substantially the following form:*

32 *"Shall the membership of the board of chosen freeholders of*
33 *..... be*
(insert name of county) (insert "increased" or decreased" as
34 *..... from to*
appropriate) (insert current number) (insert proposed
35 *..... members?"*
number)

36 *A canvass and return of the vote upon the proposition shall be*
 37 *made by the election officers in the same manner as for officers*
 38 *voted for at the election, and a majority of all the votes cast upon*
 39 *the proposition in favor of the proposition shall be sufficient to*
 40 *make the change.*

41 *When the voters shall have voted to increase or decrease the*
 42 *membership of the board of chosen freeholders as provided in this*
 43 *section, the increase or decrease shall take effect for the next gen-*
 44 *eral election of chosen freeholders.*

45 *Nothing in this section shall apply to any county that has adopted*
 46 *a charter pursuant to the "Optional County Charter Law," P. L.*
 47 *1972, c. 154 (C. 40:41A-1 et seq.).*

1 35. R. S. 40:20-72 is amended to read as follows:

2 40:20-72. The salaries of the members of the boards of chosen
 3 freeholders in counties *not* governed by [small boards under the
 4 provisions of sections 40:20-2 to 40:20-35 of this Title and in coun-
 5 ties governed by boards under the provisions of P. L. 1966, c. 62
 6 (C. 40:20-35.1 et seq.)] *the "Optional County Charter Law" P. L.*
 7 *1972, c. 154 (C. 40:41A-1 et seq.), shall be fixed by the respective*
 8 *boards by resolution as follows:*

9 a. The procedure for introduction, publication, hearing and
 10 adoption of said resolution shall be the same as the procedure
 11 established by N. J. S. 40A:4-4 for the adoption of a county budget
 12 resolution. *No such resolution shall take effect earlier than 20 days*
 13 *from the time of adoption;*

14 b. [In counties now or hereafter having a population of not more
 15 than 200,000, each member shall receive an annual salary of not
 16 more than \$12,000.00; and the director shall receive, in addition
 17 to his salary as a member, a sum not exceeding \$1,000.00 per an-
 18 num]. *If within 20 days after the adoption of the resolution, a*
 19 *petition, signed by the registered voters of the county, equal in*
 20 *number to at least 15% of the total votes cast in the county at the*
 21 *last election at which members of the General Assembly were*
 22 *elected, protesting against the adoption of the resolution, shall be*
 23 *presented to the county clerk, the resolution shall remain inopra-*
 24 *tive unless a proposition for the ratification of the resolution shall*
 25 *be adopted at an election by a majority of the voters voting on the*
 26 *proposition. A petition submitted pursuant to this subsection shall*
 27 *be inspected, verified and certified as to the authenticity of the*
 28 *signatures attached thereto by the county clerk within 20 days of*
 29 *submission. The question shall be submitted at the next general*
 30 *election, occurring not less than 40 days after the date of the certi-*
 31 *fication of the petition; and,*

32 c. [In counties now or hereafter having a population of more
 33 than 200,000, but not more than 400,000, each member shall receive
 34 an annual salary of not more than \$15,000.00; and the director
 35 shall receive, in addition to his salary as a member, a sum not
 36 exceeding \$1,000.00 per annum; and

37 d. In counties now or hereafter having a population of more than
 38 400,000, each member shall receive an annual salary of not more
 39 than \$18,000.00; and the director shall receive, in addition to his
 40 salary as a member, a sum not in excess of \$1,000.00 per annum.

41 Salaries of members of boards of chosen freeholders for which
 42 a maximum amount is prescribed herein, and additional compen-
 43 sation of directors of boards of chosen freeholders for which a
 44 maximum amount is prescribed herein, may, within the limits pre-
 45 scribed herein, be fixed by the respective boards by resolution.
 46 Pending the adoption of the aforesaid resolution, pursuant to this
 47 act, salaries of members of boards of chosen freeholders and any
 48 additional compensation to directors thereof shall continue to be
 49 paid as heretofore established. Every such resolution shall specify
 50 the date when such salaries shall take effect.] *The director of the*
 51 *board of chosen freeholders shall receive, in addition to his salary*
 52 *as a member, a sum not to exceed \$1,000.00 per annum as fixed by*
 53 *resolution of the board.*

54 The salaries of members of boards of chosen freeholders referred
 55 to in this section, including any additional compensation to direc-
 56 tors thereof, shall be in lieu of all fees or other compensation, ex-
 57 cepting additional compensation for premiums on group insurance
 58 authorized under [P. L. 1960, c. 180] *N. J. S. 40A:10-21*, and shall
 59 be paid in equal installments by the county treasurer as in the case
 60 of other county salaries.

1 36. Section 3 of P. L. 1973, c. 67 (C. 40:48-4.3) is amended to
 2 read as follows:

3 3. The governing body of any municipality having a population
 4 of more than [250,000] *200,000* and less than 300,000 may enter into
 5 contracts with any motor bus carrier to provide passenger service
 6 for senior citizens who are residents of such municipality on the
 7 established motor bus routes of said carriers within such munici-
 8 pality at rates not to exceed one-half of the usual and ordinary
 9 fare for such service during off-peak times.

1 37. Section 7 of P. L. 1973, c. 67 (C. 40:48-4.7) is amended to
 2 read as follows:

3 7. The governing body of any municipality having a population
 4 of more than [250,000] *200,000* and less than 300,000 which enters
 5 into such contracts may make appropriations from its own revenue

6 sources and may apply for and receive grants from any federal,
7 State and private source for the financing of such contracts.

1 38. Section 1 of P. L. 1970, c. 326 (C. 40:48C-1) is amended to
2 read as follows:

✓ 3 1. Any municipality having a population in excess of **[350,000]**
4 *300,000* hereinafter referred to as "municipality," is hereby autho-
5 rized and empowered to enact an ordinance or ordinances imposing
6 any of the taxes hereinafter provided for at the rates and in the
7 manner hereinafter provided.

1 39. Section 3-13 of P. L. 1950, c. 210 (C. 40:69A-43) is amended
2 to read as follows:

3 3-13. (a) The municipality shall have a department of admini-
4 stration and such other departments, not exceeding nine in number,
5 as council may establish by ordinance. All of the administrative
6 functions, powers and duties of the municipality, other than those
7 vested in the office of the municipal clerk, shall be allocated and
8 assigned among and within such departments.

9 (b) Each department shall be headed by a director, who shall be
10 appointed by the mayor with the advice and consent of the council.
11 Each department head shall serve during the term of office of the
12 mayor appointing him, and until the appointment and qualification
13 of his successor.

14 (c) The mayor may in his discretion remove any department
15 head after notice and an opportunity to be heard. Prior to re-
16 moving a department head the mayor shall first file written notice
17 of his intention with the council, and such removal shall become
18 effective on the twentieth day after the filing of such notice unless
19 the council shall prior thereto have adopted a resolution by a $\frac{2}{3}$
20 vote of the whole number of the council, disapproving the removal.

21 (d) Department heads shall appoint subordinate officers and
22 employees within their respective departments and may, with
23 approval of the mayor, remove such officers and employees subject
24 to the provisions of the Revised Statutes, Title 11, Civil Service,
25 where that Title is effective in the municipality, or other general
26 law; provided, however, that council may provide by ordinance
27 for the appointment and removal of specific boards or commissions
28 by the mayor.

29 (e) Notwithstanding the foregoing provisions of this section in
30 any city of the first class **[having a population of more than**
31 **250,000]**, there shall be, and in any municipality having a popula-
32 tion of 15,000 or more, there may be, a board of alcoholic beverage
33 control which shall exercise the powers conferred upon municipal
34 boards of alcoholic beverage control under Title 33 of the Revised

35 Statutes. Such board shall be comprised of three members, no more
36 than two of whom shall be of the same political party, who shall
37 be appointed by the mayor, with the advice and consent of the
38 council, each to serve for a term of 3 years, provided that of those
39 first appointed, one shall be appointed to serve for a term of 1 year,
40 one for 2 years, and one for 3 years. Any vacancy in such office
41 shall be filled in the same manner as the original appointment for
42 the balance of the unexpired term. Except in cities of the first
43 class [having a population of more than 250,000] the members of
44 such board shall serve without compensation but may be reimbursed
45 for necessary expenses incurred in the performance of their duty;
46 in cities of the first class [having a population of more than
47 250,000], the members of such board shall receive such compensa-
48 tion as shall be established by ordinance of the municipality. They
49 shall be removable by the mayor for cause. Any person appointed
50 hereunder shall not be subject to the provisions of Title 11 of the
51 Revised Statutes, Civil Service, and no such person shall be a
52 member of the city council.

53 Nothing in this subsection shall be construed to limit the general
54 power of the municipal council under this act to establish, alter
55 and abolish offices, boards and commissions in any municipality
56 other than a city of the first class [having a population of more
57 than 250,000].

58 (f) Whenever in any city of the first class [having a population
59 of more than 250,000] the governing body is authorized by any
60 provision of general law to appoint the members of any board,
61 authority or commission, such power of appointment shall be
62 deemed to vest in the mayor with the advice and consent of the
63 council.

1 40. Section 3-14 of P. L. 1950, c. 210 (C. 40:69A-44) is amended
2 to read as follows:

3 3-14. The department of administration shall be headed by a
4 director who shall be known and designated as business admini-
5 strator. He shall be chosen solely on the basis of his executive and
6 administrative qualifications with special reference to his actual
7 experience in, or his knowledge of, accepted practice in respect to
8 the duties of his office as hereinafter set forth. At the time of his
9 appointment, he need not be a resident of the municipality or
10 State, but during his tenure of office he may reside outside the
11 municipality only with the approval of council. He shall have,
12 exercise and discharge the functions, powers and duties of the
13 department. The department, under the direction and supervision
14 of the mayor shall:

- 15 (a) assist in the preparation of the budget;
- 16 (b) administer a centralized purchasing system;
- 17 (c) be responsible for the development and administration of a
- 18 sound personnel system; and
- 19 (d) perform such other duties as council may prescribe.
- 20 (e) **[In cities of the first class having a population of more**
- 21 **than 250,000,]** *The governing body of the municipality may provide,*
- 22 *by ordinance, that the business administrator also shall, subject to*
- 23 *the direction of the mayor, supervise the administration of each*
- 24 *of the departments established by ordinance. For this purpose, he*
- 25 *shall have power to investigate the organization and operation of*
- 26 *any and all departments, to prescribe standards and rules of*
- 27 *administrative practice and procedure, and to consult with the*
- 28 *heads of the departments under his jurisdiction; provided that*
- 29 *with respect to any department of law or department of audit,*
- 30 *accounts or control, the authority of the business administrator*
- 31 *under this subsection shall extend only to matters of budgeting,*
- 32 *personnel and purchasing.*

1 41. R. S. 40:146-1 is amended to read as follows:

2 40:146-1. The township committee shall consist of three *or five*

3 members **[except where otherwise specifically provided by law]**

4 who shall hold office for 3 years. **[At the first election in]** *In each*

5 *township hereafter created, if the committee is to consist of three*

6 *members, at the first election one member shall be elected for 1 year,*

7 *one for 2 years, and one for 3 years, and the ballots voted shall*

8 *designate which one is to serve for 1 year, which one for 2 years,*

9 *and which one for 3 years***[, and at].** *If the committee is to consist*

10 *of five members, at the first election one member shall be elected for*

11 *1 year, two members shall be elected for 2 years, and two members*

12 *shall be elected for 3 years, as shall be designated on the ballot. At*

13 *each succeeding township election thereafter in such township one*

14 **[member]** *or two members, as appropriate, shall be elected for*

15 *3 years.*

1 42. R. S. 40:146-2 is amended to read as follows:

2 40:146-2. In every township, **[except townships situate in a**

3 **county of the sixth class, having a population of more than 4,500]**

4 the township committee shall consist of *three or five* members, who

5 shall each hold office for 3 years except as **[herein]** otherwise pro-

6 vided**[, and in such townships, the two additional members shall be**

7 **electd at the next annual election, one for 2 years and the other**

8 **for 3 years]** *in R. S. 40:146-1 or R. S. 40:146-3 for members first*

9 *electd. Each township shall, on and after the effective date of this*

10 *1981 amendatory act, have that number of committee members it*

37 *general election. At the next general election, one committee*
 38 *member shall be elected for a term of 3 years; one for a term of*
 39 *2 years; and, one for a term of 1 year.*

1 44. N. J. S. 40A:6-1 is amended to read as follows:

2 40A:6-1. Classification of counties for legislative purposes. For
 3 legislative purposes, counties are classified as follows based upon
 4 their population as ascertained by the most recent federal decennial
 5 census:

6 a. First class—counties having a population of more than
 7 **600,000** *550,000* and a population density of more than 3,000
 8 *persons per square mile;*

9 b. Second class—**counties having a population of not less than**
 10 **200,000 but not more than 600,000** *all other counties having a*
 11 *population of more than *300,000* *200,000** except such counties
 12 bordering on the Atlantic ocean;

13 c. Third class—counties having a population of not less than
 14 50,000 but not more than **200,000** **300,000* *200,000** except
 15 such counties bordering on the Atlantic ocean;

16 d. Fourth class—counties having a population of less than
 17 50,000 except such counties bordering on the Atlantic ocean;

18 e. Fifth class—counties bordering on the Atlantic ocean having
 19 a population of more than 100,000;

20 f. Sixth class—counties bordering on the Atlantic ocean having
 21 a population of not more than 100,000.

1 45. N. J. S. 40A:6-2 is amended to read as follows:

2 40A:6-2. When change in classification effective. Whenever the
 3 classification of any county is changed by reason of increase of
 4 population as shown by any future federal decennial census, the
 5 change in class shall be deemed to take effect on July 1 following
 6 the promulgation thereof *pursuant to R. S. 52:4-1.*

1 46. N. J. S. 40A:6-6 is amended to read as follows:

2 40A:6-6. Time when census shall affect classification. A federal
 3 decennial census shall take effect and be applicable to the classifica-
 4 tion of all cities within 90 days after its official promulgation *pur-*
 5 *suant to R. S. 52:4-1.*

1 47. Section 1 of P. L. 1975, c. 272 (C. 40A:9-117.2) is amended
 2 to read as follows:

3 1. In addition to the deputies authorized to be appointed pur-
 4 suant to N. J. S. 40A:9-117, the sheriff of any county having a
 5 population of more than **900,000** *850,000* inhabitants, according to
 6 the **1970 federal** *latest federal decennial* census, may designate
 7 and appoint to serve at the pleasure of the sheriff without com-
 8 pensation up to 85 persons to the positions of deputy sheriffs. As

9 an auxiliary force of the sheriff's office, they shall assist in provid-
 10 ing for the health, safety and welfare of the people of the State of
 11 New Jersey and aid in the prevention of damage to and the destruc-
 12 tion of property during any emergency and such other duties as may
 13 be prescribed and directed by the sheriff.

1 48. Section 1 of P. L. 1976, c. 85 (C. 40A:9-117.5) is amended to
 2 read as follows:

3 1. In counties of the first class with a population [in excess] of
 4 [600,000 but] less than 700,000, according to the [1970 federal
 5 census] *latest federal decennial census*, the sheriff may appoint a
 6 chief warrant officer to serve for a term of 1 year without having to
 7 take a civil service examination. The chief warrant officer shall have
 8 such full police officer status as is granted to other sheriff's officers,
 9 and shall attain tenure upon completion of the second consecutive
 10 appointment.

1 49. Section 2 of P. L. 1978, c. 69 (C. 40A:14-106.1) is amended to
 2 read as follows:

3 2. The governing body of any first or second class county [ac-
 4 cording to the 1970 federal census] may, by ordinance or resolution,
 5 as appropriate, provide that the county police department and
 6 force shall have general authority, without limitation, to exercise
 7 police powers and duties as generally provided by law for police
 8 officers and law enforcement officers.

1 50. Section 1 of P. L. 1944, c. 255 (C. 43:16A-1) is amended to
 2 read as follows:

3 1. As used in this act:

4 (1) "Retirement system" shall mean the Police and Firemen's
 5 Retirement System of New Jersey as defined in section 2 of this act.

6 (2) "Policeman or fireman" shall mean any permanent and full-
 7 time active uniformed employee, and any active permanent and
 8 full-time employee who is a detective, lineman, fire alarm operator
 9 or inspector of combustibles of any police or fire department. It
 10 shall also mean any permanent, active, and full-time firefighter or
 11 officer employee of the State of New Jersey, or any political sub-
 12 division thereof, with police powers and holding one of the follow-
 13 ing titles: motor vehicles officer, motor vehicles sergeant, motor
 14 vehicles lieutenant, motor vehicles captain, assistant chief, bureau
 15 of enforcement, and chief, bureau of enforcement in the Division of
 16 Motor Vehicles, alcoholic beverage control investigators, alcoholic
 17 beverage control inspectors, assistant deputy director, bureau of
 18 enforcement and deputy director, bureau of enforcement in the
 19 Division of Alcoholic Beverage Control, conservation officer, assist-
 20 ant district conservation officer, district conservation officer, and

21 chief conservation officer, in the Division of Fish, Game, and Shell
 22 Fisheries, rangers, and chief ranger in the Bureau of Parks, State
 23 fire warden and chief, assistant chief, division fire warden, assistant
 24 division fire warden, staff section fire warden, and field section fire
 25 warden, in the Forest Fire Service, Department of Environmental
 26 Protection, marine patrolman, senior marine patrolman, principal
 27 marine patrolman, and chief, bureau of marine law enforcement.
 28 State fire marshal, deputy State fire marshal, and inspector fire
 29 safety, Department of Law and Public Safety institution fire chief,
 30 and assistant institution fire chief, Department of Human Services,
 31 correction officer, senior correction officer, correction officer
 32 sergeant, correction officer lieutenant, correction officer captain, and
 33 deputy keepers in the Department of Corrections, medical security
 34 officer, assistant supervising medical security officer, and supervising
 35 medical security officer in the Department of Human Services,
 36 county detective, lieutenant of county detectives, captain of county
 37 detectives, deputy chief of county detectives, chief of county
 38 detectives, supervising auditor-investigator, auditor/investigator,
 39 electronics specialist, traffic safety coordinator/investigator and
 40 supervisor of electronics and investigations, county investigator in
 41 the office of the county prosecutors, sheriff's officer, sergeant
 42 sheriff's officer, lieutenant sheriff's officer, captain sheriff's officer,
 43 chief sheriff's officer, and sheriff's investigator in the office of the
 44 county sheriff's, county correction officer, county correction ser-
 45 geant, county correction lieutenant, county correction captain, and
 46 county deputy warden in the several county jails, industrial trade
 47 instructor and identification officer in a county of the first class
 48 having a population of more than [925,000] 850,000 inhabitants,
 49 cottage officer, head cottage officer, interstate escort officer, juvenile
 50 officer, head juvenile officer, assistant supervising juvenile officer,
 51 supervising juvenile officer, patrolman capital police, patrolman
 52 institutions, sergeant patrolman institutions, and supervising
 53 patrolman institutions and patrolman or other police officer of the
 54 Board of Commissioners of the Palisades Interstate Park appointed
 55 pursuant to R. S. 32:14-21.

56 (3) "Member" shall mean any policeman or fireman included in
 57 the membership of the retirement system as provided in section 3
 58 of this act.

59 (4) "Board of trustees" or "board" shall mean the board pro-
 60 vided for in section 13 of this act.

61 (5) "Medical board" shall mean the board of physicians pro-
 62 vided for in section 13 of this act.

63 (6) "Employer" shall mean the State of New Jersey, the county,
64 municipality or political subdivision thereof which pays the par-
65 ticular policeman or fireman.

66 (7) "Service" shall mean service as a policeman or fireman paid
67 for by an employer.

68 (8) "Creditable service" shall mean service rendered for which
69 credit is allowed as provided under section 4 of this act.

70 (9) "Regular interest" shall mean interest as determined
71 annually by the State Treasurer after consultation with the
72 Directors of the Divisions of Investment and Pensions and the
73 actuary of the system. It shall bear a reasonable relationship to
74 the percentage rate of earnings on investments but shall not exceed
75 105% of such percentage rate.

76 (10) "Aggregate contributions" shall mean the sum of all the
77 amounts, deducted from the compensation of a member or con-
78 tributed by him or on his behalf, standing to the credit of his in-
79 dividual account in the annuity savings fund.

80 (11) "Annuity" shall mean payments for life derived from the
81 aggregate contributions of a member.

82 (12) "Pension" shall mean payments for life derived from
83 contributions by the employer.

84 (13) "Retirement allowance" shall mean the pension plus the
85 annuity.

86 (14) "Earnable compensation" shall mean the full rate of the
87 salary that would be payable to an employee if he worked the full
88 normal working time for his position. In cases where salary in-
89 cludes maintenance, the retirement system shall fix the value of that
90 part of the salary not paid in money which shall be considered
91 under this act.

92 (15) "Average final compensation" shall mean the average
93 annual salary upon which contributions are made for the 3 years
94 of creditable service immediately preceding his retirement or death,
95 or it shall mean the average annual salary for which contributions
96 are made during any 3 fiscal years of his or her membership pro-
97 viding the largest possible benefit to the member or his beneficiary.

98 (16) "Retirement" shall mean the termination of the member's
99 active service with a retirement allowance granted and paid under
100 the provisions of this act.

101 (17) "Annuity reserve" shall mean the present value of all pay-
102 ments to be made on account of any annuity or benefit in lieu of
103 any annuity computed upon the basis of such mortality tables
104 recommended by the actuary as shall be adopted by the board of
105 trustees, and regular interest.

106 (18) "Pension reserve" shall mean the present value of all pay-
107 ments to be made on account of any pension or benefit in lieu of
108 any pension computed upon the basis of such mortality tables
109 recommended by the actuary as shall be adopted by the board of
110 trustees, and regular interest.

111 (19) "Actuarial equivalent" shall mean a benefit of equal value
112 when computed upon the basis of such mortality tables recom-
113 mended by the actuary as shall be adopted by the board of trustees,
114 and regular interest.

115 (20) "Beneficiary" shall mean any person receiving a retire-
116 ment allowance or other benefit as provided by this act.

117 (21) "Child" shall mean a deceased member's or retirant's
118 unmarried child either (a) under the age of 18 or (b) of any age
119 who, at the time of the member's or retirant's death, is disabled
120 because of mental retardation or physical incapacity, is unable to
121 do any substantial, gainful work because of the impairment and his
122 impairment has lasted or can be expected to last for a continuous
123 period of not less than 12 months, as affirmed by the medical board.

124 (22) "Parent" shall mean the parent of a member who was
125 receiving at least one-half of his support from the member in the
126 12-month period immediately preceding the member's death or the
127 accident which was the direct cause of the member's death. The
128 dependency of such a parent will be considered terminated by
129 marriage of the parent subsequent to the death of the member.

130 (23) "Widower" shall mean the man to whom a member or
131 retirant was married at least 2 years before the date of her death
132 and to whom she continued to be married until the date of her
133 death and who was receiving at least one-half of his support from
134 the member or retirant in the 12-month period immediatly preced-
135 ing the member's or retirant's death or the accident which was the
136 direct cause of the member's death. The dependency of such a
137 widower will be considered terminated by marriage of the widower
138 subsequent to the death of the member or retirant. In the event of
139 the payment of an accidental death benefit, the 2-year qualification
140 shall be waived.

141 (24) "Widow" shall mean the woman to whom a member or
142 retirant was married at least 2 years before the date of his death
143 and to whom he continued to be married until the date of his death
144 and who has not remarried. In the event of the payment of an
145 accidental death benefit, the 2-year qualification shall be waived.

146 (25) "Fiscal year" shall mean any year commencing with July 1,
147 and ending with June 30, next following.

148 (26) "Compensation" shall mean the base salary, for services
 149 as a member as defined in this act, which is in accordance with
 150 established salary policies of the member's employer for all em-
 151 ployees in the same position but shall not include individual salary
 152 adjustments which are granted primarily in anticipation of the
 153 member's retirement or additional remuneration for performing
 154 temporary duties beyond the regular work day.

155 (27) "Department" shall mean any police or fire department of
 156 a municipality or a fire department of a fire district located in a
 157 township or a county police or park police department or the
 158 appropriate department of the State or instrumentality thereof.

1 51. R. S. 44:5-16 is amended to read as follows:

2 44:5-16. A. Any county having a population less than **925,000**
 3 *850,000* according to the **1970 federal** *latest federal decennial*
 4 census may make annual appropriations not exceeding in the ag-
 5 gregate 1/10 of 1% of the total assessed valuations of real and
 6 personal property of the county, or a sum of money not in excess of
 7 the amount which might be raised at that rate, in the manner in
 8 which other appropriations for county purposes are made, for the
 9 maintenance of a charitable hospital or hospitals the facilities of
 10 which are used by the poor or indigent residents of the county, to
 11 an amount not exceeding the estimated annual deficit in operating
 12 expenses of the hospital, which sum, so appropriated, shall be in-
 13 cluded in the annual tax levy of the county and collected in the same
 14 manner and at the same time as other county taxes.

15 The amount so appropriated when paid over to a charitable
 16 hospital shall be used towards the current maintenance and expense
 17 of operation thereof. The appropriation may be made for a spe-
 18 cifically named hospital or it may be made generally and in such
 19 case, the **board of freeholders** *county governing body* may, by
 20 **resolution** *ordinance or resolution, as appropriate*, apportion the
 21 amount so appropriated to any such hospital in the manner which
 22 in their judgment may be deemed for the best interest of the county,
 23 but in no case shall a hospital receive more than the amount of its
 24 actual deficit in operating expenses.

25 The officials and auditors of the county shall have access at all
 26 reasonable times to the books and records of a hospital which shall
 27 receive the appropriation or part thereof, for the purpose of ascer-
 28 taining the deficit in operating expenses and the application of the
 29 moneys so appropriated or apportioned and the financial needs or
 30 requirements of the hospital.

31 B. Any county having a population less than **925,000** *850,000*
 32 according to the **1970 federal** *latest federal decennial* census may

33 make annual appropriations, for the medical care, treatment and
 34 maintenance of the poor and indigent residents of the county in any
 35 charitable hospital or hospitals in a sum not exceeding in the aggregate
 36 for all such hospitals, 1/10 of 1% of the total assessed valuations
 37 of real and personal property of the county, or a sum of
 38 money not in excess of the amount which might be raised at that
 39 rate in the manner in which other appropriations for the county are
 40 made, regardless of whether the hospital or hospitals to which such
 41 moneys are paid, shall have an annual deficit in operating expenses
 42 of such hospital, which appropriation shall be included in the annual
 43 tax levy of the county and collected in the same manner and at the
 44 same time as other county taxes.

45 No such hospital shall receive any payment pursuant to this subsection
 46 at a rate in excess of the average cost per patient in any
 47 county hospital operated by the county making the payment and
 48 provided further that no person shall be considered poor and
 49 indigent for the purpose of this subsection unless such status is
 50 established to the satisfaction of the [board of chosen freeholders]
 51 *governing body* of such county.

52 C. Subsection A. and B. of this act are mutually exclusive and no
 53 hospital shall receive payment under both subsections.

1 52. R. S. 44:5-17 is amended to read as follows:

2 44:5-17. The [board of chosen freeholders] *governing body* of a
 3 county having a population of [925,000] *850,000* or more according
 4 to the [1970 federal] *latest federal decennial* census may make
 5 provision for the support of resident indigent patients, who cannot
 6 be maintained by private means, in a hospital or hospitals having
 7 50 or more beds of which 20 or more are open to the public at all
 8 times.

9 Provision for the maintenance and treatment of an individual
 10 patient in the hospital shall be made by the county upon the certification
 11 by the county physician of the name of the person and
 12 upon the approval of the [board of chosen freeholders] *county*
 13 *governing body*; but the certification shall not be approved unless
 14 there is attached thereto a verified bill to the [board] *governing*
 15 *body* for that maintenance and treatment, signed by the head officer
 16 and chief physician of the hospital and stating that the patient was
 17 in need of such maintenance and medical treatment for the time
 18 charged for and no longer. The amount to be paid shall not exceed
 19 the sum charged in the hospital in which the resident indigent is
 20 placed for patients occupying beds in wards open to the public.

1 53. R. S. 44:5-18 is amended to read as follows:

2 44:5-18. The [board of chosen freeholders] *governing body* of a
 3 county having a population of [925,000] *850,000* or more according
 4 to the [1970 federal] *latest federal decennial* census may make for
 5 the purposes of [section] *R. S. 44:5-17* [of this Title] an annual
 6 appropriation of not more than \$10,000.00 for each hospital, to
 7 pay for the support and maintenance of such persons therein,
 8 which sum shall be included in the annual tax levy and collected
 9 in the same manner and at the same time as the other county
 10 taxes; but that sum or so much thereof as may be unexpended
 11 at the end of the fiscal year in the county shall become a part
 12 of the sum authorized to be appropriated for the next fiscal year
 13 and be deducted from the amount authorized by [said section]
 14 *R. S. 44:5-17* to be appropriated and collected for the succeeding
 15 year.

1 54. Section 6 of P. L. 1943, c. 149 (C. 54:5-114.7) is amended
 2 to read as follows:

3 6. The collector shall not deliver up or give possession of the
 4 tax sale certificate or certificates to the purchaser, or his agents,
 5 or nominees prior to the recordation of a final judgment in the
 6 Superior Court, as hereinabove provided for; provided, however,
 7 that after said sale has been approved and the purchase price paid,
 8 the purchaser shall receive a properly executed written assignment
 9 of the tax sale certificate or certificates, executed by the mayor
 10 [and borough clerk, except that in cities of the first class governed
 11 by the commission government law such assignment of tax sale
 12 certificates shall be executed by the Director of Revenue and
 13 Finance and attested by the city clerk] *or chief finance officer*
 14 *and attested by the municipal clerk*, certifying to the sale of the
 15 certificate or certificates, and the proceedings relating to the said
 16 sale, said assignment shall specifically state that the assignee's
 17 title to said certificate or certificates is subject to forfeiture upon
 18 his failure to foreclose within the time limited by this statute. The
 19 tax collector of the municipality shall not be obliged to produce
 20 the original certificate in the tax foreclosure proceedings; provided,
 21 it has been properly recorded in the office of the county clerk
 22 or the office of the register of deeds in the county where such
 23 office exists. When the certificate or certificates are recorded, the
 24 assignee shall submit certified copies of the record in evidence in
 25 place of the original certificate.

26 Upon the recordation of a final judgment of the Superior Court,
 27 as hereinabove provided for, within the time limited by this statute,
 28 the collector shall deliver the tax sale certificate or certificates to the
 29 purchaser, or his agents or nominees, and shall certify, by endorse-

30 ment on the assignment previously executed pursuant to this section
 31 or by the execution of a certificate, that the assignee's title to said
 32 certificate or certificates is no longer subject to forfeiture for
 33 failure to foreclose and that such foreclosure has been completed
 34 within the time limited by this statute. Thereupon the purchaser
 35 may dispose of the tax sale certificate or certificates in the same
 36 manner as, and as fully as if such assignment were absolute and
 37 unconditional and the tax sale certificate or certificates had been
 38 delivered at the time of the execution of said assignment.

1 55. R. S. 55:14A-3, added to the Revised Statutes by P. L. 1938,
 2 c. 19, is amended to read as follows:

3 55:14A-3. The following terms, wherever used or referred to in
 4 this chapter, shall have the following respective meanings, unless
 5 a different meaning clearly appears from the context:

6 (a) "Authority" or "housing authority" or "authorities" or
 7 "housing authorities" shall mean any of the public corporations
 8 created by this chapter.

9 (b) "Municipality" shall mean any city of any class, any town,
 10 township, village, borough or any municipal subdivision of this
 11 State. "County" shall mean any county in the State. "The municipi-
 12 pality" shall mean the particular municipality or municipalities for
 13 which a particular housing authority is created. "The county" shall
 14 mean the particular county for which a particular housing authority
 15 is created.

16 (c) "Governing body" shall mean [in the case of a municipality
 17 the common council or the board of commissioners or the body
 18 managing its affairs, and in the case of a county the board of chosen
 19 freeholders; provided, however, that in the case of cities of the
 20 second class having a population of not less than 133,000 nor more
 21 than 200,000 inhabitants, the board of finance of such city shall be
 22 the "governing body" for the purpose of this act] *the body exercis-*
 23 *ing general legislative powers in the county or municipality accord-*
 24 *ing to the terms and procedural requirements set forth in the form*
 25 *of government adopted by the county or municipality.*

26 (d) "Clerk" shall mean the clerk of the municipality or the clerk
 27 of the county, as the case may be, or the officer charged with the
 28 duties customarily imposed on such clerk.

29 (e) "Area of operation:" (1) in the case of a housing authority
 30 of a municipality shall include the area of such municipality pro-
 31 vided, however, with respect to any municipality which has not
 32 created or joined in the creation of an authority, the area of opera-
 33 tion of a housing authority of a municipality shall, upon approval
 34 of any contiguous municipality (such approval to be evidenced by

35 a resolution adopted by the governing body of the municipality),
36 include the entire area of such contiguous municipality; (2) in the
37 case of a regional housing authority of a group of two or more
38 municipalities, shall include such municipalities; (3) in the case of
39 a housing authority of a county, shall include all of the county ex-
40 cept that portion which lies within the territorial limits of a munici-
41 pality or group of municipalities for which a housing authority has
42 been created; with respect to any municipality which has not
43 created or joined in the creation of an authority, a housing author-
44 ity of a county shall not include such municipality within its area
45 of operation, unless it has first secured the approval of such action
46 by said municipality (such approval to be evidenced by an ordin-
47 ance adopted by the governing body of the municipality).

48 (f) "Federal Government" shall include the United States of
49 America, the United States Housing Authority, the Public Housing
50 Administration, or any other agency or instrumentality, corporate
51 or otherwise, of the United States of America.

52 (g) "Public body" shall mean the State, or any county, city, town,
53 township, borough, village, school district, authority or any other
54 political subdivision of the State.

55 (h) "Slum" shall mean any area where dwellings predominate
56 which, by reason of dilapidation, overcrowding, faulty arrangement
57 or design, lack of ventilation, light or sanitation facilities, or any
58 combination of these factors, are detrimental to safety, health or
59 morals.

60 (i) "Housing project" shall mean any work or undertaking;
61 (1) to demolish, clear or remove buildings from any slum area;
62 such work or undertaking may embrace the adaption of such area
63 to public purposes, including parks or other recreational or com-
64 munity purposes; (2) to provide decent, safe and sanitary urban or
65 rural dwellings: apartments or other living accommodations for
66 persons of low income; such work or undertaking may include
67 buildings, land, equipment, facilities and other real or personal
68 property for necessary, convenient or desirable appurtenances,
69 streets, sewers, water service, parks, site preparation, gardening,
70 administrative, community, health, recreational, educational, wel-
71 fare or other purposes; or (3) to accomplish a combination of the
72 foregoing. The term "housing project" also may be applied to the
73 planning of the buildings and improvements, the acquisition of
74 property, the demolition of existing structures, the construction,
75 reconstruction, alteration and repair of the improvements and all
76 other work in connection therewith: provided, nothing in this
77 chapter shall authorize the construction of any public utility service

78 or facility which would be competitive with any existing public
79 utility as the same is defined by [section] R. S. 48:2-13 [of the
80 Title Public Utilities].

81 (j) "Persons of low income" shall mean persons or families who
82 are in the lowest income group and who cannot afford to pay
83 enough to cause private enterprise in their locality to build or
84 furnish an adequate supply of decent, safe and sanitary dwellings
85 so as to enable them, without financial assistance, to live in such
86 dwellings, without overcrowding.

87 (k) "Bonds" shall mean any bonds, notes, interim certificates,
88 debentures, or other obligations issued by an authority pursuant
89 to this chapter.

90 (l) "Real property" shall include all lands, including improve-
91 ments and fixtures thereon, and property of any nature appurtenant
92 thereto, or used in connection therewith, and every estate, interest
93 and right, legal or equitable, therein, including terms for years and
94 liens by way of judgment, mortgage or otherwise and indebted-
95 ness secured by such liens.

96 (m) "Obligee of the authority" or "obligee" shall include any
97 bondholder, trustee or trustees for any bondholders, or lessor demis-
98 ing to the authority property used in connection with a housing
99 project, or any assignee or assignees of such lessor's interest or any
100 part thereof, and the Federal Government when it is a party to any
101 contract with the authority.

102 (n) "Director" shall mean the executive officer of the Public
103 Housing and Development Authority in the State Department of
104 [Conservation and Economic Development] *Community Affairs*.

1 56. Section 3 of P. L. 1949, c. 184 (C. 55:16-3) is amended to
2 read as follows:

3 3. The following terms wherever used or referred to in this act
4 shall have the following respective meanings, unless a different
5 meaning clearly appears from the context:

6 (1) The term "authority" means the public housing and develop-
7 ment authority in the Department of [Conservation and Economic
8 Development] *Community Affairs*.

9 (2) The term "administrator" means the Commissioner of [Con-
10 servation and Economic Development] *Community Affairs*, who
11 is and shall be the administrator of the public housing and develop-
12 ment authority.

13 (3) The term "council" means the [State Housing Council in the
14 Department of Conservation and Economic Development] *Com-
15 missioner of Community Affairs*.

16 (4) The term "municipality" shall mean any city of any class,
17 any town, township, village, borough, or any municipal subdivision
18 of the State.

19 (5) The term "governing body" shall mean, in the case of a
20 municipality, the common council, or the board of commissioners,
21 or the body managing its affairs, except that, in the case of cities
22 of the second class, having a population of not less than 133,000
23 nor more than 200,000 inhabitants, the board of finance of such a
24 city shall be the "governing body" for the purpose of this act.

25 (6) The term "housing project" or "project" shall mean any
26 work or undertaking to provide decent, safe, and sanitary dwell-
27 ings for families in need of housing; such undertaking may include
28 any buildings, land (including demolition, clearance or removal of
29 buildings from land), equipment, facilities, or other real or per-
30 sonal properties or interests therein which are necessary, con-
31 venient or desirable appurtenances of said undertaking, such as,
32 but not limited to, streets, sewers, water, utilities, parks; site prep-
33 arations; landscaping, and administrative, community, health, rec-
34 reational, educational, welfare, commercial, or other facilities, or
35 to provide any part or combination of the foregoing. The term
36 "housing project" or "project" shall be deemed to include vet-
37 eran housing projects constructed under the authority of an act
38 entitled "An act providing for housing for veterans of World War
39 II and other people of the State and declaring an emergency in
40 respect thereto" (P. L. 1946, c. 323).

41 (7) The term "housing corporation" means any private, limited-
42 dividend or nonprofit housing corporation organized in accordance
43 with the provisions of this act.

44 (8) The term "bonds" shall mean any bonds, notes, interim
45 certificates, debentures, or obligations issued pursuant to the pro-
46 visions of this act.

47 (9) The term "Federal Government" means the United States
48 of America or any department, administration, authority, instru-
49 mentality, agency, agent or officer thereof, or any corporation
50 created thereby.

51 (10) The term "State" means the State of New Jersey or any
52 department, authority, agency or officer thereof.

53 (11) The term "gross shelter rent" shall mean the gross rent
54 or carrying charge less the cost of utilities furnished by the project.
55 These utilities shall include gas and electricity if supplied by the
56 project; cost of heating fuel; cost of water supplied and sewage
57 charges, if any.

58 (12) The term "housing association" means any limited-distri-
 59 bution or nonprofit partnership, limited partnership, limited
 60 partnership association, trust, single proprietorship or other unin-
 61 corporated association organized in accordance with the provisions
 62 of this act or the act to which this is a supplement.

1 57. The following are repealed:

- 2 R. S. 19:4-2;
 3 R. S. 19:4-3;
 4 R. S. 40:72-8;
 5 R. S. 40:87-27;
 6 R. S. 40:88-12;
 7 R. S. 40:146-4 through 40:146-12;
 8 R. S. 40:174-6 through 40:174-26;
 9 R. S. 40:175-9 through 40:175-21;
 10 R. S. 40:186-5 through 40:186-16;
 11 N. J. S. 2A:3-13;
 12 N. J. S. 2A:4-5;
 13 N. J. S. 2A:4-6;
 14 N. J. S. 2A:6-14;
 15 N. J. S. 2A:7-1 through 2A:7-3;
 16 N. J. S. 2A:7-5 through 2A:7-26;
 17 N. J. S. 2A:11-39 through 2A:11-44;
 18 N. J. S. 2A:157-7;
 19 N. J. S. 2A:157-14;
 20 N. J. S. 40A:9-11.1;
 21 N. J. S. 40A:9-21;
 22 N. J. S. 40A:9-79;
 23 N. J. S. 40A:9-166;
 24 P. L. 1939, c. 223 (C. 40:38-25.1);
 25 P. L. 1940, c. 63 (C. 33:1-5.1 through 33:1-5.3);
 26 P. L. 1941, c. 43 (C. 40:23-8.2);
 27 P. L. 1945, c. 156 (C. 40:48-8.1 through 40:48-8.14);
 28 P. L. 1945, c. 266 (C. 40:48-2.15);
 29 P. L. 1951, c. 247 (C. 27:14-24.1);
 30 P. L. 1952, c. 165 (C. 2A:7-27 through 2A:7-36);
 31 P. L. 1953, c. 455 (C. 2A:6-3.1 through 2A:6-3.3);
 32 P. L. 1954, c. 1 (C. 2A:7-37 through 2A:7-45);
 33 P. L. 1954, c. 10 (C. 40:11-17.5);
 34 Sections 1, 2, 3, 4 and 7 of P. L. 1955, c. 17 (C. 2A:6-3.4,
 35 2A:3-13.1, 2A:6-3.5, 2A:6-3.6 and 2A:6-18.1);
 36 P. L. 1955, c. 77 (C. 2A:7-46 through 2A:7-53);
 37 P. L. 1955, c. 197 (C. 2A:6-12.2 through 2A:6-12.4);
 38 P. L. 1955, c. 270 (C. 2A:6-2.1 and 2A:6-2.2);

- 39 P. L. 1955, c. 271 (C. 2A :6-14.7 through 2A :6-14.9) ;
 40 Sections 1, 4 and 5 of P. L. 1955, c. 273 (C. 2A :6-14.10,
 41 2A :6-14.13 and 2A :6-14.14) ;
 42 Sections 1, 2 and 3 of P. L. 1956, c. 36 (C. 2A :3-13.2
 43 through 2A :3-13.4) ;
 44 P. L. 1958, c. 129 (C. 2A :4-4.3) ;
 45 P. L. 1960, c. 131 (C. 2A :6-3.8 through 2A :6-3-10) ;
 46 P. L. 1961, c. 1 (C. 52:10-3 through 52:10-10) ;
 47 Section 2 of P. L. 1962, c. 143 (C. 40:87-60.2) ;
 48 Section 3 of P. L. 1962, c. 144 (C. 40:46-26.1) ;
 49 P. L. 1964, c. 97 (C. 2A :4-4.4) ;
 50 P. L. 1964, c. 122 (C. 2A :4-4.5 and 2A :4-4.6) ;
 51 P. L. 1964, c. 183 (C. 40:146-2.1) ;
 52 Section 6 of P. L. 1965, c. 74 (C. 2A :4-4.7) ;
 53 P. L. 1965, c. 109 (C. 40:23-8.12) ;
 54 P. L. 1965, c. 196 (C. 2A :6-3.12) ;
 55 P. L. 1965, c. 201 (C. 2A :6-3.11) ;
 56 P. L. 1968, c. 62 (C. 2A :3-13.6) ;
 57 Sections 2 and 3 of P. L. 1968, c. 440 (C. 2A :4-4.3a and
 58 2A :4-4.3b) ;
 59 P. L. 1969, c. 200 (C. 54:15A-1 through 54:15A-4) ;
 60 P. L. 1970, c. 303 (C. 40:46-14.1) ;
 61 P. L. 1971, c. 43 (C. 2A :3-13.7) ;
 62 P. L. 1971, c. 107 (C. 40:20-20.3) ;
 63 Sections 1, 2 and 3 of P. L. 1971, c. 465 (C. 2A :3-13.8
 64 through 2A :3-13.10) ;
 65 P. L. 1971, c. 467 (C. 2A :4-4.9) ;
 66 P. L. 1971, c. 470 (C. 2A :3-13.12) ;
 67 P. L. 1973, c. 159 (C. 2A :3-13.13) ;
 68 P. L. 1975, c. 20 (C. 40:48D-1 through 40:48D-10) ;
 69 P. L. 1976, c. 70 (C. 2A :4-4.10) ;
 70 P. L. 1977, c. 73 (C. 2A :3-13.14) ;
 71 P. L. 1977, c. 86 (C. 2A :3-13.15) ;
 72 P. L. 1977, c. 153 (C. 2A :3-13.16) ;
 73 P. L. 1978, c. 105 (C. 2A :3-13.17) ; and,
 74 P. L. 1978, c. 149 (C. 2A :4-4.11).
- 1 58. This act shall take effect January 1, 1982.
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- 39 P. L. 1955, c. 271 (C. 2A:6-14.7 through 2A:6-14.9);
 40 Sections 1, 4 and 5 of P. L. 1955, c. 273 (C. 2A:6-14.10,
 41 2A:6-14.13 and 2A:6-14.14);
 42 Sections 1, 2 and 3 of P. L. 1956, c. 36 (C. 2A:3-13.2
 43 through 2A:3-13.4);
 44 P. L. 1958, c. 129 (C. 2A:4-4.3);
 45 P. L. 1960, c. 131 (C. 2A:6-3.8 through 2A:6-3-10);
 46 P. L. 1961, c. 1 (C. 52:10-3 through 52:10-10);
 47 Section 2 of P. L. 1962, c. 143 (C. 40:87-60.2);
 48 Section 3 of P. L. 1962, c. 144 (C. 40:46-26.1);
 49 P. L. 1964, c. 97 (C. 2A:4-4.4);
 50 P. L. 1964, c. 122 (C. 2A:4-4.5 and 2A:4-4.6);
 51 P. L. 1964, c. 183 (C. 40:146-2.1);
 52 Section 6 of P. L. 1965, c. 74 (C. 2A:4-4.7);
 53 P. L. 1965, c. 109 (C. 40:23-8.12);
 54 P. L. 1965, c. 196 (C. 2A:6-3.12);
 55 P. L. 1965, c. 201 (C. 2A:6-3.11);
 56 P. L. 1968, c. 62 (C. 2A:3-13.6);
 57 Sections 2 and 3 of P. L. 1968, c. 440 (C. 2A:4-4.3a and
 58 2A:4-4.3b);
 59 P. L. 1969, c. 200 (C. 54:15A-1 through 54:15A-4);
 60 P. L. 1970, c. 303 (C. 40:46-14.1);
 61 P. L. 1971, c. 43 (C. 2A:3-13.7);
 62 P. L. 1971, c. 107 (C. 40:20-20.3);
 63 Sections 1, 2 and 3 of P. L. 1971, c. 465 (C. 2A:3-13.8
 64 through 2A:3-13.10);
 65 P. L. 1971, c. 467 (C. 2A:4-4.9);
 66 P. L. 1971, c. 470 (C. 2A:3-13.12);
 67 P. L. 1973, c. 159 (C. 2A:3-13.13);
 68 P. L. 1975, c. 20 (C. 40:48D-1 through 40:48D-10);
 69 P. L. 1976, c. 70 (C. 2A:4-4.10);
 70 P. L. 1977, c. 73 (C. 2A:3-13.14);
 71 P. L. 1977, c. 86 (C. 2A:3-13.15);
 72 P. L. 1977, c. 153 (C. 2A:3-13.16);
 73 P. L. 1978, c. 105 (C. 2A:3-13.17); and,
 74 P. L. 1978, c. 149 (C. 2A:4-4.11).
 1 58. This act shall take effect January 1, 1982.

STATEMENT

This bill revises various statutes relating to local governments which contain either specific population figures or population classifications, in order to accord those statutes with the 1980

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census figures. The bill continues, so far as possible, the existing authorizations, requirements and benefits which counties and municipalities have heretofore adopted under those statutes. The bill also repeals numerous statutes which are no longer in use by local governments.

The bill does not amend any statutes pertaining to State aid to local governments or school districts, or relating to the drawing of Congressional or other districts.

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SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

SENATE, No. 3445

STATE OF NEW JERSEY

DATED: NOVEMBER 16, 1981

This bill revises various statutes relating to local governments which contain either specific population figures or population classifications, in order to accord those statutes with the 1980 census figures. The bill continues, so far as possible, the existing authorizations, requirements and benefits which counties and municipalities have heretofore adopted under those statutes. The bill also repeals numerous population specific statutes which are no longer in use by local governments. The bill deletes from the statutes reference to specific past federal censuses and inserts reference to the "latest federal decennial census." This is done to prevent statutes from being rendered arbitrary by later censuses.

The bill does not amend any statutes pertaining to State aid to local governments or school districts, or relating to the drawing of Congressional or other districts.

There follows a section by section description of the statutes amended or repealed by the bill:

Section 1 amends N. J. S. 2A:4-4 to authorize for each of the 12 counties having a juvenile and domestic relations court that number of judges which each such county now has (Atlantic—1, Bergen—4, Burlington—1, Camden—2, Essex—6, Hudson—4, Mercer—1, Middlesex—4, Monmouth—4, Morris—2, Passaic—2, Union—4). The other amendments to the section reflect the facts that these judges' salaries are now prescribed by N. J. S. A. 2A:1A-6, and that the judges are all required to devote fulltime to their duties. In addition, the bill repeals several other statutes which have at various times increased the number of these judges in certain counties, since these statutes are rendered unnecessary by the amendments to this section (N. J. S. 2A:4-5; N. J. S. 2A:4-6; P. L. 1958, c. 129 (C. 2A:4-4.3); P. L. 1964, c. 97 (C. 2A:4-4.4); P. L. 1964, c. 122 (C. 2A:4-4.5 and 2A:4-4.6); P. L. 1965, c. 74, s. (C. 2A:4-4.7); P. L. 1968, c. 440 (C. 2A:4-4.3a and 2A:4-4.3b); P. L. 1971, c. 467 (C. 2A:4-4.9); P. L. 1976, c. 70 (C. 2A:4-4.10); and P. L. 1978, c. 149 (C. 2A:4-4.11).

Section 2 amends N. J. S. 2A:6-3 to prescribe for each of the 12 counties having a county district court that number of judges which each such county now has (Atlantic—1; Bergen—6; Camden—2; Essex—6; Hudson—4; Mercer—1; Middlesex—4; Morris—3; Passaic—4; Sussex—1; Union—4; and Warren—1). The bill also repeals several other statutes which have at various times increased the number of these judges in certain counties, since these statutes are rendered unnecessary by the amendments to this section (P. L. 1953, c. 455 (C. 2A:6-3.1 through 2A:6-3.3); P. L. 1955, c. 17 (C. 2A:6-3.4 through 2A:6-3.5); P. L. 1960, c. 131 (C. 2A:6-3.8 through 2A:6.3-10); P. L. 1965, c. 196 (C. 2A:6-3.12); and P. L. 1965, c. 201 (C. 2A:6-3.11)).

Section 3 amends N. J. S. 2A:6-12 to reflect the fact that all judges of the county district courts are required to devote full-time to their duties. The bill repeals P. L. 1955, c. 197 (C. 2A:6-12.2 through 2A:6-12.4) for the same reason. The bill also repeals those various statutes which formerly prescribed the salaries for county district court judges, since these salaries are now prescribed by N. J. S. A. 2A:1A-6 (N. J. S. 2A:6-14; P. L. 1955, c. 271 (C. 2A:6-14.7 through 2A:6-14.9); sections 1, 4 and 5 of P. L. 1955, c. 273 (C. 2A:6-14.10, 2A:6-14.13 and 2A:6-14.14)).

Section 4 amends P. L. 1968, c. 293 (C. 2A:8-6.1) to continue the authorization to the city of Camden to appoint an additional municipal judge.

Section 5 amends P. L. 1975, c. 395 (C. 2A:8-6.3) to continue the authorization to the city of Clifton to appoint two additional municipal judges.

Section 6 amends P. L. 1979, c. 357 (C. 2A:8-6.4) to continue the authorization to Montclair and West Orange to appoint an additional municipal judge.

Section 7 amends P. L. 1953, c. 310 (C. 2A:11-36.1) to limit its provisions to counties of the second or fifth class having a population between 300,000 and 600,000 (thereby, excluding Hudson County). The statute authorizes the sheriff of the county to appoint supervisors of court attendants.

Section 8 amends N. J. S. 2A:157-4 to continue the authorization to Camden county to appoint up to 28 county detectives, to Passaic county to appoint up to 24 county detectives, and to Morris county to appoint up to 12 county detectives.

Section 9 amends N. J. S. 2A:157-15 to omit the limitation of its effect to fifth class counties "having a population in excess of 175,000," since all fifth class counties have exceeded that limit since at least 1970.

Section 10 amends P. L. 1970, c. 6 (C. 2A:158-1.1) to reflect the fact that in all counties, except Warren and Sussex, the prosecutor is required to devote full-time to his duties.

Section 11 amends N. J. S. 2A:158-10 to reflect the fact that in all counties, except Warren and Sussex, the county prosecutor is required under N. J. S. 2A:158-1.2 to be paid a salary equal to that of a Superior Court judge. N. J. S. 2A:158-10 is, therefore, limited to counties where the prosecutor is not required to devote full time to his duties, and the current salary limits for Warren and Sussex counties are retained.

Section 12 amends N. J. S. 2A:158-15 to continue the authorization to the Hudson county prosecutor to appoint up to 15 assistant prosecutors, and to continue the currently authorized number of assistant prosecutors for all other counties.

Section 13 amends P. L. 1976, c. 15 (C. 2A:158-15.1a) to continue the exemption to assistant prosecutors of Cape May, Ocean, Salem, Cumberland, and Gloucester counties from the requirement of N. J. S. A. 2A:158-15.1 that assistant prosecutors devote full-time to their duties.

Sections 14 and 15 amend R. S. 11:22-2 and P. L. 1978, c. 81 (C. 11:22-2.1) to continue the authorization to the city of Newark to appoint a director of the municipal library in the unclassified service.

Section 16 amends N. J. S. 18A:24-19 to continue the authorization to Jersey City, Trenton and Camden to issue bonds for school district purposes in certain cases.

Section 17 amends P. L. 1973, c. 365 (C. 18A:54-11.4) to continue the tuition arrangement governing the Passaic County county vocational school district program.

Section 18 amends N. J. S. 18A:54-16 to continue for all counties the appointment procedures for boards of education of county vocational schools currently existing.

Section 19 amends N. J. S. 18A:54-23 to continue its applicability to Warren county, and to delete provisions relating to fourth class counties of which there are none. The statute relates to the receiving by the county vocational school of pupils from outside the district and authorizes a tuition charge.

Section 20 amends P. L. 1973, c. 305 (C. 18A:54-37) to delete reference to the 1970 federal census which is unnecessary to the statute's effect.

Section 21 amends P. L. 1945, c. 68 (C. 19:23-22.1), which prescribes the time and manner in which municipal clerks shall certify primary election candidates to the county clerk in certain counties, to continue the statute's applicability to Essex, Bergen, Morris, Mercer, Burlington, Gloucester and Somerset counties (continuing to exclude Passaic and Ocean counties).

Section 22 amends P. L. 1965, c. 29 (C. 19:23-22.5), which requires municipalities in certain counties to reimburse the county for the costs of printing official and sample ballots for primary elections, to continue the statute's applicability to Essex, Bergen, Morris, Mercer, Burling-

ton, Gloucester and Somerset counties (continuing to exclude Passaic and Ocean).

Section 23 amends R. S. 19:31-1 to delete transitional provisions for the taking effect of permanent registration requirements in certain municipalities, which were based on the population of those municipalities in 1920 or 1930.

Section 24 amends R. S. 19:31-2 to continue for Bergen and Essex counties the requirements relating to the appointment by the county commissioner of registration of personnel in the classified service.

Section 25 amends R. S. 19:32-2 to continue for Bergen and Essex counties the requirements relating to the appointment by the county superintendent of elections of personnel in the classified service.

Section 26 amends P. L. 1947, c. 167 (C. 19:32-26) which was found unconstitutional in *Mooney vs. Bd. of Freeholders of Atlantic County*, 122 N. J. Super 151 (1973) as special legislation because of the arbitrary and permanent exclusion of certain second and fifth class counties from ever establishing an office of superintendent of elections. The amendments remove the restrictions which were found unconstitutional and would thus permit any second or fifth class county to establish the office.

Section 27 amends R. S. 19:45-7 to preserve the salary structure for members of county boards of elections. The revised salary schedule prevents any loss of salary now paid in any county to those members. The prevention of gain in salaries under a revised schedule proved impracticable. Thus, the salary range for Middlesex county election board members would increase to between \$8,700 and \$10,600 from between \$6,000 and \$8,000. However, under the terms of the statute the increase would take effect only upon the approval of the county governing body.

Section 28 amends R. S. 26:3-3 to continue to the city of Trenton and the city of Camden the authorization to appoint a local board of health consisting of between 5 and 10 members.

Section 29 amends R. S. 26:3-6 to continue to the city of Trenton and the city of Camden the authorization to appoint local health board members for 4 year terms.

Section 30 amends R. S. 26:3-32 to continue to the city of Trenton and the city of Camden the authorization to the city board of health to license premises and to charge fees therefor.

Section 31 amends P. L. 1974, c. 80 (C. 34:1B-5) to delete the reference to 1970 and insert the "latest federal decennial census." The statute relates to the power of the New Jersey Economic Development Authority to undertake projects in municipalities with a population of over 10,000 persons.

Section 32 amends R. S. 40:10-2 to continue to the city of Trenton and the city of Camden the authorization to erect and maintain buildings as war memorials.

Section 33 amends P. L. 1948, c. 198 (C. 40:11A-4) to continue to the city of Trenton and the city of Camden the authorization to appoint two additional members to a parking authority.

Section 34 revises R. S. 40:20-20 to delete the population limitations on the number of members of boards of chosen freeholders which counties not operating under the "Optional County Charter Law" may have. The revised section would place the determination of the number of freeholders for the county at the local level, specifying that each county shall have that number of freeholders which was authorized immediately prior to this act. Thereafter, the number of freeholders may be increased or decreased to 3, 5, 7 or 9 members by referendum election. The question of increasing or decreasing the number of freeholders may be originated either by petition of the voters or by resolution of the board of chosen freeholders adopted after public hearing. The approach taken here is similar to that recently taken with respect to membership of municipal governing bodies.

Section 35 revises R. S. 40:20-72 to delete the population limitations on the salaries to be paid to members of boards of chosen freeholders of counties not operating under the "Optional County Charter Law." The approach of a local option and protesting petition requiring a referendum election set forth in the revised section is similar to that now in effect for municipal governing body salary ordinances under N. J. S. 40A:9-165.

Sections 36 and 37 amend P. L. 1973, c. 67 (C. 40:48-4.3 and 40:48-4.7) to continue to Jersey City the authorization to enter into contracts with motor bus carriers for passenger service for senior citizens.

Section 38 amends P. L. 1970, c. 326 (C. 40:48C-1) to continue to the city of Newark the authorization to impose certain taxes (including a payroll tax) under the "Local Tax Authorization Act."

Section 39 amends P. L. 1950, c. 210 (C. 40:69A-43) to continue to Jersey City the provisions governing the appointment and membership of the local board of alcoholic beverage control.

Section 40 amends P. L. 1950, c. 210 (C. 40:69A-44) to allow any municipality governed by a mayor-council form of government under the "Optional Municipal Charter Law," to provide by ordinance that its business administrator shall supervise the administration of the municipal departments.

Sections 41, 42 and 43 revise R. S. 40:146-1, 40:146-2 and 40:146-3 to provide that in townships governed by small township committees, the committee shall consist of either 3 or 5 members as determined by a

local petition and referendum process. Previously, the committee would consist of either 3 or 5 members based upon the population of the township, with exceptions for townships located in counties of a certain class, and with exceptions for townships which determine by referendum to have a number of committeemen not prescribed by the township population. Under the revised sections, each of these townships shall have that number of committeemen it had immediately prior to the effective date of the act, which number may thereafter be increased or decreased to 3 or 5 members by a petition and referendum process. The bill also repeals R. S. 49:146-4 through 40:146-12 in order to accomplish this revision.

Section 44 revises N. J. S. 40A:6-1 which establishes the classification of counties for legislative purposes. The revised classification continues for each county the classification under which it has previously adopted statutory authorizations, requirements and benefits. Counties which would have changed classification under the existing statutory scheme are Hudson and Somerset.

The revised classification introduces a third criterion for classification, in addition to the existing criteria of population and location or nonlocation on the Atlantic ocean. The new criterion is population density. The following schedule shows the new classification:

County	Population		1970 pop.	1970 Classification
	1980 pop.	Density		
First class counties (over 550,000 and a population density over 3,000)				
Essex	850,451	6673	929,986	First class
Bergen	845,385	3604	898,102	First class
Hudson	556,972	11999	609,266	First class
Second class counties (all other counties of over 300,000 not bordering on Atlantic ocean)				
Middlesex	595,893	1916	583,813	Second class
Union	504,094	4897	543,116	Second class
Camden	471,650	2124	456,291	Second class
Passaic	447,585	2331	460,782	Second class
Morris	407,630	867	383,454	Second class
Burlington	362,542	443	323,132	Second class
Mercer	307,863	1362	303,968	Second class
Third class counties (50,000 to 300,000 not bordering on Atlantic ocean)				
Somerset	203,129	665	198,372	Third class
Gloucester	199,917	609	172,681	Third class
Cumberland	132,866	265	121,374	Third class
Sussex	116,119	221	77,528	Third class
Hunterdon	87,361	203	69,718	Third class
Warren	84,429	234	73,879	Third class
Salem	64,676	187	60,346	Third class

County	Population		1970 pop.	1970 Classification
	1980 pop.	Density		
Fourth class counties (under 50,000 not bordering on Atlantic ocean)				
.....				
Fifth class counties (over 100,000 and bordering on Atlantic ocean)				
Monmouth	503,173	1067	461,849	Fifth class
Ocean	346,038	543	208,470	Fifth class
Atlantic	194,119	343	175,043	Fifth class
Sixth class counties (under 100,000 and bordering on Atlantic ocean)				
Cape May	82,266	312	59,554	Sixth class

Sections 45 and 46 amend N. J. S. 40A:6-2 and 40A:6-3 to reconcile the language of the sections with that of R. S. 52:4-1 as to the time at which the federal decennial census takes effect for the classification of cities and counties.

Section 47 amends P. L. 1975, c. 272 (C. 40A:9-117.2) to continue to the Essex county sheriff the authorization to appoint up to 85 deputy sheriffs.

Section 48 amends P. L. 1976, c. 85 (C. 40A:9-117.5) to continue to the Hudson county sheriff the authorization to appoint a chief warrant officer without civil service.

Section 49 amends P. L. 1978, c. 69 (C. 40A:14-106.1) to delete reference to the 1970 federal census.

Section 50 amends P. L. 1944, c. 255 (C. 43:16A-1) to continue in the Police and Firemen's Retirement System certain correctional officers of Essex county.

Sections 51, 52 and 53 amend R. S. 44:5-16, 44:5-17 and 44:5-18 to continue to Bergen and Essex counties the authorization to make annual appropriations for the support of certain hospital facilities located in the county, pursuant to the terms prescribed in the statute for a county of their respective populations.

Section 54 amends P. L. 1943, c. 149 (C. 54:5-114.7) to delete reference to first class cities governed by a commission form of government, of which there are none. The amendment also acknowledges the responsibility of municipal finance officers with respect to tax sale certifications.

Sections 55 and 56 amend R. S. 55:14A-3 and P. L. 1949, c. 184 (C. 55:16-3) to modernize the definition of municipal governing body and to delete reference to cities of the second class having a population between 133,000 and 200,000 and governed by a board of finance, of which there are none.

In addition to statutes mentioned above, the bill also repeals the following:

N. J. S. 2A:3-13—Prescribed the number of court judges to be resident in each county based upon the county population. The number of these judges has been fixed by the November 7, 1978 amendment to the Constitution, which merged the county courts into the Superior Court, and which states that “the number of judges required to reside in the county wherein they sit shall be at least equal in number to the number of judges of the county court sitting in each of the counties at the adoption of this amendment.” Also repealed are numerous other statutes which at various times provided for the appointment of additional county court judges in certain counties based upon the population of the county (Sections 1, 2 and 3 of P. L. 1956, c. 36 (C. 2A:3-13.1 through 2A:3-13.3); P. L. 1968, c. 62 (C. 2A:3-13.6); P. L. 1971, c. 43 (C. 2A:3-13.7); sections 1, 2 and 3 of P. L. 1971, c. 465 (C. 2A:3-13.8 through 2A:3-13.10); P. L. 1971, c. 470 (C. 2A:3-13.12); P. L. 1973, c. 159 (C. 2A:3-13.13); P. L. 1977, c. 73 (C. 2A:3-13.14); P. L. 1977, c. 86 (C. 2A:3-13.15); P. L. 1977, c. 153 (C. 2A:3-13.16); and P. L. 1978, c. 105 (C. 2A:3-13.17).

N. J. S. 2A:7-1 through 2A:7-53—Provided for the creation and operation of criminal judicial district courts in certain counties (Bergen, Hudson and Passaic). No county now has courts of this character, since the authorization for the specified counties to operate them was withdrawn by P. L. 1954, c. 1; P. L. 1955, c. 77; and P. L. 1952, c. 165, respectively.

N. J. S. 2A:11-39—Prescribed in 1926 the rate of pay for drivers of motor vehicles transporting persons in counties of the first class, if the driver was serving in that capacity on March 26, 1926.

N. J. S. 2A:11-39 through 2A:11-44—Several statutes dating from 1915, 1913, 1972, 1904 and 1914, prescribing the rate of salary for court attendants and constables in certain counties based upon population. These statutes have been superseded by later enactments.

R. S. 19:4-2 and 19:4-3—These statutes, enacted in 1931 and 1933, respectively, imposed a residency requirement for voters to participate in municipal elections in cities of the second class having a population of less than 100,000, and in cities of the fourth class having a population of not over 20,000. The residency requirement so imposed conflicts with other statutes and constitutional provisions.

R. S. 40:72-8—Provides for a procedure for the appointment of certain employees in cities of the first class governed by the “commission form of government.” No first class city is governed by that form of government, since Newark and Jersey City have adopted the “Optional Municipal Charter Law.”

R. S. 40:87-27—Provides for the method of appointment of commissioners of assessment in boroughs of less than 100 inhabitants. There are no boroughs meeting that description.

R. S. 40:88-12—A 1922 statute which permitted boroughs of 10,000 or more population to issue bonds to mature in 5 years for the erection of memorials to soldiers of World War I.

R. S. 40:174-6 through 40:174-26, R. S. 40:175-9 through 40:175-21, and R. S. 40:186-5 through 40:186-16—established a form of government for the city of Paterson, and were found to be unconstitutional in *Mason v. city of Paterson* (62 N. J. 471) (1973). Paterson has adopted the "Optional Municipal Charter Law."

P. L. 1939, c. 233 (C. 40:38-25.1)—Provided tenure to certain deputy clerks and deputy surrogates who in 1939 were at least 51 years of age and employed in the position for at least 16 years. *N. J. S. 40A:9-79* which previously saved the statute from repeal is also repealed here.

P. L. 1940, c. 63 (C. 33:1-5 through 33:1-5.3) authorized the establishment of a municipal excise commission in municipalities having a population of 100,000 or more and having a board of finance. The statute appears to have been directed to the city of Paterson, which no longer fits the description or utilizes the statute.

P. L. 1941, c. 43 (C. 40:23-8.2) authorized counties having a population of between 120,000 and 165,000 in 1940 to appropriate moneys to a junior college located in the county. The only county which now makes such appropriations (Union county) does so under the statutory authority of *P. L. 1962, c. 42 (C. 40:23-8.2a)*.

P. L. 1945, c. 156 (C. 40:48-1 through 40:48-8.14) authorized fourth class cities having a population of over 50,000 (Atlantic City) to tax certain retail sales. The statute was found unconstitutional in *Koons v. Bd. of Commissioners of Atlantic City* (134 N. J. L. 329) (1946). Atlantic City now imposes a retail sales ("luxury") tax under the authority of *P. L. 1947, c. 71 (C. 40:48-8.15 et seq.)*.

P. L. 1945, c. 266 (C. 40:48-2.15) authorized municipalities and counties of the fourth and sixth class to jointly establish veteran's service bureaus. This was a World War II statute. If such joint efforts were to be pursued in the future, the general authority exists under the "Interlocal Services Act" (*P. L. 1973, c. 208; C. 40:8A-1 et seq.*).

P. L. 1951, c. 247 (C. 27:14-24.1) permitted second class counties between 275,000 and 325,000 to grant tenure to county road supervisors having served prior to January 1, 1951 for at least 6 years.

P. L. 1954, c. 10 (C. 40:11-17.5) provided in 1954 that the 1950 federal census shall have effect in certain second class and fourth class counties, notwithstanding other legislation, subsequently expired, which held counties harmless from those effects. *N. J. S. 40A:9-21* which earlier saved this statute from repeal is repealed here.

P. L. 1961, c. 1 (C. 52:10-3 through 52:10-10) provided for the apportionment of a 60 member General Assembly among the various

counties of the State. The statutes have been superseded by constitutional provisions.

P. L. 1962, c. 143, s. 2 (C. 40:87-60.2) provided for the continuation in 1960 of the ordinances of boroughs located in second class counties where the county became a third class county under the 1960 federal census. The intervention of the 1970 and 1980 census and the repeal of the statutory authorization for those ordinances (which appear to have fixed salaries of elected officers) has eliminated the need for the statute.

P. L. 1962, c. 144, s. 3 (C. 40:46-26.1) provided for the continuation in 1960 of ordinances of municipalities located in third class counties where the county became a second class county under the 1960 federal census. The intervention of the 1970 and 1980 censuses and the repeal of the statutory authorization for those ordinances (which appear to have fixed salaries of elected officers) has eliminated the need for the statute.

P. L. 1965, c. 109 (C. 40:23-8.12) authorized counties of a population between 130,000 and 140,000 to appropriate funds to a training center for the handicapped. No county has met these population limits since 1960.

P. L. 1969, c. 200 (C. 54:15A-1 through 54:15A-4) permitted municipalities having populations of 100,000 or more to levy a passenger service charge on airline passengers departing from a public airport located therein. The statute was found unconstitutional in *Allegheny Airlines, Inc. v. Sills*, 110 N. J. Super. 54 (1970).

P. L. 1970, c. 303 (C. 40:46-14.1) permitted a fourth class county to appoint a nonresident as a building inspector. There have been no fourth class counties since the 1970 federal census.

P. L. 1975, c. 20 (C. 40:48D-1 through 40:48D-10) authorized Jersey City for 1 year to impose a payroll tax. The act provided that the ordinance imposing the tax shall expire December 31, 1975, and it has not been used since that date.

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SENATE AMENDMENTS TO
SENATE, No. 3445

STATE OF NEW JERSEY

ADOPTED DECEMBER 14, 1981

Amend page 32, section 44, line 11, omit "300,000", insert "200,000".

Amend page 32, section 44, line 14, omit "300,000", insert "200,000".

STATEMENT

These amendments provide that Somerset county shall be a county of the second class upon the enactment of Senate No. 3445 and the filing of the 1980 federal census.