

40:48B-5

LEGISLATIVE HISTORY CHECKLIST
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(Municipal Consolidated
Services Act---)

NJSA: 40:48B-5

LAWS OF: 1995 CHAPTER: 336

BILL NO: S2285

SPONSOR(S): McNamara

DATE INTRODUCED: October 19, 1995

COMMITTEE: ASSEMBLY ---

SENATE: Community Affairs

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: December 18, 1995

SENATE: December 7, 1995

DATE OF APPROVAL: January 5, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

P.L. 1995, CHAPTER 336, approved January 5, 1996

1995 Senate No. 2285

1 **AN ACT** concerning certain residency requirements and amending
2 P.L. 1952, c.72.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the
5 State of New Jersey:

6 1. Section 5 of P.L.1952, c.72 (C.40:48B-5) is amended to read
7 as follows:

8 5. The joint contract shall provide for the constitution and
9 appointment of a management committee to consist of one
10 member to be appointed by the governing body of each of the
11 local units executing same, who shall be a resident of the
12 appointing local unit, except that a member who is the chief
13 financial officer, business administrator, municipal administrator
14 or municipal manager of the local unit making the appointment
15 need not be a resident of the appointing local unit. Such
16 appointee may or may not be a member of the appointing
17 governing body. Each member of the management committee
18 shall hold office for the term of 1 year and until his successor has
19 been appointed and qualified. In the event that only two local
20 units are parties to the contract, the management committee
21 shall consist of three members, one selected from each by the
22 governing bodies and one member selected by the two other
23 members.

24 The management committee shall elect annually from among
25 its members a chairman to preside over its meetings. The
26 management committee may appoint such other officers and
27 employees, including counsel, who need not be members of the
28 management committee or members of the governing bodies or
29 employees or residents of the local units, as it may deem
30 necessary. The employees appointed by the management
31 committee shall hold office for such term not exceeding 4 years
32 as may be provided by the joint contract. The management
33 committee shall adopt rules and regulations to provide for the
34 conduct of its meetings and the duties and powers of the
35 chairman and such other officers and employees as may be
36 appointed. All actions of the management committee shall be by
37 vote of the majority of the entire membership of the committee,
38 except for those matters for which the contract requires a
39 greater number, and shall be binding on all local units who have
40 executed the joint contract. The management committee shall
41 exercise all of the powers of the joint meeting subject to the
42 provisions of the joint contract.

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

Matter underlined thus is new matter.

1 The joint contract may provide for the delegation of the
2 administration of any or all of the services, lands, public
3 improvements, works, facilities or undertakings of the joint
4 meeting to the governing body of any one of the several
5 contracting local units, in which event such governing body shall
6 have and exercise all of the powers and authority of the
7 management committee with respect to such delegated functions.

8 (cf: P.L.1973, c.208, s.15)

9 2. This act shall take effect immediately and shall be
10 applicable to appointments made after the effective date of this
11 act.

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14 STATEMENT

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16 This bill removes the requirement that a member of the
17 management committee of a joint meeting created pursuant to
18 the "Consolidated Municipal Service Act," P.L.1952, c.72
19 (C.40:48B-1 et al.) must be a resident of the appointing local unit
20 if the member is the chief financial officer, business
21 administrator, municipal administrator or municipal manager of
22 the local unit making the appointment. Under current law, a
23 local unit that is a member of a joint meeting must appoint a
24 resident of the local unit to represent it on the management
25 committee of the joint meeting. This requirement has made it
26 difficult for smaller municipalities to appoint the chief financial
27 officer or business administrator to serve as members of these
28 committees, if the person is not a resident of the municipality.
29 This bill would permit a local unit to appoint its chief financial
30 officer or business administrator to serve as a member of a
31 management committee, regardless of where the person lives.

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36 Removes residency requirement for certain appointments to
37 management committee under "Consolidated Municipal Service
38 Act."

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SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2285

STATE OF NEW JERSEY

DATED: NOVEMBER 27, 1995

The Senate Community Affairs Committee reports favorably Senate, No. 2285.

Senate, No. 2285 would create an exception for certain local officials from the residency requirement otherwise imposed upon a member of the management committee of a joint meeting created pursuant to the "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et al.). Specifically, this bill provides that a member of the management committee who is the chief financial officer, business administrator, municipal administrator, or municipal manager of the local unit making the appointment need not be a resident of that local unit. Under current law, a local unit that is a member of a joint meeting must appoint a resident of the local unit to represent it on the management committee of the joint meeting. This requirement has made it difficult for smaller municipalities to appoint their chief financial officer or business administrator or municipal manager to serve as a member of these committees because, in some instances, the individual is not a resident of the municipality. This bill would permit a local unit to appoint its chief financial officer, business administrator, or municipal manager to serve as a member of a management committee, regardless of where the individual resides.