

40A:1A-1

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 40A:1 A-1

(County &
Municipal
Government
Study
Commission--reconstitute)

LAWS OF: 1991

CHAPTER: 165

Bill No: S1960

Sponsor(s): Orechio

Date Introduced: Pre-filed

Committee: Assembly: County Government

Senate: County & Municipal Government

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: May 9, 1991

Senate: February 15, 1990

Date of Approval: June 19, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

[FIRST REPRINT]
SENATE, No. 1960

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator ORECHIO

AN ACT to amend the title "An act creating a commission, to be known as the County and Municipal Government Study Commission, to study the structure of county and municipal governments, the interrelationship of State, county and municipal governments, and their present and future problems; to provide for reports and recommendations by the said commission to the Governor and the Legislature; and making an appropriation for the expenses thereof," approved April 26, 1966 (P.L.1966, c.28) so that the same shall read "An act creating a commission, to be known as the State Commission on County and Municipal Government, to study the structure of county and municipal governments, the interrelationship of federal, State, county and municipal governments, and their present and future problems; and to provide for reports and recommendations by the said commission to the Governor and the Legislature," and to amend and supplement the body of said act.

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

1. The title of P.L.1966, c.28 is amended to read as follows:

AN ACT creating a commission, to be known as the State Commission on County and Municipal Government [Study Commission], to study the structure of county and municipal governments, the interrelationship of federal, State, county and municipal governments, and their present and future problems; and to provide for reports and recommendations by the said commission to the Governor and the Legislature[: and making an appropriation for the expenses thereof].

(cf: P.L.1966, c.28, Title)

2. (New section) The Legislature finds and determines that:

a. Aspects of the historic offices, functions and authority of county government remain relatively unchanged in spite of other significant changes in the functions and structure of county government, changes in State and municipal government, and the transformation of the State from a rural area to the most urbanized State in the nation, and make desirable a reexamination of the functions and structure of county

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SCM committee amendments adopted January 18, 1990.

government including the existence of State mandated organizational Structures in every county;

b. Increased public demand for services provided by local governments and the need to maintain the level of local expenditures are challenging local governments to develop innovative, effective, and efficient service delivery measures;

c. The current commission is a unique forum for legislators, local government representatives and executive staff to define issues and work toward solutions which strengthen the ability of both State and local government to function effectively;

d. Many positive recommendations and changes in local government structure and function have resulted directly from the commission's work;

e. It is therefore necessary and appropriate to strengthen and expand the role of the commission so that it may continue its tasks in the most effective manner possible.

3. Section 1 of P.L.1966, c.28 is amended to read as follows:

1. There is hereby created in the Legislative Branch of the State Government a commission to be known as the State Commission on County and Municipal Government [Study Commission].

The commission shall consist of 15 members, nine of whom shall be named by the Governor, three of whom shall be Senators to be named by the President of the Senate, and three of whom shall be Assemblymen to be named by the Speaker of the General Assembly. Of the nine members that shall be named by the Governor, three shall be nominees of the New Jersey Association of [Chosen Freeholders] Counties, three shall be nominees of the New Jersey State League of Municipalities, and three shall be named by the Governor from among the citizens of the State, one of which citizen appointees shall have experience as a representative of a municipal, county or State bargaining unit,¹ except that no more than two of these three members shall be of the same political party. No more than two of the three Senators, nor more than two of the three Assemblymen, to be named shall be of the same political party. Any vacancy in the membership of the commission shall be filled by appointment in the same manner as the original appointment was made. The members serving on the effective date of this amendatory and supplementary act shall continue to serve according to the following procedures. The legislative members of the commission shall serve for the term for which they are elected. Of the members named by the Governor, two municipal, two county and one citizen members shall serve for a term of four years and one municipal, one county and two citizen members shall serve for a term of two years, both beginning on January 1, 1990.

The members shall draw lots for two or four year terms. Subsequent appointments shall be for four years and each

member shall serve until a successor is chosen; provided that appointments to fill vacancies are for the period of the, unexpired term. Any member who was appointed to the commission as a result of holding a certain office or position, shall terminate membership on the commission upon leaving that office or position.

(cf: P.L.1966, c.28, s.1)

4. Section 2 of P.L.1966, c.28 is amended to read as follows:

2. The commission shall select from among its members a chairman and a vice chairman [and also shall select a secretary, who need not be a member of the commission].

(cf: P.L.1966, c.28, s.2)

5. Section 3 of P.L.1966, c.28 is amended to read as follows:

3. The commission is authorized, empowered and directed to study and report on the structure and functions of county and municipal government, including their constitutional and statutory bases and on the existing, necessary and desirable relationship, including the fiscal relationship, between local governments and between local governments and the State and federal governments. The commission shall recommend legislative changes which will provide the State's counties and municipalities with thoroughly modern and effective statutory powers. The commission is directed further to inquire into the structural and administrative streamlining of county and municipal governments as proposed in New Jersey and other states, including [consolidation, federation, special districts, contract purchase of services and abolition or strengthening of existing forms of government] but not limited to, the transfer of functions from one level of government to another; the purchase of services on a contractual basis; the establishment of regional special districts, authorities and commissions; municipal consolidation; and the merger of existing autonomous agencies into the parent municipal or county government, to determine, their applicability in meeting the present and future needs of the State, its citizens, and its political subdivisions.

(cf: P.L.1966, c.28, s.3)

6. Section 4 of P.L.1966, c.28 is amended to read as follows:

4. The commission shall [submit its first report] prepare and submit reports to the Governor and the Legislature [on or before the second Tuesday in January, 1968, and its final report as soon thereafter as practicable], setting forth the results of its [study and] studies which may include recommendations for constitutional and statutory changes.

(cf: P.L.1967, c.53, s.1)

7. Section 5 of P.L.1966, c.28 is amended to read as follows:

5. The commission shall be entitled to accept the assistance and services of such employees of any State, county or municipal department, board, bureau, commission or agency as may be made available to it and to [employ such legal,

stereographic, technical and clerical assistants and] incur such traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for its said purposes.

(cf: P.L.1966, c.28, s.5)

8. Section 6 of P.L.1966, c.28 is amended to read as follows:

6. The [study] studies by the commission shall constitute a legislative inquiry and, in the performance of its duties, the commission may proceed in the same manner as joint committees of the Legislature are authorized to proceed under the provisions of chapter 13 of Title 52 of the Revised Statutes.

(cf: P.L.1966, c.28, s.6)

9. (New section) The commission is authorized to apply for, contract for, receive and expend for its purposes, any appropriation or grants from the State, its political subdivisions, the federal government, or any other source, public or private.

10. (New section) a. The commission shall employ and set the compensation of an Executive Director, who shall serve at its pleasure. The Executive Director may employ professional, technical, legal, clerical, or other staff or consultants, as necessary and authorized by the commission and may remove such staff.

b. The staff of the commission shall be within the unclassified service of the State, and their compensation shall be determined by the commission within the limitations of appropriations for commission purposes.

11. (New section) a. The commission may establish committees as it deems advisable and feasible whose membership shall include at least one member of the commission. A committee may review issues before the commission but only the commission itself may set policy or take official action.

b. The commission may hold public hearings from time to time on matters within its purview.

12. This act shall take effect immediately.

LEGISLATURE

Reconstitutes County and Municipal Government Study Commission as State Commission on County and Municipal Government.

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12. This act shall take effect immediately.

STATEMENT

This bill amends and supplements the provisions of P.L.1966, c.28 to reconstitute the County and Municipal Government Study Commission as the State Commission on County and Municipal Government. The bill also expands certain of the commission's responsibilities and clarifies the terms of its members.

Under the provisions of the bill, the commission's duty would be expanded to include the examination of the relationships between local governments and the federal government. Currently, the commission is empowered to study only the relationships between local governments and between local governments and the State. The bill also amends P.L.1966, c.28 to direct the commission to study the transfer of functions from one level of government to another, the purchase of services on contractual bases, the establishment of regional special districts, authorities, and commissions, municipal consolidation, and the merger of autonomous agencies into the existing

structure of county and municipal governments.

In addition, the bill clarifies the terms of its various members; authorizes the commission to apply for, contract for, and receive appropriations and grants from the federal government, the State, and local governments; empowers it to employ, and set the salary of, an executive director; and permits it to establish subcommittees and hold public hearings.

LEGISLATURE

Reconstitutes County and Municipal Government Study Commission as State Commission on County and Municipal Government.

ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 1960

STATE OF NEW JERSEY

DATED: JANUARY 14, 1991

The Assembly County Government Committee reports favorably Senate Bill No. 1960 (1R).

Senate Bill No. 1960 (1R) amends and supplements the provisions of P.L.1966, c.28 to reconstitute the County and Municipal Government Study Commission as the State Commission on County and Municipal Government. The bill also expands certain of the commission's responsibilities and clarifies the terms of its members.

Under the provisions of the bill, the commission's duty would be expanded to include the examination of the relationships between local governments and the federal government. Currently, the commission is empowered to study only the relationships between local governments and between local governments and the State. The bill also amends P.L.1966, c.28 to direct the commission to study the transfer of functions from one level of government to another, the purchase of services on contractual bases, the establishment of regional special districts, authorities, and commissions, municipal consolidation, and the merger of autonomous agencies into the existing structure of county and municipal governments.

In addition, the bill clarifies the terms of its various members; authorizes the commission to apply for, contract for, and receive appropriations and grants from the federal government, the State, and local governments; empowers it to employ, and set the salary of, an executive director; and permits it to establish subcommittees and hold public hearings.

The bill also requires that one of the three citizens appointed by the Governor shall have experience as a representative of a New Jersey State, county or municipal bargaining unit.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1960

with Senate Committee Amendments

STATE OF NEW JERSEY

DATED: JANUARY 18, 1990

The Senate County and Municipal Government Committee reports favorably Senate Bill 1960 with committee amendments.

Senate Bill No. 1960 amends and supplements the provisions of P.L.1966, c.28 to reconstitute the County and Municipal Government Study Commission as the State Commission on County and Municipal Government. The bill also expands certain of the commission's responsibilities and clarifies the terms of its members.

Under the provisions of the bill, the commission's duty would be expanded to include the examination of the relationships between local governments and the federal government. Currently, the commission is empowered to study only the relationships between local governments and between local governments and the State. The bill also amends P.L.1966, c.28 to direct the commission to study the transfer of functions from one level of government to another, the purchase of services on contractual bases, the establishment of regional special districts, authorities, and commissions, municipal consolidation, and the merger of autonomous agencies into the existing structure of county and municipal governments.

In addition, the bill clarifies the terms of its various members; authorizes the commission to apply for, contract for, and receive appropriations and grants from the federal government, the State, and local governments; empowers it to employ, and set the salary of, an executive director; and permits it to establish subcommittees and hold public hearings.

The committee amended the bill to provide that one of the three citizens appointed by the Governor shall have experience as a representative of a New Jersey State, county or municipal bargaining unit.

This bill was pre-filed for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.