

LEGISLATIVE HISTORY CHECKLIST
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(Municipal forms of government--revises membership of governing bodies)

NJSA: 40:72-1.1 et al

LAWS OF: 1981 **CHAPTER:** 427

BILL NO: S3154

SPONSOR(S) Perskie and Musto

DATE INTRODUCED: March 23, 1981

COMMITTEE: **ASSEMBLY:** Municipal Government
SENATE: County and Municipal Government

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by asterisks

DATE OF PASSAGE: **ASSEMBLY:** January 4, 1982
SENATE: June 8, 1981

DATE OF APPROVAL: January 9, 1982

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Also attached: Assembly amendments adopted 11-23-81 (with statements)

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: ~~No~~ Yes

FOLLOWING WERE PRINTED:

REPORTS: Yes

HEARINGS: No

Report, referred to in statements:
974.90 New Jersey. County and Municipal Government Commission.
M966 Forms of Municipal Government in New Jersey. 17th report.
1979 January, 1979. , Trenton, 1979.

CHAPTER 427 LAWS OF N. J. 1981
APPROVED 1-9-82

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 3154

STATE OF NEW JERSEY

INTRODUCED MARCH 23, 1981

By Senators PERSKIE and MUSTO

Referred to Committee on County and Municipal Government

AN ACT concerning the membership of the governing bodies of certain municipal forms of government and revising parts of the statutory law.

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

1 1. R. S. 40:72-1.1 is amended to read as follows:

2 40:72-1.1 **[When any]** Any municipality, which **[when voting**
3 to adopt the commission form of government had a population of
4 less than 12,000, has increased in population to 12,000 or more]
5 is governed by a board of three commissioners may provide that
6 two additional commissioners shall be elected at an election to be
7 held on the second Tuesday in May **[following the official announce-**
8 ment of such increase in population] *next*; provided, that **[in any**
9 municipality of more than 12,000 population and less than 25,000
10 population said election shall not be held until] a proposed ordi-
11 nance increasing the number of commissioners from three to five
12 **[shall be]** *was first* submitted to the board of commissioners by
13 petition signed by electors of the municipality equal in number to
14 15% of the votes cast at the last general election, held for the elec-
15 tion of all the members of the General Assembly, requesting that
16 said ordinance be submitted to the vote of the people***[, if not**
17 passed by the board of commissioners]*.

18 The signatures, verification, authentication, inspection, certifica-
19 tion, amendment and submission of such petition shall be the same
20 as for petitions to recall commissioners. Upon the filing of said
21 petition and certification of the same by the municipal clerk the
22 board of commissioners shall ***[within 20 days thereafter pass said**
23 ordinance without change or]* submit said ordinance without

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

24 change to the vote of the electors of the municipality at the next
 25 general election. Said petitions **[must]** *shall* be filed and certified
 26 to by the municipal clerk at least 60 days before the general election
 27 at which the proposed ordinance shall be submitted to a vote of the
 28 electors.

1 2. R. S. 40:81-1 is amended to read as follows:

2 40:81-1. The municipal council shall consist of three*, *five, seven*
 3 *or nine** members **[in municipalities having less than 25,000 in-**
 4 **habitants, [save] except as provided below, or in those cases in**
 5 **which prior to the adoption of the municipal manager form of gov-**
 6 **ernment the municipal council shall have consisted of five or more**
 7 **members, in which event the municipal council provided for herein**
 8 **shall consist of five members; of five members in municipalities**
 9 **having more than 25,000 and less than 40,000 inhabitants; of seven**
 10 **members in municipalities having more than 40,000 and less than**
 11 **100,000 inhabitants; and of nine members in municipalities having**
 12 **100,000 or more inhabitants. The number of councilmen shall not**
 13 **be changed by reason of an increase or decrease of population until**
 14 **the regular election of councilmen next following the promulgation**
 15 **of the last legally ascertained enumeration of the people, whether**
 16 **by Federal or State authority]**, as **[prescribed in the municipal****
 16A **charter*]** **authorized on the effective date of this 1981 amenda-****
 16B **tory act**.**

17 ****[The]** **After the effective date of this 1981 amendatory act,****
 17A **the** legal voters of any municipality **[having a population of less****
 18 **than 25,000 may, by initiative and referendum, increase the**
 19 **membership of the municipal council from three to five members]***
 20 ***may, by petition and referendum, **[amend its charter to]** in-****
 21 **crease or decrease the number of the municipal council to three, five,**
 22 **seven or nine members*. Upon the submission of a petition signed**
 23 **by a number of the legal voters of the municipality equal in number**
 24 **to at least 15% of the total votes cast in the municipality at the last**
 25 **election at which members of the General Assembly were elected,**
 26 **the proposition to increase *or decrease* the membership of the**
 26A **municipal council shall be submitted to the voters at the next gen-**
 26B **eral election. The proposition shall not be submitted more than**
 26C **once in any 3-year period.**

27 *The signatures, verification, authentication, inspection, certifica-*
 28 *tion, amendment and submission of the petition shall be the same*
 29 *as for petitions to recall councilmen and shall be filed and certified*
 30 *to by the municipal clerk at least 60 days before the general elec-*
 31 *tion at which the proposition shall be submitted to a vote.*

32 The question of the increase in the number of commissioners
33 shall be submitted to the voters at the election in substantially the
34 following form:

35 "Shall the membership of the municipal council of
..... (name of
36 be ***[increased from 3 to 5 members?]**)* *
municipality)

36A
(insert "increased" or "decreased" as appropriate)

36B from to
(insert current number) (insert proposed number)

36C members?*

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

42 When the legal voters shall have voted to increase *or decrease*
43 the membership of the municipal council ***[from three to five mem-**
44 **bers]*** as provided in this section, ***[there shall be elected at]*** *the
45 increase or decrease shall take effect for* the next regular municipi-
46 pal election of councilmen***[, two additional members of the municipi-**
47 **pal council]***.

1 3. R. S. 40:81-5 is amended to read as follows:

2 40:81-5. **[On]** Except as otherwise provided by referendum of
3 the voters, on the second Tuesday of May of the fourth year follow-
4 ing such first election and on the second Tuesday of May of every
5 fourth year thereafter, there shall be elected the number of electors
6 hereinbefore prescribed of like qualifications to serve as members
7 of the municipal council for the term of 4 years and until their
8 successors shall have been elected and duly qualified or unless their
9 places become vacant as hereinafter provided. The term of office
10 of councilmen subsequently elected shall commence on the fourth
11 Tuesday of May next ensuing their election at 12 o'clock noon.

1 4. (New section) Where the members of the municipal council in
2 any municipality adopting the municipal manager form of govern-
3 ment have 4-year terms of office pursuant to R. S. 40:81-5, the
4 legal voters of the municipality, by ***[initiative]*** *petition* and
5 referendum, may provide that the terms of office of the members
6 of the municipal council shall expire in staggered years as provided
6A in this section.

7 a. An election upon the proposition to elect members of the
8 municipal council to terms of office which expire in staggered
9 years shall be ordered by the municipal council upon the submission

10 of a petition signed by a number of the legal voters of the municipi-
 11 pality equal to not less than 15% of the total votes cast in the
 12 municipality at the last preceding election at which members of the
 13 General Assembly were elected. The proposition shall be submitted
 14 at the next general election. The proposition shall not be sub-
 15 mitted more than once in any 3-year period;

16 b. The signatures, verification, authentication, inspection,
 17 certification, amendment and submission of the petition shall be the
 18 same as for petitions to recall councilmen and shall be filed and
 19 certified to by the municipal clerk at least 60 days before the
 20 general election at which the proposition shall be submitted to a
 21 vote;

22 c. The question of the election of members of the municipal
 23 council to staggered terms of office shall be submitted to the voters
 24 at such election in substantially the following form:

25 "Shall the terms of office of members of the municipal council
 26 of expire in staggered years?"
 (name of municipality)

27 d. A canvass and return of the vote upon the proposition shall
 28 be made by the election officers in the same manner as for officers
 29 voted for at the election, and a majority of all the votes cast upon
 30 the proposition in favor of the proposition shall be sufficient to
 31 make the change;

32 e. When the legal voters shall have voted to have the terms of
 33 office of members of the municipal council expire in staggered years,
 34 there shall be elected at the next regular municipal election of
 35 councilmen the following:

36 (1) If the municipal council consists of three members, two of
 37 the members shall be elected for 4 years, and one for 2 years, the
 38 respective terms of each to be designated on the ballot;

39 (2) If the municipal council consists of five members, two of the
 40 members shall be elected for 4 years, and three for 2 years; the
 41 respective terms of each to be designated on the ballot;

42 (3) If the municipal council consists of seven members, three of
 43 the members shall be elected for 4 years, and four for 2 years, the
 44 respective terms of each to be designated on the ballot;

45 (4) If the municipal council consists of nine members, four of
 46 the members shall be elected for 4 years, and five for 2 years, the
 47 respective terms of each to be designated on the ballot.

48 Each council member elected thereafter shall serve for a 4-year
 49 term of office.

1 5. R. S. 40:125-1 is amended to read as follows:

2 40:125-1. The town shall be divided into not less than two or
 3 more than three wards. The town [and ward] officers shall be a
 4 council, consisting *except as otherwise provided by referendum*
 5 *of the voters*, of two councilmen from each ward and one council-
 6 man-at-large who shall be designated and voted for as a mayor, a
 7 clerk, a collector, a treasurer, an attorney, an assessor except where
 8 such office has been abolished by law, one or more surveyors, one or
 9 more poundkeepers, a chief of police, and a chief engineer of the
 10 fire department.

1 6. R. S. 40:125-4 is amended to read as follows:

2 40:125-4. The councilman at large shall be officially known and
 3 designated as the mayor of (the name of the
 4 town in which he shall be elected). He shall be so designated in all
 5 official documents and instruments of every kind, and shall sign all
 6 ordinances, warrants, bonds, notes, contracts and all other official
 7 documents and instruments by said title. [He] *Except as otherwise*
 8 *provided by referendum of the voters*, he shall hold office for 2
 9 years from January 1 next following his election[.]. *The mayor*
 10 shall possess and exercise all the powers of a member of the council
 11 and shall by virtue of his election be the president thereof. At all
 12 elections candidates for the office heretofore known as councilman
 13 at large shall be designated and voted for under the title of mayor.

1 7. R. S. 40:125*-5* is amended to read as follows:

2 40:125-5. Except as herein otherwise provided, at the first
 3 general election held under chapters 123 to 130 of this Title
 4 (§ 40:123-1 et seq.), one member of the council from each ward
 5 shall be elected for 1 year, and one member for 2 years and the
 6 ballots used at such election shall designate the terms for which the
 7 several candidates shall be elected. Thereafter, annually, a member
 8 of the council shall be elected from each ward for 2 years, *unless*
 9 *otherwise provided by referendum of the voters*.

1 8. (New section) The legal voters of any town divided into wards,
 2 by ***[initiative]*** *petition* and referendum, may require the divi-
 3 sion of the town into either two or three wards, as set forth in the
 4 petition; increase to three the number of council members from
 5 each ward; and, increase the terms of office of these members and
 6 the mayor to 3 years. Upon the submission to the clerk of a petition
 7 signed by a number of the legal voters of the municipality equal in
 8 number to a least 15% of the total votes cast in the municipality
 9 at the last election at which members of the General Assembly were
 10 elected, the proposition which shall be submitted to the voters at
 11 the next general election. The proposition shall not be submitted
 12 more than once in any 3-year period.

9 position shall be submitted to the voters at the next general election.
 10 The proposition shall not be submitted more than once in any 3-
 11 year period.

12 The notice, advertisement and conduct of the election shall be
 13 in the same manner as for officers voted for at the election.

14 The proposition shall be submitted to the voters at the election
 15 in substantially the following form:

16 "Shall the term of the mayor in be increased
 (name of town)
 17 to 3 years?"

18 A canvass and return of the vote upon the proposition shall be
 19 made by the election officers in the same manner as for officers
 20 voted for at the election, and a majority of all the votes cast upon
 21 the proposition in favor of the proposition shall be sufficient to
 22 make the change.

23 Notwithstanding any other provisions of law to the contrary,
 24 upon approval by the legal voters of the proposition to increase the
 25 term of the mayor to 3 years, the mayor elected at the first annual
 26 election after the approval of the proposition, and at an election
 27 held every third year thereafter, shall serve for a term of 3 years.

1 10. R. S. 40:131-1 is amended to read as follows:

2 40:131-1. **[The]** *Except as otherwise provided by referendum*
 3 *of the voters, the governing body of any town containing more than*
 4 *5,000 inhabitants may, by ordinance or resolution, [divide] require*
 5 *the division of the town into not less than three nor more than five*
 6 *wards. [Such ordinance or resolution shall define the boundaries*
 7 *of each ward.]*

1 11. R. S. 40:131-2 is amended to read as follows:

2 40:131-2. **[After]** *Except as otherwise provided by referendum*
 3 *of the voters, after such division into wards the governing body*
 4 *of such town shall consist of two members from each ward and the*
 5 *mayor, who by virtue of his election shall be chairman of the*
 6 *governing body.*

1 12. R. S. 40:131-3 is amended to read as follows:

2 40:131-3. **[The]** *Except as otherwise provided by referendum*
 3 *of the voters, the legal voters of each ward shall elect two mem-*
 4 *bers of the council, and the mayor shall be elected by all the legal*
 5 *voters of the town. Each of such officers shall hold office for 2 years*
 6 *except as provided in [section] R. S. 40:131-4 [of this title], or*
 7 *except as otherwise provided by referendum of the voters.*

1 13. R. S. 40:131-4 is amended to read as follows:

2 40:131-4. **[At]** *Except as otherwise provided by referendum of*
 3 *the voters, at the first general election held after such division into*
 4 *wards, one member shall be elected from each ward for 1 year*

5 and one for 2 years, the term of office to be designated on the ballots
 6 used at such election, and thereafter one member shall be elected an-
 7 nually to serve 2 years, except that all members of the governing
 8 body holding office at the time of such division into wards shall
 9 serve out the full term for which they were respectively elected,
 10 representing therein the wards in which they shall happen to
 11 reside, and no member shall be elected from any ward until its
 12 representation therein shall, by expiration of term or otherwise,
 13 become less than two members.

1 14. R. S. 40:131-7 is amended to read as follows:

2 40:131-7. After such division into wards the corporate name of
 3 such town shall be "the mayor and [board of aldermen] council of
 4 the town of", specifying the name borne by such
 5 town.

1 15. R. S. 40:132-1 is amended to read as follows:

2 40:132-1. [The] *Except as otherwise provided by referendum*
 3 *of the voters, the* legal voters of every town shall, at the election
 4 at which other town officers are elected, elect from among the resi-
 5 dents thereof a councilman at large to be called mayor, who shall
 6 hold office for 2 years from January 1 following the date of such
 7 election. He shall possess and exercise all the powers of a member
 8 of the [common] council [or board of aldermen] of such incorpo-
 9 rated town. He shall, in addition thereto and by virtue of such
 10 election, be president of the [common] council [or board of alder-
 11 men] and shall sign all ordinances, warrants, bonds, contracts, and
 12 all other official documents and instruments of such incorporated
 13 town by said title.

1 16. (New section) The legal voters of any town divided into
 2 wards, by *[initiative]* *petition* and referendum, may require
 3 the division of the town into either two or three wards, as set forth
 4 in the petition; increase to three the number of council members
 5 from each ward; and, increase the terms of office of these members
 6 and the mayor to 3 years. Upon the submission to the clerk of a
 7 petition signed by a number of the legal voters of the municipality
 8 equal in number to at least 15% of the total votes cast in the mu-
 9 nicipality at the last election at which members of the General
 10 Assembly were elected, the proposition shall be submitted to the
 11 voters at the next general election. The proposition shall not be
 12 submitted more than once in any 3-year period.

13 The notice, advertisement and conduct of the election shall be in
 14 the same manner as for officers voted for at the election.

15 The proposition shall be submitted to the voters at the election
 16 in substantially the following form:

17 "Shall be divided into wards
(name of town) (two or three)

18 with three council members from each ward, and the terms of
19 office of the council members and mayor be increased to 3 years?"

20 A canvass and return of the vote upon the proposition shall be
21 made by the election officers in the same manner as for officers
22 voted for at the election, and a majority of all the votes cast upon
23 the proposition in favor of the proposition shall be sufficient to
24 make the change.

25 Notwithstanding any other provision of law to the contrary, upon
26 approval by the legal voters of the proposition to divide the munici-
27 pality into a specified number of existing wards, increase the
28 number of council members from each ward and increase the terms
29 of office of the council members and mayor to 3 years as provided
30 in this section, there shall be:

31 a. A division of the town into the number of wards as specified
32 in the proposition in the manner generally provided by law; and,

33 b. An election, at the first annual election after the division of
34 the wards, of one member from each ward for a 1 year term, one for
35 2 years and one for 3 years, and a mayor elected by the whole town
36 for a 3-year term, the respective terms of each to be designated on
37 the ballot. Thereafter one council member shall be elected annually
38 from each ward for a term of 3 years; except that all members of
39 the council holding office at the time of the division of the wards in
40 accordance with this section shall serve the full term for which each
41 was respectively elected and, except for the mayor, shall represent
42 the ward in which each now happens to reside. At the election next
43 preceding the expiration of the terms of each of the existing council
44 members, such council members as may be necessary shall be elected
45 so that the terms of office of the council members in each ward shall
46 expire one in 1 year, one in 2 years and one in 3 years.

1 17. (New section) The legal voters of any town divided into wards
2 in which the mayor and council members are elected for 2-year
3 terms of office, by ***[initiative]*** **petition** and referendum, may
4 require that the mayor shall be elected for a 3-year term of office.
5 Upon the submission to the clerk of a petition signed by a number
6 of the legal voters of the municipality equal in number to at least
7 15% of the total votes cast in the municipality at the last election
8 at which members of the General Assembly were elected, the propo-
9 sition shall be submitted to the voters at the next general election.
10 The proposition shall not be submitted more than once in any 3-
11 year period.

12 The notice, advertisement and conduct of the election shall be in
13 the same manner as for officers voted for at the election.

14 The proposition shall be submitted to the voters at the election
15 in substantially the following form:

16 "Shall the term of the mayor in be increased
(name of town)

17 to 3 years?"

18 A canvass and return of the vote upon the proposition shall be
19 made by the election officers in the same manner as for officers
20 voted for at the election, and a majority of all the votes cast upon
21 the proposition in favor of the proposition shall be sufficient to
22 make the change.

23 Notwithstanding any other provisions of law to the contrary,
24 upon approval by the legal voters of the proposition to increase the
25 term of the mayor to 3 years, the mayor elected at the first annual
26 election after the approval of the proposition, and at an election
27 held every third year thereafter, shall serve for a term of 3 years.

1 18. R. S. 40:144-1 is amended to read as follows:

2 40:144-1. All townships having a population of more than 7,000
3 and not heretofore divided into wards, may be divided into not less
4 than *two wards or more than* three wards as hereinafter in this
5 chapter provided. In determining the population for the purposes
6 of this chapter the [inmates] *patients* of any State *psychiatric*
7 hospital [for the insane] who are not legal residents of such town-
8 ship shall not be counted or included.

1 19. R. S. 40:144-11 is amended to read as follows:

2 40:144-11. [The] *Except as otherwise provided by* *[law]*
3 *referendum of the voter**, the township committee of every town-
4 ship containing more than 7,000 inhabitants which shall hereafter
5 be divided into wards under the provisions of this chapter, shall
6 consist of two members elected from each ward, who shall hold
7 office for 3 years, and one member at large elected by the voters of
8 the whole township, who shall hold office for 4 years and who shall
9 by virtue of his election be chairman of the township committee,
10 and in townships having a population of more than 10,000 shall be
11 known as the mayor of such township. A majority of the members
12 of the committee shall constitute a quorum for the transaction of
13 business, and no standing committees shall be appointed except by
14 a vote of the majority of the members of such committee. The
15 members from each ward and the member at large shall be elected
16 at the annual township election.

1 20. R. S. 40:144-12 is amended to read as follows:

2 40:144-12. The first election for members of the township com-
3 mittee in any township after the same shall have been divided into
4 wards under [the provisions of this chapter] *R. S. 40:144-1*
5 *through R. S. 40:144-10* shall be held at the time of the first general

6 election occurring after such division into wards. At such election
7 there shall be elected a member at large, and in each ward one
8 member of the township committee for 1 year and one member
9 for 2 years, and the ballots voted shall designate which one is to
10 serve for 1 year and which one for 2 years.

11 21. (New section) The legal voters of any township divided
12 into wards, by ***[initiative]*** **petition** and referendum, may de-
13 crease the number of existing wards in the township to not less
14 than two or more than three and, increase to three the number of
15 committee members from each ward, upon the submission to the
16 clerk of a petition signed by a number of the legal voters of the
17 municipality equal in number to at least 15% of the total votes cast
18 in the municipality at the last election at which members of the
19 General Assembly were elected, the proposition shall be submitted
20 to the voters at the next general election. The proposition shall not
21 be submitted more than once in any 3-year period.

22 The notice, advertisement and conduct of the election shall be
23 in the same manner as for officers voted for at the general
24 election****[;]**** ***

25 The proposition shall be submitted to the voters at the election
26 in substantially the following form:

27 "Shall the number of wards in be decreased
28 (name of township)
29 to and the number of committee members from each
30 (two or three)
31 ward be increased to three?"****[;]****

32 A canvass and return of the vote upon the proposition shall be
33 made by the election officers in the same manner as for officers
34 voted for at the general election, and a majority of all the votes
35 cast upon the proposition in favor of the proposition shall be
36 sufficient to make the change.

37 Notwithstanding any other provisions of law to the contrary,
38 upon approval by the legal voters of the proposition to decrease the
39 number of existing wards and, to increase the number of committee
40 members from each ward as provided in this section, there shall be:

41 a. A division of the township into the number of wards as
42 specified in the proposition in the manner generally provided by
43 law; and,

44 b. An election, at the first annual election after the division of
45 the wards, of one member from each ward for a 1 year term, one
46 for 2 years and one for 3 years and a committee member at large
47 elected by the whole township for a 4-year term, the respective
48 terms of each to be designated on the ballot. Thereafter one com-
49 mittee member shall be elected annually from each ward for a term

37 of 3 years; except that all members of the committee holding office
38 at the time of the division of the wards in accordance with this
39 section shall serve the full term for which each was respectively
40 elected and, except for the committee member at large, shall repre-
41 sent the ward in which each now happens to reside. At the election
42 next preceding the expiration of the terms of each of the existing
43 committee members, such committee members as may be necessary
44 shall be elected so that the terms of office of the committee members
45 in each ward shall expire one in 1 year, one in 2 years and one in
46 3 years.

1 22. R. S. 40:123-1 through R. S. 40:123-8 are repealed.

2 The repeal of these sections of law shall not affect a town in-
3 corporated under these sections prior to the effective date of this
4 act.

1 23. This act shall take effect immediately.

STATEMENT

This bill provides for changes in the terms and membership of the governing body in certain municipal forms of government pursuant to the conclusions and recommendations of the County and Municipal Government Study Commission in their report, the "Forms of Municipal Government in New Jersey" (17th report, January 1979). Generally, the provisions of this act provide municipal voters with a greater range of options through the petition and referendum process concerning the membership terms of their municipal governing body and, where appropriate, the number of wards in the municipality.

The bill permits the legal voters of any municipality with a population of less than 12,000 and a commission form of government, to increase the membership of the commission from three to five members.

The bill permits the legal voters of any municipality with a municipal manager form of government and a population of less than 25,000 to increase the membership of the municipal council from three to five members.

The bill provides the legal voters of any municipality with a municipal manager form of government the option to elect the members of the municipal council to terms of office which expire in successive years.

The bill permits the legal voters of any town form of government divided into wards to propose to decrease the number of existing wards in the town to not less than two or more than three; to increase to three the number of council members from each ward; and, to increase the terms of office of such members and the councilman at large to 3 years.

The bill permits, in the alternative, the legal voters of any town form of government to increase only the mayor's term from 2 to 3 years.

The bill permits through a petition and referendum process the legally qualified voters of any township divided into wards to propose to decrease the number of existing wards in the township to not less than two or more than three; to increase to three the number of committee members from each ward.

The bill repeals R. S. 40:123-1 through 40:123-8, which permits any town, village, borough or township with over 4,000 population to incorporate as a town with a council elected entirely from wards. The repeal is prospective in nature, and would not affect any towns previously incorporated under those sections.

53154 (1981)

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SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 3154

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 4, 1981

Senate Bill No. 3154 provides for changes in the terms and membership of the governing body in certain municipal forms of government pursuant to the conclusions and recommendations of the County and Municipal Government Study Commission in their report, the "Forms of Municipal Government in New Jersey" (17th report, January 1979). Generally, the provisions of this act provide municipal voters with a greater range of options through the petition and referendum process concerning the membership terms of their municipal governing body and, where appropriate, the number of wards in the municipality.

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The bill permits the legal voters of any municipality with a municipal manager form of government and a population of less than 25,000 to increase the membership of the municipal council from three to five members.

The bill provides the legal voters of any municipality with a municipal manager form of government the option to elect the members of the municipal council to terms of office which expire in successive years.

The bill permits the legal voters of any town form of government divided into wards to propose to decrease the number of existing wards in the town to not less than two or more than three; to increase to three the number of council members from each ward; and, to increase the terms of office of such members and the councilman at large to 3 years.

The bill permits, in the alternative, the legal voters of any town form of government to increase only the mayor's terms from 2 to 3 years.

The bill permits through a petition and referendum process the legally qualified voters of any township divided into wards to propose to decrease the number of existing wards in the township to not less than two or more than three; and, to increase to three the number of committee members from each ward.

The bill repeals R. S. 40:123-1 through 40:123-8, which permits any

town, village, borough or township with over 4,000 population to incorporate as a town with a council elected entirely from wards. The repeal is prospective in nature, and would not affect any towns previously incorporated under those sections.

The Senate committee amendments would:

1. Substitute the language "petition and referendum" for "initiative and referendum" as it occurs throughout the bill, as more reflective of the petition process necessary to submit the options to referendum of the voters under the act;

2. Revise R. S. 40:72-1.1 to require submission to the voters of the question of increasing the board of commissioners under the "Walsh Act" from three to five members, as generally required throughout the act;

3. Revise R. S. 40:81-1 to eliminate the fixing of the number of members of the municipal council under the "municipal manager form of government (1923)" according to the population of the municipality, and to permit these municipalities to provide in their charters for three, five, seven or nine councilmen and to increase or decrease that number by petition and referendum.

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ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE
STATEMENT TO

SENATE, No. 3154

STATE OF NEW JERSEY

DATED: JUNE 29, 1981

Senate Bill No. 3154 provides for changes in the terms and membership of the governing body in certain municipal forms of government pursuant to the conclusions and recommendations of the County and Municipal Government Study Commission in its report, *Forms of Municipal Government in New Jersey* (17th report, January 1979). Generally, the provisions of this act provide municipal voters with a greater range of options through the petition and referendum process concerning the membership terms of their municipal governing body and, where appropriate, the number of wards in the municipality.

The bill permits the legal voters of any municipality with a population of less than 12,000 and a commission form of government, to increase the membership of the commission from three to five members.

The bill permits the legal voters of any municipality with a municipal manager form of government to provide in their charters for three, five, seven or nine councilmen and eliminates the fixing of the size of the council on the basis of the population of the municipality.

The bill provides the legal voters of any municipality with a municipal manager form of government the option to elect the members of the municipal council to terms of office which expire in successive years.

The bill permits the legal voters of any town form of government divided into wards to propose to decrease the number of existing wards in the town to not less than two or more than three; to increase to three the number of council members from each ward; and, to increase the terms of office of such members and the councilman at large to 3 years.

The bill permits through a petition and referendum process the legally qualified voters of any township divided into wards to propose to decrease the number of existing wards in the township to not less than two or more than three; and, to increase to three the number of committee members from each ward.

The bill repeals R. S. 40:123-1 through 40:123-8, which permits any town, village, borough or township with over 4,000 population to incorporate as a town with a council elected entirely from wards. The repeal is prospective in nature, and would not affect any towns previously incorporated under those sections.

ASSEMBLY AMENDMENTS TO
SENATE, No. 3154
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED NOVEMBER 23, 1981

Amend page 2, section 2, lines 16 and 16A, omit "prescribed in the municipal charter", insert "authorized on the effective date of this 1981 amendatory act".

Amend page 2, section 2, line 17, omit "The", insert "After the effective date of this 1981 amendatory act, the".

Amend page 2, section 2, line 20, omit "amend its charter to".

Amend page 2, section 2, line 35, after "name of", insert "municipality)".

Amend page 11, section 21, line 13, omit ":", insert ".".

Amend page 11, section 21, line 18, omit ":", insert ".".

STATEMENT

These amendments clarify that in municipalities having adopted the "municipal manager plan of government (1923)," the municipal council shall consist of the number of councilmen that the municipality had on the effective date of the act, until such time as that number is increased or decreased by the voters. The amendments also correct several minor typographical errors.

JANUARY 11, 1982 -A-

S-3338, sponsored by Senator Matthew Feldman (D-Bergen), permitting any part-time officer or employee of the legislature who is a member of the Public Employees' Retirement System (PERS) to purchase credit in PERS for prior public service with a county or the legislature.

S-3154, also sponsored by Senator Perskie, incorporating numerous recommendations of the County and Municipal Government Study (Musto) Commission regarding voter initiatives on the number of elected representatives and terms of office in municipalities.

Specifically, the bill allows voters to increase the number of commissioners in Commission Government forms from three to five; to increase or decrease the number of councilmen in Manager forms from three to five, seven or nine; to limit the number of wards in towns and increase the mayor's term of office, among other provisions.

S-3178, also sponsored by Senator Weiss, reducing the fee municipalities must pay to counties for recording tax sale certificates, liens, deeds or related documents from \$10.00 to \$3.00.

S-3127, sponsored by Senator Wynona Lipman (D-Essex) and designated the "Prevention of Domestic Violence Act," strengthening the civil and criminal remedies available to the victims of domestic violence. Domestic violence under the bill is defined as violence between people of the opposite sex either living together or together, parents of a child. Child abuse situations are excluded.

The bill requires the Police Training Commission to provide training for officers on the handling of domestic violence complaints, and permits law enforcement agencies to establish domestic violence teams. A court would be authorized to impose as a condition of release or sentence provisions restricting the defendant's contact with the victim, and the victim would be able to seek civil compensation, including a division of property, child support, financial damages, and an order requiring the defendant seek professional counseling.

~~SECRET~~