

Bill and Sponsors Statement identical to S2123

COMMITTEE STATEMENT:

ASSEMBLY: Yes

Identical to Assembly Statement to S2123

SENATE: No

ASSEMBLY FLOOR AMENDMENTS

No

LEGISLATIVE FISCAL ESTIMATE:

No

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

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SENATE, No. 2123

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 15, 2001

Sponsored by:

Senator RAYMOND J. LESNIAK

District 20 (Union)

SYNOPSIS

Increases mayor's term of office in certain towns to four years.

CURRENT VERSION OF TEXT

As introduced.



S2123 LESNIAK

1 AN ACT concerning the term of office of certain town mayors and
2 amending N.J.S.40A:9-130 and N.J.S.40A:62-2.

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

6
7 1. N.J.S.40A:9-130 is amended to read as follows:

8 40A:9-130. a. In every municipality, unless otherwise provided by
9 law and except as provided under subsection b. of this section, the
10 term of office for the mayor shall be 4 years.

11 b. In every town operating under a special charter with a
12 population of 12,000 or more according to the most recent decennial
13 census, the term of office for the mayor shall be 4 years,
14 notwithstanding any different term of office specified in the special
15 charter.

16 (cf: N.J.S.40A:9-130)

17
18 2. N.J.S.40A:62-2 is amended to read as follows:

19 40A:62-2. a. The mayor shall be elected by the voters of the
20 municipality at large and shall be known as the councilman-at-large.
21 **[He]** In a municipality operating under this chapter, with a population
22 of less than 12,000, according to the most recent federal decennial
23 census, the mayor shall serve for a term of two years, except as
24 otherwise provided by referendum of the voters. In a municipality
25 operating under this chapter with a population of 12,000 or more,
26 according to the most recent federal decennial census, the mayor shall
27 serve for a term of four years.

28 b. The legal voters of any town divided into wards, in which the
29 mayor and council members are elected for two-year terms of office,
30 may by petition and referendum, require that the mayor shall be
31 elected for a three-year term of office.

32 Upon the submission to the town clerk of a petition, signed by at
33 least fifteen per centum (15%) of the legal voters of the municipality
34 who cast their votes in the municipality at the last election in which
35 members of the General Assembly were elected, the proposition shall
36 be submitted to the voters at the next general election. The
37 proposition shall not be submitted more than once in any three-year
38 period.

39 The notice, advertisement and conduct of the election shall be in the
40 same manner as for offices voted at the election.

41 The proposition shall be submitted to the voters at the election in
42 substantially the following form: "Shall the term of the mayor in. . . .
43(name of town). be increased to three years?"

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

5 Notwithstanding any other provisions of law to the contrary, upon
6 approval by the legal voters of the town of the proposition to increase
7 the term of the mayor to three years, the mayor elected at the first
8 annual election after the approval of the proposition, and at an election
9 held every third year thereafter, shall serve for a term of three years.

10 c. The council shall consist of eight members, two elected from
11 each of four wards, and they shall serve for a term of two years. Their
12 terms shall be arranged, to be designated on the ballot if necessary, so
13 that one member of the council shall be elected from each ward at each
14 election.

15 d. Notwithstanding the provisions of subsection c. of this section,
16 any town, whose council immediately prior to the effective date of this
17 act had a council whose method of election, composition or tenure of
18 its membership differed in any way from the provisions set out in
19 subsection c. of this section, shall continue to be governed by those
20 provisions which determined the council's method of election,
21 composition or tenure of its membership, as the case may be, until
22 such time it wishes to adopt the provisions as set out in subsection c.
23 of this section. Any adoption shall be by referendum of voters, after
24 the town council shall have passed an ordinance not less than 60 days
25 preceding any general election calling for the referendum to be placed
26 upon the ballot. The referendum shall not be submitted to the voters
27 more than once in any three-year period.

28 e. The annual election for town officers shall be held at the same
29 time and places as the general election. No person shall be permitted
30 to vote at any such election unless he is an actual resident of the
31 election district in which he offers his vote.

32 (cf: N.J.S.40A:62-2)

33
34 3. This act shall take effect immediately but the amendatory
35 provisions shall remain inoperative in a municipality until the first
36 election for the office of mayor next following enactment.

37
38
39 STATEMENT

40
41 This bill would provide for a four-year term of office for the office
42 of mayor in those municipalities with a population of 12,000 or more,
43 according to the most recent federal decennial census, that are either
44 incorporated as towns operating under a special charter, or that are
45 municipalities operating under the town form of government. The
46 change would not take effect in a municipality until the first election

S2123 LESNIAK

4

1 for the office of mayor next following enactment of the bill. Of the
2 municipalities currently having elected mayors, only certain
3 municipalities operating under the town form of government and
4 certain special charter municipalities have terms of office less than four
5 years for their elected mayors. This bill represents a legislative
6 determination that when the population of a town reaches 12,000
7 persons, it requires the leadership continuity of a four-year mayor.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2123

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 8, 2001

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate Bill No. 2123.

As amended by the committee, this bill would alter the term of office of mayor from three years to four years in towns operating under a special charter with a population of at least 28,000 but not more than 35,000 according to the most recent census. Additionally, the bill would alter the term of office of mayor and members of council from three year to four years in towns with a population of at least 12,000 but not more than 15,000 according to the most recent census.

The term changes would not take effect in a municipality until the first election for the office of mayor next following enactment of the bill. Of the municipalities currently having elected mayors, only certain municipalities operating under the town form of government and certain special charter municipalities have terms of office less than four years for their elected mayors.

The committee amended the bill to adjust population criteria so as to limit application of the bill to the municipalities of Westfield in Union County and Secaucus and Harrison in Hudson County.

[First Reprint]

SENATE, No. 2123

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 15, 2001

Sponsored by:

Senator RAYMOND J. LESNIAK

District 20 (Union)

SYNOPSIS

Increases term of office of mayor and council in certain municipalities to four years.

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee on March 8, 2001, with amendments.



1 AN ACT concerning the term of office of certain town mayors and
2 amending N.J.S.40A:9-130 and N.J.S.40A:62-2.

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

6
7 1. N.J.S.40A:9-130 is amended to read as follows:

8 40A:9-130. a. In every municipality, unless otherwise provided by
9 law and except as provided under subsection b. of this section, the
10 term of office for the mayor shall be 4 years.

11 b. In every town operating under a special charter with a
12 population of ¹[12,000 or more] at least 28,000 but not more than
13 35,000,¹ according to the most recent ¹federal¹ decennial census, the
14 term of office for the mayor shall be 4 years, notwithstanding any
15 different term of office specified in the special charter.

16 (cf: N.J.S.40A:9-130)

17
18 2. N.J.S.40A:62-2 is amended to read as follows:

19 40A:62-2. a. The mayor shall be elected by the voters of the
20 municipality at large and shall be known as the councilman-at-large.
21 **[He]** In a municipality operating under this chapter, with a population
22 of less than 12,000 ¹or more than 15,000¹ , according to the most
23 recent federal decennial census, the mayor shall serve for a term of
24 two years, except as otherwise provided by referendum of the voters.
25 In a municipality operating under this chapter with a population of ¹at
26 least¹ 12,000 ¹[or more] but not more than 15,000¹ , according to the
27 most recent federal decennial census, the mayor shall serve for a term
28 of four years.

29 b. The legal voters of any town divided into wards, in which the
30 mayor and council members are elected for two-year terms of office,
31 may by petition and referendum, require that the mayor shall be
32 elected for a three-year term of office.

33 Upon the submission to the town clerk of a petition, signed by at
34 least fifteen per centum (15%) of the legal voters of the municipality
35 who cast their votes in the municipality at the last election in which
36 members of the General Assembly were elected, the proposition shall
37 be submitted to the voters at the next general election. The
38 proposition shall not be submitted more than once in any three-year
39 period.

40 The notice, advertisement and conduct of the election shall be in the
41 same manner as for offices voted at the election.

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 SCU committee amendments adopted March 8, 2001.

1 The proposition shall be submitted to the voters at the election in
2 substantially the following form: "Shall the term of the mayor in. . . .
3(name of town). be increased to three years?"

4 A canvass and return of the vote upon the proposition shall be made
5 by the election officers in the same manner as for officers voted for at
6 the election, and a majority of all the votes cast upon the proposition
7 in favor of the proposition shall be sufficient to make the change.

8 Notwithstanding any other provisions of law to the contrary, upon
9 approval by the legal voters of the town of the proposition to increase
10 the term of the mayor to three years, the mayor elected at the first
11 annual election after the approval of the proposition, and at an election
12 held every third year thereafter, shall serve for a term of three years.

13 c. The council shall consist of eight members, two elected from
14 each of four wards ¹[, and they] . In a municipality operating under
15 this chapter, with a population of less than 12,000 or more than
16 15,000, according to the most recent federal decennial census, the
17 members of council¹ shall serve for a term of two years. Their terms
18 shall be arranged, to be designated on the ballot if necessary, so that
19 one member of the council shall be elected from each ward at each
20 election. ¹In a municipality operating under this chapter with a
21 population of at least 12,000 but not more than 15,000, according to
22 the most recent federal decennial census, the members of council shall
23 serve for a term of four years.¹

24 d. Notwithstanding the provisions of subsection c. of this section,
25 any town, whose council immediately prior to the effective date of this
26 act had a council whose method of election, composition or tenure of
27 its membership differed in any way from the provisions set out in
28 subsection c. of this section, shall continue to be governed by those
29 provisions which determined the council's method of election,
30 composition or tenure of its membership, as the case may be, until
31 such time it wishes to adopt the provisions as set out in subsection c.
32 of this section. Any adoption shall be by referendum of voters, after
33 the town council shall have passed an ordinance not less than 60 days
34 preceding any general election calling for the referendum to be placed
35 upon the ballot. The referendum shall not be submitted to the voters
36 more than once in any three-year period.

37 e. The annual election for town officers shall be held at the same
38 time and places as the general election. No person shall be permitted
39 to vote at any such election unless he is an actual resident of the
40 election district in which he offers his vote.

41 (cf: N.J.S.40A:62-2)

42

43 3. This act shall take effect immediately but the amendatory
44 provisions shall remain inoperative in a municipality until the first
45 election for the office of mayor next following enactment.

STATEMENT TO
[First Reprint]
SENATE, No. 2123

with Senate Floor Amendments
(Proposed By Senator LESNIAK)

ADOPTED: MARCH 26, 2001

This amendment would increase the term of office of the mayor and members of council in the Town of Westfield from two years to four years commencing with those elected at the 2003 general election. Currently, the mayor and eight members of the council of Westfield serve two-year terms of office and are elected on a staggered schedule so that four members are elected each year. In order to provide elections for four-year terms of office every two years, the bill would provide for a transitional three-year term of office for the mayor and members of council elected at the 2002 general election.

Additionally, the amendment would change population criteria contained in section 2 of the bill in order to correctly identify the Town of Secaucus in accordance with the recently released 2000 census figures.

[Second Reprint]
SENATE, No. 2123

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 15, 2001

Sponsored by:
Senator RAYMOND J. LESNIAK
District 20 (Union)

Co-Sponsored by:
Assemblymen Cohen and Impreveduto

SYNOPSIS

Increases term of office of mayor and council in certain municipalities to four years.

CURRENT VERSION OF TEXT

As amended by the Senate on March 26, 2001.



(Sponsorship Updated As Of: 6/15/2001)

1 AN ACT concerning the term of office of certain town mayors and
2 ²council members and² amending N.J.S.40A:9-130 and
3 N.J.S.40A:62-2.

4

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

7

8 1. N.J.S.40A:9-130 is amended to read as follows:

9 40A:9-130. a. In every municipality, unless otherwise provided by
10 law and except as provided under subsection b. of this section, the
11 term of office for the mayor shall be 4 years.

12 b. In every town operating under a special charter with a
13 population of ¹[12,000 or more] at least 28,000 but not more than
14 35,000,¹ according to the most recent ¹federal¹ decennial census, the
15 term of office for the mayor ²and the members of council² shall be 4
16 years, notwithstanding any different term of office specified in the
17 special charter.

18 (cf: N.J.S.40A:9-130)

19

20 2. N.J.S.40A:62-2 is amended to read as follows:

21 40A:62-2. a. The mayor shall be elected by the voters of the
22 municipality at large and shall be known as the councilman-at-large.
23 [He] In a municipality operating under this chapter, with a population
24 of less than 12,000 ¹or more than ²[15,000¹]16,000², according to
25 the most recent federal decennial census, the mayor shall serve for a
26 term of two years, except as otherwise provided by referendum of the
27 voters. In a municipality operating under this chapter with a
28 population of ¹at least¹ 12,000 ¹[or more] but not more than
29 ²[15,000¹]16,000², according to the most recent federal decennial
30 census, the mayor shall serve for a term of four years.

31 b. The legal voters of any town divided into wards, in which the
32 mayor and council members are elected for two-year terms of office,
33 may by petition and referendum, require that the mayor shall be
34 elected for a three-year term of office.

35 Upon the submission to the town clerk of a petition, signed by at
36 least fifteen per centum (15%) of the legal voters of the municipality
37 who cast their votes in the municipality at the last election in which
38 members of the General Assembly were elected, the proposition shall
39 be submitted to the voters at the next general election. The
40 proposition shall not be submitted more than once in any three-year
41 period.

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 SCU committee amendments adopted March 8, 2001.

² Senate floor amendments adopted March 26, 2001.

1 The notice, advertisement and conduct of the election shall be in the
2 same manner as for offices voted at the election.

3 The proposition shall be submitted to the voters at the election in
4 substantially the following form: "Shall the term of the mayor in. . . .
5(name of town). be increased to three years?"

6 A canvass and return of the vote upon the proposition shall be made
7 by the election officers in the same manner as for officers voted for at
8 the election, and a majority of all the votes cast upon the proposition
9 in favor of the proposition shall be sufficient to make the change.

10 Notwithstanding any other provisions of law to the contrary, upon
11 approval by the legal voters of the town of the proposition to increase
12 the term of the mayor to three years, the mayor elected at the first
13 annual election after the approval of the proposition, and at an election
14 held every third year thereafter, shall serve for a term of three years.

15 c. The council shall consist of eight members, two elected from
16 each of four wards¹ [, and they] . In a municipality operating under
17 this chapter, with a population of less than 12,000 or more than
18 ²[15,000] 16,000², according to the most recent federal decennial
19 census, the members of council¹ shall serve for a term of two years.
20 Their terms shall be arranged, to be designated on the ballot if
21 necessary, so that one member of the council shall be elected from
22 each ward at each election. ¹In a municipality operating under this
23 chapter with a population of at least 12,000 but not more than
24 ²[15,000] 16,000², according to the most recent federal decennial
25 census, the members of council shall serve for a term of four years.¹

26 d. Notwithstanding the provisions of subsection c. of this section,
27 any town, whose council immediately prior to the effective date of this
28 act had a council whose method of election, composition or tenure of
29 its membership differed in any way from the provisions set out in
30 subsection c. of this section, shall continue to be governed by those
31 provisions which determined the council's method of election,
32 composition or tenure of its membership, as the case may be, until
33 such time it wishes to adopt the provisions as set out in subsection c.
34 of this section. Any adoption shall be by referendum of voters, after
35 the town council shall have passed an ordinance not less than 60 days
36 preceding any general election calling for the referendum to be placed
37 upon the ballot. The referendum shall not be submitted to the voters
38 more than once in any three-year period.

39 e. The annual election for town officers shall be held at the same
40 time and places as the general election. No person shall be permitted
41 to vote at any such election unless he is an actual resident of the
42 election district in which he offers his vote.

43 (cf: N.J.S.40A:62-2)

44

45 ²3. Notwithstanding the provisions of P.L. . . . , c. (C. . . .)(pending
46 before the Legislature as this bill), the provisions of a special charter

1 or any provision of law to the contrary, the mayor and members of
2 council chosen by the voters at the 2002 general election in a town
3 operating under a special charter with a population of at least 28,000
4 but not more than 35,000 according to the most recent federal
5 decennial census shall serve a three-year term of office.²

6
7 ²[3.] 4.² This act shall take effect immediately but the amendatory
8 provisions ²of section 1² shall remain inoperative in a municipality
9 until the ²2003 general election and shall apply to the terms of mayors
10 and members of council elected at that election, and the amendatory
11 provisions of section 2 shall remain inoperative in a municipality until
12 the² first election for the office of mayor ²and members of council²
13 next following enactment ²and shall apply to the terms of mayors and
14 members of council elected at that election².

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

[Second Reprint]
SENATE, No. 2123

STATE OF NEW JERSEY

DATED: MAY 3, 2001

The Assembly Local Government Committee reports favorably Assembly Bill No. 2123 (2R).

Senate Bill No. 2123 (2R) would alter the terms of office of the mayor and of council members in certain municipalities. The applicability of the bill is limited to the municipalities of Westfield in Union County and Secaucus and Harrison in Hudson County.

Sections 1 and 3 of the bill affect the Town of Westfield, which operates under the provisions of a special charter. Specifically, section 1 of the bill would increase the term of office of the mayor and members of the council from two years to four years in towns operating under a special charter with a population of at least 28,000 but not more than 35,000, according to the most recent federal decennial census. The effective clause of the bill stipulates that this change in the length of these terms shall first apply to the mayor and members of the council elected at the general election occurring in 2003. For the purpose of the general election occurring in 2002, the bill requires that the mayor and members of the council chosen by the voters of Westfield at that election shall serve a three-year term of office. Currently, the mayor and eight members of the council of Westfield serve two-year terms of office and are elected on a staggered schedule so that four members are elected each year. In order to provide elections for four-year terms of office every two years, the bill provides for a transitional three-year term of office for the mayor and members of council elected at the 2002 general election.

Section 2 of the bill affects the Town of Secaucus and the Town of Harrison. Specifically, this section would alter the term of office of mayor and members of council from three year to four years in towns with a population of at least 12,000, but not more than 16,000, according to the most recent federal decennial census. The term changes proposed in this section would not take effect in these municipalities until the first election for the office of mayor and members of council next following the enactment of the bill.

The provisions of this bill are intended to be a step in the process of making uniform the varied terms of office of these municipal

officials.

Senate Bill No. 2123 (2R) is identical to Assembly Bill No. 3230 as amended, which was also reported by the committee at its May 3, 2001 meeting.

ASSEMBLY, No. 3230

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED FEBRUARY 22, 2001

Sponsored by:

Assemblyman NEIL M. COHEN

District 20 (Union)

SYNOPSIS

Increases mayor's term of office in certain towns to four years.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/2/2001)

1 AN ACT concerning the term of office of certain town mayors and
2 amending N.J.S.40A:9-130 and N.J.S.40A:62-2.

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

6
7 1. N.J.S.40A:9-130 is amended to read as follows:

8 40A:9-130. a. In every municipality, unless otherwise provided by
9 law and except as provided under subsection b. of this section, the
10 term of office for the mayor shall be 4 years.

11 b. In every town operating under a special charter with a
12 population of 12,000 or more according to the most recent decennial
13 census, the term of office for the mayor shall be 4 years,
14 notwithstanding any different term of office specified in the special
15 charter.

16 (cf: N.J.S.40A:9-130)

17
18 2. N.J.S.40A:62-2 is amended to read as follows:

19 40A:62-2. a. The mayor shall be elected by the voters of the
20 municipality at large and shall be known as the councilman-at-large.
21 **[He]** In a municipality operating under this chapter, with a population
22 of less than 12,000, according to the most recent federal decennial
23 census, the mayor shall serve for a term of two years, except as
24 otherwise provided by referendum of the voters. In a municipality
25 operating under this chapter with a population of 12,000 or more,
26 according to the most recent federal decennial census, the mayor shall
27 serve for a term of four years.

28 b. The legal voters of any town divided into wards, in which the
29 mayor and council members are elected for two-year terms of office,
30 may by petition and referendum, require that the mayor shall be
31 elected for a three-year term of office.

32 Upon the submission to the town clerk of a petition, signed by at
33 least fifteen per centum (15%) of the legal voters of the municipality
34 who cast their votes in the municipality at the last election in which
35 members of the General Assembly were elected, the proposition shall
36 be submitted to the voters at the next general election. The
37 proposition shall not be submitted more than once in any three-year
38 period.

39 The notice, advertisement and conduct of the election shall be in the
40 same manner as for offices voted at the election.

41 The proposition shall be submitted to the voters at the election in
42 substantially the following form: "Shall the term of the mayor in. . . .
43 (name of town). be increased to three years?"

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

5 Notwithstanding any other provisions of law to the contrary, upon
6 approval by the legal voters of the town of the proposition to increase
7 the term of the mayor to three years, the mayor elected at the first
8 annual election after the approval of the proposition, and at an election
9 held every third year thereafter, shall serve for a term of three years.

10 c. The council shall consist of eight members, two elected from
11 each of four wards, and they shall serve for a term of two years. Their
12 terms shall be arranged, to be designated on the ballot if necessary, so
13 that one member of the council shall be elected from each ward at each
14 election.

15 d. Notwithstanding the provisions of subsection c. of this section,
16 any town, whose council immediately prior to the effective date of this
17 act had a council whose method of election, composition or tenure of
18 its membership differed in any way from the provisions set out in
19 subsection c. of this section, shall continue to be governed by those
20 provisions which determined the council's method of election,
21 composition or tenure of its membership, as the case may be, until
22 such time it wishes to adopt the provisions as set out in subsection c.
23 of this section. Any adoption shall be by referendum of voters, after
24 the town council shall have passed an ordinance not less than 60 days
25 preceding any general election calling for the referendum to be placed
26 upon the ballot. The referendum shall not be submitted to the voters
27 more than once in any three-year period.

28 e. The annual election for town officers shall be held at the same
29 time and places as the general election. No person shall be permitted
30 to vote at any such election unless he is an actual resident of the
31 election district in which he offers his vote.

32 (cf: N.J.S.40A:62-2)

33
34 3. This act shall take effect immediately but the amendatory
35 provisions shall remain inoperative in a municipality until the first
36 election for the office of mayor next following enactment.

37
38
39 STATEMENT

40
41 This bill would provide for a four-year term of office for the office
42 of mayor in those municipalities with a population of 12,000 or more,
43 according to the most recent federal decennial census, that are either
44 incorporated as towns operating under a special charter, or that are
45 municipalities operating under the town form of government. The
46 change would not take effect in a municipality until the first election

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1 for the office of mayor next following enactment of the bill. Of the
2 municipalities currently having elected mayors, only certain
3 municipalities operating under the town form of government and
4 certain special charter municipalities have terms of office less than four
5 years for their elected mayors. This bill represents a legislative
6 determination that when the population of a town reaches 12,000
7 persons, it requires the leadership continuity of a four-year mayor.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3230

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 3, 2001

The Assembly Local Government Committee reports favorably and with amendments Assembly Bill No. 3230.

As amended by the committee, Assembly Bill No. 3230 would alter the terms of office of the mayor and of council members in certain municipalities. The amendments limit the applicability of the bill to the municipalities of Westfield in Union County and Secaucus and Harrison in Hudson County.

Sections 1 and 3 of the amended bill affect the Town of Westfield, which operates under the provisions of a special charter. Specifically, section 1 of the amended bill would increase the term of office of the mayor and members of the council from two years to four years in towns operating under a special charter with a population of at least 28,000 but not more than 35,000, according to the most recent federal decennial census. The effective clause of the bill stipulates that this change in the length of these terms shall first apply to the mayor and members of the council elected at the general election occurring in 2003. For the purpose of the general election occurring in 2002, the amended bill requires that the mayor and members of the council chosen by the voters of Westfield at that election shall serve a three-year term of office. Currently, the mayor and eight members of the council of Westfield serve two-year terms of office and are elected on a staggered schedule so that four members are elected each year. In order to provide elections for four-year terms of office every two years, the amended bill provides for a transitional three-year term of office for the mayor and members of council elected at the 2002 general election.

Section 2 of the amended bill affects the Town of Secaucus and the Town of Harrison. Specifically, this section would alter the term of office of mayor and members of council from three year to four years in towns with a population of at least 12,000, but not more than 16,000, according to the most recent federal decennial census. The term changes proposed in this section would not take effect in these municipalities until the first election for the office of mayor and members of council next following the enactment of the bill.

The provisions of this bill are intended to be a step in the process

of making uniform the varied terms of office of these municipal officials.

The Committee's amendments make Assembly Bill No. 3230 identical to Senate Bill No. 2123 (2R), which was also reported by the committee at its May 3, 2001 meeting.

[First Reprint]

ASSEMBLY, No. 3230

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 22, 2001

Sponsored by:

Assemblyman NEIL M. COHEN

District 20 (Union)

SYNOPSIS

Increases mayor's term of office in certain towns to four years.

CURRENT VERSION OF TEXT

As reported by the Assembly Local Government Committee on May 3, 2001,
with amendments.



(Sponsorship Updated As Of: 3/2/2001)

1 AN ACT concerning the term of office of certain town mayors and
2 ¹council members and¹ amending N.J.S.40A:9-130 and
3 N.J.S.40A:62-2.

4

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

7

8 1. N.J.S.40A:9-130 is amended to read as follows:

9 40A:9-130. a. In every municipality, unless otherwise provided by
10 law and except as provided under subsection b. of this section, the
11 term of office for the mayor shall be 4 years.

12 b. In every town operating under a special charter with a
13 population of ¹[12,000 or more] at least 28,000 but not more than
14 35,000,¹ according to the most recent ¹federal¹ decennial census, the
15 term of office for the mayor ¹and the members of council¹ shall be 4
16 years, notwithstanding any different term of office specified in the
17 special charter.

18 (cf: N.J.S.40A:9-130)

19

20 2. N.J.S.40A:62-2 is amended to read as follows:

21 40A:62-2. a. The mayor shall be elected by the voters of the
22 municipality at large and shall be known as the councilman-at-large.
23 [He] In a municipality operating under this chapter, with a population
24 of less than 12,000 ¹or more than 16,000¹, according to the most
25 recent federal decennial census, the mayor shall serve for a term of
26 two years, except as otherwise provided by referendum of the voters.
27 In a municipality operating under this chapter with a population of ¹at
28 least¹ 12,000 ¹[or more] but not more than 16,000¹, according to the
29 most recent federal decennial census, the mayor shall serve for a term
30 of four years.

31 b. The legal voters of any town divided into wards, in which the
32 mayor and council members are elected for two-year terms of office,
33 may by petition and referendum, require that the mayor shall be
34 elected for a three-year term of office.

35 Upon the submission to the town clerk of a petition, signed by at
36 least fifteen per centum (15%) of the legal voters of the municipality
37 who cast their votes in the municipality at the last election in which
38 members of the General Assembly were elected, the proposition shall
39 be submitted to the voters at the next general election. The
40 proposition shall not be submitted more than once in any three-year
41 period.

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 Assembly ALG committee amendments adopted May 3, 2001.

1 The notice, advertisement and conduct of the election shall be in the
2 same manner as for offices voted at the election.

3 The proposition shall be submitted to the voters at the election in
4 substantially the following form: "Shall the term of the mayor in. . . .
5(name of town). be increased to three years?"

6 A canvass and return of the vote upon the proposition shall be made
7 by the election officers in the same manner as for officers voted for at
8 the election, and a majority of all the votes cast upon the proposition
9 in favor of the proposition shall be sufficient to make the change.

10 Notwithstanding any other provisions of law to the contrary, upon
11 approval by the legal voters of the town of the proposition to increase
12 the term of the mayor to three years, the mayor elected at the first
13 annual election after the approval of the proposition, and at an election
14 held every third year thereafter, shall serve for a term of three years.

15 c. The council shall consist of eight members, two elected from
16 each of four wards ¹[, and they]. In a municipality operating under
17 this chapter, with a population of less than 12,000 or more than
18 16,000, according to the most recent federal decennial census, the
19 members of council¹ shall serve for a term of two years. Their terms
20 shall be arranged, to be designated on the ballot if necessary, so that
21 one member of the council shall be elected from each ward at each
22 election. ¹In a municipality operating under this chapter with a
23 population of at least 12,000 but not more than 16,000, according to
24 the most recent federal decennial census, the members of council shall
25 serve for a term of four years.¹

26 d. Notwithstanding the provisions of subsection c. of this section,
27 any town, whose council immediately prior to the effective date of this
28 act had a council whose method of election, composition or tenure of
29 its membership differed in any way from the provisions set out in
30 subsection c. of this section, shall continue to be governed by those
31 provisions which determined the council's method of election,
32 composition or tenure of its membership, as the case may be, until
33 such time it wishes to adopt the provisions as set out in subsection c.
34 of this section. Any adoption shall be by referendum of voters, after
35 the town council shall have passed an ordinance not less than 60 days
36 preceding any general election calling for the referendum to be placed
37 upon the ballot. The referendum shall not be submitted to the voters
38 more than once in any three-year period.

39 e. The annual election for town officers shall be held at the same
40 time and places as the general election. No person shall be permitted
41 to vote at any such election unless he is an actual resident of the
42 election district in which he offers his vote.

43 (cf: N.J.S.40A:62-2)

44

45 ¹3. Notwithstanding the provisions of P.L. , c. (C.)(pending
46 before the Legislature as this bill), the provisions of a special charter

1 or any provision of law to the contrary, the mayor and members of
2 council chosen by the voters at the 2002 general election in a town
3 operating under a special charter with a population of at least 28,000
4 but not more than 35,000 according to the most recent federal
5 decennial census shall serve a three-year term of office.¹

6
7 ¹[3.] 4.¹ This act shall take effect immediately but the amendatory
8 provisions ¹of section 1¹ shall remain inoperative in a municipality
9 until the ¹2003 general election and shall apply to the terms of mayors
10 and members of council elected at that election, and the amendatory
11 provisions of section 2 shall remain inoperative in a municipality until
12 the¹ first election for the office of mayor ¹and members of council¹
13 next following enactment ¹and shall apply to the terms of mayors and
14 members of council elected at that election¹.

P.L. 2001, CHAPTER 118, *approved June 26, 2001*
Senate Bill No. 2123 (*Second Reprint*)

1 AN ACT concerning the term of office of certain town mayors and
2 ²council members and² amending N.J.S.40A:9-130 and
3 N.J.S.40A:62-2.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. N.J.S.40A:9-130 is amended to read as follows:

9 40A:9-130. a. In every municipality, unless otherwise provided by
10 law and except as provided under subsection b. of this section, the
11 term of office for the mayor shall be 4 years.

12 b. In every town operating under a special charter with a
13 population of ¹[12,000 or more] at least 28,000 but not more than
14 35,000,¹ according to the most recent ¹federal¹ decennial census, the
15 term of office for the mayor ²and the members of council² shall be 4
16 years, notwithstanding any different term of office specified in the
17 special charter.

18 (cf: N.J.S.40A:9-130)
19

20 2. N.J.S.40A:62-2 is amended to read as follows:

21 40A:62-2. a. The mayor shall be elected by the voters of the
22 municipality at large and shall be known as the councilman-at-large.
23 [He] In a municipality operating under this chapter, with a population
24 of less than 12,000 ¹or more than ²[15,000¹]16,000², according to
25 the most recent federal decennial census, the mayor shall serve for a
26 term of two years, except as otherwise provided by referendum of the
27 voters. In a municipality operating under this chapter with a
28 population of ¹at least¹ 12,000 ¹[or more] but not more than
29 ²[15,000¹]16,000², according to the most recent federal decennial
30 census, the mayor shall serve for a term of four years.

31 b. The legal voters of any town divided into wards, in which the
32 mayor and council members are elected for two-year terms of office,
33 may by petition and referendum, require that the mayor shall be
34 elected for a three-year term of office.

35 Upon the submission to the town clerk of a petition, signed by at
36 least fifteen per centum (15%) of the legal voters of the municipality
37 who cast their votes in the municipality at the last election in which

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 SCU committee amendments adopted March 8, 2001.

² Senate floor amendments adopted March 26, 2001.

1 members of the General Assembly were elected, the proposition shall
2 be submitted to the voters at the next general election. The
3 proposition shall not be submitted more than once in any three-year
4 period.

5 The notice, advertisement and conduct of the election shall be in the
6 same manner as for offices voted at the election.

7 The proposition shall be submitted to the voters at the election in
8 substantially the following form: "Shall the term of the mayor in. . . .
9(name of town). be increased to three years?"

10 A canvass and return of the vote upon the proposition shall be made
11 by the election officers in the same manner as for officers voted for at
12 the election, and a majority of all the votes cast upon the proposition
13 in favor of the proposition shall be sufficient to make the change.

14 Notwithstanding any other provisions of law to the contrary, upon
15 approval by the legal voters of the town of the proposition to increase
16 the term of the mayor to three years, the mayor elected at the first
17 annual election after the approval of the proposition, and at an election
18 held every third year thereafter, shall serve for a term of three years.

19 c. The council shall consist of eight members, two elected from
20 each of four wards¹ [, and they]. In a municipality operating under
21 this chapter, with a population of less than 12,000 or more than
22 ²[15,000] 16,000², according to the most recent federal decennial
23 census, the members of council¹ shall serve for a term of two years.
24 Their terms shall be arranged, to be designated on the ballot if
25 necessary, so that one member of the council shall be elected from
26 each ward at each election. ¹In a municipality operating under this
27 chapter with a population of at least 12,000 but not more than
28 ²[15,000] 16,000², according to the most recent federal decennial
29 census, the members of council shall serve for a term of four years.¹

30 d. Notwithstanding the provisions of subsection c. of this section,
31 any town, whose council immediately prior to the effective date of this
32 act had a council whose method of election, composition or tenure of
33 its membership differed in any way from the provisions set out in
34 subsection c. of this section, shall continue to be governed by those
35 provisions which determined the council's method of election,
36 composition or tenure of its membership, as the case may be, until
37 such time it wishes to adopt the provisions as set out in subsection c.
38 of this section. Any adoption shall be by referendum of voters, after
39 the town council shall have passed an ordinance not less than 60 days
40 preceding any general election calling for the referendum to be placed
41 upon the ballot. The referendum shall not be submitted to the voters
42 more than once in any three-year period.

43 e. The annual election for town officers shall be held at the same
44 time and places as the general election. No person shall be permitted
45 to vote at any such election unless he is an actual resident of the
46 election district in which he offers his vote.

47 (cf: N.J.S.40A:62-2)

1 ²3. Notwithstanding the provisions of P.L. , c. (C.)(pending
2 before the Legislature as this bill), the provisions of a special charter
3 or any provision of law to the contrary, the mayor and members of
4 council chosen by the voters at the 2002 general election in a town
5 operating under a special charter with a population of at least 28,000
6 but not more than 35,000 according to the most recent federal
7 decennial census shall serve a three-year term of office.²

8

9 ²[3.] ^{4.}² This act shall take effect immediately but the amendatory
10 provisions ²of section ¹² shall remain inoperative in a municipality
11 until the ²2003 general election and shall apply to the terms of mayors
12 and members of council elected at that election, and the amendatory
13 provisions of section 2 shall remain inoperative in a municipality until
14 the² first election for the office of mayor ²and members of council²
15 next following enactment ²and shall apply to the terms of mayors and
16 members of council elected at that election².

17

18

19

20

21 Increases term of office of mayor and council in certain municipalities
22 to four years.

CHAPTER 118

AN ACT concerning the term of office of certain town mayors and council members and amending N.J.S.40A:9-130 and N.J.S.40A:62-2.

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

1. N.J.S.40A:9-130 is amended to read as follows:

Mayor; term; town certain, mayor, council terms.

40A:9-130. a. In every municipality, unless otherwise provided by law and except as provided under subsection b. of this section, the term of office for the mayor shall be 4 years.

b. In every town operating under a special charter with a population of at least 28,000 but not more than 35,000, according to the most recent federal decennial census, the term of office for the mayor and the members of council shall be 4 years, notwithstanding any different term of office specified in the special charter.

2. N.J.S.40A:62-2 is amended to read as follows:

Elected officers, terms.

40A:62-2. a. The mayor shall be elected by the voters of the municipality at large and shall be known as the councilman-at-large. In a municipality operating under this chapter, with a population of less than 12,000 or more than 16,000, according to the most recent federal decennial census, the mayor shall serve for a term of two years, except as otherwise provided by referendum of the voters. In a municipality operating under this chapter with a population of at least 12,000 but not more than 16,000, according to the most recent federal decennial census, the mayor shall serve for a term of four years.

b. The legal voters of any town divided into wards, in which the mayor and council members are elected for two-year terms of office, may by petition and referendum, require that the mayor shall be elected for a three-year term of office.

Upon the submission to the town clerk of a petition, signed by at least fifteen per centum (15%) of the legal voters of the municipality who cast their votes in the municipality at the last election in which members of the General Assembly were elected, the proposition shall be submitted to the voters at the next general election. The proposition shall not be submitted more than once in any three-year period.

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

The proposition shall be submitted to the voters at the election in substantially the following form: "Shall the term of the mayor in..... (name of town)..... be increased to three years?"

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

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

c. The council shall consist of eight members, two elected from each of four wards. In a municipality operating under this chapter, with a population of less than 12,000 or more than 16,000, according to the most recent federal decennial census, the members of council shall serve for a term of two years. Their terms shall be arranged, to be designated on the ballot if necessary, so that one member of the council shall be elected from each ward at each election. In a municipality operating under this chapter with a population of at least 12,000 but not more than 16,000, according to the most recent federal decennial census, the members of council shall serve for a term of four years.

d. Notwithstanding the provisions of subsection c. of this section, any town, whose council immediately prior to the effective date of this act had a council whose method of election, composition or tenure of its membership differed in any way from the provisions set out in subsection c. of this section, shall continue to be governed by those provisions which determined the council's method of election, composition or tenure of its membership, as the case may be,

until such time it wishes to adopt the provisions as set out in subsection c. of this section. Any adoption shall be by referendum of voters, after the town council shall have passed an ordinance not less than 60 days preceding any general election calling for the referendum to be placed upon the ballot. The referendum shall not be submitted to the voters more than once in any three-year period.

e. The annual election for town officers shall be held at the same time and places as the general election. No person shall be permitted to vote at any such election unless he is an actual resident of the election district in which he offers his vote.

3. Notwithstanding the provisions of P.L.2001, c.118, the provisions of a special charter or any provision of law to the contrary, the mayor and members of council chosen by the voters at the 2002 general election in a town operating under a special charter with a population of at least 28,000 but not more than 35,000 according to the most recent federal decennial census shall serve a three-year term of office.

4. This act shall take effect immediately but the amendatory provisions of section 1 shall remain inoperative in a municipality until the 2003 general election and shall apply to the terms of mayors and members of council elected at that election, and the amendatory provisions of section 2 shall remain inoperative in a municipality until the first election for the office of mayor and members of council next following enactment and shall apply to the terms of mayors and members of council elected at that election

Approved June 26, 2001.

PO BOX 004
TRENTON, NJ 08625

Office of the Governor
NEWS RELEASE

CONTACT: Rae Hutton
609-777-2600

RELEASE: June 27 , 2001

Acting Governor Donald T. DiFrancesco has signed the following legislation:

S-621, sponsored by Senators John Matheussen (R-Camden/Gloucester), Norman Robertson (Essex/Passaic) and Anthony Bucco (R-Morris) and Assemblymembers John Kelly (R-Bergen/Essex/Passaic) and Arline Friscia (D-Middlesex), allows parents, children, spouses and siblings of illegal drug users, as well as employers of illegal drug users, medical facilities, insurers and persons injured by the drug users' actions to sue drug dealers for civil damages.

S-647, sponsored by Senator Joseph Kyriillos (R-Middlesex/Monmouth) and Assemblyman Joseph Azzolina (R-Middlesex/Monmouth) and Guy Gregg (R-Sussex/Hunterdon/Morris) permits the Director of the Division of Alcoholic Beverage Control to issue a special auction permit to a nonprofit organization operating solely for civic, religious, education, charitable, fraternal, social or recreational purposes.

The permit will cost \$100 and would entitle the nonprofit organization to sell at auction alcoholic beverages donated to it by a licensee.

S-1382, sponsored by Senator Robert Martin (R-Essex/Morris/Passaic) and Assemblymen Wilfredo Caraballo (D-Essex) and Kip Bateman (R-Morris/Somerset), revises rules concerning secured transactions by replacing Chapter 9 of the Uniform Commercial Code (UCC) with revised Chapter 9, as well as, conforming amendments to Chapters 1,2,2A,4,5,7 and 8 of the UCC.

S-2123, sponsored by Senator Raymond Lesniak (D-Union) and Assemblymen Neil Cohen(D-Union) and Joseph Impreveduto (D-Bergen/Hudson), increases the term of office of the mayor and the members of council from two years to four years in municipalities. Provides for a transitional three-year term of office for the mayor and members of council elected at the 2002 general election.

This bill also alters the term of office of mayor and member so council from three years to four years in towns.

A-1325, sponsored by Senator William Schluter (R-Warren/Hunterdon/Mercer) and Assemblymembers Richard Bagger (R-Middlesex/Morris/Somerset/Union) and the late Alan Augustine (R-Middlesex/Morris/Somerset/Union), allows a municipality or county to install pedestrian crossing right-of-way signs at a marked or unmarked crosswalk or at an intersection.

A-1342, sponsored by late Assemblyman Alan Augustine (R-Middlesex/Morris/Somerset/Union), provides that, as a fifth option, a Teachers' Pension and Annuity Fund (TPAF) or Public Employees' Retirement System (PERS) member may choose a retirement allowance actuarially reduced to provide to a beneficiary an allowance equivalent to the full amount, three-quarters, one-half or one-quarter of that reduced allowance, but if the beneficiary dies before the retiree, the retiree's allowance will increase to a maximum amount.

A-2185, sponsored by Senator Louis Bassano (R-Essex/Union) and John Singer (R-Burlington/Monmouth/Ocean) and Assemblymembers Leonard Lance (R-Warren/Hunterdon/Mercer) and Rose Maria Heck (R-Bergen), appropriates \$28,695,000 from the Developmental Disabilities' Waiting List Reduction and Human Services Facilities Construction Fund for the Department of Human Services. This money will be used for various projects within the divisions, including reducing the community services waiting list.

A-2209, sponsored by Senators Jack Sinagra (R-Middlesex) and Joseph Vitale (D-Middlesex) and Assemblymembers Carol Murphy (R-Essex/Morris/Passaic) and Samuel Thompson (R-Middlesex/Monmouth), provides that the period for which eligibility for Medicaid and KidCare benefits is determined shall be the maximum permitted under federal law, currently 12 months.

A-2449, sponsored by Assemblymen Michael Arnone (R-Monmouth) and Joseph Azzolina (R-Middlesex/Monmouth), permits sewerage authority or a utilities authority to rename itself as a "water reclamation authority" to more accurately reflect its activities and purposes.

A-2523, sponsored by Senators William Gormley (R-Atlantic) and Edward O'Connor (D-Hudson) and Assemblymen James Holzapfel (R-Monmouth/Ocean) and Peter Barnes (D-Middlesex), increases the penalty for persons who produce and sell false motor vehicle identification cards from a crime of the fourth degree to a crime of the third degree which is punishable by imprisonment for three to five years, a fine of up to \$15,000, or both.

A-3622, sponsored by Senators Walter Kavanaugh (R-Morris/Somerset) and Raymond Lesniak (D-Union) and Assemblymen John Wisniewski (D-Middlesex) and Samuel Thompson (R-Middlesex/Monmouth), provides that for the year 2001, 1) the day on which members of the State, county or municipal committee of a political party will take office, and the day on which the terms of members previously elected to each such committee will terminate, will be the day immediately following the day of the primary election for the general election and 2) the holding of the annual meeting of the State, county and municipal committees of a political party will occur no earlier than the day immediately following the day of the primary election and no later than the 21st day following such election.