

[First Reprint]

ASSEMBLY, No. 4

STATE OF NEW JERSEY

212th LEGISLATURE

INTRODUCED DECEMBER 7, 2006

Sponsored by:

Assemblyman JOSEPH J. ROBERTS, JR.

District 5 (Camden and Gloucester)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblyman JERRY GREEN

District 22 (Middlesex, Somerset and Union)

Assemblyman ROBERT M. GORDON

District 38 (Bergen)

Assemblyman LOUIS D. GREENWALD

District 6 (Camden)

Assemblywoman PAMELA R. LAMPITT

District 6 (Camden)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Co-Sponsored by:

Senator B.Smith

SYNOPSIS

Implements CORE proposals, including "Uniform Shared Services and Consolidation Act"; user-friendly budgets; revision of county superintendent of schools title and duties.

CURRENT VERSION OF TEXT

As amended by the Senate on February 5, 2007.

(Sponsorship Updated As Of: 2/6/2007)

1 **AN ACT** to encourage the financial accountability of local units of
 2 government through empowering citizens, reducing waste and
 3 duplicative services, clearing legal hurdles to shared services and
 4 consolidation, and supplementing, amending, and repealing
 5 sections of statutory law.

6
 7 **WHEREAS**, The problem of high property taxes paid by New
 8 Jersey’s residents is not easily solved, but can be ameliorated
 9 through changes to the laws designed to encourage government
 10 efficiency through shared services, regionalization, and
 11 consolidation; and

12 **WHEREAS**, The problem of political resistance remains a potent
 13 barrier to consolidation, especially since initial additional short-
 14 term costs may mask the long-term benefits of consolidation; and

15 **WHEREAS**, The Legislature should attempt to facilitate, by an
 16 improved and streamlined process that is tailored to local needs,
 17 that avoids the current thicket of overlapping and antiquated laws
 18 inhibiting interlocal cooperation, and that deals with Civil
 19 Service issues rationally; and

20 **WHEREAS**, The State largely has employed a “carrot” approach to
 21 incentivizing consolidation and service sharing for over 30 years,
 22 and for real progress to occur in reducing the rate of property tax
 23 increase, the “stick” approach is appropriate; and

24 **WHEREAS**, Providing citizens with the tools to gauge the efficiency
 25 of their local governments will help promote accountability and
 26 cost savings¹ []; and

27 **WHEREAS**, Increased accountability by the voters can better be
 28 ensured if elections of local officials who spend significant
 29 amounts of taxpayer money occur on days when a significant
 30 percentage of the population is likely to vote¹; now, therefore,

31
 32 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 33 *of New Jersey:*

34
 35 **ARTICLE 1. SHARED SERVICES AND CONSOLIDATION**
 36 **SUBARTICLE A. GENERAL PROVISIONS**

37
 38 1. (New section) Sections 1 through 35 of
 39 P.L. , c. (C. through) (pending before the Legislature
 40 as this bill) shall be known and may be referred to as the “Uniform
 41 Shared Services and Consolidation Act.”

42
 43 2. (New section) The Legislature finds and declares:
 44 a. Historically, many specialized statutes have been enacted to

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:

¹Senate floor amendments adopted February 5, 2007.

1 permit shared services between local units for particular purposes.

2 b. Other laws, permitting a variety of shared services, including
3 interlocal services agreements, joint meetings, and consolidated and
4 regional services, exist but have not been very effective in
5 promoting the broad use of shared services as a technique to reduce
6 local expenses funded by property taxpayers.

7 c. It is appropriate for the Legislature to enact a new shared
8 services statute that can be used to effectuate agreements between
9 local units for any service or circumstance intended to reduce
10 property taxes through the reduction of local expenses.

11

12 3. (New section) As used in sections 1 through 35 of
13 P.L. , c. (C. through) (pending before the Legislature as
14 this bill):

15 "Board" means the Local Finance Board in the Division of Local
16 Government Services in the Department of Community Affairs.

17 "Construct" and "construction" connote and include acts of
18 construction, reconstruction, replacement, extension, improvement
19 and betterment of lands, public improvements, works, facilities,
20 services or undertakings.

21 "Contracting local units" means local units participating in a
22 joint meeting.

23 "Director" means the Director of the Division of Local
24 Government Services in the Department of Community Affairs.

25 "Division" means the Division of Local Government Services in
26 the Department of Community Affairs.

27 "Governing body" means the board, commission, council, or
28 other body having the control of the finances of a local unit; and in
29 those local units in which an executive officer is authorized by law
30 to participate in such control through powers of recommendation,
31 approval, or veto, the term includes that executive officer, to the
32 extent of the officer's statutory participation.

33 "Joint contract" means an agreement between two or more local
34 units to form a joint meeting.

35 "Joint meeting" means the joint operation of any public services,
36 public improvements, works, facilities, or other undertaking by
37 contracting local units pursuant to a joint contract under section 14
38 of P.L. , c. (C.) (pending before the Legislature as this bill).

39 "Local unit" means a "contracting unit" pursuant to section 2 of
40 P.L.1971, c.198 (C.40A:11-2), a "district" pursuant to
41 N.J.S.18A:18A-2, a "county college" pursuant to N.J.S.18A:64A-1,
42 a joint meeting, or any authority or special district that is subject to
43 the "Local Authorities Fiscal Control Law," P.L.1983, c.313
44 (C.40A:5A-1 et seq.).

45 "Operate" and "operation" mean and include acquisition,
46 construction, maintenance, management, and administration of any
47 lands, public improvements, works, facilities, services, or
48 undertakings.

1 "Person" means any person, association, corporation, nation,
2 State, or any agency or subdivision thereof, or a county or
3 municipality of the State.

4 "Service" means any of the powers, duties and functions
5 exercised or performed by a local unit by or pursuant to law.

6 "Shared service" or "shared" means any service provided on a
7 regional, joint, interlocal, shared, or similar basis between local
8 units, the provisions of which are memorialized by agreement
9 between the participating local units, but, for the purposes of this
10 act, does not include any specific service or activity regulated by
11 some other law, rule or regulation.

12 "Shared service agreement" or "agreement" means a contract
13 authorized under section 4 of P.L. , c. (C.) (pending before
14 the Legislature as this bill).

15 "Terminal leave benefit" means a single, lump sum payment,
16 paid at termination, calculated using the regular base salary at the
17 time of termination.

18 19 SUBARTICLE B. SHARED SERVICES 20

21 4. (New section) a. (1) Any local unit may enter into an
22 agreement with any other local unit or units to provide or receive
23 any service that each local unit participating in the agreement is
24 empowered to provide or receive within its own jurisdiction,
25 including services incidental to the primary purposes of any of the
26 participating local units.

27 (2) Notwithstanding any law, rule or regulation to the contrary,
28 any agreement between local units for the provision of shared
29 services shall be entered into pursuant to Article 1 of
30 P.L. , c. (C.) (pending before the Legislature as this bill);
31 provided, however, that agreements regarding shared services that
32 are otherwise regulated by statute, rule, or regulation are
33 specifically excluded from Article 1 of P.L. , c. (C.)
34 (pending before the Legislature as this bill).

35 (3) The board is authorized to render a decision in the
36 determination of the statutory basis under which a specific shared
37 service is governed.

38 b. Any agreement entered into pursuant to this section shall be
39 filed, for informational purposes, with the Division of Local
40 Government Services in the Department of Community Affairs,
41 pursuant to rules and regulation promulgated by the director.
42

43 5. (New section) a. A local unit authorized to enter into an
44 agreement under section 4 of P.L. , c. (C.) (pending before
45 the Legislature as this bill) may do so by the adoption of a
46 resolution. A resolution adopted pursuant to this section or
47 subsection b. of that section shall clearly identify the agreement by
48 reference and need not set forth the terms of the agreement in full.

1 b. A copy of the agreement shall be open to public inspection at
2 the offices of the local unit immediately after passage of a
3 resolution to become a party to the agreement.

4 c. The agreement shall take effect upon the adoption of
5 appropriate resolutions by all the parties thereto, and execution of
6 agreements authorized thereunder as set forth in the agreement.

7
8 6. (New section) a. In the case of an agreement for the
9 provision of services by an officer or employee of a local unit who
10 is required to comply with a State license or certification
11 requirement as a condition of employment, the agreement shall
12 provide for the payment of a salary to the officer or employee and
13 shall designate one of the local units as the primary employer of the
14 officer or employee for the purpose of that person's tenure rights. If
15 the agreement fails to designate one of the local units as the primary
16 employer, then the local unit having the largest population, shall be
17 deemed the primary employer for the purposes of that person's
18 tenure rights.

19 b. A State department or agency with oversight over specific
20 activities that are the subject of a shared service agreement may
21 promulgate whatever rules and regulations it deems necessary to
22 ensure that the service continues to be provided in accordance with
23 the requirements of that department or agency.

24
25 7. (New section) a. An agreement made pursuant to section 4
26 of P.L. , c. (C.) (pending before the Legislature as this
27 bill) shall specify:

28 (1) the specific services to be performed by one or more of the
29 parties as agent for any other party or parties;

30 (2) standards of the level, quality, and scope of performance,
31 with assignment and allocation of responsibility for meeting those
32 standards between or among the parties;

33 (3) the estimated cost of the services throughout the duration of
34 the agreement, with allocation of those costs to the parties, in dollar
35 amounts or by formula, including a time schedule for periodic
36 payment of installments for those allocations. The specification
37 may provide for the periodic modification of estimates or formulas
38 contained therein in the light of actual experience and in accordance
39 with procedures to be specified in the agreement;

40 (4) the duration of the agreement, which shall be 10 years, unless
41 otherwise agreed upon by the parties; and

42 (5) the procedure for payments to be made under the contract.

43 b. In the case when all of the participating local units are
44 municipalities, the agreement may provide that it shall not take
45 effect until submitted to the voters of each municipality, and
46 approved by a majority of the voters of each municipality voting at
47 the referendum.

1 c. The agreement may provide for binding arbitration or for
2 binding fact-finding procedures to settle any disputes or questions
3 which may arise between the parties as to the interpretation of the
4 terms of the agreement or the satisfactory performance by any of
5 the parties of the services and other responsibilities required by the
6 agreement.

7 d. For the purposes of sections 4 through 13 of
8 P.L. , c. (C. through) (pending before the
9 Legislature as this bill), any party performing a service under a
10 shared service agreement is the general agent of any other party on
11 whose behalf that service is performed pursuant to the agreement,
12 and that agent-party has full powers of performance and
13 maintenance of the service contracted for, and full powers to
14 undertake any ancillary operation reasonably necessary or
15 convenient to carry out its duties, obligations and responsibilities
16 under the agreement. These powers include all powers of
17 enforcement and administrative regulation which are, or may be,
18 exercised by the party on whose behalf the agent-party acts
19 pursuant to the agreement, except as the powers are limited by the
20 terms of the agreement itself, and except that no contracting party
21 shall be liable for any part or share of the cost of acquiring,
22 constructing, or maintaining any capital facility acquired or
23 constructed by an agent-party unless that part or share is provided
24 for in the agreement, or in an amendment thereto ratified by the
25 contracting parties in the manner provided in Article 1 of
26 P.L. , c. (C.) (pending before the Legislature as this bill)
27 for entering into an agreement.

28 e. Except as the terms of any agreement may explicitly or by
29 necessary implication provide, any party to an agreement entered
30 into pursuant to section 4 of P.L. , c. (C.) (pending before
31 the Legislature as this bill) may enter into another agreement or
32 agreements with any other eligible parties for the performance of
33 any service or services pursuant to Article 1 of
34 P.L. , c. (C.) (pending before the Legislature as this bill).
35 The participation in one agreement shall not bar participation with
36 the same or other parties in any other agreement.

37 f. Payment for services performed pursuant to an agreement
38 shall be made by and to the parties, and at such intervals, as shall be
39 provided in the agreement.

40 g. In the event of any dispute as to the amount to be paid, the
41 full amount to be paid as provided in subsection a. of this section
42 shall be paid; but if through subsequent negotiation, arbitration or
43 litigation the amount due shall be determined, agreed or adjudicated
44 to be less than was actually so paid, then the party having received
45 the payment shall forthwith repay the excess.

1 8. (New section) a. Whenever two or more local units enter
2 into an agreement, pursuant to section 4 of P.L. , c. (C.)
3 (pending before the Legislature as this bill), for the shared provision
4 of law enforcement services within their respective jurisdictions,
5 the agreement shall recognize and preserve the seniority, tenure,
6 and pension rights of every full-time law enforcement officer who
7 is employed by each of the participating local units and who is in
8 good standing at the time the ordinance authorizing the agreement
9 is adopted, and none of those law enforcement officers shall be
10 terminated, except for cause; provided, however, this provision
11 shall not be construed to prevent or prohibit a merged law
12 enforcement entity from reducing force as provided by law for
13 reasons of economy and efficiency.

14 b. To provide for the efficient administration and operation of
15 the shared law enforcement services within the participating local
16 units, the agreement may provide for the appointment of a chief of
17 police or other chief law enforcement officer. In that case, the
18 agreement shall identify the appropriate authority to whom the chief
19 of police or other chief law enforcement officer reports and also
20 shall provide that any person who is serving as the chief of police or
21 other chief law enforcement officer in one of the participating local
22 units at the time the contract is adopted may elect either:

23 (1) to accept a demotion of no more than one rank without any
24 loss of seniority rights, impairment of tenure, or pension rights; or

25 (2) to retire from service.

26 A person who elects retirement shall not be demoted, but shall
27 retain the rank of chief of police or other chief law enforcement
28 officer and shall be given terminal leave for a period of one month
29 for each five-year period of past service as a law enforcement
30 officer with a participating local unit. During the terminal leave,
31 the person shall continue to receive full compensation and shall be
32 entitled to all benefits, including any increases in compensation or
33 benefits, that he may have been entitled to if he had remained on
34 active duty.

35 c. Whenever the participating local units have adopted or are
36 deemed to have adopted Title 11A, Civil Service, of the New Jersey
37 Statutes with regard to the provision of law enforcement services,
38 and the agreement provides for the appointment of a chief of police
39 or other chief law enforcement officer, the position of chief of
40 police or other chief law enforcement officer shall be in the career
41 service.

42

43 9. (New section) If any local unit performs a service on behalf
44 of one or more other local units that are parties to an agreement that
45 utilizes a private contractor to perform all or most of that service, or
46 all or most of a specific and separate segment of that service, then
47 that local unit shall award the contract for the work to be performed
48 by a private contractor under the agreement in accordance with the

1 "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et
2 seq.).

3
4 10. (New section) In the event that any authority, board,
5 commission, district, joint meeting, or other body created by one or
6 more local units proposes to enter into a contract under Article 1 of
7 P.L. , c. (C.) (pending before the Legislature as this bill),
8 whereby that entity agrees to have performed on its behalf services,
9 the cost of which shall equal one-half or more of the total costs of
10 the services being performed by that entity immediately prior to the
11 adoption of the proposed contract, then the contract shall require
12 approval by resolution of the governing body of each local unit
13 which created the entity or which has become a participant therein
14 subsequent to its creation.

15
16 11. (New section) a. When a local unit contracts, through a
17 shared service or joint meeting, to have another local unit or a joint
18 meeting provide a service it is currently providing using public
19 employees and one or more of the local units have adopted Title
20 11A, Civil Service, then the agreement shall include an employment
21 reconciliation plan in accordance with this section that and, if one
22 or more of the local units have adopted Title 11A, Civil Service,
23 shall specifically set forth the intended jurisdiction of the
24 Department of Personnel. An employment reconciliation plan shall
25 be subject to the following provisions:

26 (1) a determination of those employees, if any, that shall be
27 transferred to the providing local unit, retained by the recipient
28 local unit, or terminated from employment for reasons of economy
29 or efficiency¹, subject to the provisions of any existing collective
30 bargaining agreements within the local units¹ .

31 (2) any employee terminated for reasons of economy or
32 efficiency by the local unit providing the service under the shared
33 service agreement shall be given a terminal leave payment of not
34 less than a period of one month for each five-year period of past
35 service as an employee with the local unit, or other enhanced
36 benefits that may be provided or negotiated. For the purposes of
37 this paragraph, "terminal leave payment" means a single, lump sum
38 payment, paid at termination, calculated using the regular base
39 salary at the time of termination. Unless otherwise negotiated or
40 provided by the employer, a terminal leave benefit shall not include
41 extended payment, or payment for retroactive salary increases,
42 bonuses, overtime, longevity, sick leave, accrued vacation or other
43 time benefit, or any other benefit.

44 (3) the Department of Personnel shall place any employee that
45 has permanent status pursuant to Title 11A, Civil Service, of the
46 New Jersey Statutes that is terminated for reasons of economy or
47 efficiency at any time by either local unit on a special

1 reemployment list for any civil service employer within the county
2 of the agreement or any political subdivision therein.

3 (4) when a proposed shared service agreement affects employees
4 in local units subject to Title 11A, Civil Service, of the New Jersey
5 Statutes, an employment reconciliation plan that shall be filed with
6 the Department of Personnel prior to the approval of the shared
7 service agreement. The department shall review it for consistency
8 with this section within 45 days of receipt and shall be deemed
9 approved, subject to approval of the shared service agreement by
10 the end of that time, unless the department has responded with a
11 denial or conditions that must be met in order for it to be approved.

12 (5) when an action is required of the Department of Personnel by
13 this section, parties to a planned shared service agreement may
14 consult with that department in advance of the action and the
15 department shall provide such technical support as may be
16 necessary to assist in the preparation of an employment
17 reconciliation plan or any other action required of the department
18 by this section.

19 b. If all the local units that are parties to the agreement are
20 subject to the provisions of Title 11A, Civil Service, of the New
21 Jersey Statutes, the Department of Personnel shall create an
22 implementation plan for the agreement that will: (1) transfer
23 employees with current status in current title unless reclassified, or
24 (2) reclassify employees into job titles that best reflect the work to
25 be performed. The Department of Personnel shall review whether
26 any existing hiring or promotional lists should be merged,
27 inactivated, or re-announced. Non-transferred employees shall be
28 removed or suspended only for good cause and after the opportunity
29 for a hearing before the Merit System Board; provided, however,
30 that they may be laid-off in accordance with the provisions of
31 N.J.S.11A:8-1 et seq., and the regulations promulgated thereunder.
32 The final decision of which employees shall transfer to the new
33 employer is vested solely with the local unit that will provide the
34 service and subject to 'the provisions of' any '[agreement between
35 the parties] existing collective bargaining agreements within the
36 local units'.

37 c. If the local unit that will provide the service pursuant to a
38 shared service agreement is subject to Title 11A, Civil Service, of
39 the New Jersey Statutes, but the local unit to receive the service is
40 not subject to that Title, and the contracting local units desire that
41 some or all employees of the recipient local unit are to be
42 transferred to the providing local unit, the Department of Personnel
43 shall vest only those employees who have been employed for one
44 year or more in permanent status pursuant to N.J.S.11A:9-9 in
45 appropriate titles, seniority, and tenure with the providing local unit
46 based on the duties of the position. The final decision of which
47 employees shall transfer to the new employer is vested solely with
48 the local unit that will provide the service and subject to 'the

1 provisions of¹ any ¹~~['agreement between the contracting]~~ existing
2 collective bargaining agreements within the¹ local units.

3 d. If the local unit that will provide the service is not subject to
4 the provisions of Title 11A, Civil Service, of the New Jersey
5 Statutes, but the local unit that will receive the service is subject to
6 that Title and the parties desire that some or all employees of the
7 recipient local unit are to be transferred to the providing local unit,
8 the transferred employees shall be granted tenure in office and shall
9 only be removed or suspended for good cause and after a hearing;
10 provided, however, that they may be laid-off in accordance with the
11 provisions of N.J.S.11A:8-1 et seq., and the regulations
12 promulgated thereunder. The transferred employees shall be
13 subject to layoff procedures prior to the transfer to the new entity.
14 Once transferred, they will be subject to any employment contracts
15 and provisions that exist for the new entity. The final decision of
16 which employees shall transfer to the new employer is vested solely
17 with the local unit that will provide the service and subject to ¹~~the~~
18 provisions of¹ any ¹~~['agreement between the parties]~~ existing
19 collective bargaining agreements within the local units¹.

20
21 12. (New section) The Public Employment Relations
22 Commission is specifically authorized to provide technical advice,
23 pursuant to section 12 of P.L.1968, c.303 (C.34:13A-8.3), and
24 mediation services to integrate separate labor agreements into single
25 agreements for the shared service agreement. The commission may
26 order binding arbitration, pursuant to P.L.1995, c.425 (C.34:13A-
27 14a et seq.), to integrate any labor agreement.

28
29 13. (New section) It is the intent of the Legislature to facilitate
30 and promote shared service agreements, and therefore the grant of
31 power under sections 1 through 35 of P.L. , c. (C. through)
32 (pending before the Legislature as this bill) is intended to be as
33 broad as is consistent with general law.

34 35 SUBARTICLE C. JOINT MEETINGS 36

37 14. (New section) a. The governing bodies of any two or more
38 local units may enter into a joint contract, for a period not to exceed
39 40 years, to provide for the formation of a joint meeting for the
40 joint operation of any public services, public improvements, works,
41 facilities, or undertakings which the local units are empowered to
42 operate. The contract shall be entered into in accordance with the
43 procedures set forth in subsection b. of section 16 of this bill.

44 b. A joint contract may provide for joint services for any
45 services which any contracting local unit, on whose behalf those
46 services are to be performed, is legally authorized to provide for
47 itself. Those services include, but are not limited to, general

1 government administration, health, police and fire protection, code
2 enforcement, assessment and collection of taxes, financial
3 administration, environmental protection, joint municipal courts,
4 and youth, senior citizens and social welfare programs.

5 c. The joint contract shall set forth the public services, public
6 improvements, works, facilities, or undertakings which the
7 contracting local units desire to operate jointly, and shall provide in
8 general terms the manner in which the public services, public
9 improvements, works, facilities or undertakings shall be jointly
10 operated, and the respective duties and responsibilities of the
11 contracting local units.

12 d. No joint contract pursuant to this section shall authorize the
13 operation of any property or service defined as a "public utility" by
14 R.S.48:2-13, except as may otherwise be provided by law.

15

16 15. (New section) a. A joint meeting is a public body corporate
17 and politic constituting a political subdivision of the State for the
18 exercise of public and essential governmental functions to provide
19 for the public health and welfare.

20 b. A joint meeting has the following powers and authority,
21 which may be exercised by its management committee to the extent
22 provided for in the joint contract:

23 (1) to sue and be sued;

24 (2) to acquire and hold real and personal property by deed, gift,
25 grant, lease, purchase, condemnation or otherwise;

26 (3) to enter into any and all contracts or agreements and to
27 execute any and all instruments;

28 (4) to do and perform any and all acts or things necessary,
29 convenient or desirable for the purposes of the joint meeting or to
30 carry out any powers expressly given in sections 1 through 35 of
31 P.L. , c. (C. through) (pending before the Legislature as
32 this bill);

33 (5) to sell real and personal property owned by the joint meeting
34 at public sale;

35 (6) to operate all services, lands, public improvements, works,
36 facilities or undertakings for the purposes and objects of the joint
37 meeting;

38 (7) to enter into a contract or contracts providing for or relating
39 to the use of its services, lands, public improvements, works,
40 facilities or undertakings, or any part thereof, by local units who are
41 not members of the joint meeting, and other persons, upon payment
42 of charges therefore as fixed by the management committee;

43 (8) to receive whatever State or federal aid or grants that may be
44 available for the purposes of the joint meeting and to make and
45 perform any agreements and contracts that are necessary or
46 convenient in connection with the application for, procurement,
47 acceptance, or disposition of such State or federal aid or grants; and

1 (9) to acquire, maintain, use, and operate lands, public
2 improvements, works, or facilities in any municipality in the State,
3 except where the governing body of the municipality, by resolution
4 adopted within 60 days after receipt of written notice of intention to
5 so acquire, maintain, use, or operate, shall find that the same would
6 adversely affect the governmental operations and functions and the
7 exercise of the police powers of that municipality.

8 c. If the governing body of a municipality in which a joint
9 meeting has applied for the location and erection of sewage
10 treatment or solid waste disposal facilities refuses permission
11 therefore, or fails to take final action upon the application within 60
12 days of its filing, the joint meeting may, at any time within 30 days
13 following the date of such refusal or the date of expiration of the
14 60-day period, apply to the Department of Environmental
15 Protection for relief. That department is authorized, after hearing
16 the joint meeting and the interested municipality, to grant the
17 application for the erection of the sewage treatment or disposal or
18 solid waste treatment or disposal facilities, notwithstanding the
19 refusal or failure to act of the municipal governing body, upon
20 being satisfied that the topographical and other physical conditions
21 existing in the local units comprising the joint meeting are such as
22 to make the erection of such facilities within its boundaries
23 impracticable as an improvement for the benefit of the whole
24 applying joint meeting.

25
26 16. (New section) a. The joint contract shall provide for the
27 operation of the public services, public improvements, works,
28 facilities, or undertakings of the joint meeting, for the
29 apportionment of the costs and expenses of operation required
30 therefore among the contracting local units, for the addition of other
31 local units as members of the joint meeting, for the terms and
32 conditions of continued participation and discontinuance of
33 participation in the joint meeting by the contracting local units, and
34 for such other terms and conditions as may be necessary or
35 convenient for the purposes of the joint meeting. The
36 apportionment of costs and expenses may be based upon assessed
37 valuations, population, and such other factor or factors, or any
38 combination thereof, as may be provided in the joint contract.

39 b. (1) Notwithstanding any law to the contrary concerning
40 approval of contracts, the joint contract shall be subject to approval
41 by resolution of the governing bodies of each of the local units prior
42 to its execution by the official or officials who are authorized to
43 execute a joint contract.

44 (2) The joint contract shall specify the name by which the joint
45 meeting shall be known.

46 (3) The joint contract may be amended from time to time by
47 agreement of the parties thereto, in the same manner as the original
48 contract was authorized and approved.

1 (4) A copy of every resolution creating a joint meeting, and
2 every amendment thereto, shall be forthwith filed with the director.
3

4 17. (New section) a. Whenever the governing bodies of two or
5 more local units enter into a joint contract for the joint operation of
6 law enforcement services within their respective jurisdictions, the
7 contract shall recognize and preserve the seniority, tenure, and
8 pension rights of every full-time law enforcement officer who is
9 employed by each of the contracting local units and who is in good
10 standing at the time the ordinance or resolution, as the case may be,
11 authorizing the contract is adopted, and none of those law
12 enforcement officers shall be terminated, except for cause;
13 provided, however, this provision shall not be construed to prevent
14 or prohibit a merged law enforcement entity from reducing force as
15 provided by law for reasons of economy and efficiency.

16 b. (1) To provide for the efficient administration and operation
17 of the joint law enforcement services within the participating local
18 units, the joint contract may provide for the appointment of a chief
19 of police or other chief law enforcement officer. In that case, the
20 joint contract shall identify the appropriate authority to whom the
21 chief of police or other chief law enforcement officer reports and
22 also shall provide that any person who is serving as the chief of
23 police or other chief law enforcement officer in one of the
24 participating local units at the time the joint contract is adopted may
25 elect either:

26 (a) to accept a demotion of no more than one rank without any
27 loss of seniority rights, impairment of tenure, or pension rights; or

28 (b) to retire from service.

29 (2) Any person who elects retirement shall not be demoted but
30 shall retain the rank of chief of police or other chief law
31 enforcement officer and shall be given terminal leave for a period of
32 one month for each five-year period of past service as a law
33 enforcement officer with the participating local unit. During the
34 terminal leave, the person shall continue to receive full
35 compensation and shall be entitled to all benefits, including any
36 increases in compensation or benefits, that he may have been
37 entitled to if he had remained on active duty.

38 c. Whenever the participating local units have adopted or are
39 deemed to have adopted Title 11A, Civil Service, of the New Jersey
40 Statutes with regard to the provision of law enforcement services,
41 and the contract provides for the appointment of a chief of police or
42 other chief law enforcement officer, the position of chief law
43 enforcement officer shall be in the career service.
44

45 18. (New section) a. When a joint meeting merges bargaining
46 units that have current contracts negotiated in accordance with the
47 provisions of the "New Jersey Employer-Employee Relations Act,"
48 P.L.1941, c.100 (C.34:13A-1 et seq.), the terms and conditions of

1 the existing contracts shall apply to the rights of the members of the
2 respective bargaining units until a new contract is negotiated,
3 reduced to writing, and signed by the parties as provided pursuant
4 to law and regulation promulgated thereunder.

5 b. The Public Employment Relations Commission is specifically
6 authorized to provide technical advice, pursuant to section 12 of
7 P.L.1968, c.303 (C.34:13A-8.3), and mediation services to integrate
8 separate labor agreements into single agreements for the joint
9 contract. The commission may order binding arbitration, pursuant
10 to P.L.1995, c.425 (C.34:13A-14a et seq.), to integrate any labor
11 agreement.

12
13 19. (New section) a. When a local unit agrees to participate in
14 a joint meeting that will provide a service that the local unit is
15 currently providing itself through public employees, the agreement
16 shall include an employment reconciliation plan in accordance with
17 this section. An employment reconciliation plan shall be subject to
18 the following provisions:

19 (1) a determination of those employees, if any, that shall be
20 transferred to the joint meeting, retained by the contracting local
21 unit, or terminated from employment for reasons of economy or
22 efficiency 'subject to the provisions of any collective bargaining
23 agreements within the local units'.

24 (2) any employee terminated for reasons of economy or
25 efficiency by the contracting local unit providing the service or by
26 the joint meeting shall be given a terminal leave payment of not less
27 than a period of one month for each five-year period of past service
28 as an employee with the local unit, or other enhanced benefits that
29 may be provided or negotiated. Unless otherwise negotiated or
30 provided by the employer, a terminal leave benefit shall not include
31 extended payment, or payment for retroactive salary increases,
32 bonuses, overtime, longevity, sick leave, accrued vacation or other
33 time benefit, or any other benefit.

34 (3) the Department of Personnel shall place any employee that
35 has permanent status pursuant to Title 11A, Civil Service, of the
36 New Jersey Statutes that is terminated for reasons of economy or
37 efficiency at any time by either local unit on a special
38 reemployment list for any civil service employer within the county
39 of the agreement or any political subdivision therein.

40 (4) when a proposed joint contract affects employees in local
41 units that operate under the provisions of Title 11A, Civil Service,
42 of the New Jersey Statutes, an employment reconciliation plan shall
43 be filed with the Department of Personnel prior to the approval of
44 the joint meeting agreement. That department shall review the plan
45 for consistency with this section within 45 days of receipt and it
46 shall be deemed approved, subject to approval of the joint meeting
47 agreement by the end of that time, unless that department has

1 responded with a denial or conditions that must be met in order for
2 it to be approved.

3 (5) when an action is required of the Department of Personnel by
4 this section, parties to a proposed joint contract may consult with
5 the department in advance of the action and the department shall
6 provide such technical support as may be necessary to assist in the
7 preparation of an employment reconciliation plan or any other
8 action required of the department by this section.

9 b. If both the local unit and joint meeting operate under the
10 provisions of Title 11A, Civil Service, of the New Jersey Statutes,
11 the Department of Personnel shall create an implementation plan for
12 employees to be hired by the joint meeting that will: (1) transfer
13 employees with current status in current title unless reclassified or
14 (2) reclassify employees, if necessary, into job titles that best reflect
15 the work to be performed. The Department of Personnel shall
16 review whether any existing hiring or promotional lists should be
17 merged, inactivated, or re-announced. Non-transferred employees
18 shall be removed or suspended only for good cause and after the
19 opportunity for a hearing before the Merit System Board; provided,
20 however, that they may be laid-off in accordance with the
21 provisions of N.J.S.11A:8-1 et seq., and the regulations
22 promulgated thereunder. The final decision of which employees
23 shall transfer to the new employer is vested solely with the local
24 unit that will provide the service and subject to 'the provisions of'
25 any '[agreement between the parties] existing collective bargaining
26 agreements within the local units'.

27 c. If the joint meeting operates under the provisions of Title
28 11A, Civil Service, of the New Jersey Statutes, and a local unit
29 receiving the service is not subject to that Title, and the parties
30 desire that some or all employees of the local unit be transferred to
31 the joint meeting, the Department of Personnel shall vest only those
32 employees who have been employed one year or more in permanent
33 status pursuant to N.J.S.40A:9-9 in appropriate titles, seniority, and
34 tenure with the providing local unit based on the duties of the
35 position. The final decision of which employees shall transfer to
36 the new employer is vested solely with 'the' joint meeting and
37 subject to '[any agreement between] the agreements affecting' the
38 parties', provided that those agreements do not conflict with the
39 provisions of any existing collective bargaining agreements within
40 the local units'.

41 d. (1) If the joint meeting does not operate under the provisions
42 of Title 11A, Civil Service, of the New Jersey Statutes, and the
43 local unit receiving the service is subject to that Title, and the
44 parties desire that some or all employees of the recipient local unit
45 are to be transferred to the joint meeting, then the transferred
46 employees shall be granted tenure in office and shall be removed or
47 suspended only for good cause and after a hearing. The transferred

1 employees shall be subject to layoff procedures prior to the transfer
2 to the new entity. Once transferred, they will be subject to any
3 employment contracts and provisions that exist for the new entity.
4 The final decision of which employees shall transfer to the joint
5 meeting is vested solely with the joint meeting and subject to ¹[any
6 agreement between the parties] the provisions of any existing
7 collective bargaining agreements within the local units¹.

8 (2) A joint meeting established after the effective date of Article
9 1 of P.L. , c. (C.) (pending before the Legislature as this
10 bill) that affects both employees in local units subject to Title 11A,
11 Civil Service, of the New Jersey Statutes and employees in local
12 units not subject to that Title, shall determine whether the
13 employees of the joint meeting shall be subject to the Title. If the
14 joint meeting determines that the employees shall not be subject to
15 Title 11A, Civil Service, of the New Jersey Statutes, then the
16 employees from the local units in which the Title is in effect shall
17 have the same rights as employees transferred pursuant to paragraph
18 (1) of this subsection.

19
20 20. (New section) a. The joint contract shall provide for the
21 constitution and appointment of a management committee to consist
22 of at least three members, of which one shall be appointed by the
23 governing body of each of the local units executing the joint
24 contract. The members shall be residents of the appointing local
25 unit, except that a member who is the chief financial officer,
26 business administrator, municipal administrator, or municipal
27 manager of the local unit making the appointment need not be a
28 resident of the appointing local unit. The appointees may or may
29 not be members of the appointing governing body. Each member of
30 the management committee shall hold office for the term of one
31 year and until the member's successor has been appointed and
32 qualified. In the event that there is an even number of local units
33 that are parties to the joint contract, the management committee
34 shall consist of one member appointed by each of the governing
35 bodies and one member selected by the two other appointed
36 members.

37 b. The management committee shall elect annually from among
38 its members a chair to preside over its meetings. The management
39 committee may appoint such other officers and employees,
40 including counsel, who need not be members of the management
41 committee or members of the governing bodies or employees or
42 residents of the local units, as it may deem necessary. The
43 employees appointed by the management committee shall hold
44 office for such term not exceeding four years as may be provided by
45 the joint contract. The management committee shall adopt rules
46 and regulations to provide for the conduct of its meetings and the
47 duties and powers of the chairman and such other officers and
48 employees as may be appointed. All actions of the management

1 committee shall be by vote of the majority of the entire membership
2 of the committee, except for those matters for which the contract
3 requires a greater number, and shall be binding on all local units
4 who have executed the joint contract. The management committee
5 shall exercise all of the powers of the joint meeting subject to the
6 provisions of the joint contract.

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

14

15 21. (New section) The cost of acquiring, constructing, and
16 operating any public improvements, works, facilities, services, or
17 undertakings, or any part thereof, as determined by the management
18 committee, shall be apportioned among the participating local units
19 as provided by the joint contract. Each local unit shall have power
20 to raise and appropriate the funds necessary therefore in the same
21 manner and to the same extent as the local unit would have if it
22 were acquiring and constructing the same for itself, including the
23 power to authorize and issue bonds or other obligations pursuant to
24 the "Local Bond Law," N.J.S.40A:2-1 et seq. The management
25 committee shall certify to the participating local units the cost of the
26 acquisition or construction, as well as the apportioned shares
27 thereof, within 15 days after its action thereon.

28

29 22. (New section) The management committee, not later than
30 November 1 of each year, shall certify to the participating local
31 units the total costs and expenses of operation, other than
32 acquisition and construction costs, of the services, public
33 improvements, works, facilities, or undertakings for the ensuing
34 year, in accordance with the terms and provisions of the joint
35 contract, together with an apportionment of the costs and expenses
36 of operation among the participating local units in accordance with
37 the method of apportionment provided in the joint contract. It shall
38 be the duty of each participating local unit to include its
39 apportioned share of such costs and expenses of operation in its
40 annual budget, and to pay over to the management committee its
41 apportioned share as provided in the joint contract. Operations
42 under the budget and related matters shall be subject to and in
43 accordance with rules of the Local Finance Board or the
44 Commissioner of Education, as appropriate. The Local Finance
45 Board shall be responsible for the determination of the appropriate
46 rule-making authority with regard to each joint contract. For the
47 first year of operation under the joint contract, a participating local
48 unit may adopt a supplemental or emergency appropriation for the

1 purpose of paying its apportioned share of the costs and expenses of
2 operation, if provision therefore has not been made in the annual
3 budget.

4
5 23. (New section) The joint contract shall be terminated upon
6 the adoption of a resolution to that effect by the governing bodies of
7 two-thirds of the local units then participating; except that if only
8 two local units are then participating, adoption of a resolution by
9 both units shall be required to terminate the contract. The
10 termination shall not be made effective earlier than the end of the
11 fiscal year next succeeding the fiscal year in which the last of the
12 required number of local units adopts its termination resolution

13
14 24. (New section) Any joint meeting or public school jointure
15 formed under a previous law is continued and shall be governed
16 under the provisions of sections 1 through 35 of
17 P.L. , c. (C. through) (pending before the Legislature
18 as this bill).

19
20 SUBARTICLE D. LOCAL OPTION MUNICIPAL
21 CONSOLIDATION
22

23 25. (New section) a. The Legislature finds and declares that in
24 order to encourage municipalities to increase efficiency through
25 municipal consolidation for the purpose of reducing expenses borne
26 by their property taxpayers, more flexible options need to be
27 available to the elected municipal officials and voters than are
28 available through the "Municipal Consolidation Act," P.L.1977,
29 c.435 (C.40:43-66.35 et seq.).

30 b. (1) In lieu of the procedures set forth in the "Municipal
31 Consolidation Act," P.L.1977, c.435 (C.40:43-66.35 et seq.), the
32 governing bodies from two or more contiguous municipalities may
33 apply to the board for either:

34 (a) approval of a plan to consolidate their municipalities; or

35 (b) creation of a Municipal Consolidation Study Commission, as
36 described in subsection c. of this section.

37 (2) A representative committee of registered voters from two or
38 more contiguous municipalities may petition the board for the
39 creation of a Municipal Consolidation Study Commission, as
40 described in subsection c. of this section. The petition, to be
41 sufficient, shall be signed by the registered and qualified voters of
42 the municipalities in a number at least equal to 10% of the total
43 votes cast in those municipalities at the last preceding general
44 election at which members of the General Assembly were elected.

45 (3) The board shall provide application forms and technical
46 assistance to any governing bodies or voters desiring to apply to the
47 board for approval of a consolidation plan or the creation of a
48 Municipal Consolidation Study Commission.

1 (4) A consolidation commission established pursuant to
2 P.L.1977, c.435 (C.40:43-66.35 et seq.) in the year prior to
3 enactment of Article 1 of P.L. , c. (C.) (pending before the
4 Legislature as this bill) may apply to the Local Finance Board for
5 approval to use the provisions of Subarticle D of Article 1 of
6 P.L. , c. (sections 25 through 29; C. through) (pending
7 before the Legislature as this bill).

8 c. An application to create a Municipal Consolidation Study
9 Commission shall propose a process to study the feasibility of
10 consolidating the participating municipalities into a single new
11 municipality or merging one into the other. The application shall
12 include provisions for:

13 (1) the means of selection and qualifications of study
14 commissioners;

15 (2) the time frame for the study, which shall be no more than
16 three years, along with key events and deadlines, including time for
17 review of the report by State agencies, which review shall be no
18 less than three months;

19 (3) whether a preliminary report shall be issued in addition to the
20 final report;

21 (4) whether the development of a consolidation implementation
22 plan will be a part of the study;

23 (5) the means for any proposed consolidation plan to be
24 approved; either by voter referendum, by the governing bodies, or
25 both; and

26 (6) if proposed by a representative group of voters, justification
27 of that group's standing to serve as the community advocate for the
28 consolidation proposal.

29 d. (1) An application to the board for consideration of a
30 consolidation plan or to create a Municipal Consolidation Study
31 Commission shall be subject to a public hearing within each
32 municipality to be studied, and a joint public hearing in a place that
33 is easily accessible to the residents of both or all of the
34 municipalities.

35 (2) The public hearings shall be facilitated by the board and
36 conducted in accordance with the provisions of the "Senator Byron
37 M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et
38 seq.).

39 (3) After approval of a plan by the board, it may be amended
40 upon petition to the board by the applicant. Based on the nature of
41 the amendment, the board may decide to hold a public hearing in
42 any of the municipalities affected by the plan, or at a regular
43 meeting, or both.

44 e. Every Municipal Consolidation Study Commission shall
45 include a representative of the Department of Community Affairs as
46 a non-voting representative on the commission. The representative
47 shall not be a resident of a municipality participating in the study.
48 The department shall prepare an objective fiscal study of the fiscal

1 aspects of a consolidation and shall provide it to the commission in
2 a timely manner.

3 f. If the consolidation would include the consolidation of boards
4 of education, a person appointed by the Commissioner of Education
5 shall serve as a non-voting member of that Municipal Consolidation
6 Study Commission. The representative of the Commissioner of
7 Education shall not be a resident of a community participating in
8 the study. The county superintendent of schools shall conduct a
9 study on the impact of consolidation on the educational system and
10 its finances. The report shall be provided to the commission in a
11 timely manner.

12 g. There shall be no more than one of either a consolidation plan
13 study, a Municipal Consolidation Study Commission, or a joint
14 municipal consolidation created under the "Municipal
15 Consolidation Act," P.L.1977, c.435 (C.40:43-66.35 et seq.), active
16 in a single municipality at the same time. In the event that more
17 than one application is filed with the board or is being considered
18 by the governing bodies while another action affecting the same
19 municipality or municipalities is under consideration, the board
20 shall consider the applications and shall join any proposed creation
21 of a joint municipal consolidation together and approve only one
22 action as the board deems to be in the public interest. Prior to
23 approving a single action, the board shall hold a public hearing
24 permitting all parties to present testimony on the merits of their
25 action in relation to the other proposals. Once an action is approved
26 by the board, another action from the same combination of
27 municipalities shall not be approved for at least five years.

28 h. In considering its decisions under Article 1 of
29 P.L. , c. (C.) (pending before the Legislature as this bill),
30 the Local Finance Board and any other State agency shall take into
31 account local conditions, the reasonableness of proposed decisions,
32 and the facilitation of the consolidation process in making decisions
33 concerning consolidation.

34

35 26. (New section) a. A consolidation plan or report of a
36 Municipal Consolidation Study Commission shall include the
37 provisions of sections 16 and 24 of P.L.1977, c.435 (C.40:43-66.50
38 and 40:43-66.58), insofar as they are consistent with the provisions
39 of Article 1 of P.L. , c. (C.) (pending before the
40 Legislature as this bill). In addition, a consolidation plan shall
41 address the following implementation issues:

42 (1) a timetable for implementing the consolidation plan;

43 (2) duplicate positions, including those held by tenured, certified
44 officers, listing those positions proposed to be abolished for reasons
45 of economy, efficiency or other good cause and listing those
46 positions proposed to be merged; and

1 (3) applicability of the provisions of Title 11A, Civil Service, of
2 the New Jersey Statutes, if Title 11A has been adopted by one or
3 more consolidating municipalities.

4 b. The following policies may be considered and implemented
5 under an application for approval of a consolidation plan, and may
6 be included as part of a study under the "Municipal Consolidation
7 Act," P.L.1977, c.435 (C.40:43-66.35 et seq.), or as part of a study
8 conducted by a Municipal Consolidation Study Commission
9 pursuant to Article 1 of P.L. , c. (C.) (pending before the
10 Legislature as this bill):

11 (1) creation of a consolidation implementation plan to establish a
12 timetable of significant events and goals to be achieved as part of a
13 consolidation study;

14 (2) a phase-in of a consolidation over a fixed period of time.
15 Such a plan shall be subject to review and approval of the Local
16 Finance Board prior to it being approved by the governing bodies or
17 subject to voter referendum;

18 (3) variations from existing State law or State department rules
19 that may not have anticipated a phase-in or consolidation of
20 services. When variations are proposed, they shall be submitted to
21 the board which shall refer it to the agency with oversight
22 responsibility. After due consideration, the referee agency is
23 empowered to waive such law or rules if a waiver is found
24 reasonable to further the process of consolidation. Where no such
25 agency exists, the Commissioner of Community Affairs shall act on
26 behalf of the State. These requests shall be acted on within 45 days
27 of their receipt by an agency, and they shall be deemed approved,
28 subject to approval of a consolidation proposal by the
29 municipalities, by the end of that time unless the agency has
30 responded with a denial, conditions that must be met in order for it
31 to be approved, or an alternative approach to resolving the matter;

32 (4) the use of advisory planning districts, comprised of residents
33 living in the former territories of each former municipality, to
34 provide advice to the planning board and the zoning board of
35 adjustment on applications and master plan changes affecting those
36 areas. A consolidation study plan shall specify that types and
37 nature of the development and zoning applications that the advisory
38 planning districts shall review and the official boards shall be
39 required to respond, at a public meeting, to each suggestion made
40 by an advisory planning district;

41 (5) the establishment of service districts comprised of the
42 boundaries of any or all of the former municipalities which may be
43 used to allocate resources and used for official geographic
44 references in the new municipality;

45 (6) the continued use of boundary lines of any or all of the
46 former municipalities to continue local ordinances that existed prior
47 to consolidation that the governing body deems necessary and
48 appropriate. The need for any such differentiation shall be

1 reviewed by the governing body at least every five years and shall
2 only be continued upon the affirmative vote of the full membership
3 of the governing body, and if such continuance fails, the governing
4 body shall then adopt uniform policies for the entire area; and

5 (7) the apportionment of existing debt between the taxpayers of
6 the consolidating municipalities, including whether existing debt
7 should be apportioned in the same manner as debt within special
8 taxing districts so that the taxpayers of each consolidating
9 municipality will continue to be responsible for their own pre-
10 consolidation debts.

11 c. When one of the municipalities is subject to the provisions of
12 Title 11A, Civil Service, of the New Jersey Statutes, the question of
13 whether the new municipality shall be subject to the provisions of
14 that Title shall be the subject of a public referendum before all of
15 the voters of the consolidating municipalities. Upon the approval
16 by a majority of those voting, regardless of their municipality of
17 residence, the new municipality shall be subject to the provisions of
18 that Title.

19
20 27. (New section) a. Once a consolidation has been approved
21 by the affected municipal governing bodies or voters, the division
22 shall create a task force of State departments, offices and agencies,
23 as it deems appropriate, 'and representatives of affected
24 negotiations units,' to facilitate the consolidation and provide
25 technical assistance.

26 b. When a consolidation plan provides that the consolidated
27 municipality will be subject to the provisions of Title 11A, Civil
28 Service, of the New Jersey Statutes the Department of Personnel is
29 specifically authorized to create a consolidation implementation
30 plan to vest non-civil service employees, based on the education
31 and experience of the individuals, in appropriate titles and tenure.

32 c. Whenever a referendum question to decide if a consolidated
33 municipality shall be subject to the provisions of Title 11A, Civil
34 Service, of the New Jersey Statutes fails, the employees of a
35 municipality already subject to that Title shall be given non-civil
36 service titles in the new entity and previously held tenure shall be
37 vacated.

38 d. The Public Employment Relations Commission is authorized
39 to provide technical advice, pursuant to section 12 of P.L.1968,
40 c.303 (C.34:13A-8.3), to assist a new municipality and existing
41 labor unions to integrate separate labor agreements into
42 consolidated agreements and to adjust the structure of collective
43 negotiations units, as the commission determines appropriate for the
44 consolidated municipality.

45
46 28. (New section) a. If a revaluation of property for the
47 consolidated municipality is not implemented for the first local
48 budget year of the consolidated municipality, then the assessments

1 on the properties owned by the taxpayers of the former
2 municipalities shall be equalized for the apportionment of taxes for
3 the consolidated municipality, in the same manner as assessments
4 are equalized for the apportionment of county taxes.

5 b. The owners of any residential property or residential tenants
6 of any municipality consolidated under Article 1 of
7 P.L. , c. (C.) (pending before the Legislature as this bill), or
8 the "Municipal Consolidation Act," P.L.1977, c.435 (C.40:43-66.35
9 et seq.), who experience a municipal or school district purposes real
10 property tax increase in the first tax year following the municipal
11 consolidation shall be entitled to annual property tax relief until
12 such time as they sell or transfer their home or no longer reside as
13 tenants in the rental unit they occupied just prior to the municipal
14 consolidation. In the case of the owner of residential property, the
15 property tax relief shall be reflected as a credit on the property tax
16 bill equal to the difference between the municipal and school
17 district purposes real property tax payable by the taxpayer for the
18 tax year, subject to any adjustment as determined necessary by the
19 Director of the Division of Local Government Services in the
20 Department of Community Affairs to reflect operating budgets for a
21 normal pre-consolidated fiscal year, and the municipal and school
22 district purposes real property tax billed to that taxpayer for the tax
23 year during which the consolidation is effectuated, as may be
24 adjusted by the Director of the Division of Local Government
25 Services in the Department of Community Affairs to reflect normal
26 post-consolidation operating budgets for the municipalities and
27 school districts. In the case of a residential tenant, the tax credit
28 applied to an apartment property shall be distributed to eligible
29 tenants pursuant to the provisions of the "Tenants' Property Tax
30 Rebate Act," P.L.1976, c.63 (C.54:4-6.2 et seq.) and this section.
31 The total of all such relief in the municipality shall be paid by the
32 State to the municipality on a schedule determined by the Local
33 Finance Board. For the purpose of this subsection, a "normal"
34 budget year shall be one that, in the determination of the director,
35 does not reflect expenses made in anticipation of, or
36 implementation expenses related to, a municipal consolidation.

37
38 29. (New section) The provisions of Article 1 of
39 P.L. , c. (C.) (pending before the Legislature as this bill)
40 shall be liberally construed to effectuate the intention of sections 25
41 through 28 of P.L. , c. (C. through) (pending before the
42 Legislature as this bill). The board is empowered to act to provide
43 guidance, interpretation, and to resolve disputes regarding these
44 sections or the "Municipal Consolidation Act," P.L.1977, c.435
45 (C.40:43-66.35 et seq.). Decisions of the board may be appealed
46 directly to the Appellate Division of the Superior Court.

1 SUBARTICLE E. SHARING AVAILABLE RESOURCES
2 EFFICIENTLY PROGRAM
3

4 30. (New section) a. A local unit that plans to study the
5 feasibility of a shared service agreement, joint meeting contract, or
6 municipal consolidation may apply to the director for grants or
7 loans to fund the study, including consultant costs, and to fund one-
8 time start-up costs of a shared service agreement or joint meeting
9 contract or municipal consolidation. The director, in consultation
10 with the Commissioner of Education, shall establish a program to
11 be known as the "Sharing Available Resources Efficiently"
12 program, or "SHARE," to accomplish this purpose, and, in
13 consultation with the commissioner, shall promulgate rules and
14 regulations necessary to effectuate the purposes of the program.

15 b. The director, in consultation with the commissioner, shall
16 provide guidelines and procedures for the submission of SHARE
17 grant and loan applications.

18 c. Applications for shared service study funds:

19 (1) May require such local match of funds, as is determined by
20 the director for the studies if the director finds that the local unit is
21 financially capable of providing such matching funds.

22 (2) Shall not require a local match of funds for consolidation
23 studies under Article 1 of P.L. , c. (C.) (pending before the
24 Legislature as this bill) or the "Municipal Consolidation Act,"
25 P.L.1977, c.435 (C.40:43-66.35 et seq.).

26 (3) Grants for implementation of shared services may include
27 financial assistance for terminal leave benefits, but not for early
28 retirement incentives related to pension contributions.

29 d. Applications for one-time start-up costs shall provide that:

30 (1) Local units may apply for financial assistance for the one-
31 time start-up costs necessary to implement shared services. Costs
32 that may be financed through the issuance of debt or capital lease
33 agreements shall be excluded from this program.

34 (2) The director may set limits on aid awards and negotiate the
35 various provisions, costs, payment provisions, and amounts of
36 grants or loans to ensure that the shared service is cost effective and
37 in the public interest. Financial assistance for costs associated with
38 terminal leave benefits shall be limited to the lesser of the officer or
39 employee's regular base rate of compensation that is paid for the
40 terminal leave benefit pursuant to an applicable employment
41 contract, local practice, local ordinance, or State law.

42 e. The director may provide technical support programs to assist
43 local units in applying for grants or aid for studying shared services.
44

45 31. (New section) There is created a "Sharing Available
46 Resources Efficiently" account within the Property Tax Relief Fund
47 as a non-lapsing revolving account which shall receive monies as
48 may be credited to it from the Property Tax Relief Fund, the

1 repayments of loans made from the account, and any other funds as
2 may be appropriated to the account from time to time. Monies in
3 the account shall be appropriated for the purposes of Article 1 of
4 P.L. , c. (C.) (pending before the Legislature as this bill).

5
6 SUBARTICLE F. VOTER PARTICIPATION TO IDENTIFY
7 SHARED SERVICES AND OTHER COST-SAVING
8 OPPORTUNITIES
9

10 32. (New section) The governing body of a municipality may
11 adopt, at any regular meeting, a resolution requesting the clerk of
12 the county to print upon the official ballots to be used at the next
13 ensuing regular or general election, as appropriate, a certain
14 proposition to authorize the creation of a citizen's commission,
15 consisting of members of the governing body, appropriate
16 municipal officials such as the municipal purchasing agent, and at
17 least an equal number of residents of the municipality, and to
18 identify and implement shared service, joint meeting, or
19 consolidation opportunities for the municipality. The proposition
20 shall be formulated and expressed in the resolution in concise form
21 and filed with the clerk of the county not later than 74 days
22 previous to the election. If approved by a majority of those voting
23 at the election, the proposition shall be binding and shall constitute
24 the authority for the governing body to appoint members to the
25 citizen's commission and provide resources as it deems necessary.

26
27 SUBARTICLE G. MISCELLANEOUS
28

29 33. (New section) Any shared service agreement, joint contract
30 for a joint meeting, or agreement to regionalize or consolidate
31 services in existence at the time of enactment of Article 1 of
32 P.L. , c. (C.) (pending before the Legislature as this bill)
33 are continued pursuant to the law in effect at the time that the
34 agreement or contract were executed; provided, however, that any
35 renewals shall be in accordance with the provisions of Article 1 of
36 P.L. , c. (C.) (pending before the Legislature as this bill).

37
38 34. (New section) a. Any shared service or joint meeting
39 agreement or municipal consolidation shall be deemed in
40 furtherance of the public good and presumed valid, subject to a
41 rebuttable presumption of good faith on the part of the governing
42 bodies entering into the agreement.

43 b. With regard to any responsibilities assigned to the Public
44 Employment Relations Commission pursuant to Article 1 of
45 P.L. , c. (C.) (pending before the Legislature as this
46 bill):

1 (1) The commission may promulgate rules or regulations to
2 effectuate the purposes of Article 1 of P.L. , c. (C.)
3 (pending before the Legislature as this bill).

4 (2) The commission may establish a fee schedule to cover the
5 costs of effectuating its services; provided, however, that the fees so
6 assessed shall not exceed the commission's actual cost of
7 effectuating those provisions.

8 (3) Within 14 days of receiving a decision, a party aggrieved by
9 a decision of a mediator or arbitrator assigned by the commission
10 may file notice of an appeal of an award to the commission. In
11 deciding an appeal, the commission, pursuant to rule and regulation
12 and upon petition, may afford the parties the opportunity to present
13 oral arguments. The commission may affirm, modify, correct or
14 vacate the award or may, at its discretion, remand the award to the
15 same arbitrator or to another arbitrator, selected by lot, for
16 reconsideration. An aggrieved party may appeal a decision of the
17 commission to the Appellate Division of the Superior Court.

18 19 SUBARTICLE H. REPEALER

20
21 35. (New section) The following sections of law are repealed:
22 N.J.S.11A:9-8;
23 N.J.S.18A:46-25 through 18A:46-28;
24 R.S.27:14-33 through 27:14-34;
25 Section 12 of P.L.1947, c.62 (C.27:15-1.11);
26 R.S.27:16-22;
27 R.S.27:16-24;
28 R.S.27:16-40;
29 R.S.27:16-69 and 27:16-70;
30 R.S.27:16-72 through 27:16-76;
31 R.S.27:19-8;
32 R.S.27:19-38;
33 R.S.27:20-2 through 27:20-4;
34 R.S.27:22-1 through 27:22-9;
35 R.S.27:22-11;
36 Section 1 of P.L.1952, c.120 (C.40:5-2.9);
37 Sections 1 through 9, 19, and 20 of P.L.1973, c.208 (C.40:8A-3
38 through 40:8A-11);
39 Section 2 of P.L.1992, c.145 (C.40:8A-6.1);
40 Sections 1 through 5 of P.L.1999, c.60 (C.40:8B-14 through
41 40:8B-18);
42 Sections 1 through 11 of P.L.1952, c.72 (C.40:48B-1 through
43 40:48B-11);
44 Sections 8 and 9 of P.L.1960, c.3 (C.40:48B-12 and 40:48B-13);
45 Sections 1 and 2 of P.L.1951, c.102 (C.40:54-29.1 and 40:54-
46 29.2);
47 Sections 1 through 4 of P.L.1958, c.147.(C.40:60-25.47 through
48 40:60-25.50);

1 Sections 1 through 4 of P.L.1964, c.185 (40:61-35.1 through
2 40:61-35.4);

3 R.S.40:67-24 and 40:67-25; and

4 R.S.40:67-36 through 40:67-46.

5

6 36. Section 1 of P.L.1967, c.27 (C.18A:17-14.1) is amended to
7 read as follows:

8 1. A board or the boards of two or more districts may, under
9 rules and regulations prescribed by the State board, appoint a school
10 business administrator by a majority vote of all the members of the
11 board, define his duties, which may include serving as secretary of
12 one of the boards, and fix his salary, whenever the necessity for
13 such appointment shall have been agreed to by the county
14 superintendent of schools or the county superintendents of schools
15 of the counties in which the districts are situate and approved by the
16 commissioner and the State board. [A school business
17 administrator shall be appointed in the manner provided in this
18 section, however when the boards of education of two or more
19 school districts determine to share a school business administrator,
20 the appointment shall comply with the provisions of section 4 of
21 P.L.1996, c.111 (C.18A:17-24.1).]

22 Nothing in P.L.1996, c.111 (C.18A:17-24.1 et al.) shall prohibit
23 a school district from subcontracting its school business
24 administrator to another school district pursuant to the provisions of
25 P.L.1973, c.208 (C.40:8A-1 et seq.) , in which case credit toward
26 tenure acquisition shall accrue only in the primary district of
27 employment. [The provisions of P.L.1996, c.111 (C.18A:17-24.1
28 et al.) concerning the arrangement to share a school business
29 administrator by two or more school districts shall not apply when a
30 school district subcontracts its school business administrator to
31 another school district.]

32 (cf: P.L.1996, c.111, s.1)

33

34 37. Article 1, sections 1 through 36 of P.L. , c. (C.)
35 (pending before the Legislature as this bill) shall take effect
36 immediately, but section 35 shall remain inoperative until the first
37 day of the seventh month next following enactment.

38

39 ARTICLE 2. USER-FRIENDLY BUDGETS

40

41 38. N.J.S.40A:4-10 is amended to read as follows:

42 40A:4-10. No budget or amendment thereof shall be adopted
43 unless the director shall have previously certified his approval
44 thereof. Final adoption shall be by resolution adopted by a majority
45 of the full membership of the governing body, and may be by title
46 where the procedures required by sections 40A:4-8 and 40A:4-9 or
47 section 12 of P.L.1995, c.259 (C.40A:4-6.1), as applicable, have
48 been followed.

1 The budget shall be adopted in the case of a county not later than
2 February 25, and in the case of a municipality not later than March
3 20 of the calendar fiscal year or September 20 of the State fiscal
4 year, except that the governing body may adopt the budget at any
5 time within 10 days after the director shall have certified his
6 approval thereof and returned the same, if such certification shall be
7 later than the date of the advertised hearing.

8 If, in the case of a municipality which operates on the State fiscal
9 year, the governing body fails to adopt the budget within the
10 permitted time, the chief financial officer of the local unit shall so
11 notify the director the next working day after the expiration of the
12 permitted time.

13 **【Three certified copies】** Copies of the budget, as adopted, in
14 such form and in such quantity as determined by the Local Finance
15 Board, shall be transmitted to the director, and made available in
16 print for public inspection at the local library, within three days
17 after adoption.

18 Upon adoption, the budget shall constitute an appropriation for
19 the purposes stated therein and an authorization of the amount to be
20 raised by taxation for the purposes of the local unit.

21 The adopted budget shall be provided for public inspection on
22 the local unit's website, if one exists, and made available online and
23 in print as required by this section in a "user-friendly" summary
24 format using plain language. The Local Finance Board shall
25 promulgate a "user-friendly," plain language summary format for
26 use by local units for this purpose pursuant to section 43 of
27 P.L. , c. (C.) (pending before the Legislature as this bill).
28 (cf: P.L.1995, c.259, s.11)
29

30 39. (New section) a. The Local Finance Board shall promulgate
31 "user-friendly," plain language budget summary forms for the use
32 of counties, municipalities, local authorities, and fire districts. The
33 board shall also promulgate a procedure for the submission by each
34 of these local government units of the required budget summary
35 form to the Division of Local Government Services in the
36 Department of Community Affairs following the adoption of the
37 annual budget.

38 b. The plain language budget summary shall provide the public
39 with information in summary form about the budget of the local
40 unit and shall include, in addition to an abbreviated version of the
41 formal budget adopted by the local unit, such statistical information
42 as the board determines to be useful for the public's understanding
43 of the local unit's fiscal matters and condition, and shall also
44 include, but shall not be limited to the following information, for
45 both the local unit's current budget year and the previous budget
46 year, as the Local Finance Board determines appropriate to the local
47 unit: all line items of appropriation aggregated by service type; the
48 property tax rate; the property tax collection rate; the assessed value

1 and taxable value of all real property located in the local unit; the
2 amount of bonded indebtedness of the local unit; revenues by major
3 category; description of unusual revenues or appropriations, with a
4 description of the circumstances of the revenues or appropriations;
5 a list of shared service agreements in which the local unit is
6 participating; and the number and amount of outstanding long-term
7 tax exemptions and abatements, and the amount of revenue derived
8 there from.

9 c. The plain language budget summary shall be submitted to the
10 division in such form as determined by the Local Finance Board,
11 and, upon its receipt of the summary, the division shall make the
12 summary available to the public through an Internet website
13 maintained by the division. The information on the web site shall
14 be presented as data that can be downloaded by the public for
15 comparative purposes using commonly-used software.

16
17 40. (New section) Whenever the governing body of a local unit
18 proposes '[an ordinance,] a' resolution, or other action that will
19 establish or modify the salaries, benefits, or other compensation of
20 any individual employee or group of its employees, that measure
21 shall only be taken after the local unit first holds a public meeting
22 where the proposed action shall be introduced and discussed by the
23 governing body. Notice of the date, time, place, and purpose of the
24 public meeting, and of the time and place at which a copy of the
25 proposed measure, together with the employee compensation
26 disclosure form required to be prepared pursuant to this section,
27 shall be available to each person requesting it, at no charge, during
28 the week preceding such public meeting. The public meeting shall
29 be advertised in a newspaper having substantial circulation in the
30 local unit at least 10 days prior to the meeting date. 'Salaries for
31 local officers and employees that are established, increased, or
32 decreased by ordinance pursuant to the provisions of N.J.S.40A:9-
33 165 shall continue to be fixed and determined in accordance with
34 that section.'

35 Prior to the publication of the newspaper notice required by this
36 section, the chief financial officer or other appropriate officer of the
37 local unit shall prepare an employee compensation disclosure form
38 pursuant to the requirements of this section. The employee
39 compensation disclosure form shall be made part of any formal
40 action taken by the local unit, but shall not be considered part of
41 any contract or agreement.

42 The chief financial officer of the local unit shall file the
43 employee compensation disclosure form with the clerk or the
44 secretary to the governing body of the local unit prior to a public
45 meeting when such measure shall be introduced and discussed. Any
46 such proposed measure shall be announced publicly at the meeting,
47 along with a declaration that an employee compensation disclosure
48 form has been provided to the governing body of the local unit

1 pursuant to the requirements of Article 2 of P.L. , c. (C.)
2 (pending before the Legislature as this bill). Any formal action by a
3 governing body approving or disapproving a measure establishing
4 or modifying the salaries, benefits, or other compensation of its
5 employees shall occur no earlier than the tenth calendar day
6 immediately following the meeting at which the measure was
7 introduced and discussed.

8 The employee compensation disclosure form shall display the
9 estimated cost of salary, benefits or other compensation, for each
10 year of the contract for each individual employee or group of
11 employees, itemized by the specific form of compensation, the
12 estimated cost of the compensation at the time of the action, and the
13 incremental difference between each year.

14 Governing body actions taken without compliance with this
15 section shall be null and void.

16
17 41. (New section) Not later than the first day of the sixth month
18 next following the enactment of Article 2 of P.L. , c. (C.)
19 (pending before the Legislature as this bill), the Local Finance
20 Board shall promulgate rules and regulations pursuant to the
21 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
22 seq.), to implement the provisions of section '[86] 39' of
23 P.L. , c. (C.) (pending before the Legislature as this bill)
24 concerning the plain language budget summary, and it also shall
25 promulgate the forms and procedures necessary to effectuate the
26 provisions of section 40 of P.L. , c. (C.) (pending before
27 the Legislature as this bill) concerning the employee compensation
28 disclosure form.

29
30 ARTICLE 3. '[FIRE DISTRICT ELECTIONS] EXECUTIVE
31 COUNTY SUPERINTENDENTS'
32

33 '[42. R.S.19:14-4 is amended to read as follows:

34 19:14-4. In the center of the ballot immediately below the
35 perforated line shall be printed in bold-faced type the words
36 "Official general election ballot." Below these words and extending
37 across the ballot shall appear the words: "Name of (municipality),
38 ward, fire district (if applicable),
39 election district, date of election,
40 John Doe, county clerk." The blank spaces shall be
41 filled in with the name of the proper municipality, the ward and
42 district numbers and the date of the election. For school elections
43 the name of the school district and of the municipality or
44 municipalities comprising the district shall also be indicated
45 thereon. The name of the county clerk shall be a facsimile of his
46 signature. Below the last stated words extending across the ballot
47 and at the extreme left shall be printed the words "Instructions to
48 the voter," and immediately to the right there shall be a bracket

1 embracing the following instructions numbered consecutively:

2 (1) The only kind of a mark to be made on this ballot in voting
3 shall be a cross x, plus + or check .

4 (2) To mark a cross x , plus +, check or when writing a name
5 on this ballot use only ink or pencil.

6 (3) To vote for any candidates whose names are printed in any
7 column, mark a cross x , plus + or check in the square at the left of
8 the names of such candidates not in excess of the number to be
9 elected to the office.

10 (4) To vote for any person whose name is not printed on this
11 ballot, write or paste the name of such person under the proper title
12 of office in the column designated personal choice and mark a cross
13 x , plus + or check in the square to the left of the name so written
14 or pasted.

15 (5) To vote upon any public question printed on this ballot if in
16 favor thereof, mark a cross x , plus + or check in the square at the
17 left of the word "Yes," and if opposed thereto, mark a cross x , plus
18 + or check in the square at the left of the word "No."

19 (6) Do not mark this ballot in any other manner than above
20 provided for and make no erasures. Should this ballot be wrongly
21 marked, defaced, torn or any erasure made thereon or otherwise
22 rendered unfit for use return it and obtain another. In presidential
23 years, the following instructions shall be printed upon the general
24 election ballot:

25 (7) To vote for all the electors of any party, mark a cross x , plus
26 + or check in ink or pencil in the square at the left of the surnames
27 of the candidates for president and vice-president for whom you
28 desire to vote.

29 Below the above-stated instructions and information and, except
30 when compliance with section [19:14-15] R.S.19:14-13 of this
31 Title as to Statewide propositions otherwise requires, three inches
32 below the perforated line and parallel to it, there shall be printed a
33 six-point diagram rule extending across the ballot to within not less
34 than a half inch to the right and left edges of the paper.

35 (cf: P.L.1995, c.278, s.17)】¹

36

37 ¹【43. R.S.19:14-8 is amended to read as follows:

38 19:14-8. The ballot shall be divided into a partisan section and a
39 nonpartisan section. In the partisan section, in the columns of each
40 of the political parties which made nominations at the next
41 preceding primary election to the general election and in the
42 personal choice column, within the space between the two-point
43 hair line rules, there shall be printed the title of each office to be
44 filled at such election, except as hereinafter provided.

45 【Such】 Within each section of the ballot the titles of office shall
46 be arranged in the following order: member of the United States
47 Senate; Governor; member of the House of Representatives;
48 member of the State Senate; members of the General Assembly;

1 county executive, in counties that have adopted the county
2 executive plan of the "Optional County Charter Law," P.L.1972,
3 c.154 (C.40:41A-1 et seq.); sheriff; county clerk; surrogate; register
4 of deeds and mortgages; county supervisor; members of the board
5 of chosen freeholders; coroners; mayor and members of municipal
6 governing bodies[.] ; members of the board of fire commissioners,
7 and any other titles of office. Candidates for board of fire
8 commissioners shall be listed in the nonpartisan section of the
9 ballot. Above each of such titles of office, except the one at the top,
10 shall be printed a two-point diagram rule in place of the two-point
11 hair line rule. Below the titles of such offices shall be printed the
12 names of the candidates for the offices.

13 In the columns of each of the political parties which made
14 nominations at the next preceding presidential primary election and
15 in the personal choice column, within the space between the two-
16 point hair line rules, there shall be printed the title of office for
17 electors of President and Vice President of the United States.

18 The arrangement of the names of candidates for any office for
19 which more than one are to be elected shall be determined in the
20 manner hereinafter provided, as in the case of candidates nominated
21 by petition.

22 When no nomination for an office has been made the words "No
23 Nomination Made" in type large enough to fill the entire space or
24 spaces below the title of office shall be printed upon the ballot.

25 Immediately to the left of the name of each candidate, at the
26 extreme left of each column, including the personal choice column,
27 shall be printed a square, one-quarter of an inch in size, formed by
28 two-point diagram rules. In the personal choice column no names
29 of candidates shall be printed.

30 To the right of the title of each office in the party columns and
31 the personal choice column shall be printed the words "Vote for,"
32 inserting in words the number of persons to be elected to such
33 office.

34 (cf: P.L.2005, c.136, s.23)]¹

35

36 ¹[44. R.S.19:14-10 is amended to read as follows:

37 19:14-10. In the column or columns designated as nominations
38 by petition, within the space between the two-point hair line rules,
39 there shall be printed the title of each office for which nominations
40 by petition have been made.

41 Such titles of office shall be arranged in the following order:
42 electors of President and Vice-President of the United States;
43 member of the United States Senate; Governor; member of the
44 House of Representatives; member of the State Senate; members of
45 the General Assembly; county executive, in counties that have
46 adopted the county executive plan of the "Optional County Charter
47 Law," P.L.1972, c.154 (C.40:41A-1 et seq.); sheriff; county clerk;
48 surrogate; register of deeds and mortgages; county supervisor;

1 members of the board of chosen freeholders; coroners; mayor and
2 members of municipal governing bodies~~[,] ; members of the board~~
3 ~~of fire commissioners~~, and any other titles of office.

4 Above each of the titles of office, except the one on the top, shall
5 be printed a two-point diagram rule in place of the two-point hair
6 line rule. Below the titles of each of the offices shall be printed the
7 names of each of the candidates for each of such offices followed
8 by the designation or designations mentioned in the petitions filed.

9 Immediately to the left of the name of each candidate, at the
10 extreme left of the column, shall be printed a square, one-quarter of
11 an inch in size formed by two-point diagram rules.

12 The names of candidates for any office for which more than one
13 are to be elected shall be arranged in groups as presented in the
14 several certificates of nominations or petitions, which groups shall
15 be separated from other groups and candidates by two two-point
16 hair line rules.

17 To the right of the title of each office shall be printed the words
18 "Vote for " inserting in words the number of candidates to be
19 elected to such office.

20 (cf: P.L.1995, c.191, s.2)]¹

21
22 ¹[45. R.S.19:14-16 is amended to read as follows:

23 19:14-16. The words to be printed on the perforated coupon
24 shall be printed in twelve-point bold-faced capital letters and the
25 figures in eighteen and twenty-two-point bold-faced type. At the
26 head of the ballot the words "Official General Election Ballot" shall
27 be printed in at least thirty-point bold-faced capital letters. The
28 name of municipality, ward, fire district, election district, and date,
29 as appropriate, shall be printed in twelve-point bold-faced capital
30 letters. The words "Instructions to the voter" shall be printed in
31 twelve-point bold-faced capitals and small letters, while the
32 instructions embraced within the brackets shall be printed in eight-
33 point bold-faced capital and small letters. The column designations
34 shall be printed in eighteen-point bold-faced capital letters and the
35 accompanying instructions shall be printed in eight-point capitals
36 and small letters. The titles of office and accompanying instructions
37 shall be printed in ten-point bold-faced capital and small letters.
38 When there is no nomination made at the primary for an office, the
39 title shall be printed in the space where such title should appear, and
40 the words "No Nomination Made" in type large enough to fill the
41 entire space or spaces shall be printed therein. The names of all
42 candidates shall be printed in ten-point capital letters. The
43 designations following the candidates' names in the nomination by
44 petition column or columns shall be printed in ten-point capitals and
45 small letters, except that where they overrun the space within the
46 column the designations may be abbreviated, and all spaces
47 between the two-point hair line rules not occupied by the titles of
48 office and names of candidates shall be printed in with scroll or

1 filling to guide the voter against wrongly marking the ballot. On
2 the foot of the ballot the words "Public Questions to be Voted
3 Upon" shall be printed in eighteen-point bold-faced capital letters.
4 The accompanying instructions shall be printed in eight-point
5 capital and small letters. The public questions to be voted upon
6 shall be printed in ten-point capital and small letters, and the words
7 "Yes" and "No" shall be printed in twelve-point bold-faced capital
8 letters.

9 (cf: R.S.19:14-16)]¹

10
11 ¹[46. R.S.19:14-22 is amended to read as follows:

12 19:14-22. The official general election sample ballots shall be as
13 nearly as possible facsimiles of the official general election ballot to
14 be voted at such election and shall have printed thereon, after the
15 words which indicate the number of the election district for which
16 such sample ballots are printed, the name or number of the fire
17 district, when appropriate, the street address or location of the
18 polling place in the election district, the hours between which the
19 polls shall be open, and shall be printed on paper different in color
20 from the official general election ballot, and have the following
21 words printed in large type at the top:

22 "This ballot cannot be voted. It is a sample copy of the official
23 general election ballot used on election day."

24 (cf: P.L.1959, c.139, s.1)]¹

25
26 ¹[47. N.J.S.40A:14-70 is amended to read as follows:

27 40A:14-70. In any municipality not having a paid or part-paid
28 fire department and force, the governing body, upon application of
29 at least 5% of the registered voters or 20 legal voters, whichever is
30 the greater, shall consider the designation of a fire district. Upon
31 receipt of the application, the governing body shall fix a time and
32 place for a hearing thereon. The municipal clerk shall advertise the
33 notice of the hearing in a newspaper circulating in the county
34 wherein the municipality is located at least once and not less than
35 10 days prior to the hearing. After the hearing the governing body
36 shall determine the question of designation of a fire district. If the
37 governing body decides that the designation of a fire district is
38 appropriate, it, by ordinance, shall designate a territorial location or
39 locations, that are coterminous with election districts, for use as a
40 fire district or fire districts and, by resolution, provide for the
41 election of a board of fire commissioners for the district or each
42 district, to consist of five persons, residents therein, and specify the
43 date[,] and time [and place] for the election of the first board.

44 The district or each district shall be assigned a number and the
45 commissioners thereof and their successors shall be a body
46 corporate, to be known as "the commissioners of fire district No. ..
47 in (name of municipality), county of
48 (name of county)." The said body corporate shall have the power to

1 acquire, hold, lease, sell or otherwise convey in its corporate name
2 such real and personal property as the purposes of the corporation
3 shall require. All sales and leases of real and personal property
4 shall be in accordance with the provisions of section 13 or 14, as
5 appropriate, of the "Local Lands and Buildings Law," P.L.1971,
6 c.199 (C.40A:12-13 or 40A:12-14). Said body corporate may adopt
7 and use a corporate seal, sue or be sued and shall have such powers,
8 duties and functions as are usual and necessary for said purposes.

9 [On the date and at the time and place specified for the election
10 of the first board the clerk of the municipality shall conduct the
11 election and shall preside at the meeting until the board shall have
12 been elected.]

13 At the first meeting of a newly elected board of fire
14 commissioners of a district the board shall choose a chairman [and
15 fix the place for the annual election]. The members of the board
16 shall divide themselves by lot into three classes: the first to consist
17 of two members whose terms shall expire at 12 o'clock noon on the
18 first Tuesday in [March] December of the year following the year
19 in which the first board is elected; the second, two members whose
20 terms shall expire at 12 o'clock noon on the first Tuesday in
21 [March] December of the second year following that year; and the
22 third, one member whose term shall expire at 12 o'clock noon on
23 the first Tuesday in [March] December of the third year following
24 that year. The terms of fire commissioners in each class, other than
25 members of the first board, shall expire at 12 o'clock noon on the
26 first Tuesday in [March] December of the third year following the
27 year in which they were elected.

28 Any vacancy in the membership shall be filled by the remaining
29 members until the next succeeding annual election, at which time a
30 resident of the district shall be elected for the unexpired term.
31 (cf: P.L.1991, c.223, s.1)]¹

32
33 ¹[48. N.J.S.40A:14-71 is amended to read as follows:

34 40A:14-71. Candidates for membership on the board shall be
35 nominated by verified petitions and shall not be nominees of a
36 political party. Any such petition shall be in writing, addressed to
37 the municipal clerk [or the clerk of the board, as the case may be],
38 stating that the signers thereof are qualified voters and residents in
39 the district and requesting that the name of the candidate be placed
40 on the official ballot. Each petition shall be arranged to contain
41 double spacing between the signature lines of the petition, so that
42 each signer thereof is afforded sufficient space to provide his or her
43 printed name, address and signature. The petition shall state the
44 residence of the candidate and certify his qualification for
45 membership. The candidate's consent to his nomination shall be
46 annexed to the petition and shall constitute his agreement to serve
47 in the event of his election. The petition shall contain the name of

1 only one candidate, but several petitions may nominate the same
2 person. Each petition shall be signed by not less than 10 qualified
3 voters and shall be filed at least [28] 99 days before the date of the
4 election.

5 Any form of a petition of nomination which is provided to
6 candidates by the Secretary of State, the county clerk, or the
7 municipal clerk shall contain the following notice: "Notice: All
8 candidates are required by law to comply with the provisions of ["]
9 'The New Jersey Campaign Contributions and Expenditures
10 Reporting Act,' P.L. 1973, c. 83 (C.19:44A-1 et seq.). For further
11 information please call (insert telephone number of the Election
12 Law Enforcement Commission)."

13 If a petition is found to be defective, either in form or substance,
14 the municipal clerk [or the clerk of the board, as the case may be,]
15 shall forthwith notify the candidate to cause it to be corrected
16 before the petition is given consideration.
17 (cf: P.L.1985, c.288, s.2)]¹

18
19 ¹[49. N.J.S.40A:14-72 is amended to read as follows:

20 40A:14-72. An election shall be held annually on the [third
21 Saturday in February] Tuesday next after the first Monday in
22 November in each established fire district for the election of
23 members of the board according to the expiration of terms using the
24 same registration and on the same official ballot required by law for
25 the election of State and county officers. The initial election for a
26 newly created fire district [may] shall take place on [another] that
27 same date [as a governing body may specify under N.J.S.40A:14-
28 70, but the annual election thereafter shall be held on the third
29 Saturday in February]. The place of the election shall be
30 [determined by the board] at the place where the general election is
31 held and a notice thereof, and of the closing date for the filing with
32 the clerk of the board of petitions of nomination for membership on
33 the board, shall be published by the municipal clerk at least once in
34 a newspaper circulating in the district, at least six weeks prior to the
35 date [fixed for] of the election. [Fire] The municipal clerk may
36 combine the publication of notice of election for all fire districts
37 located in the same municipality [may combine the publication of
38 their notices of election]. For the purpose of this section, "notices
39 of election" shall include the notices required to be published under
40 section 7 of P.L.1953, c.211 (C.19:57-7).

41 [The legal voters thereat shall determine the amount of money to
42 be raised for the ensuing year and determine such other matters as
43 may be required.]
44 (cf: P.L.1994, c.181, s.1)]¹

1 ¹【50. (New section) The transition of the annual fire district
2 commissioner election for the purposes of electing members of the
3 board of fire commissioners from the third Saturday in February to
4 the first Tuesday after the first Monday in November, pursuant to
5 section 49 of this Article (amending N.J.S.40A:14-72), shall be in
6 accordance with the following schedule:
7

COMMISSIONER TERM ENDING	OLD ELECTION DATE	NEW ELECTION DATE	LENGTH OF AFFECTED TERM
Feb. 2007	Feb. 2007	Feb. 2007	March 2007 – Dec. 2010 (extended transitional term)
Feb. 2008	Feb. 2008	Nov. 2008	March 2005 – December 2008 (extended transitional term)
Feb. 2009	Feb. 2009	Nov. 2009	March 2006 – December 2009 (extended transitional term)
Dec. 2010	N/A	Nov. 2010	Jan. 2011 – Dec. 2013 (normal 3-yr term)】 ¹

8
9 ¹【51. Section 5 of P.L.1979, c.453 (C.40A:14-78.1) is amended
10 to read as follows:

11 5. The fire commissioners of any fire district shall introduce and
12 approve the annual budget not later than 【60 days prior to the
13 annual election held pursuant to N.J.S.40A:14-72】 February 10.
14 The budget shall be introduced in writing at a meeting of the fire
15 commissioners. Approval thereof shall constitute a first reading
16 which may be by title, and the fire commissioners shall at that time
17 fix the time and place for the holding of a public hearing upon the
18 budget. Notice of the date, time, place and purpose of such public
19 hearing, and of the time and place at which a copy of the approved
20 budget shall be available to each person requesting it during the
21 week preceding such public hearing, shall be advertised at least 10
22 business days prior to such hearing in a newspaper having

1 substantial circulation in the fire district.

2 (cf: P.L.1979, c.453, s.5)】¹

3
4 ¹【52. Section 6 of P.L.1979, c.453 (C.40A:14-78.2) is amended
5 to read as follows:

6 6. No fire district budget shall be adopted until a public hearing
7 has been held thereon and taxpayers of the district and all persons
8 having an interest therein shall have been given an opportunity to
9 present objections. Such hearing shall be held not less than 28 days
10 after approval of the budget.

11 The public hearing shall be held at the time and place specified
12 in the notice, but may be adjourned from time to time until the
13 hearing is closed.

14 The budget shall be read at the public hearing in full, or it may
15 be read by its title, if:

16 a. At least 【1 week】 10 business days prior to the date of the
17 hearing, a complete copy of the approved budget shall have been
18 【posted in such public place as notices are usually posted in the
19 district,】 advertised in a newspaper having substantial circulation in
20 the fire district and is made available to each person requesting a
21 copy during said 【week】 time and during the public hearing; and,

22 b. The fire commissioners shall, by resolution passed by not less
23 than a majority of the full membership, determine that the budget
24 shall be read by its title and declare that the conditions set forth in
25 subsection a. of this section have been met.

26 After closing the hearing, the fire commissioners may, by a vote
27 of not less than a majority of the full membership, adopt the budget
28 by title without amendments, or may approve amendments as
29 provided in section 7【.】 of this act.

30 (cf: P.L.1979, c.453, s.6)】¹

31
32 ¹【53. Section 8 of P.L.1979, c.453 (C.40A:14-78.4) is amended
33 to read as follows:

34 8. The fire district budget shall be adopted【,】 by a vote of a
35 majority of the full membership of the fire commissioners【, not
36 later than 25 days prior to the annual election】. If the budget is not
37 adopted in a timely manner, the Director of the Division of Local
38 Government Services in the Department of Community Affairs, in
39 determining that such appropriations are necessary, shall fix the
40 maximum amount of appropriations or shall set an amount to be
41 raised by taxation, and the fire commissioners shall adopt a budget
42 that shall not exceed that amount. 【The adopted budget shall be
43 advertised after adoption. The advertisement shall contain a copy
44 of the budget and shall be published at least once in a newspaper

1 circulating in the fire district at least 7 days prior to the annual
2 election.】

3 (cf: P.L.1979, c.453, s.8)】¹

4
5 ¹【54. Section 9 of P.L.1979, c.453 (C.40A:14-78.5) is amended
6 to read as follows:

7 9. a. 【If at the annual election held pursuant to N.J.S.40A:14-72
8 the question of finally adopting the budget is voted affirmatively
9 upon by a majority of the legal voters voting in the election, the
10 budget shall be considered finally adopted, and】 Upon adoption of
11 the budget the board of fire commissioners shall certify the amount
12 to be raised by taxation to support the district budget to the assessor
13 of the municipality, pursuant to N.J.S.40A:14-79.

14 b. 【If at the annual election the question of finally adopting the
15 budget is voted negatively upon by a majority of the legal voters
16 voting in the election, the governing body of the municipality in
17 which the fire district is located shall, by resolution of a majority of
18 its full membership, within 30 days after the annual election and
19 after a public hearing for which the legal voters of the fire district
20 shall be given 5 days' advertised notice, and at which any interested
21 person shall be heard, fix an annual budget for the fire district. The
22 amount of each appropriation section of the budget so fixed shall
23 not exceed the amount for each as previously voted upon at the
24 annual election, except the appropriation for debt service which
25 shall be included in the amount that is required to be paid. The
26 governing body shall certify the amount to be raised by taxation to
27 support the district budget as set forth in the final budget, to the
28 assessor of the municipality, pursuant to N.J.S.40A:14-79.】 After
29 an adopted budget has been approved, the board of commissioners
30 may ask the director to approve an amendment to that budget in
31 order to provide for the anticipation of revenue from a public or
32 private funding source that was not known at the time of adoption
33 of the budget, and the appropriation thereof.

34 (cf: P.L.1982, c.174, s.1)】¹

35
36 ¹【55. Section 13 of P.L.1985, c.288 (C.40A:14-78.17) is
37 amended to read as follows:

38 13. A fire district may and, if any contracts, commitments or
39 payments are to be made prior to the adoption of the budget, shall,
40 by resolution adopted 【prior to】 between January 1 and January 15,
41 adopt a temporary budget to make appropriations to provide for the
42 period between the beginning of the fiscal year and the adoption of
43 the budget.

44 The total of the appropriations so made shall not exceed 【14%】
45 26.25% of the total of the appropriations made for all purposes in
46 the budget for the preceding fiscal year, excluding, in both

1 instances, appropriations made for interest and debt redemption
2 charges and capital improvements.

3 Nothing herein contained shall prevent or relieve the fire district
4 from making appropriations for all interest and debt redemption
5 charges maturing during the fiscal year, at any time prior to the date
6 of the adoption of the budget.
7 (cf: P.L.1985, c.288, s.13)]¹

8

9 ¹[56. N.J.S.40A:14-80 is amended to read as follows:

10 40A:14-80. The commissioners of any fire district, by
11 resolution, may borrow after March 1 and before December 31
12 following, a sum not to exceed the amount appropriated [at] for the
13 preceding [annual election held in the district,] year for current
14 expenses and necessary repairs to fire apparatus and fire houses
15 within the district, less any sums received from the collector of
16 taxes or municipal treasurer on account of such appropriation. They
17 may execute evidences of such indebtedness and pay the amount so
18 borrowed[, together with interest thereon, at a rate not exceeding
19 5% per annum].

20 (cf: N.J.S.40A:14-80)]¹

21

22 ¹[57. N.J.S.40A:14-85 is amended to read as follows:

23 40A:14-85. The board of commissioners of a fire district may
24 purchase fire engines, apparatus or other appliances for the
25 extinguishment of fires and acquire lands or buildings or erect
26 buildings for the housing of such equipment, at a cost not
27 exceeding \$60,000.00 or 2% of the assessed valuation of the taxable
28 property in the district, whichever amount is larger, the money to be
29 raised by a bond issue. Any such bond issue shall be authorized by
30 a resolution of the commissioners specifying the amount and the
31 purpose thereof. The resolution shall be inoperative unless and
32 until it shall have been submitted to and approved by the legal
33 voters within said fire district at the annual election held for the
34 election of commissioners[and appropriation of money for fire
35 extinguishing purposes, or at a special election for such purpose].

36 The resolution shall be written or printed and the election shall
37 be upon notice stating the time and place. [If said election is to be
38 the annual one, the] The notices shall be posted by the clerk of the
39 board of fire commissioners in 10 public places, at least 10 days
40 prior to the date of the election. The board of commissioners and
41 the clerk, in their or his discretion, may advertise the election in a
42 newspaper, published in the fire district, if any, otherwise in a
43 newspaper published in the county of said district and circulating in
44 such district. [When a special election is specified notices shall be
45 posted in 10 public places, at least 21 days prior to the date of
46 election, and the clerk of said board shall advertise said notice in

1 such a newspaper at least twice prior to the election date.】

2 (cf: N.J.S.40A:14-85)】¹

3
4 ¹【58. (New section) The board of fire commissioners, in
5 cooperation with the governing body of a municipality that has
6 established the fire district, the county board of elections, and the
7 Division of Elections in the Department of Law and Public Safety,
8 shall take whatever actions are necessary to assure that voters are
9 assigned to a polling station containing voting machines set up for
10 their appropriate fire district. These actions shall be completed not
11 later than 74 days previous to the date of the general election.

12 If the board of fire commissioners, the governing body of the
13 municipality, the county board of elections, and the Division of
14 Elections agree that the technological, economic, or logistical
15 barriers to assuring the proper assignation of votes would
16 compromise the election outcome, the Division of Election may
17 grant a waiver to individual fire districts, allowing for either a
18 longer phase in period or the continuation of February elections if
19 no viable alternative is identified. The Division of Election shall
20 report to the Governor, the President of the Senate, and the Speaker
21 of the General Assembly by December 31 of each year as to every
22 waiver granted pursuant to this section during that calendar year.】¹

23
24 ¹【59. N.J.S.40A:14-73 through N.J.S.40A:14-78, inclusive, and
25 N.J.S.40A:14-82 are repealed.】¹

26
27 ¹【60. Sections 42 through 56 and section 59 of Article 3 of
28 P.L. , c. (C.) (pending before the Legislature as this bill)
29 shall take effect on January 1, 2008, except the term for the election
30 occurring in February 2007 shall be as provided in section 50, and
31 section 58 shall take effect immediately.】¹

32
33 ¹【ARTICLE 4. SCHOOL BOARD ELECTIONS

34
35 61. Section 5 of P.L.1996, c.138 (C.18A:7F-5) is amended to
36 read as follows:

37 5. As used in this section, "cost of living" means the CPI as
38 defined in section 3 of P.L.1996, c.138 (C.18A:7F-3).

39 a. Biennially, within 30 days following the approval of the
40 Report on the Cost of Providing a Thorough and Efficient
41 Education, the commissioner shall notify each district of the T&E
42 amount, the T&E flexible amount, the T&E range, early childhood
43 program amount, demonstrably effective program amount,
44 instructional supplement amount, and categorical amounts per pupil
45 for the subsequent two fiscal years.

46 Annually, within two days following the transmittal of the State
47 budget message to the Legislature by the Governor pursuant to

1 section 11 of P.L.1944, c.112 (C.52:27B-20), the commissioner
2 shall notify each district of the maximum amount of aid payable to
3 the district in the succeeding school year pursuant to the provisions
4 of this act, and shall notify each district of the district's T&E
5 budget, maximum T&E budget, and minimum permissible T&E
6 budget for the succeeding school year.

7 Beginning in the 1998-99 school year, unless otherwise specified
8 within this act, aid amounts payable for the budget year shall be
9 based on budget year pupil counts, which shall be projected by the
10 commissioner using data from prior years. Adjustments for the
11 actual pupil counts of the budget year shall be made to State aid
12 amounts payable during the school year succeeding the budget year.
13 Additional amounts payable shall be reflected as revenue and an
14 account receivable for the budget year.

15 Notwithstanding any other provision of this act to the contrary,
16 each district's State aid payable for the 1997-98 school year, with
17 the exception of transportation and facilities aids pursuant to
18 sections 25, 26, and 27 of this act, shall be based on simulations
19 employing the various formulas and State aid amounts contained in
20 this act using projections based on the October 1995 pupil counts,
21 December 1995 special education census data and October 1995
22 equalized valuations. Transportation aid shall be calculated based
23 on the provisions of this act using pupil data used for the 1996-97
24 school year and adjusted to reflect the total amount of State aid
25 disbursed in the 1996-97 school year. The commissioner shall
26 prepare a report dated December 19, 1996 reflecting the State aid
27 amounts payable by category for each district and shall submit the
28 report to the Legislature prior to the adoption of this act. The
29 amounts contained in the commissioner's report shall be the final
30 amounts payable and shall not be subsequently adjusted because of
31 changes in pupil counts or equalized valuations. The projected
32 pupil counts and equalized valuations used for the calculation of
33 State aid shall also be used for the calculation of maximum T&E
34 budget, minimum T&E budget, local share, required local share,
35 and spending growth limitation. State aid notification of debt
36 service aid pursuant to section 27 of this act shall include a
37 statement that debt service aid shall be determined in the budget.

38 Any school district which enrolls students who reside on federal
39 property which were not included in the calculation of core
40 curriculum standards aid for 1997-98 shall have its core curriculum
41 standards aid recalculated for these additional enrollments through
42 the 1997-98 school year using the property value multiplier, income
43 value multiplier, equalized valuation, and district income which
44 were used in the original Statewide calculation of core curriculum
45 standards aid. The additional aid resulting from the recalculations
46 shall be divided by 20 and the product shall be added to each of the
47 remaining core curriculum standards aid payments for the 1997-98
48 school year. Additionally, the core curriculum standards aid

1 calculation and payment schedule for 1998-99 shall be adjusted for
2 such enrollments arriving after the last school day prior to October
3 16, 1997.

4 b. Each district shall have a required local share. For Abbott
5 districts, the required local share for the purpose of determining its
6 estimated minimum equalized tax rate and supplemental core
7 curriculum standards aid shall equal the district's local share
8 calculated at the middle of the T&E range (T&E amount x WENR,
9 where WENR is the district's weighted enrollment pursuant to
10 section 13 of this act).

11 Notwithstanding the above provision, no Abbott district shall
12 raise a general fund tax levy which is less than the prior year
13 general fund tax levy unless the sum of the levy and the other
14 components of the T&E program budget equals or exceeds its
15 maximum T&E budget calculated pursuant to section 13 of this act.

16 For district factor group A districts, the required local share shall
17 equal the district's local share calculated at its minimum T&E
18 budget pursuant to section 13 of this act.

19 For all other districts, the required local share shall equal the
20 lesser of the local share calculated at the district's minimum T&E
21 budget pursuant to section 13 of this act, or the district's budgeted
22 local share for the prebudget year.

23 In order to meet this requirement, each district shall raise a
24 general fund tax levy which, when added to the general fund
25 balance designated for the budget year, miscellaneous local general
26 fund revenues estimated consistent with GAAP to be realized
27 during the budget year, supplemental core curriculum standards aid
28 calculated pursuant to section 17 of this act and stabilization aid and
29 supplemental school tax reduction aid calculated pursuant to section
30 10 of this act, equals its required local share or, for Abbott districts,
31 the amount required when the calculation of required local share
32 would result in a general fund tax levy which is less than the
33 general fund tax levy of the prebudget year. For 1997-98, the
34 budgeted local share for the prebudget year shall be the district's
35 general fund tax levy.

36 For the 1997-98 school year, any tax increase which would be
37 required of an Abbott district or district factor group A district to
38 meet its required local share, after consideration of supplemental
39 core curriculum standards aid, stabilization aid, and supplemental
40 school tax reduction aid shall be fully funded by the State and
41 recorded as supplemental core curriculum standards aid. The
42 commissioner, in consultation with the Commissioner of the
43 Department of Community Affairs and the Director of the Division
44 of Local Government Services in the Department of Community
45 Affairs, shall examine the fiscal ability of the Abbott districts and
46 the district factor group A districts eligible for supplemental core
47 curriculum standards aid to absorb any reduction in such aid and
48 shall make recommendations to the Legislature and the Governor

1 regarding the continuation of supplemental core curriculum
2 standards aid to those districts. In making those recommendations,
3 the commissioner shall consider the ratable base of the municipality
4 or municipalities in which the district is located, the tax burden
5 placed upon the local community due to other required municipal
6 services, and the fiscal ability of the school district to raise its
7 required local share. The commissioner shall not implement any of
8 those recommendations until the recommendations are enacted into
9 law.

10 No municipal governing body or bodies or board of school
11 estimate, as appropriate, shall certify a general fund tax levy which
12 does not meet the required local share provisions of this section.

13 c. Annually, on or before March 4, each district board of
14 education shall adopt, and submit to the commissioner, through the
15 office of the county superintendent of schools, for approval,
16 together with such supporting documentation as the commissioner
17 may prescribe, a budget that provides no less than the minimum
18 permissible T&E budget, plus categorical amounts required for a
19 thorough and efficient education as established pursuant to the
20 report, special revenue funds and debt service funds.

21 Notwithstanding any provision of this section to the contrary, for
22 the 2005-2006 school year each district board of education shall
23 submit a proposed budget in which the advertised per pupil
24 administrative costs do not exceed the lower of the following:

25 (1) the district's advertised per pupil administrative costs for the
26 2004-2005 school year inflated by the cost of living or 2.5 percent,
27 whichever is greater; or

28 (2) the per pupil administrative cost limits for the district's
29 region as determined by the commissioner based on audited
30 expenditures for the 2003-2004 school year.

31 The county superintendent of schools may disapprove the school
32 district's **【2005-2006】** proposed budget if he determines that the
33 district has not implemented all potential efficiencies in the
34 administrative operations of the district or if he determines that the
35 budget includes excessive non-instructional expenses. The county
36 superintendent shall work with each school district in the county
37 **【during the 2004-2005 school year】** to identify administrative
38 inefficiencies in the operations of the district and excessive non-
39 instructional expenses that might cause the superintendent to reject
40 the district's proposed **【2005-2006 school year】** budget.

41 For the 2006-2007 school year and each school year thereafter,
42 each district board of education shall submit a proposed budget in
43 which the advertised per pupil administrative costs do not exceed
44 the lower of the following:

45 (1) the district's prior year per pupil administrative costs; except
46 that the district may submit a request to the commissioner for
47 approval to exceed the district's prior year per pupil administrative
48 costs due to increases in enrollment, administrative positions

1 necessary as a result of mandated programs, administrative
2 vacancies, nondiscretionary fixed costs, and such other items as
3 defined in accordance with regulations adopted pursuant to section
4 7 of P.L.2004, c.73. In the event that the commissioner approves a
5 district's request to exceed its prior year per pupil administrative
6 costs, the increase authorized by the commissioner shall not exceed
7 the cost of living or 2.5 percent, whichever is greater; or

8 (2) the prior year per pupil administrative cost limits for the
9 district's region inflated by the cost of living or 2.5 percent,
10 whichever is greater.

11 d. (1) [A] If a district [proposing] proposes a budget which
12 includes spending which exceeds the maximum T&E budget
13 established pursuant to section 13 of this act [shall submit, as
14 appropriate, to the board of school estimate or to the voters of the
15 district at the annual school budget election conducted pursuant to
16 the provisions of P.L.1995, c.278 (C.19:60-1 et seq.), a] the general
17 fund tax levy [which] when added to the other components of its
18 net budget [does] shall not exceed the prebudget year net budget by
19 more than the spending growth limitation calculated as follows: the
20 sum of the cost of living or 2.5 percent, whichever is greater,
21 multiplied by the prebudget year net budget, and adjustments for
22 changes in enrollment, certain capital outlay expenditures,
23 expenditures for pupil transportation services provided pursuant to
24 N.J.S.18A:39-1.1, expenditures incurred in connection with the
25 opening of a new school facility during the budget year, and special
26 education costs per pupil in excess of \$40,000. The adjustment for
27 special education costs shall equal any increase in the sum of per
28 pupil amounts in excess of \$40,000 for the budget year less the sum
29 of per pupil amounts in excess of \$40,000 for the prebudget year
30 indexed by the cost of living or 2.5 percent, whichever is greater.
31 The adjustment for enrollments shall equal the increase in
32 unweighted resident enrollments between the prebudget year and
33 budget year multiplied by the per pupil general fund tax levy
34 amount for the prebudget year indexed by the cost of living or 2.5
35 percent, whichever is greater. The adjustment for capital outlay
36 shall equal any increase between the capital outlay portion of the
37 general fund budget for the budget year less any withdrawals from
38 the capital reserve account and the capital outlay portion of the
39 general fund budget for the prebudget year indexed by the cost of
40 living or 2.5 percent, whichever is greater. Any district with a
41 capital outlay adjustment to its spending growth limitation shall be
42 restricted from transferring any funds from capital outlay accounts
43 to current expense accounts. The adjustment for capital outlay shall
44 not become part of the prebudget year net budget for purposes of
45 calculating the spending growth limitation of the subsequent year.
46 The adjustment for pupil transportation costs provided pursuant to
47 N.J.S.18A:39-1.1 shall equal any increase between the cost of

1 providing such pupil transportation services for the budget year and
2 the cost of providing such pupil transportation services for the
3 prebudget year indexed by the cost of living or 2.5 percent,
4 whichever is greater. The adjustment for the opening of a new
5 school facility shall include costs associated with the new facility
6 related to new teaching staff members, support staff, materials and
7 equipment, custodial and maintenance expenditures, and such other
8 required costs as determined by the commissioner.

9 (2) **[A]** If a district **[proposing]** proposes a budget set at or
10 below the minimum T&E budget established pursuant to section 13
11 of this act **[shall submit, as appropriate, to the board of school**
12 **estimate or to the voters of the district at the annual school budget**
13 **election conducted pursuant to the provisions of P.L.1995, c.278**
14 **(C.19:60-1 et seq.), a]** the general fund tax levy **[which]** when
15 added to the other components of the net T&E budget shall not
16 exceed the prebudget year net T&E budget or in 1997-98 the
17 prebudget year net budget by more than the spending growth
18 limitation calculated as follows: the sum of the cost of living or 2.5
19 percent, whichever is greater, multiplied by the prebudget year net
20 budget, and adjustments for changes in enrollment, certain capital
21 outlay expenditures, expenditures for pupil transportation services
22 provided pursuant to N.J.S.18A:39-1.1, expenditures incurred in
23 connection with the opening of a new school facility during the
24 budget year, and special education costs per pupil in excess of
25 \$40,000. The enrollment adjustment shall equal the increase in
26 weighted resident enrollment between the prebudget year and the
27 budget year multiplied by the T&E amount less the T&E flexible
28 amount. The adjustments for special education costs, pupil
29 transportation services, and capital outlay expenditures shall be
30 calculated pursuant to the provisions of paragraph (1) of this
31 subsection. The adjustment for the opening of a new school facility
32 shall include costs associated with the new facility related to new
33 teaching staff members, support staff, materials and equipment,
34 custodial and maintenance expenditures, and such other required
35 costs as determined by the commissioner.

36 Notwithstanding the provisions of this paragraph, no district
37 shall raise a net budget which is less than the local share required
38 under the required local share provisions of this act plus the other
39 components of its net budget.

40 (3) **[A]** If a district **[proposing]** proposes a budget set at or
41 below the maximum T&E budget, but including amounts in excess
42 of the minimum T&E budget established pursuant to section 13 of
43 this act, **[shall submit, as appropriate, to the board of school**
44 **estimate or to the voters at the annual school budget election**
45 **conducted pursuant to the provisions of P.L.1995, c.278 (C.19:60-1**
46 **et seq.), a]** the general fund tax levy **[which]** when added to the
47 other components of its net T&E budget **[does]** shall not exceed the

1 prebudget year net T&E budget or in 1997-98 the prebudget year
2 net budget by more than the spending growth limitation calculated
3 as follows: the sum of the cost of living or 2.5 percent, whichever
4 is greater, multiplied by the prebudget year net budget, and
5 adjustments for changes in enrollment, certain capital outlay
6 expenditures, expenditures for pupil transportation services
7 provided pursuant to N.J.S.18A:39-1.1, expenditures incurred in
8 connection with the opening of a new school facility during the
9 budget year, and special education costs per pupil in excess of
10 \$40,000 per pupil. The enrollment adjustment shall equal the
11 increase in the unweighted resident enrollment between the
12 prebudget year and the budget year multiplied by the prebudget year
13 T&E program budget per pupil indexed by the cost of living or 2.5
14 percent, whichever is greater. For the 1997-98 school year, the T&E
15 program budget for the prebudget year shall equal the sum of the
16 general fund tax levy, foundation aid, and transition aid. The
17 adjustment for special education costs, pupil transportation services,
18 and capital outlay expenditures shall be made pursuant to the
19 provisions of paragraph (1) of this subsection. The adjustment for
20 the opening of a new school facility shall include costs associated
21 with the new facility related to new teaching staff members, support
22 staff, materials and equipment, custodial and maintenance
23 expenditures, and such other required costs as determined by the
24 commissioner.

25 (4) Any debt service payment made by a school district during
26 the budget year shall not be included in the calculation of the
27 district's spending growth limitation.

28 (5) For the 1997-98 school year, a district's spending growth
29 limitation shall be increased by the excess of county special
30 services school district tuition over prebudget year county special
31 services school district tuition indexed by the CPI or three percent,
32 whichever is greater.

33 (6) For the purpose of determining a district's spending growth
34 limitation for the 1997-98 school year, a district may apply to the
35 commissioner to add all or a part of the district's original designated
36 general fund balance for 1996-97 to the spending growth limitation
37 if it can demonstrate through current accounting records and
38 historical trend data that the fund balance will actually be spent in
39 the budget year.

40 (7) (Deleted by amendment, P.L.2004, c.73).

41 (8) If an increase in tuition for the budget year charged to a
42 sending district by the receiving district pursuant to the provisions
43 of N.J.S.18A:38-19 would reduce the sending district's per pupil net
44 budget amount below the prior year's per pupil net budget amount
45 in order to comply with the district's spending growth limitation, the
46 district may apply to the commissioner for an adjustment to that
47 limitation.

1 (9) Any district may submit at the [annual] April school budget
2 election a [separate] proposal or proposals for additional funds,
3 including interpretive statements, specifically identifying the
4 program purposes for which the proposed funds shall be used, to the
5 voters, who may, by voter approval, authorize the raising of an
6 additional general fund tax levy for such purposes. In the case of a
7 district with a board of school estimate, one proposal for the
8 additional spending shall be submitted to the board of school
9 estimate. Any proposal or proposals submitted to the voters or the
10 board of school estimate shall not: include any programs and
11 services that were included in the district's prebudget year net
12 budget unless the proposal is approved by the commissioner upon
13 submission by the district of sufficient reason for an exemption to
14 this requirement; or include any new programs and services
15 necessary for students to achieve the thoroughness standards
16 established pursuant to subsection a. of section 4 of P.L.1996, c.138
17 (C.18A:7F-4).

18 The executive county superintendent of schools may prohibit the
19 submission of a [separate] proposal or proposals to the voters or
20 board of school estimate if he determines that the district has not
21 implemented all potential efficiencies in the administrative
22 operations of the district, which efficiencies would eliminate the
23 need for the raising of additional general fund tax levy, or if the
24 district fails to provide the executive county superintendent with:
25 written documentation that the district has made efforts to enter into
26 shared arrangements with other districts, municipalities, counties,
27 and other units of local government for the provision of
28 administrative, business, purchasing, public and nonpublic
29 transportation, and other required school district services; written
30 documentation and a certification that the district participates in on-
31 going shared arrangements; or written documentation that entering
32 such shared arrangements would not result in cost savings or would
33 result in additional expenses for the district.

34 [Any proposal or proposals rejected by the voters shall be
35 submitted to the municipal governing body or bodies for a
36 determination as to the amount, if any, that should be expended
37 notwithstanding voter rejection. The decision of the municipal
38 governing body or bodies or board of school estimate, as
39 appropriate, shall be final and no appeals shall be made to the
40 commissioner.]

41 (10) [Notwithstanding any provision of law to the contrary, if a
42 district proposes a budget which exceeds the maximum T&E
43 budget, the following statement shall be published in the legal
44 notice of public hearing on the budget pursuant to N.J.S.18A:22-28,
45 posted at the public hearing held on the budget pursuant to
46 N.J.S.18A:22-29, and printed on the sample ballot required
47 pursuant to section 10 of P.L.1995, c.278 (C.19:60-10):

1 "Your school district has proposed programs and services in
2 addition to the core curriculum content standards adopted by the
3 State Board of Education. Information on this budget and the
4 programs and services it provides is available from your local
5 school district." ~~](Deleted by amendment, P.L. , c. .) (pending~~
6 ~~before the Legislature as this bill)~~

7 (11) Any reduction that may be required to be made to programs
8 and services included in a district's prebudget year net budget in
9 order for the district to limit the growth in its budget between the
10 prebudget and budget years by its spending growth limitation as
11 calculated pursuant to this subsection, shall only include reductions
12 to excessive administration or programs and services that are
13 inefficient or ineffective.

14 e. (1) ~~Any general fund tax levy rejected by the voters for a~~
15 ~~proposed budget in excess of the maximum T&E budget shall be~~
16 ~~submitted to the governing body of each of the municipalities~~
17 ~~included within the district for determination of the amount that~~
18 ~~should be expended notwithstanding voter rejection. In] For a~~
19 ~~proposed budget in excess of the maximum T & E budget, in the~~
20 ~~case of a district having a board of school estimate, the general fund~~
21 ~~tax levy shall be submitted to the board for determination of the~~
22 ~~amount that should be expended. If the [governing body or bodies~~
23 ~~or] board of school estimate[, as appropriate, reduce] reduces the~~
24 ~~district's proposed net budget, the district may appeal any of the~~
25 ~~reductions to the commissioner on the grounds that the reductions~~
26 ~~will negatively impact on the stability of the district given the need~~
27 ~~for long term planning and budgeting. In considering the appeal,~~
28 ~~the commissioner shall consider enrollment increases or decreases~~
29 ~~within the district; [the history of voter approval or rejection of~~
30 ~~district budgets;] the impact on the local levy; and whether the~~
31 ~~reductions will impact on the ability of the district to fulfill its~~
32 ~~contractual obligations. A district may not appeal any reductions~~
33 ~~on the grounds that the amount is necessary for a thorough and~~
34 ~~efficient education.~~

35 (2) ~~Any general fund tax levy rejected by the voters for a~~
36 ~~proposed budget at or below the maximum T&E budget shall be~~
37 ~~submitted to the governing body of each of the municipalities~~
38 ~~included within the district for determination of the amount that~~
39 ~~should be expended notwithstanding voter rejection. In] For a~~
40 ~~proposed budget at or below the maximum T & E budget, in the~~
41 ~~case of a district having a board of school estimate, the general fund~~
42 ~~tax levy shall be submitted to the board for determination. Any~~
43 ~~reductions may be appealed to the commissioner on the grounds~~
44 ~~that the amount is necessary for a thorough and efficient education~~
45 ~~or that the reductions will negatively impact on the stability of the~~
46 ~~district given the need for long term planning and budgeting. In~~

1 considering the appeal, the commissioner shall also consider the
2 factors outlined in paragraph (1) of this subsection.

3 In the case of a school district having a board of school estimate
4 in which the proposed budget is below, or after a reduction made by
5 the **【municipal governing body or】** board of school estimate is
6 below, the minimum T&E budget calculated pursuant to section 13
7 of this act, any reductions made by the **【municipal governing body**
8 **or】** board of school estimate shall be automatically reviewed by the
9 commissioner. In reviewing the budget, the commissioner shall
10 also consider the factors outlined in paragraph (1) of this
11 subsection. In addition, the **【municipal governing body or】** board
12 of school estimate shall be required to demonstrate clearly to the
13 commissioner that the proposed budget reductions shall not
14 adversely affect the ability of the school district to provide a
15 thorough and efficient education or the stability of the district given
16 the need for long term planning and budgeting.

17 (3) In lieu of any budget reduction appeal provided for pursuant
18 to paragraphs (1) and (2) of this subsection, the State board may
19 establish pursuant to the "Administrative Procedure Act," P.L.1968,
20 c.410 (C.52:14B-1 et seq.), an expedited budget review process
21 based on a district's application to the commissioner for an order to
22 restore a budget reduction.

23 (4) When the **【voters, municipal governing body or bodies, or**
24 **the board of school estimate authorize the】** general fund tax levy is
25 authorized by a board of education which has determined not to
26 submit a separate proposal or proposals for additional funds
27 pursuant to paragraph (9) of subsection d. of this section or a board
28 of school estimate, the district shall submit the resulting budget to
29 the commissioner within 15 days of the **【action of the voters or**
30 **municipal governing body or bodies, whichever is later, or of the**
31 **board of school estimate as the case may be】** authorization.

32 f. **【Any district which is not an Abbott district but which was**
33 **classified as a special needs district under the "Quality Education**
34 **Act of 1990," P.L.1990, c.52 (C.18A:7D-1 et al.), may appeal any**
35 **budget reduction made by the municipal governing body or board of**
36 **school estimate, as appropriate, to the commissioner.】** (Deleted by
37 amendment, P.L. , c. .) (pending before the Legislature as this
38 bill)

39 g. **【The commissioner shall annually review the budget of any**
40 **district which was classified as a special needs district under the**
41 **"Quality Education Act of 1990," P.L.1990, c.52 (C.18A:7D-1 et**
42 **al.), to determine if any educationally meritorious program or**
43 **service established through State resources provided as a result of**
44 **that funding law is proposed to be reduced or eliminated. If the**
45 **commissioner determines that the program or service is in jeopardy**
46 **and that a reallocation of resources is possible without jeopardizing**
47 **other educationally meritorious programs or services, he may**

1 require the school board to fund the program or service through a
2 reallocation of resources.】 (Deleted by amendment, P.L. , c. .)
3 (pending before the Legislature as this bill)
4 (cf: P.L.2004, c.73, s.1)】¹

5
6 ¹【62. N.J.S.18A:8-20 is amended to read as follows:

7 18A:8-20. The first board of education of the new district and
8 the first board of education of the remaining district shall each
9 prepare 【and submit, to the voters of the district】, as required by
10 law, the first budgets for said district and they shall make proper
11 provision for an election to be conducted, in accordance with the
12 provisions of P.L.1995, c.278 (C.19:60-1 et al.), for the members of
13 the board of education of the district to replace the appointed
14 members of the board, for such terms that three members of the
15 board of the district, as thereafter constituted, will be elected each
16 year, at an annual election to be held in the district at the same time
17 as that on which the next annual election for the original district
18 would have been held.

19 (cf: P.L.1995, c.278, s.26)】¹

20
21 ¹【63. N.J.S.18A:8-36 is amended to read as follows:

22 18A:8-36. At 【all elections】 any election in which an
23 appropriation must be authorized 【by】 , a majority of the total votes
24 cast thereon in all of the territory of the consolidated school district
25 shall be necessary for the authorization.

26 (cf: P.L.1995, c.278, s.27)】¹

27
28 ¹【64. N.J.S.18A:9-10 is amended to read as follows:

29 18A:9-10. If the membership of the board in any such district so
30 becoming a type II district is less than nine, it shall be increased to
31 nine by the election of added members at the next 【annual school】
32 general election, unless the adopting election shall have been held
33 more than 130 days or less than 60 days before the date fixed for
34 such 【annual school】 general election, in which case they shall be
35 elected at a special school election which shall be called by the
36 members of the board so holding over 【, if the adopting election
37 was held more than 130 days before the annual school election, then
38 not less than 60 or more than 70 days after the adopting election, or
39 if the adopting election was held less than 60 days before the annual
40 school election, then not less than 60 or more than 70 days after
41 such annual school election, excluding in each instance from the
42 calculation of the period which will elapse between such 60 and 70
43 days any period which would elapse between the twenty-first day
44 before and the twenty-first day after any day fixed according to law
45 for the holding of any primary election for the general election or
46 general election or municipal election held within the district】.

47 (cf: P.L.1995, c.278, s.28)】¹

1 ¹['65. N.J.S.18A:10-3 is amended to read as follows:

2 18A:10-3. Each board of education shall organize annually at a
3 regular meeting held not later than at 8 p.m. at which time new
4 members shall take office [:

5 a. In type I districts on May 16, or on the following day if that
6 day be Sunday;

7 b. In all type II districts] on any day of the first [or second]
8 week [following the annual school election] in January.

9 If the organization meeting cannot take place on that day by
10 reason of lack of a quorum or for any other reason, said meeting
11 shall be held within three days thereafter.

12 (cf: P.L.1987, c.289, s.2)]¹

13

14 ¹['66. N.J.S.18A:12-8 is amended to read as follows:

15 18A:12-8. In districts, other than those in cities of the first class,
16 the members of the board shall be appointed between [April]
17 December 1 and [April] December 15 and their terms of office
18 shall begin on [May 16] January 1, next succeeding, and in districts
19 in cities of the first class they shall be appointed during the month
20 of June and their terms of office shall begin on July 1, next
21 succeeding.

22 (cf: P.L.1979, c.284, s.1)]¹

23

24 ¹['67. N.J.S.18A:12-17 is amended to read as follows:

25 18A:12-17. The mayor or other chief executive officer of the
26 municipality shall, between [April] December 1 and [April]
27 December 15 in each year, appoint one member of the board to
28 serve for a term of 5 years beginning on [May 15] January 1 next
29 succeeding his appointment, to take the place of the member whose
30 term shall expire in that year, and any vacancy occurring in the
31 membership of the board shall be reported forthwith by the
32 secretary of the board to the mayor or other chief executive officer
33 of the municipality, who shall within 30 days thereafter appoint a
34 qualified person to fill the vacancy for the unexpired term.

35 (cf: P.L.1979, c.284, s.2)]¹

36

37 ¹['68. N.J.S.18A:13-8 is amended to read as follows:

38 18A:13-8. The board of education of a regional district shall
39 consist of nine members unless it consists of more than nine
40 constituent districts, in which case the membership shall be the
41 same as the number of constituent districts, plus one. If there are
42 nine or less constituent districts, the members of the board of
43 education of the regional district shall be apportioned by the county
44 superintendent or county superintendents of the county or counties
45 in which the constituent districts are situate, among said districts as
46 nearly as may be according to the number of their inhabitants
47 except that each constituent district shall have at least one member.

1 In making the apportionment of the membership of a regional
2 board of education among the several school districts uniting to
3 create a regional school district having nine or less constituent
4 districts, as required by section 18A:13-36, there shall be subtracted
5 from the number of inhabitants of a constituent school district, as
6 shown by the last federal census officially promulgated in this
7 State, the number of such inhabitants who according to the records
8 of the Federal Bureau of the Census were patients in, or inmates of,
9 any State or federal hospital or prison, or who are military
10 personnel stationed at, or civilians residing within the limits of, any
11 United States Army, Navy or Air Force installation, located in such
12 constituent school district.

13 If there are more than nine constituent districts, the members on
14 the board shall be apportioned among the constituent districts and
15 the weight of their votes in all proceedings of the board shall be
16 determined by the appropriate county superintendent or
17 superintendents through the following procedure:

18 a. The number of inhabitants of each constituent district shall be
19 determined as shown by the last federal census officially
20 promulgated in this State.

21 b. A representative ratio shall be calculated by adding the
22 number of inhabitants of all constituent districts and dividing the
23 sum by the board size.

24 c. All constituent districts shall be listed in ascending order of
25 their number of inhabitants. If the first constituent district in said
26 list has a number of inhabitants which is less than the representative
27 ratio, it shall be combined with the constituent district contiguous to
28 it having the smallest number of inhabitants. This process shall be
29 repeated for each successively larger constituent district or
30 combination of constituent districts until all remaining constituent
31 districts or combinations of constituent districts shall have a number
32 of inhabitants equal to, or exceeding the representative ratio. The
33 districts formed in this manner shall be known as representative
34 districts.

35 d. There shall be established a priority list according to the
36 method of equal proportions for the apportionment of the members
37 of the regional district board of education among the representative
38 districts.

39 e. The members of the regional district board of education shall
40 be apportioned among the representative districts according to the
41 method of equal proportions, and where a representative district is
42 composed of more than one constituent district, members shall be
43 elected at large from within the representative district.

44 f. The number of inhabitants of each representative district shall
45 be divided by the number of members assigned to that district to
46 find the number of inhabitants per members.

47 g. The vote to be cast by each member of the regional district
48 board of education in all proceedings of the board shall be

1 determined by dividing the number of inhabitants per member in the
2 representative district from which the member is elected by the
3 representative ratio for the regional district, and rounding off the
4 quotient to the nearest tenth of a full vote.

5 Wherever any statute or bylaw of the board requires decision in
6 any matter by vote of a majority of the board members, or of the
7 members present, this shall be interpreted as meaning a majority of
8 the weighted votes of all members, or of the members present, as
9 the case may be.

10 h. Whenever the above reapportionment procedure is used for a
11 regional district having more than nine constituent districts, the
12 terms of office of all incumbent board of education members shall
13 terminate on the day on which the annual organization meeting of
14 the board is held pursuant to N.J.S.18A:13-12 following
15 certification by the county superintendent of the representative
16 districts and the number of members to be elected from each;
17 provided, that if the reapportionment results in any representative
18 district retaining its former boundaries and the same number of
19 board members, that the members elected from such a district shall
20 serve the full term for which they were elected. All other board
21 members shall be elected in an election to be held on the **[third]**
22 first Tuesday following the first Monday in **[April]** November at
23 least 60 days following certification by the county superintendent
24 for initial terms of office to be designated in advance by the county
25 superintendent so that, as nearly as possible, one-third of the board
26 shall be elected in each future year, to serve for three-year terms,
27 and where a representative district has more than one member, their
28 terms of office shall terminate in different years.

29 If any constituent district is a consolidated district, or a district
30 composed of two or more municipalities, and

31 a. The original district is a limited purpose regional district and
32 such constituent district has such population that it is entitled to
33 have apportioned to it a number of members equal to or greater than
34 the number of districts making up such constituent district, or

35 b. The regional district is an all purpose district, the membership
36 of the regional board of education from such district shall be
37 apportioned, and from time to time reapportioned, and the members
38 from the district shall be elected, as their respective terms expire, in
39 the same manner as though each of the municipalities making up
40 such constituent district were constituent districts of the regional
41 district.

42 (cf: P.L.1992, c.159, s.9)]¹

43
44 ¹[69. N.J.S.18A:13-10 is amended to read as follows:

45 18A:13-10. The board of education of each regional district
46 shall provide for the holding, in accordance with the provisions of
47 P.L.1995, c.278 (C.19:60-1 et al.), of an annual school election for
48 the regional district on the **[third]** first Tuesday following the first

1 Monday in **April** November.

2 At such election there shall be elected for terms of three years,
3 beginning on any day of the first **or second** week **following such**
4 **election** in January, the members of the regional boards of
5 education to succeed those members of the board whose terms shall
6 expire in that year, except as is in this chapter provided for the
7 election of the first elected members of the board.

8 (cf: P.L.1995, c.278, s.32)]¹

9

10 ¹[70. N.J.S.18A:13-12 is amended to read as follows:

11 18A:13-12. The board shall hold a regular meeting forthwith
12 after its first appointment, and annually thereafter on any day of the
13 first **or second** week **following the annual school election** in
14 January, at which it shall organize by the election, from among its
15 members, of a president and vice president, who shall serve until
16 the organization meeting next succeeding the election of their
17 respective successors as members of the board. If any board shall
18 fail to organize within **said two weeks** that week, the county
19 superintendent of the county, or the county superintendents of the
20 counties, in which the constituent districts are situate, shall appoint,
21 from among the members of the board, a president and vice
22 president to serve until the organization meeting next succeeding
23 the next election.

24 (cf: P.L.1987, c.289, s.6)]¹

25

26 ¹[71. N.J.S.18A:13-13 is amended to read as follows:

27 18A:13-13. The board shall appoint a secretary who may or may
28 not be a member of the board, for the term of one year beginning on
29 **July 1** January 15 following his appointment but he shall
30 continue to serve after the expiration of his term until his successor
31 is appointed and qualified.

32 (cf: N.J.S.18A:13-13)]¹

33

34 ¹[72. N.J.S.18A:13-17 is amended to read as follows:

35 18A:13-17. The regional board of education shall **],** at each
36 annual school election, submit to the voters of the regional district
37 the amount of money fixed and determined in its] fix and determine
38 the district's budget **to be voted upon for the use of the regional**
39 **schools of the district** for the ensuing school year and may submit
40 **thereat** at the annual school election any **other** question
41 authorized by this law to be submitted at such an election. **The**
42 board may, in submitting to the voters the amount of money to be
43 voted upon for the use of the regional schools of the district,
44 identify the amount of money determined to be the constituent
45 municipality's share.] The board shall follow the procedures

1 established in section 5 of P.L.1996, c.138 (C.18A:7F-5) and
2 N.J.S.18A:22-33.

3 (cf: P.L.2001, c.26, s.1)]¹
4

5 ¹[73. N.J.S.18A:13-40 is amended to read as follows:

6 18A:13-40. The board of education of a newly created regional
7 district may, prior to taking charge and control of the educational
8 facilities of the regional district, do all other acts and things which
9 may be necessary for the proper organization and functioning of the
10 public schools of the regional district during its first year, including
11 the making of contracts for the employment of necessary personnel
12 and for other proper purposes, the preparation [and submission to
13 the voters of the regional district for their approval or disapproval]
14 of the budget and the appropriations for the conduct of the public
15 schools of the regional district during its first school year, the
16 authorization of the purchase of real and personal property, and the
17 construction, enlargement and repair of buildings, for school
18 purposes, and the appropriations of the funds necessary to carry out
19 the same and the authorization of the issuance and sale of bonds in
20 order to provide for the payment therefor in whole or in part and the
21 calling and holding of special elections when necessary for any
22 such purposes and to carry out any or all of said purposes.

23 (cf: N.J.S.18A:13-40)]¹
24

25 ¹[74. N.J.S.18A:13-46 is amended to read as follows:

26 18A:13-46. The county superintendent of the county in which
27 any new constituent district of an enlarged regional district shall be
28 situate shall, not later than 30 days after the election for the
29 enlargement thereof, appoint one member of the enlarged board of
30 education of the regional district from among the qualified citizens
31 of each such new constituent district and the members so appointed
32 shall serve until the first [Monday] week of January next
33 succeeding the first [annual] November school election of the
34 enlarged regional district and their successors shall be elected at
35 said election. If by reason of the enlargement of the district it
36 becomes necessary to reapportion the membership of the enlarged
37 board of education the county superintendent or superintendents of
38 the county or counties in which the constituent local districts of the
39 enlarged district are situate shall reapportion the membership of the
40 enlarged board of education in accordance with the provisions of
41 sections 18A:13-8 and 18A:13-36, and at the same time shall
42 designate the number of members to be elected from each
43 constituent school district at the succeeding [annual] November
44 school election to be held therein upon the expiration of the terms
45 of office of the members of the regional board then in office, in
46 such manner that the representation of the constituent districts shall
47 be established in accordance with such reapportionment at the

1 earliest possible time but the members then in office shall continue
2 in office for the terms for which they were elected or appointed
3 notwithstanding such reapportionment.

4 (cf: N.J.S.18A:13-46)】¹

5
6 ¹【75. N.J.S.18A:17-5 is amended to read as follows:

7 18A:17-5. Each secretary shall be appointed by the board, by a
8 recorded roll call majority vote of its full membership, for a term to
9 expire not later than 【June 30】 January 15 of the calendar year next
10 succeeding that in which the board shall have been organized, but
11 he shall continue to serve after the expiration of his term until his
12 successor is appointed and qualified. The secretary may be
13 appointed from among the members of the board and, subject to the
14 provisions of this Title and any other law, the board shall fix his
15 compensation; provided, however, that the secretary shall not
16 receive compensation from the board for any period during which
17 he is an elected or appointed member of the board.

18 In case of a vacancy in the office of secretary, the vacancy shall
19 be filled by the board within 60 days after the vacancy occurs and if
20 the board does not make such appointment within such time the
21 county superintendent shall appoint a secretary who shall receive
22 the same compensation as his predecessor in office received and
23 shall serve until a secretary is appointed by the board.

24 (cf: P.L.1968, c.271, s.1)】¹

25
26 ¹【76. N.J.S.18A:22-26 is amended to read as follows:

27 18A:22-26. At or after the public hearing but not later than April
28 8, the board of school estimate of a type II district having a board of
29 school estimate shall fix and determine by a recorded roll call
30 majority vote of its full membership the amount of money necessary
31 to be appropriated for the use of the public schools in the district for
32 the ensuing school year, exclusive of the amount which shall be
33 apportioned to it by the commissioner for the year pursuant to the
34 provisions of section 5 of P.L.1996, c.138 (C.18A:7F-5) and shall
35 make a certificate of the amount signed by at least a majority of all
36 members of the board, which shall be delivered to the board of
37 education and a copy thereof, certified under oath to be correct and
38 true by the secretary of the board of school estimate, shall be
39 delivered to the county board of taxation on or before April 15 in
40 each year and a duplicate of the certificate shall be delivered to the
41 board or governing body of each of the municipalities within the
42 territorial limits of the district having the power to make
43 appropriations of money raised by taxation in the municipalities or
44 political subdivisions and to the county superintendent of schools
45 and the amount shall be assessed, levied and raised under the
46 procedure and in the manner provided by law for the levying and
47 raising of special school taxes 【voted to be raised at an annual or

1 special election of the legal voters] in type II districts without a
2 board of school estimate and shall be paid to the treasurer of school
3 moneys of the district for such purposes.

4 Within 15 days after receiving the certificate the board of
5 education shall notify the board of school estimate, the governing
6 body of each municipality within the territorial limits of the school
7 district, and the commissioner if it intends to appeal to the
8 commissioner the board of school estimate's determination as to the
9 amount of money requested pursuant to the provisions of section 5
10 of P.L.1996, c.138 (C.18A:7F-5), necessary to be appropriated for
11 the use of the public schools of the district for the ensuing school
12 year.

13 (cf: P.L.1996, c.138, s.56)]¹

14

15 ¹[77. N.J.S.18A:22-32 is amended to read as follows:

16 18A:22-32. At or after the public hearing on the budget but not
17 later than 18 days prior to the [election] third Tuesday in April, the
18 board of education of each type II district having no board of school
19 estimate shall fix and determine by a recorded roll call majority
20 vote of its full membership the amount of money to be raised
21 pursuant to section 5 of P.L.1996, c.138 (C.18A:7F-5) and any
22 additional [amounts] funds to be voted upon by the legal voters of
23 the district at the annual April school election pursuant to paragraph
24 (9) of subsection d. of section 5 of that act, which [sum or sums]
25 additional funds shall be designated in the notice calling the
26 election as required by law.

27 (cf: P.L.1996, c.138, s.57)]¹

28

29 ¹[78. N.J.S.18A:22-33 is amended to read as follows:

30 18A:22-33. [The board of education of each type II district not
31 having a board of school estimate shall at each annual school
32 election, submit to the voters of the district, the amount of money
33 fixed and determined in its budget pursuant to section 5 of
34 P.L.1996, c.138 (C.18A:7F-5), excluding therefrom the sum or
35 sums stated therein to be used for interest and debt redemption
36 charges, in the manner provided by law, to be voted upon for the
37 use of the public schools of the district for the ensuing school year,
38 which amount shall be stated in the notice of the election, and the
39 legal voters of the district shall determine at the election, by a
40 majority vote of those voting upon the proposition, the sum or
41 sums, not exceeding those stated in the notice of the election, to be
42 raised by special district tax for said purposes, in the district during
43 the ensuing school year and] Within two days following the date
44 specified for the certification of the April school election results,
45 the secretary of the board of education of a Type II district not
46 having a board of school estimate shall certify the amount [so
47 determined upon, if any,] fixed and determined by the school board

1 pursuant to N.J.S.18A:22-32 and any additional funds approved by
2 the legal voters of the district and the sums so stated for interest and
3 debt redemption charges, to the county board of taxation of the
4 county [within two days following the certification of the election
5 results] and the amount or amounts so certified shall be included in
6 the taxes assessed, levied and collected in the municipality or
7 municipalities comprising the district for such purposes; except
8 that, in the case of a district which [, following the school election
9 and the approval by the voters of the sum to be raised by special
10 district tax for the schools of the district,] determines that it has a
11 greater surplus account available for the school year than estimated
12 when the sum to be raised by special district tax was [presented to
13 the voters] certified to the county board of taxation of the county,
14 the secretary of the board of education, with the approval of the
15 commissioner, may between the [date of the school election] third
16 Tuesday in April and the delivery of tax bills pursuant to R.S.54:4-
17 64 re-certify to the county board of taxation the sum or sums to be
18 raised by special district tax in the district during the ensuing school
19 year, if the sum is lower than that [approved by the voters in the
20 school election] initially certified to the county board of taxation of
21 the county, and if the reduction is equivalent to the additional
22 amount available in the surplus account to be applied towards the
23 district's budget. The amount re-certified shall be included in the
24 taxes assessed, levied and collected in the municipality or
25 municipalities comprising the district.

26 (cf: P.L.1999, c.346)]¹

27
28 ¹[79. N.J.S.18A:22-41 is amended to read as follows:

29 18A:22-41. In any Type II district [in which the amount, with
30 any interest to be paid thereon, to be raised, levied and collected by
31 taxes for school purposes is determined by the voters of the district]
32 not having a board of school estimate , the board of education shall
33 cause the question, whether or not the amount so estimated shall be
34 so raised, to be submitted to the legal voters of the district at a
35 special school election, to be held on such date as shall be
36 determined upon by the board, and if at said election the question
37 shall be adopted, the secretary shall certify that the amount so
38 determined upon has been authorized to be raised in said manner to
39 the county board of taxation within five days after the date of the
40 holding of such election.

41 (cf: P.L.1993, c.83, s.14)]¹

42
43 ¹[80. R.S.19:15-2 is amended to read as follows:

44 19:15-2. The district boards shall open the polls for such
45 election at 6:00 A.M. and close them at 8:00 P.M., and shall keep
46 them open during the whole day of election between these hours;
47 except that for a school election held at a time other than at the time

1 of the general election the polls shall be open between the hours of
2 5:00 P.M. and 9:00 P.M. and during any additional time which the
3 school board may designate between the hours of 7:00 A.M. and
4 9:00 P.M.

5 The board may allow one member thereof at a time to be absent
6 from the polling place and room for a period not exceeding one
7 hour between the hours of 1:00 P.M. and 5:00 P.M. or for such
8 shorter time as it shall see fit.

9 At no time from the opening of the polls to the completion of the
10 canvass shall there be less than a majority of the board present in
11 the polling room or place, except that during a school election held
12 at a time other than at the time of the general election there shall
13 always be at least one member of each district election board
14 present or if more than two district board members are designated to
15 serve at the polling place, at least two members present.

16 (cf: P.L.2001, c.245, s.3)]¹
17

18 ¹[81. R.S.19:45-6 is amended to read as follows:

19 19:45-6. The compensation of each member of the district
20 boards for all services performed by them under the provisions of
21 this Title shall be as follows:

22 In all counties, for all services rendered including the counting of
23 the votes, and in counties wherein voting machines are used, the
24 tabulation of the votes registered on the voting machines, and the
25 delivery of the returns, registry binders, ballot boxes and keys for
26 the voting machines to the proper election officials, \$200 each time
27 any primary election, the general election or any special election is
28 held under this Title; provided, however, that:

29 a. (1) The member of the board charged with the duty of
30 obtaining and signing for the signature copy registers shall receive
31 an additional \$12.50 per election, such remuneration being limited
32 to only one board member per election, or \$6.25 to each of two
33 board members if they share such responsibility for the signature
34 copy registers, and (2) the member of the board charged with the
35 duty of returning the signature copy registers shall receive an
36 additional \$12.50 per election, such remuneration being limited to
37 only one board member per election, or \$6.25 to each of two board
38 members if they share such responsibility for the signature copy
39 registers;

40 b. In the case of any member of the board who is required under
41 R.S.19:50-1 to attend in a given year a training program for district
42 board members, but who fails to attend such a training program in
43 that year, that compensation shall be \$50.00 for each of those
44 elections;

45 c. In counties wherein voting machines are used no
46 compensation shall be paid for any services rendered at any special
47 election held at the same time as any primary or general election.

1 Such compensation shall be in lieu of all other fees and payments;
2 and

3 d. Compensation for district board members serving at a school
4 election held at a time other than at the time of the general election
5 shall be paid by the board of education of the school district
6 conducting the election at an hourly rate of \$5.77, except that the
7 board of education may compensate such district board members at
8 a pro-rated hourly rate consistent with the daily rate up to a
9 maximum of \$14.29. The provisions of subsections a., b., and c. of
10 this section shall also apply to district board members serving at a
11 school election held at a time other than at the time of the general
12 election, except that in the case of subsection b., the compensation
13 shall be at an hourly rate of \$3.85.

14 Compensation due each member shall be paid within 30 days but
15 not within 20 days after each election; provided, however, that no
16 compensation shall be paid to any member of any such district
17 board who may have been removed from office or application for
18 the removal of whom is pending under the provisions of R.S.19:6-4.
19 (cf: P.L.2005, c.136, s.48)]¹

20

21 ¹[82. Section 1 of P.L.1995, c.278 (C.19:60-1) is amended to
22 read as follows:

23 1. a. An annual school election shall be held in each type II
24 district on the third Tuesday in April for the purpose of submitting a
25 proposal to the voters to exceed the maximum permissible net
26 budget pursuant to paragraph (9) of subsection d. of section 5 of
27 P.L.1996, c.138 (C.18A:7F-5), and for other purposes authorized by
28 law. However, in any school year, the Commissioner of Education
29 shall make any adjustments to the school budget and election
30 calendar which may be necessary to change the annual school
31 election date or any other school budget and election calendar date
32 if that date coincides with a period of religious observance. The
33 commissioner shall inform local school boards, county clerks and
34 boards of elections of these adjustments no later than the first
35 working day in January of the year in which the adjustments are to
36 occur.

37 An annual school election for the purposes of electing members
38 of the board of education shall be held in each Type II district on
39 the first Tuesday after the first Monday in November.

40 b. All school elections shall be by ballot and, except as
41 otherwise provided by P.L.1995, c.278 (C.19:60-1 et al.), shall be
42 conducted in the manner provided for general elections pursuant to
43 Title 19 of the Revised Statutes. No grouping of candidates or
44 party designation shall appear on any ballot to be used in a school
45 election.

46 (cf: P.L.2003, c.20, s.1)]¹

47

48 ¹[83. Section 3 of P.L.1995, c. 278 (C.19:60-3) is amended to

1 read as follows:

2 3. a. Notwithstanding the provisions of R.S.19:6-1, for school
3 elections held at times other than at the time of the general election
4 the county board of the county in which the election district is
5 located shall designate two members of the district board of election
6 to perform all the duties of the district board for that election,
7 except that where electronic voting systems are in use in any
8 election district in which there are more than 900 registered voters,
9 the county board shall designate four members of the district board
10 to perform all the duties of the district board for that election.
11 Notwithstanding the provisions of R.S.19:6-10, the county board
12 shall appoint one of the persons so designated to serve as judge and
13 the other or another, as the case may be, of those persons so
14 designated to serve as inspector for school elections.

15 b. Notwithstanding the provisions of subsection a. or any other
16 law to the contrary:

17 (1) Upon the request of a board of education or the clerk of a
18 municipality in the county or upon its own initiative, the county
19 board may designate the polling place and voting equipment of one
20 election district to serve as the polling place and voting equipment
21 for the voters of one or more other election districts for school
22 elections held at times other than at the time of the general election.
23 Such a designation shall be based on the casting of no more than
24 500 ballots during each of the two preceding annual school
25 elections by the voters of the election districts for which that polling
26 place is designated. If, at two consecutive annual school elections
27 thereafter, the number of ballots cast by the voters in those election
28 districts is more than 500, the county board shall effect an
29 appropriate revision of the election districts using that polling place.
30 If a request is from a municipal clerk, the request shall apply only
31 to the election districts in that municipality.

32 (2) If one polling place is designated for two or more election
33 districts, the county board shall designate at least two members
34 from among the members of the district boards of election of those
35 election districts to perform all the duties of the district board for
36 the school election held at a time other than at the time of the
37 general election. The county board shall also appoint one of the
38 persons so designated to serve as judge and another of those persons
39 to serve as inspector for school elections.

40 (cf: P.L.1996, c.3, s.1)]¹

41

42 ¹[84. Section 4 of P.L.1995, c. 278 (C.19:60-4) is amended to
43 read as follows:

44 4. The secretary of each board of education, not later than 10
45 o'clock a.m. of the 17th day preceding the [annual] April school
46 election or a special school election, shall make and certify and
47 forward to the clerk of the county in which the school district is
48 located a statement designating any public question to be voted

1 upon by the voters of the district which may be required pursuant to
2 the provisions of P.L.1995, c.278 (C.19:60-1 et al.) or Title 18A of
3 the New Jersey Statutes.

4 The secretary of each board of education, not later than 10
5 o'clock a.m. of the 50th day preceding a November school election
6 shall make and certify and forward to the clerk of the county in
7 which the school district is located a statement designating any
8 public question to be voted upon by the voters of the district which
9 may be required pursuant to the provisions of P.L.1995, c.278
10 (C.19:60-1 et al.) or Title 18A of the New Jersey Statutes.

11 (cf: P.L.1995, c.278, s.4)]¹

12
13 ¹[85. Section 7 of P.L.1995, c.278 (C.19:60-7) is amended to
14 read as follows:

15 7. Each candidate to be voted upon at a school election shall be
16 nominated directly by petition, and the procedures for such
17 nomination shall, to the extent not inconsistent with the provisions
18 of P.L.1995, c.278 (C.19:60-1 et al.), conform to the procedure for
19 nominating candidates by direct petition under chapter 13 of Title
20 19 of the Revised Statutes. Notwithstanding the provisions of
21 R.S.19:13-5, however, a petition of nomination for such office shall
22 be signed by at least 10 persons, one of whom may be the
23 candidate, and filed with the secretary of the board of education on
24 or before four p.m. of the [50th] 54th day preceding the date of the
25 school election. The signatures need not all appear upon a single
26 petition and any number of petitions may be filed on behalf of any
27 candidate but no petition shall contain the endorsement of more
28 than one candidate.

29 Any candidate may withdraw as a candidate in a school election
30 by filing a notice in writing, signed by the candidate, of such
31 withdrawal with the secretary of the board of education before the
32 [44th] 48th day before the date of the election, and thereupon the
33 name of that candidate shall be withdrawn by the secretary of the
34 board of education and shall not be printed on the ballot.

35 A vacancy created by a declination of nomination or withdrawal
36 by, or death of, a nominee, or in any other manner, shall be
37 ineligible to be filled under the provisions of R.S.19:13-19 or
38 otherwise.

39 Whenever written objection to a petition of nomination
40 hereunder shall have been made and timely filed with the secretary
41 of the board of education, the board of education shall file its
42 determination of the objection on or before the [44th] 48th day
43 preceding the school election. The last day upon which a candidate
44 may file with the Superior Court a verified complaint setting forth
45 any invasion or threatened invasion of the candidate's rights under
46 the candidate's petition of nomination shall be the [46th] 50th day
47 before the election. The last day upon which a candidate whose
48 petition of nomination or any affidavit thereto is defective may

1 amend such petition or affidavit shall be the [44th] 48th day before
2 the election.

3 (cf: P.L.2000, c.22, s.1)]¹
4

5 ¹[86. Section 9 of P.L.1995, c.278 (C.19:60-9) is amended to
6 read as follows:

7 9. The ballot for a special school election or an April school
8 election shall be a single or blanket form of ballot, upon which shall
9 be printed in bold-faced type the words "OFFICIAL SCHOOL
10 ELECTION BALLOT" or "OFFICIAL SPECIAL SCHOOL
11 ELECTION BALLOT," as appropriate.

12 Any public question which is to be submitted to the voters at a
13 school election in November shall be printed in a separate space
14 below or to the right of, as the county clerk shall determine, the
15 listing of candidates in the election.

16 [In the columns in which are listed the titles of the offices to be
17 filled at a school election and the names of candidates for those
18 offices, the title of and the names of candidates for the office of
19 member of the regional board of education shall appear above the
20 title of and the names of candidates for the office of member of the
21 local board of education. With respect to either office, in the event
22 that one or more persons are to be elected to membership thereon
23 for a full term and one or more persons are to be elected to
24 membership thereon to fill an unexpired term, the ballots shall
25 designate which of the candidates to be voted for is to be elected for
26 a full term and which for an unexpired term. In all cases in which
27 one or more persons are to be elected for an unexpired term, the
28 ballots shall indicate the duration of that unexpired term.]

29 All public questions to be voted upon at a school election by the
30 voters of more than one municipality shall be placed first before
31 any question to be voted upon at that election by the voters of a
32 single municipality. [When the public question to be voted upon
33 by the voters of a regional school district is the amount of money to
34 be raised for the use of the regional schools of the district, the
35 amount of money determined to be the constituent municipality's
36 share thereof may be identified on the ballot pursuant to
37 N.J.S.18A:13-17.]

38 Every county clerk shall have ready for the printer a copy of the
39 contents of official ballots required by law to be printed for use at a
40 school election, as follows: in the case of the annual April school
41 election, not later than the 17th day preceding that election; and in
42 the case of any special school election, not later than two business
43 days following receipt by the clerk of official notice of the complete
44 content of the ballot to be voted upon at that election.

45 The ballots for a school election to be held simultaneously with
46 the general election shall be in accordance with the provisions of
47 chapter 14 of Title 19 of the Revised Statutes.

1 The names of the candidates for the office of member of the local
2 board of education shall appear on the ballot separately from the
3 names of candidates for other offices.
4 (cf: P.L.2001, c.26, s.2)]¹

5
6 ¹[87. Section 11 of P.L.1995, c.278 (C.19:60-11) is amended to
7 read as follows:

8 11. The district board of election shall, for any special school
9 election, utilize a poll list instead of the signature copy register.
10 The poll list shall be arranged in a column or columns appropriately
11 headed so as to indicate the election, the date thereof, and the
12 school district and election district in which the same is used, in
13 such a manner that each voter voting in the polling place at the
14 election may sign the voter's name and state the voter's address
15 therein and the number of the voter's official ballot may be
16 indicated opposite the signature. The district board shall compare
17 the signature in the poll lists with that in the signature copy
18 registers before accepting the ballot.

19 If one polling place is designated for two or more election
20 districts pursuant to subsection b. of section 3 of P.L.1995, c.278
21 (C.19:60-3), the provisions of this section shall apply to the
22 members of the district boards of election designated to serve as the
23 election officers at the polling place for those election districts. The
24 signature copy registers for those election districts shall be provided
25 to those election officers.

26 (cf: P.L.1996, c.3, s.2)]¹

27
28 ¹[88. Section 12 of P.L.1995, c.278 (C.19:60-12) is amended to
29 read as follows:

30 12. All costs, charges and expenses, including the compensation
31 of the members of the district boards and the compensation and
32 expenses of the county board of elections, the county
33 superintendent of elections, the clerk of the county, and the
34 municipal clerks for any school election held at a time other than
35 the time of the general election shall be paid by the board of
36 education of the school district. All costs, charges and expenses
37 submitted to the board of education for payment shall be itemized
38 and shall include the separate identification of costs to prepare,
39 print and distribute sample ballots. Amounts expended by a county
40 or a municipality in the conduct of school elections for which the
41 board of education shall make payment shall be considered
42 mandated expenditures exempt from the limitations on the county
43 tax levy and from the limitations on final municipal appropriations
44 imposed pursuant to P.L.1976, c.68 (C.40A:4-45.1 et seq.), and any
45 costs to the board of education which exceed the amount of the
46 costs to that board for the annual school election immediately
47 preceding the enactment of P.L.1995, c.278 (C.19:60-1 et seq.) shall
48 not be included for the purpose of calculating a school district's

1 maximum permissible net budget pursuant to section 85 of
2 P.L.1990, c.52 (C.18A:7D-28).
3 (cf: P.L.1996, c.3, s.3)]¹
4

5 ¹[89. Section 4 of P.L.1993, c.102 (C.34:1B-7.23) is amended
6 to read as follows:

7 4. a. The authority shall establish and maintain a special
8 nonlapsing revolving fund to be known as the "Public School
9 Facilities Code Compliance Loan Fund," hereinafter the
10 "compliance fund," which shall be credited with: (1) the \$25 million
11 allocated from the Economic Recovery Fund pursuant to paragraph
12 (1) of subsection d. of section 4 of P.L.1992, c.16 (C.34:1B-7:13);
13 (2) any moneys that shall be received by the authority from the
14 repayment of loans made from the compliance fund and interest
15 thereon; and (3) any other moneys which the authority determines
16 to deposit therein.

17 b. The authority may use the moneys in the compliance fund to
18 finance not less than 25%, and not more than 50%, of the total cost
19 of any project, in accordance with the criteria set forth in this
20 section, for the purpose of providing low-interest loans to school
21 districts, to finance the renovation, repair or other alteration of
22 existing school buildings, the construction of new school buildings
23 or the conversion of existing school buildings to other instructional
24 purposes, if such renovation, repair, alteration, construction or
25 conversion is required to bring buildings that, at the time of
26 application, do not meet State health and safety code requirements,
27 into compliance with those requirements.

28 c. Upon application by a school district for a low-interest loan,
29 the commissioner is authorized and empowered to determine
30 whether the renovations, repairs, alterations, conversion or
31 construction are necessary to meet State health and safety code
32 requirements. If the commissioner determines that such work is
33 necessary, the commissioner shall certify that the school district is
34 eligible for a low-interest loan pursuant to this section to finance the
35 renovation, repair, alteration, conversion or construction described
36 in the application.

37 d. (1) Upon certification, the commissioner shall waive the
38 holding of a referendum or the requirement for approval by a board
39 of school estimate pursuant to subsection (d) of N.J.S.18A:20-4.2 or
40 N.J.S.18A:24-5 et seq., as the case may be, or the requirement for
41 approval of the project by a capital projects control board pursuant
42 to P.L.1991, c.139 (C.18A:7A-46.1 et seq.), as appropriate, and the
43 school district may, upon receiving the certification and waiver,
44 apply to the authority for a loan pursuant to this section. The terms
45 of the loan and the repayment schedule shall be established by the
46 authority. The repayments to the authority by the school districts
47 shall be treated as net debt service by the school districts for school
48 aid purposes. [In addition to the amount of taxes determined by the

1 legal voters of the district at the annual school election, the] The
2 secretary of the board of education shall certify the amount required
3 for the repayment of the interest and principal of the loan in the
4 same manner required for interest and debt redemption charges
5 pursuant to N.J.S.18A:22-33, and the amount so certified shall be
6 included in the taxes assessed, levied and collected in the
7 municipality or municipalities comprising the school district for
8 such purposes.

9 (2) All repayments, and interest thereon, shall be deposited by
10 the authority in the compliance fund, for use in the manner provided
11 for in this section, except insofar as the authority may direct that
12 such amounts be deposited in the small projects fund established
13 pursuant to section 7 of P.L.1993, c.102 (C.34:1B-7.25).

14 (3) Notwithstanding any provision of this section to the
15 contrary, on and after the effective date of P.L.1996, c.48 (C.34:1B-
16 7.23a et al.), any loan repayments and interest thereon on deposit or
17 deposited into the compliance fund shall be paid by the authority to
18 the State Treasurer for deposit into the General Fund of the State,
19 provided that the payment does not violate any existing agreement
20 of the authority with bondholders.

21 e. The authority, in consultation with the commissioner shall, in
22 determining whether to grant approval of any loan application
23 pursuant to this section, take into consideration the severity of the
24 need for the particular project, the ability of the school district to
25 begin and complete the project in an expeditious manner, the ability
26 of the school district to proceed with the funding of the balance of
27 the funds for the project, and the extent to which the approval of the
28 project contributes to the equable distribution of moneys in the
29 compliance fund.

30 f. The balance of the moneys needed for a project for which an
31 application for a loan is made pursuant to this section may be
32 funded by the school district by: (1) the issuance of bonds, or other
33 borrowing, excluding lease-purchase agreements, pursuant to the
34 provisions of subsection (d) of N.J.S.18A:20-4.2, N.J.S.18A:24-5 et
35 seq., or P.L.1991, c.139 (C.18A:7A-46.1 et seq.), as appropriate;
36 except that the commissioner shall waive the holding of a
37 referendum or the requirement for approval by a board of school
38 estimate pursuant to subsection (d) of N.J.S.18A:20-4.2, or
39 N.J.S.18A:24-5 et seq., as the case may be, or the requirement for
40 approval of the project by a capital projects control board pursuant
41 to P.L.1991, c.139 (C.18A:7A-46.1 et seq.), as appropriate; (2)
42 borrowing from the "Public Schools Small Projects Loan Assistance
43 Fund" established pursuant to section 7 of P.L.1993, c.102
44 (C.34:1B-7.25), if the total cost of the project does not exceed
45 \$5,000,000, and in any such case the commissioner shall waive the
46 holding of a referendum or the requirement for approval by a board
47 of school estimate pursuant to subsection (d) of N.J.S.18A:20-4.2 or
48 N.J.S.18A:24-5 et seq., as the case may be, or approval of the

1 project by a capital projects control board pursuant to P.L.1991,
2 c.139 (C.18A:7A-46.1 et seq.), as appropriate; (3) moneys of the
3 school district not necessary for the completion of any other
4 specific projects; and (4) any other lawful source; except that no
5 project funded or approved to be funded by school district bonds
6 authorized, pursuant to law, prior to December 31, 1992 shall be
7 funded pursuant to P.L.1993, c.102 (C.34:1B-7.20 et al.).

8 g. Any school district shall be eligible to receive additional
9 loans pursuant to this section even if the district has received a
10 previous loan; provided that those additional loans are in
11 conformity with the selection criteria established pursuant to this
12 section.

13 h. Net earnings received from the investment or deposit of
14 moneys in the compliance fund by the authority shall be redeposited
15 in the fund for use for the purposes of this section.

16 (cf: P.L.1996, c.48, s.1)]¹

17
18 ¹[90. Section 5 of P.L.1993, c.102 (C.34:1B-7.24) is amended
19 to read as follows:

20 5. a. The authority shall establish and maintain a special
21 nonlapsing revolving fund to be known as the "Public School
22 Facilities Loan Assistance Fund," hereinafter the "facilities fund,"
23 which shall be credited with: (1) not less than \$105,000,000 from
24 the amount of capital funding appropriated for school facilities
25 pursuant to the annual appropriations act for the State fiscal year
26 ending June 30, 1994, P.L.1993, c.155; (2) the \$20,000,000
27 allocated from the Economic Recovery Fund pursuant to paragraph
28 (2) of subsection d. of section 4 of P.L.1992, c.16 (C.34:1B-7.13);
29 (3) any moneys that shall be received by the authority from the
30 repayment of loans made from the facilities fund and interest
31 thereon; and (4) any other moneys which the authority determines
32 to deposit therein.

33 b. The authority may use the moneys in the facilities fund to
34 provide for low interest loans to finance not less than 25%, and not
35 more than 50%, of the total cost of any project, in accordance with
36 the criteria set forth in this section, for the purpose of renovation,
37 repair or other alteration of existing school buildings, for
38 construction of new school buildings or for the conversion of
39 existing school buildings to other instructional purposes, whether or
40 not that renovation, repair, alteration, construction or conversion is
41 required to bring buildings that, at the time of application do not
42 meet State health and safety code requirements, into compliance
43 with those requirements.

44 c. Upon application by any school district to the authority for a
45 loan to be made pursuant to subsection b. of this section, the
46 authority shall, in consultation with the commissioner, determine
47 whether to grant approval for the loan based upon the appropriate
48 authorization for the loan pursuant to subsection (d) of

1 N.J.S.18A:20-4.2, or the project pursuant to P.L.1991, c.139
2 (C.18A:7A-46.1 et seq.), as the case may be, the relationship of the
3 project to the enhancement of the school's academic programs, the
4 ability of the school district to begin and complete the project in an
5 expeditious manner, the ability of the school district to proceed with
6 the funding of the balance of the moneys needed for the project, and
7 the extent to which approval of the project would contribute to the
8 equable distribution of moneys in the facilities fund.

9 d. The balance of the moneys needed for a project for which an
10 application for a loan is made pursuant to subsection b. of this
11 section may be funded by the school district by: (1) the issuance of
12 bonds, or other borrowing, excluding lease-purchase agreements,
13 pursuant to the provisions of subsection (d) of N.J.S.18A:20-4.2,
14 N.J.S.18A:24-5 et seq., or P.L.1991, c.139 (C.18A:7A-46.1 et seq.)
15 as appropriate; (2) if the borrowing of money or the issuance of
16 bonds is authorized pursuant to subsection (d) of N.J.S.18A:20-4.2
17 or N.J.S.18A:24-5 et seq., as the case may be, or if the project is
18 approved pursuant to P.L.1991, c.139 (C.18A:7A-46.1 et seq.), as
19 appropriate, borrowing from the "Public Schools Small Projects
20 Loan Assistance Fund" established pursuant to section 7 of
21 P.L.1993, c.102 (C. 34:1B-7.25), if the total cost of the project does
22 not exceed \$5,000,000; (3) moneys of the school district not
23 necessary for the completion of any other specific projects; and (4)
24 any other lawful source; except that no project funded or approved
25 to be funded by school district bonds authorized, pursuant to law,
26 prior to December 31, 1992 shall be funded pursuant to P.L.1993,
27 c.102 (C.34:1B-7.20 et al.).

28 e. (1) The authority shall establish the terms of the loan which
29 shall include, but not be limited to, the rate of interest, a schedule
30 for drawing down loan funds, and a repayment schedule. The
31 repayments shall be treated by the school district as net debt service
32 for school aid purposes. [In addition to the amount of taxes
33 determined by the legal voters of the district at the annual school
34 election, the] The secretary of the board of education shall certify
35 the amount required for the repayment of the interest and principal
36 of the loan in the same manner required for interest and debt
37 redemption charges pursuant to N.J.S.18A:22-33, and the amount so
38 certified shall be included in the taxes assessed, levied and collected
39 in the municipality or municipalities comprising the school district
40 for such purposes.

41 (2) All repayments, and interest thereon, shall be deposited by
42 the authority in the facilities fund for use in the manner provided
43 for in this section, except insofar as the authority may direct that
44 such amounts be deposited in the small projects fund established
45 pursuant to section 7 of P.L.1993, c.102 (C.34:1B-7.25).

46 (3) Notwithstanding any provision of this section to the
47 contrary, on and after the effective date of P.L.1996, c.48
48 (C.34:1B-7.23a et al.), any loan repayments and interest thereon on

1 deposit or deposited into the facilities fund shall be paid by the
2 authority to the State Treasurer for deposit into the General Fund of
3 the State, provided that the payment shall not violate any existing
4 agreement of the authority with bondholders.

5 f. Net earnings received from the investment or deposit of
6 moneys in the facilities fund by the authority shall be redeposited in
7 the fund for use for the purposes of this section.

8 (cf: P.L.1996, c.48, s.2)]¹

9
10 ¹[91. Section 7 of P.L.1993, c.102 (C.34:1B-7.25) is amended
11 to read as follows:

12 7. a. The New Jersey Economic Development Authority is
13 authorized to issue bonds, in an aggregate amount not exceeding
14 \$100,000,000, the proceeds from which shall be used to provide
15 matching funds to assist in the financing of school district projects
16 in accordance with the provisions of this section. The bonds so
17 issued shall be secured by the repayment by school districts of loans
18 made pursuant to this 1993 amendatory and supplementary act, or,
19 in the case of default on any such loan repayment, by the school
20 facilities financing bond reserve established pursuant to section 6 of
21 this 1993 amendatory and supplementary act.

22 b. The authority shall establish and maintain a special
23 nonlapsing revolving fund to be known as the "Public Schools
24 Small Projects Loan Assistance Fund," hereinafter the "small
25 projects fund," which shall be credited with: (1) the proceeds of the
26 sale of bonds pursuant to subsection a. of this section; (2) any
27 moneys that shall be received by the authority from the repayment
28 of loans made from the small projects fund and interest thereon; and
29 (3) any other moneys which the authority determines to deposit
30 therein.

31 c. The authority shall use the monies in the small projects fund
32 exclusively for: (1) matching funds to provide market rate loans to
33 school districts to finance an amount up to the remaining balance of
34 the cost of a project approved for funding from the compliance fund
35 pursuant to section 4 of this 1993 amendatory and supplementary
36 act or from the facilities fund pursuant to section 5 of this 1993
37 amendatory and supplementary act, whether or not the project is
38 required to bring the buildings that, at the time of application do not
39 meet State health and safety code requirements, into compliance
40 with those requirements; provided that the total cost of the project,
41 including moneys received from the compliance fund or the
42 facilities fund, does not exceed \$5,000,000; and (2) payment of any
43 principal, interest, premium and expenses incurred in connection
44 with the bonds issued pursuant to subsection a. of this section.

45 d. (1) The authority shall establish the terms of the market rate
46 loans which shall include, but not be limited to, the actual rate of
47 interest, a schedule for drawing down loan funds, and the repayment
48 schedule for the loans. The repayments shall be treated by the

1 school district as net debt service for school aid purposes. [In
2 addition to the amount of taxes determined by the legal voters of the
3 district at the annual school election, the] The secretary of the
4 board of education shall certify the amount required for the
5 repayment of the interest and principal of the loan in the same
6 manner required for interest and debt redemption charges pursuant
7 to N.J.S.18A:22-33, and the amount so certified shall be included in
8 the taxes assessed, levied and collected in the municipality or
9 municipalities comprising the school district for such purposes.

10 (2) All repayments, and interest thereon, shall be deposited by
11 the authority in the small projects fund for use in the manner
12 provided for in this section.

13 e. Net earnings received from the investment or deposit of
14 monies in the small projects fund by the authority shall be
15 redeposited in the fund for use for the purposes of this section.

16 (cf: P.L.1993, c.102, s.7)]¹

17

18 ¹[92. R.S.54:4-45 is amended to read as follows:

19 54:4-45. The clerk or other proper officer of each Type II school
20 district [in which the annual appropriations for school purposes to
21 be raised by taxation, are voted by the inhabitants of the school
22 district,] having no board of school estimate shall, on or before
23 May 19 in each year, transmit to the county board of taxation a
24 certified statement of the amount of moneys appropriated for school
25 purposes, which shall include interest to be paid, principal
26 payments of indebtedness, and sinking fund requirements for the
27 school year for which such appropriations are made, to be raised by
28 taxation in the school district.

29 (cf: P.L.1995, c.94, s.3)]¹

30

31 ¹[93. (New section) An elected member of a board of
32 education, or a member of a board of education appointed to serve
33 the unexpired term of an elected member, or an appointed member
34 of a board of education other than a member in a district in a city of
35 the first class, who is holding office on the effective date of this act
36 shall continue in office until the day in January next following the
37 year in which his term was originally set to expire when his
38 successor takes office.]¹

39

40 ¹[94. The following sections of law are repealed:

41 N.J.S.18A:13-19;

42 N.J.S.18A:22-37;

43 N.J.S.18A:22-38.]]¹

44

45 ¹[95. a. Sections 71 through 94 of P.L. , c. (pending before
46 the Legislature as this bill) shall take effect on January 1 next
47 following the date of enactment of P.L. , c. (pending before the

1 Legislature as this bill); provided, however that transition of the
2 annual school election for the purposes of electing members of the
3 board of education from the third Tuesday in April to the first
4 Tuesday after the first Monday in November pursuant to section 82
5 of this Article (amending section 1 of P.L.1995, c.278 (C.19:60-1)),
6 shall be in accordance with the following schedule:
7

SCHOOL BOARD MEMBER TERM ENDING	OLD ELECTION DATE	NEW ELECTION DATE	LENGTH OF AFFECTED TERM
April 2007	April 2007	April 2007	April 2007 – January 2011 (extended transitional term)
April 2008	April 2008	November 2008	April 2005 – January 2009 (extended transitional term)
April 2009	April 2009	November 2009	April 2006 – January 2010 (extended transitional term)
January 2011	N/A	November 2010	January 2011 – January 2014 (normal 3-year term)]'

8
9 '【ARTICLE 5. EXECUTIVE COUNTY SUPERINTENDENTS
10
11 96.】 42.' N.J.S.18A:7-1 is amended to read as follows:
12 18A:7-1. a. The 【commissioner】 Governor, upon the
13 recommendation of the commissioner and with the advice and
14 consent of the Senate, shall appoint for each county, 【with the
15 approval of the state board,】 a suitable person, who holds an
16 appropriate certificate issued pursuant to this title and who has been
17 a resident of the 【state】 State for at least three years immediately
18 preceding 【his】 the appointment, to be the executive county
19 superintendent of schools, who shall serve, unless sooner removed
20 pursuant to law, for a term of three years 【and thereafter until his
21 successor is appointed and shall qualify】. The superintendent may
22 be re-appointed by the Governor on the basis of a satisfactory
23 performance assessment required pursuant to subsection b. of this
24 section. A person who is serving as a county superintendent of

1 schools on the effective date of Article 5 of P.L. , c. (C.)
2 (pending before the Legislature as this bill), shall be eligible for
3 appointment as the executive county superintendent of schools. The
4 executive county superintendent of schools shall report to the
5 Commissioner of Education or to a person designated by the
6 commissioner.

7 b. An executive county superintendent shall be subject to at least
8 one performance assessment during the three-year term. The
9 performance of the superintendent shall be assessed by the
10 Commissioner of Education based on the ability of the
11 superintendent to monitor and promote administrative and
12 operational efficiencies and cost savings within the school districts
13 located in the county, while enhancing the effectiveness of the
14 districts in providing a thorough and efficient system of education,
15 and on their monitoring of the school districts in the five key
16 components of school district effectiveness under the New Jersey
17 Quality Single Accountability Continuum: instruction and program;
18 personnel; fiscal management; operations; and governance. In
19 establishing the standards for assessing the performance of the
20 superintendent in facilitating administrative efficiencies, the
21 commissioner shall include such factors as administrator-to-teacher
22 ratios, administrator-to-student ratios, per-pupil administrative
23 expenditures, and improved student educational outcomes.

24 (cf: N.J.S.18A:7-1)

25
26 '【97.】 43.' N.J.S.18A:7-2 is amended to read as follows:

27 18A:7-2. The commissioner may designate any one of his
28 assistant commissioners or【, with the approval of the State board,】
29 another suitable person to exercise the powers and perform the
30 duties of the executive county superintendent without additional
31 compensation:

32 a. During any period when 【a】 an executive county
33 superintendent shall be unable to perform his duties by reason of
34 illness, physical disability or for any other cause; and

35 b. During any period when the office of executive county
36 superintendent shall be vacant in any county by reason of the death
37 or resignation of the incumbent or for any other cause.

38 (cf: P.L.1971, c.432, s.1)

39
40 '【98.】 44.' N.J.S.18A:7-3 is amended to read as follows:

41 18A:7-3. 【A】 An executive county superintendent of schools
42 shall receive such salary as shall be approved by the commissioner
43 and 【the president of the civil service commission subject to
44 availability of funds】 shall receive a salary which is not greater than
45 the salary of a cabinet-level official of the State.

46 Each executive county superintendent shall receive, in addition
47 to his salary, the traveling and other expenses incurred by him in

1 conducting his office and performing his official duties, which shall
2 be paid by the county treasurer on the orders of the commissioner,
3 upon his furnishing to the commissioner an itemized statement
4 thereof certified under his oath, together with proper vouchers, and
5 no such order shall be issued until such statement and vouchers are
6 so furnished.

7 (cf: N.J.S.18A:7-3)

8
9 '【99.】 45.¹ N.J.S. 18A:7-4 is amended to read as follows:

10 18A:7-4. The commissioner shall, subject to appeal to the
11 【state】 State board, cause to be withheld the orders for the payment
12 of the salary and expenses of any executive county superintendent,
13 who shall fail to perform faithfully all of the duties imposed upon
14 him by this chapter or by the rules of the 【state】 State board, until
15 he shall have performed all of such duties.

16 (cf: N.J.S.18A:7-4)

17
18 '【100.】 46.¹ N.J.S.18A:7-5 is amended to read as follows:

19 18A:7-5. Each executive county superintendent shall devote his
20 entire time to the duties of his office, and he shall have general
21 supervision of all of the public schools of the districts of the county
22 except those city school districts in which there shall have been
23 appointed superintendents of schools.

24 (cf: N.J.S.18A:7-5)

25
26 '【101.】 47.¹ N.J.S.18A:7-6 is amended to read as follows:

27 18A:7-6. The executive county superintendent shall maintain an
28 office at a suitable location within the county which shall be open to
29 the public as are other county offices and which shall be supplied
30 to him, and shall be suitably furnished and equipped, by the board
31 of chosen freeholders of the county, and the school records of the
32 county for the use of the county and State Departments of
33 Education, the United States Office of Education and the United
34 States Commissioner of Education shall be kept at such office.

35 (cf: P.L.1968, c.470, s.1)

36
37 '【102.】 48.¹ N.J.S.18A:7-7 is amended to read as follows:

38 18A:7-7. The executive county superintendent shall appoint
39 such clerical assistants for his office as he shall deem necessary and
40 fix their compensation within the limits of available appropriations
41 made thereof. In counties governed by Title 【11】 11A, Civil
42 Service, of the 【Revised】 New Jersey Statutes, such appointments
43 shall be made and compensation shall be fixed pursuant to the
44 provisions thereof, and in all other counties the compensation of
45 such clerical assistants shall be fixed on a basis commensurate with
46 that of other county employees performing similar duties.

47 (cf: N.J.S.18A:7-7)

- 1 '【103.】 49.' N.J.S.18A:7-8 is amended to read as follows:
2 18A:7-8. Each executive county superintendent shall:
3 a. Visit and examine from time to time all of the schools under
4 his general supervision and exercise general supervision over them
5 in accordance with the rules prescribed from time to time by the
6 【state】 State board;
7 b. Keep himself informed as to the management, methods of
8 instruction and discipline and the courses of study and textbooks in
9 use, the condition of the school libraries, and the condition of the
10 real and personal property, particularly in respect to the
11 construction, heating, ventilation and lighting of school buildings,
12 in the local districts under his general supervision, and make
13 recommendations in connection therewith;
14 c. Advise with and counsel the boards of education of the local
15 districts under his general supervision and of any other district of
16 the county when so requested, in relation to the performance of
17 their duties;
18 d. Promote administrative and operational efficiencies and cost
19 savings within the school districts in the county while ensuring that
20 the districts provide a thorough and efficient system of education;
21 e. Based on standards adopted by the commissioner, recommend
22 to the commissioner, who is hereby granted the authority to
23 effectuate those recommendations, that certain school districts be
24 required to enter arrangements with one or more other school
25 districts or educational services commissions for the consolidation
26 of the district's administrative services;
27 f. Recommend to the commissioner the elimination of laws the
28 executive county superintendent determines to be unnecessary State
29 education mandates, other than the categories of laws set forth in
30 section 3 of P.L.1996, c.24 (C.52:13H-3);
31 g. Have the authority to eliminate districts located in the county
32 that are not operating schools on the effective date of Article '【5】
33 3' of P.L. , c. (C.) (pending before the Legislature as this bill),
34 in accordance with a plan submitted to the commissioner no later
35 than one year following the effective date of Article '【5】 3' of
36 P.L. , c. (C.) (pending before the Legislature as this bill);
37 h. No later than three years following the effective date of
38 Article '【5】 3' of P.L. , c. (C.) (pending before the
39 Legislature as this bill), recommend to the commissioner a school
40 district consolidation plan to eliminate all districts, other than
41 county-based districts and other than preschool or kindergarten
42 through grade 12 districts in the county, through the establishment
43 or enlargement of regional school districts. After the approval of
44 the plan by the commissioner, the executive county superintendent
45 shall require each board of education covered by a proposal in the
46 plan to conduct a special school election, at a time to be determined
47 by the executive county superintendent, and submit thereat the

1 question whether or not the executive county superintendent's
2 proposal for the regionalization of the school district shall be
3 adopted. The question shall be deemed adopted if it receives a vote
4 in accordance with the provisions of N.J.S.18A:13-5. If the
5 question is adopted by the voters, then the regional district shall be
6 established or enlarged in accordance with chapter 13 of Title 18A
7 of the New Jersey Statutes;

8 i. Promote coordination and regionalization of pupil
9 transportation services through means such as reviewing bus routes
10 and schedules of school districts and nonpublic schools within the
11 county;

12 j. Review and approve, according to standards adopted by the
13 commissioner, all employment contracts for superintendents of
14 schools, assistant superintendents of schools, and school business
15 administrators in school districts within the county, prior to the
16 execution of those contracts;

17 k. Request the commissioner to order a forensic audit and to
18 select an auditor for any school district in the county upon the
19 determination by the executive county superintendent, according to
20 standards adopted by the commissioner, that the accounting
21 practices in the district necessitate such an audit;

22 l. Review all school budgets of the school districts within the
23 county, and may, pursuant to section 5 of P.L.1996, c.138
24 (C.18A:7F-5), disapprove a portion of a school district's proposed
25 budget if he determines that the district has not implemented all
26 potential efficiencies in the administrative operations of the district
27 or if he determines that the budget includes excessive non-
28 instructional expenses. If the executive county superintendent
29 disapproves a portion of the school district's budget pursuant to this
30 paragraph, the school district shall deduct the disapproved amounts
31 from the budget prior to publication of the budget, and during the
32 budget year the school district shall not transfer funds back into
33 those accounts;

34 m. Permit a district to submit to the voters a separate proposal or
35 proposals for additional funds pursuant to paragraph (9) of
36 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), only if:
37 (1) the district provides the executive county superintendent with
38 written documentation that the district has made efforts to enter into
39 shared arrangements with other districts, municipalities, counties,
40 and other units of local government for the provision of
41 administrative, business, purchasing, public and nonpublic
42 transportation, and other required school district services; (2) the
43 district certifies and provides written documentation that the district
44 participates in on-going shared arrangements; or (3) the district
45 certifies and provides written documentation that entering such
46 shared arrangements would not result in cost savings or would
47 result in additional expenses for the district;

1 n. Promote cooperative purchasing within the county of
2 textbooks and other instructional materials;

3 o. Coordinate with the Department of Education to maintain a
4 real time Statewide and district-wide database that tracks the types
5 and capacity of special education programs being implemented by
6 each district and the number of students enrolled in each program to
7 identify program availability and needs;

8 p. Coordinate with the Department of Education to maintain a
9 Statewide and district-wide list of all special education students
10 served in out-of-district programs and a list of all public and private
11 entities approved to receive special education students that includes
12 pertinent information such as audit results and tuition charges;

13 q. Serve as a referral source for districts that do not have
14 appropriate in-district programs for special education students and
15 provide those districts with information on placement options in
16 other school districts;

17 r. Conduct regional planning and identification of program
18 needs for the development of in-district special education programs;

19 s. Serve as a liaison to facilitate shared special education
20 services within the county including, but not limited to direct
21 services, personnel development, and technical assistance;

22 t. Work with districts to develop in-district special education
23 programs and services including providing training in inclusive
24 education, positive behavior supports, transition to adult life, and
25 parent-professional collaboration;

26 u. Provide assistance to districts in budgetary planning for
27 resource realignment and reallocation to direct special education
28 resources into the classroom;

29 v. Report on a regular basis to the commissioner on progress in
30 achieving the goal of increasing the number of special education
31 students educated in appropriate programs with non-disabled
32 students;

33 w. Render a report to the commissioner annually on or before
34 September 1, in the manner and form prescribed by him, of such
35 matters relating to the schools under his jurisdiction as the
36 commissioner shall require; and

37 [e.] x. Perform such other duties as shall be prescribed by law.

38 ¹Any budgetary action of the executive county superintendent
39 under this section may be appealed directly to the commissioner,
40 who shall render a decision within 15 days of the receipt of the
41 appeal. If the commissioner fails to issue a decision within 15 days
42 of the filing of an appeal, the budgetary action of the executive
43 county superintendent shall be deemed approved. The
44 commissioner shall by regulation establish a procedure for such
45 appeals.¹

46 Nothing in this section shall be construed or interpreted to
47 contravene or modify the provisions of the “New Jersey Employer-
48 Employee Relations Act,” P.L.1941, c.100 (C.34:13A-1 et seq.), or

1 to limit or restrict the scope of negotiations as provided pursuant to
2 law, or to '[authorize] require' an employer to enter into a
3 subcontracting agreement which affects the employment of any
4 employee in a collective bargaining unit represented by a majority
5 representative during the time that an existing collective bargaining
6 agreement with the majority representative is in effect.

7 Nothing in this section is intended to interfere with a school
8 district's ability to provide a thorough and efficient education.

9 (cf: N.J.S.18A:7-8)

10
11 '104.] 50.' N.J.S.18A:7-9 is amended to read as follows:

12 18A:7-9. The executive county superintendent may, without
13 charge, administer oaths.

14 (cf: N.J.S.18A:7-9)

15
16 '105.] 51.' N.J.S.18A:7-10 is amended to read as follows:

17 18A:7-10. Each executive county superintendent shall, on or
18 before December 1 of each year, furnish to the board of chosen
19 freeholders of the county a statement of the amounts estimated to be
20 necessary to be appropriated for the ensuing year for:

- 21 a. the compensation of his clerical assistants;
22 b. the supplying of furniture, supplies and equipment for his
23 office;
24 c. printing; and
25 d. traveling and other expenses incident to the conduct and the
26 performance of his official duties of his office incurred by him.

27 The board of chosen freeholders shall fix and determine the
28 amounts necessary to be appropriated for such purposes and shall
29 appropriate the same accordingly.

30 (cf: N.J.S.18A:7-10)

31
32 '106.] 52.' Section 2 of P.L.1975, c.360 (C.18A:13-52) is
33 amended to read as follows:

34 2. The executive county superintendent shall, within 60 days
35 after such request, file with the governing bodies of the
36 municipalities constituting the regional district and the boards of
37 education of all of the constituent school districts and the board of
38 education of the regional school district a report containing a
39 statement of the current assets and operating expenses of the
40 regional district for the then current year and such financial,
41 educational and other information as he may deem necessary to
42 enable said governing bodies and local boards of education and
43 regional board of education to form an intelligent judgment as to
44 the advisability of the proposed withdrawal or dissolution and the
45 effect thereof upon the educational and financial condition of the
46 withdrawing district and the regional district, or upon each of the
47 constituent districts in the event of a dissolution and setting forth
48 the amount of indebtedness, if any, to be assumed by the

1 withdrawing and the regional districts, or by each constituent
2 district in the event of a dissolution, calculated as hereinafter
3 provided. The report, in discussing the educational and financial
4 effect of the withdrawal or dissolution, shall include the effect
5 thereof upon the administrative and operational efficiencies, and the
6 resultant cost savings or cost increases, in the withdrawing and the
7 regional districts, or by each constituent district in the event of a
8 dissolution.

9 The executive county superintendent may require the constituent
10 municipalities and school districts and the regional district to
11 submit a feasibility study in order to determine the educational and
12 financial impact of the withdrawal from, or dissolution of, the
13 limited purpose regional district. In the event the executive county
14 superintendent requests a feasibility study to be conducted, the
15 executive county superintendent's report required pursuant to this
16 section shall be filed within 60 days following submission of the
17 feasibility study.

18 (cf: P.L.1993, c.255, s.2)

19
20 '【107.】 53.' (New section) The commissioner shall appoint an
21 executive county business official to serve in the office of the
22 executive county superintendent of schools for a term of three
23 years. The executive county business official shall assist the
24 executive county superintendent in the performance of the
25 superintendent's duties pursuant to N.J.S.18A:7-8, and perform such
26 other duties as determined by the commissioner. Based on criteria
27 developed by the commissioner, the executive county business
28 official shall be subject to a performance assessment at least once
29 during the three-year term. The business official may be re-
30 appointed on the basis of a satisfactory performance assessment.

31
32 '【108.】 54.' (New section) A local school district may apply to
33 the executive county superintendent of schools to have school
34 district services including, but not limited to, transportation,
35 personnel, purchasing, payroll, and accounting, assumed by the
36 office of the superintendent. If the executive county superintendent
37 determines to assume a service, a fee may be assessed the school
38 district for the service. The executive county superintendent of
39 schools may utilize county special services school districts, jointure
40 commissions, and educational services commissions to provide
41 services to local school boards.

42
43 '【109.】 55.' (New section) a. When the office of county
44 superintendent is vacated through the completion of a current term
45 or for any other reason, the Governor, upon the recommendation of
46 the Commissioner of Education, shall appoint an executive county
47 superintendent of schools pursuant to N.J.S.18A:7-1.

1 b. When the position of executive county business official is
2 vacated through the completion of a current term or for any other
3 reason, the commissioner shall appoint an executive county
4 business official pursuant to section 107 of P.L. , c. (C.)
5 (pending before the Legislature as this bill).

6
7 '110.] 56.' (New section) Whenever, in any law, rule,
8 regulation, order, contract, document, judicial or administrative
9 proceeding or otherwise, reference is made to the office of the
10 county superintendent of schools, the same shall mean and refer to
11 the office of the executive county superintendent of schools.

12
13 '111.] 57.' (New section) An executive county superintendent
14 of schools shall not accept employment in any school district which
15 was under his supervision in that position for a period of two years
16 commencing on the day his term as executive county superintendent
17 terminates.

18
19 '112.] 58.' (New section) The State Board of Education shall
20 adopt rules and regulations pursuant to the "Administrative
21 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate
22 the provisions of Article '5] 3' of P.L. , c. (C.) (pending
23 before the Legislature as this bill); except that notwithstanding any
24 provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary,
25 the commissioner may adopt, immediately upon filing with the
26 Office of Administrative Law, such rules and regulations as the
27 commissioner deems necessary to implement the provisions of
28 Article '5] 3' of P.L. , c. (C.) (pending before the
29 Legislature as this bill), which shall be effective for a period not to
30 exceed 12 months.

31
32 '113.] 59.' Article 1 shall take effect as provided in section
33 '41] 37' of this act; Article 2 shall take effect immediately;
34 Article 3 shall take effect 'as provided in section 60 of this act;
35 Article 4 shall take effect as provided in section 95 of this act; and
36 Article 5 shall take effect']' immediately.