ASSEMBLY, No. 139

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
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SYNOPSIS

Permits governing body of municipalities having population of 30,000 or less to serve as local board of health; validates certain actions.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning the composition of certain local boards of health and amending various parts of the statutory law, and validating certain actions.

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

1. R.S.26:3-3 is amended to read as follows:

26:3-3. a. The local board in every municipality, other than a township, which is subject to the provisions of subdivision C of this article, or a board established by a municipality that invokes the provisions of subsection b. of this section, shall be composed of not less than five nor more than seven members, except that in a city of the first class the board shall consist of 10 members, and in a city having a population of over 80,000, but not of the first class, the board shall consist of not less than five nor more than 10 members.

Upon the consent of the prospective appointee, the governing body of a municipality may appoint a school nurse or the municipal physician to the local board, notwithstanding that the nurse or physician is not a resident of the municipality.

The local board may, by ordinance, provide for the appointment of two alternate members. Notwithstanding the provisions of any other law or charter heretofore adopted, the ordinance shall provide the method of appointment of the alternate members. Alternate members shall be designated at the time of appointment by the authority appointing them as "Alternate No. 1" and "Alternate No. 2."

The terms of the alternate members shall be for two years, except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2, so that the term of not more than one alternate member shall expire in any one year. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

An alternate member shall not be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause.

An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first.

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.

b. In the case of a municipality, other than a township, with a population of 30,000 or less, the local board may be composed of the members of the governing body of the municipality.

c. As used in this section, "governing body" means the body exercising general legislative power in the municipality, including any mayor selected by the governing body from among its own members.

(cf: P.L.2000, c.126, s.3)

2. R.S.26:3-5 is amended to read as follows:

26:3-5. The members of the local board in every municipality, other than a township which is subject to the provisions of subdivision C of this article, or a board established by a municipality that invokes the provisions of subsection b. of R.S.26:3-3, shall be appointed in such manner as the governing body may by ordinance provide, except that in a city of the first class all the members of the board shall be appointed by the mayor and confirmed by the board or body having charge of the finances in such city.

(cf: P.L.1953, c.349, s.2)

3. R.S.26:3-6 is amended to read as follows:

26:3-6. The members of the local board in every municipality, other than a township, which is subject to the provisions of subdivision C of this article, or a board established by a municipality that invokes the provisions of subsection b. of R.S.26:3-3, shall serve for such term as the governing body may by ordinance provide, but, except in a city having a population of over 80,000 but not of the first class, no term shall exceed 4 years, and in a city of the first class the term shall be 3 years. The terms shall be so arranged that the terms of not more than three members shall expire in any 1 year, except that in a city of the first class the terms of three members shall expire in 1 year, the terms of an additional three members in the next succeeding year, and the terms of the remaining members in the second succeeding year.

(cf: P.L.1981, c.462, s.29)

4. R.S.26:3-7 is amended to read as follows:

26:3-7. If any vacancy shall occur on the local board of any municipality, other than a township which is subject to the provisions of subdivision C of this article, or a board established by a municipality that invokes the provisions of subsection b. of R.S.26:3-3, it shall be filled in the same manner in which the original appointment was made, but for the unexpired portion of the term only.

(cf: P.L.1953, c.349, s.4)

5. R.S.26:3-9 is amended to read as follows:

26:3-9. a. The local board in every township having a population of not more than 【20,000】 30,000 inhabitants may be composed of the members of the township committee, the township assessor or, if the township has a board of assessors, the township clerk, and one physician or school nurse, to be appointed by the township committee for a term of three years from the time of his appointment and until the successor is appointed. Upon the consent of the prospective appointee, the township committee may appoint, as the physician or school nurse appointment, the township physician or a school nurse to the local board, notwithstanding that the physician or nurse is not a resident of the township. The township committee may by ordinance provide for the appointment of not more than two alternate members. Alternate members shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No 2." The term of the alternate members shall be for two years, except that of the first two alternate members appointed, one shall be appointed for a term of one year so that the term of not more than one alternate member shall expire in any one year. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

b. Any such township may by ordinance adopt the provisions of subdivision B of this article and thereafter shall be subject to the provisions thereof and shall not be subject to the provisions of this subdivision of this article.

(cf: P.L.2000, c.126, s.4)

6. (New section) All proceedings had, or actions taken, prior to the effective date of P.L. , c. (C.) (pending before the Legislature as this bill) by a municipal board of health comprised of the members of the municipality's governing body are hereby ratified, validated, and confirmed, notwithstanding that statutory law at the time of the proceedings had, or actions taken, did not expressly permit municipal boards of health to be comprised of the members of the municipal governing body.

7. This act shall take effect immediately.

STATEMENT

This bill would permit the governing body of a municipality having a population of 30,000 or less, to serve as the municipal board of health.

Under current law, every municipality is required to have a board of health. Currently, the township committee members of municipalities that are townships and have a population of not more than 20,000 residents are permitted to serve as the municipal board of health. The sponsor believes the option of having a municipal governing body serve as the municipal board of health should be available to municipalities that are *not* townships, because some municipalities, particularly smaller ones, are encountering difficulty finding volunteers to serve on local boards and commissions, including local boards of health. Also, increasing the current population limit for townships to 30,000 or less, and applying that population limit to all municipalities, would permit municipal governing bodies even more flexibility in meeting the important statutory requirement that all municipalities have a board of health to protect the health, safety, and welfare of municipal residents.

The bill would also ratify, validate, and confirm all proceedings had, or actions taken, prior to the effective date of the bill by a municipal board of health comprised of the members of the municipality's governing body, notwithstanding that statutory law at the time of the proceedings had, or actions taken, did not expressly permit municipal boards of health to be comprised of the members of the municipal governing body.