

§11
T & E and Note
to C.40:44-13 and
40:44-15
§12
Note

P.L. 2021, CHAPTER 369, *approved January 12, 2022*
Senate, No. 4161 (*Second Reprint*)

- 1 **AN ACT** concerning the promulgation by the Governor of the
2 national census and amending various parts of the statutory law.
3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:
6
7 1. R.S.52:4-1 is amended to read as follows:
8 52:4-1. The governor is authorized to **file** in the office of the
9 secretary of state a copy of the bulletin issued by the director of the
10 national census or other officer having charge thereof, and showing
11 the population of the state **issue a statement declaring the date on**
12 **which the Governor received the federal decennial census.** ²**【The】**²
13 **【filing of such bulletin】** ²**【statement shall be】**² **【an official**
14 **promulgation】** ²**【deemed determinative of the date on which the**
15 **Governor received such census】**² **【, which shall take effect**
16 **immediately】** ²**【.】**² ¹**Whenever in any statute or regulation**
17 **reference is made to promulgation of the federal decennial census,**
18 **the same shall mean and refer to the receipt by the Governor of the**
19 **official federal decennial census.**¹
20 (cf: R.S.52:4-1)
21
22 2. Section 5 of P.L.1995, c.425 (C.34:13A-16.2) is amended to
23 read as follows:
24 5. a. The commission shall promulgate guidelines for
25 determining the comparability of jurisdictions for the purposes of
26 paragraph (2) of subsection g. of section 3 of P.L.1977, c.85
27 (C.34:13A-16).
28 b. The commission shall review the guidelines promulgated
29 under this section at least once every four years and may modify or
30 amend them as is deemed necessary; provided, however, that the
31 commission shall review and modify those guidelines in each year
32 in which a federal decennial census **becomes effective pursuant to**
33 **R.S.52:4-1 is received by the Governor.**
34 (cf: P.L.1995, c.425, s.5)

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹**Senate floor amendments adopted December 2, 2021.**

²**Senate amendments adopted in accordance with Governor's recommendations January 10, 2022.**

1 3. N.J.S.40A:6-2 is amended to read as follows:

2 40A:6-2. Whenever the classification of any county is changed
3 by reason of increase of population as shown by any future federal
4 decennial census, the change in class shall be deemed to take effect
5 on July 1 following the **【promulgation thereof pursuant to R.S.**
6 **52:4-1】** receipt by the Governor of the federal decennial census.
7 (cf: P.L.1981, c.462, s.45)
8

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

10 40A:6-6. A federal decennial census shall **【take effect and】** be
11 applicable to the classification of all cities within 90 days after its
12 **【official promulgation pursuant to R.S. 52:4-1】** receipt by the
13 Governor.
14 (cf: P.L.1981, c.462, s.46)
15

16 ¹5. Section 5 of P.L.1981, c.496 (C.40:44-13) is amended to
17 read as follows:

18 5. a. Within 5 days following any election at which the voters
19 of the municipality shall have adopted a charter, or an amendment
20 thereof, or a form of government requiring the division of the
21 municipality into a number of wards, the ward commissioners shall
22 meet and, having first taken and subscribed, before an officer
23 authorized to administer oaths, an oath to faithfully and impartially
24 perform their duties, shall proceed to divide the municipality into
25 wards as required by the charter or form of government and this act.

26 b. Within 30 days following the final adoption pursuant to law
27 by the municipal governing body of any ordinance which by its
28 terms requires that the municipality be divided into wards, or that
29 the existing wards of the municipality be increased or decreased, or
30 that the existing ward boundaries of the municipality be adjusted to
31 allow for the annexation or deannexation of territory, the ward
32 commissioners shall meet in the manner provided in subsection a.
33 of this section and proceed to divide the municipality into wards, or
34 to make such adjustments in ward boundaries, as shall be required
35 to conform with the provisions of the ordinance and this act.

36 c. Within 3 months following the **【promulgation】** receipt by the
37 Governor **【pursuant to law】** of each Federal decennial census, the
38 ward commissioners shall meet in the manner provided in
39 subsection a. of this section and proceed to make such adjustments
40 in ward boundaries as shall be necessary to conform them to the
41 requirements of this act.¹

42 (cf: P.L.1981, c.496, s.5)
43

44 ¹6. N.J.S.18A:64A-8 is amended to read as follows:

45 18A:64A-8. For each county college there shall be a board of
46 trustees, consisting of the county superintendent of schools and 10
47 persons, eight of whom shall be appointed by the appointing

1 authority of the county with the advice and consent of the board of
2 chosen freeholders, at least two of whom shall be women and two
3 of whom shall be appointed by the Governor, according to criteria
4 and for such initial terms as shall be established. However, no
5 trustee shall be appointed after July 1, 1994 who is an employee of
6 a constituent county. The president of the college shall serve as an
7 ex officio member of the board of trustees without vote. In
8 addition, the student body of each county college shall be entitled to
9 elect from the graduating class one representative to serve as a
10 member on the board of trustees for a term of one year commencing
11 at the first meeting of the board in July following graduation of his
12 class. The student representative may be granted voting rights by a
13 majority vote of the members of the board of trustees. If the board
14 of trustees grants the student representative voting rights and all
15 members of the board are present at the board meeting and there is a
16 tie vote, the chairman shall break the tie.

17 The appointing authority of the county shall establish a trustee
18 search committee of not less than five members who shall be
19 residents of the county. The members of the trustee search
20 committee shall not be elected public officials and shall not be
21 eligible for appointment to the board of trustees for a period of six
22 months after their service on the trustee search committee. The
23 trustee search committee shall nominate individuals for
24 consideration by the appointing authority of the county for
25 appointment to the board of trustees.

26 When a county college is established by more than one county,
27 the board of trustees shall be increased by two members for each
28 additional participating county. The membership of the board of
29 trustees shall be apportioned by the commission among the several
30 counties as nearly as may be according to the number of inhabitants
31 in each county as shown by the last federal census, officially
32 **【promulgated in】** received by the Governor of this State. Each
33 apportionment shall continue in effect until a reapportionment shall
34 become necessary by reason of **【the official promulgation】** receipt
35 by the Governor of the next federal census or the enlargement of the
36 board by the admission of one or more additional counties as
37 provided for in section 18A:64A-24. Each county shall be entitled
38 to have at least two members and the county superintendent of the
39 schools of said county on the board of trustees.¹

40 (cf: P.L.2007, c.147, s.1)

41

42 ¹7. Section 1 of P.L.1967, c.271 (C.18A:13-9) is amended to
43 read as follows:

44 1. Each apportionment shall continue in effect unless and until a
45 reapportionment shall become necessary by reason of the **【official**
46 **promulgation】** receipt by the Governor of the next Federal census
47 or the enlargement of the regional district by the admission of one

1 or more local districts. In any such case, immediately after the
2 **【official promulgation】 receipt by the Governor** of said census or
3 the certification of a favorable result of the election for enlargement
4 of the regional district the county superintendent or county
5 superintendents of the county or counties in which the constituent
6 districts are situate shall reapportion the members accordingly but
7 all members shall continue in office for the terms for which they
8 were elected or appointed notwithstanding any reapportionment. If
9 any constituent district shall become entitled to increased
10 representation on the board the additional members shall be elected
11 at the next annual school election of the regional district. If, as a
12 result of such reapportionment, a disproportionate number of the
13 total representatives of any one constituent district to a regional
14 board are to be elected at a single annual school election, the
15 commissioner shall have the power, on petition of a constituent
16 district board of education, to alter the term of any member
17 representing such constituent district by not more than 1 year, so as
18 to temporarily apportion, as equally as possible over any given 3-
19 year period, the election of the members representing such
20 constituent district.¹

21 (cf: P.L.1977, c. 327, s. 1)

22
23 ¹8. Section 2 of P.L.2017, c.45 (C.18A:13-9a) is amended to
24 read as follows:

25 2. Notwithstanding the provisions of N.J.S.18A:13-9 or any
26 other section of law to the contrary, in the case in which the
27 membership of the board of education of the regional district is
28 apportioned pursuant to section 1 or section 3 of P.L.2017, c.45
29 (C.18A:13-34a or C.18A:13-46.1), the apportionment shall continue
30 in effect until the **【official promulgation】 receipt by the Governor**
31 of the next federal census. Immediately after the **【official**
32 **promulgation】 receipt by the Governor** of a federal census, the
33 Commissioner of Education shall consult with the constituent
34 districts of the regional district to determine whether or not to
35 reapportion the membership of the board of education of the
36 regional district. All members of the board of education of the
37 regional district shall continue in office for the terms for which they
38 were elected or appointed notwithstanding any reapportionment
39 ordered by the commissioner. If any constituent district receives
40 increased representation on the board as a result of a
41 reapportionment ordered by the commissioner, the additional
42 members shall be elected at the next annual school election of the
43 regional district. If, as a result of such reapportionment, a
44 disproportionate number of the total representatives of any one
45 constituent district to a regional board are to be elected at a single
46 annual school election, the commissioner shall have the power, on
47 petition of a constituent district board of education, to alter the term

1 of any member representing such constituent district by not more
2 than one year, so as to temporarily apportion, as equally as possible
3 over any given three-year period, the election of the members
4 representing such constituent district.¹

5 (cf: P.L.2017, c.45, s.2)

6
7 ¹9. Section 1 of P.L.1970, c.305 (C.18A:13-9.1) is amended to
8 read as follows:

9 1. Whenever the board of education of a regional district shall,
10 following the taking of a Federal decennial census and the issuance
11 of preliminary populations of the constituent districts pursuant to
12 said census but prior to the issuance of the final populations of said
13 districts and the **【official promulgation】** receipt by the Governor of
14 said census in this State, determine that (a) said final populations
15 and **【official promulgation】** receipt by the Governor of the census
16 shall not be available in time for the next succeeding election of
17 members of said board, (b) said preliminary figures indicate that
18 significant changes in the number of members to be allocated to the
19 constituent districts will result, and (c) the allocation of members
20 among the constituent districts on the basis of the present official
21 census effective in this State will result in inequitable
22 representation, it may, by resolution unanimously adopted and
23 approved by the Commissioner of Education, provide that,
24 notwithstanding the provisions of any other law to the contrary, the
25 members to be next elected pursuant to article 7 of chapter 13 of
26 Title 18A of the New Jersey Statutes shall be elected at a special
27 election to be held on a day no later than 60 days after the **【official**
28 **promulgation】** receipt by the Governor of said census in this State
29 as specified in said resolution.¹

30 (cf: P.L.1970, c.305, s.1)

31
32 ¹10. Section 3 of P.L.1990, c.85 (C.52:27D-386) is amended to
33 read as follows:

34 3. As used in this act, "qualifying municipality" means a
35 municipality which:

36 a. does not receive aid under P.L.1978, c.14 (C.52:27D-
37 178 et seq.);

38 b. has a population density that exceeds six times the State
39 population density, according to the most recent State population
40 and area estimates reported by the New Jersey Department of
41 Labor, Division of Labor Market and Demographic Research,
42 except that in the year of **【promulgation】** receipt by the Governor
43 of a federal decennial census, the census figures shall be used;

44 c. has a population that exceeds 7,500 residents; and

45 d. is located in any of the five most densely populated counties,
46 according to the most recent State population estimates reported by
47 the New Jersey Department of Labor, Division of Labor Market and

Demographic Research, except that in the year of **promulgation** receipt by the Governor of a federal decennial census, the census figures shall be used.¹
(cf: P.L.1990, c.85, s.3)

²11. Notwithstanding any other law to the contrary, with respect to the 2020 decennial census, the deadlines set forth in sections 5 and 7 of P.L.1981, c.496 (C.40:44-13 and C.40:44-15) shall be extended by seven days.²

¹**[5.]** ²**[11.1]** ^{12.}² This act shall take effect immediately and shall be retroactive to July 1, 2021.

Removes requirement for promulgation by Governor of national census.