[Second Reprint]

SENATE, No. 4161

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 15, 2021

Sponsored by:
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District 6 (Burlington and Camden)
Assemblyman STERLEY S. STANLEY
District 18 (Middlesex)

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SYNOPSIS

Removes requirement for promulgation by Governor of national census.

CURRENT VERSION OF TEXT

As amended on January 10, 2022 by the Senate pursuant to the Governor's recommendations.

(Sponsorship Updated As Of: 1/10/2022)

AN ACT concerning the promulgation by the Governor of the national census and amending various parts of the statutory law.

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

1. R.S.52:4-1 is amended to read as follows:

52:4-1. The governor is authorized to **[**file in the office of the secretary of state a copy of the bulletin issued by the director of the national census or other officer having charge thereof, and showing the population of the state**]** issue a statement declaring the date on which the Governor received the federal decennial census. **[2]**[The]**[2]** **[**filing of such bulletin**]** **[2]**[statement shall be]**[2]** **[**an official promulgation**]** **[2]**[deemed determinative of the date on which the Governor received such census]**[2]** **[**, which shall take effect immediately**]** **[2]**[.]**[2]** [1]Whenever in any statute or regulation reference is made to promulgation of the federal decennial census, the same shall mean and refer to the receipt by the Governor of the official federal decennial census.[1]

(cf: R.S.52:4-1)

2. Section 5 of P.L.1995, c.425 (C.34:13A-16.2) is amended to read as follows:

5. a. The commission shall promulgate guidelines for determining the comparability of jurisdictions for the purposes of paragraph (2) of subsection g. of section 3 of P.L.1977, c.85 (C.34:13A-16).

b. The commission shall review the guidelines promulgated under this section at least once every four years and may modify or amend them as is deemed necessary; provided, however, that the commission shall review and modify those guidelines in each year in which a federal decennial census **[**becomes effective pursuant to R.S.52:4-1**]** is received by the Governor.

(cf: P.L.1995, c.425, s.5)

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

40A:6-2. Whenever the classification of any county is changed by reason of increase of population as shown by any future federal decennial census, the change in class shall be deemed to take effect on July 1 following the **[**promulgation thereof pursuant to R.S. 52:4-1**]** receipt by the Governor of the federal decennial census.

(cf: P.L.1981, c.462, s.45)

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.

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

40A:6-6. A federal decennial census shall **[**take effect and**]** be applicable to the classification of all cities within 90 days after its **[**official promulgation pursuant to R.S. 52:4-1**]** receipt by the Governor.

(cf: P.L.1981, c.462, s.46)

[1]5. Section 5 of P.L.1981, c.496 (C.40:44-13) is amended to read as follows:

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

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

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

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

[1]6. N.J.S.18A:64A-8 is amended to read as follows:

18A:64A-8. For each county college there shall be a board of trustees, consisting of the county superintendent of schools and 10 persons, eight of whom shall be appointed by the appointing authority of the county with the advice and consent of the board of chosen freeholders, at least two of whom shall be women and two of whom shall be appointed by the Governor, according to criteria and for such initial terms as shall be established. However, no trustee shall be appointed after July 1, 1994 who is an employee of a constituent county. The president of the college shall serve as an ex officio member of the board of trustees without vote. In addition, the student body of each county college shall be entitled to

elect from the graduating class one representative to serve as a member on the board of trustees for a term of one year commencing at the first meeting of the board in July following graduation of his class. The student representative may be granted voting rights by a majority vote of the members of the board of trustees. If the board of trustees grants the student representative voting rights and all members of the board are present at the board meeting and there is a tie vote, the chairman shall break the tie.

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

When a county college is established by more than one county, the board of trustees shall be increased by two members for each additional participating county. The membership of the board of trustees shall be apportioned by the commission among the several counties as nearly as may be according to the number of inhabitants in each county as shown by the last federal census, officially **[**promulgated in**]** <u>received by the Governor of</u> this State. Each apportionment shall continue in effect until a reapportionment shall become necessary by reason of **[**the official promulgation**]** <u>receipt by the Governor</u> of the next federal census or the enlargement of the board by the admission of one or more additional counties as provided for in section 18A:64A-24. Each county shall be entitled to have at least two members and the county superintendent of the schools of said county on the board of trustees.**[1]**

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

[1]7. Section 1 of P.L.1967, c.271 (C.18A:13-9) is amended to read as follows:

1. Each apportionment shall continue in effect unless and until a reapportionment shall become necessary by reason of the **[**official promulgation**]** <u>receipt by the Governor</u> of the next Federal census or the enlargement of the regional district by the admission of one or more local districts. In any such case, immediately after the **[**official promulgation**]** <u>receipt by the Governor</u> of said census or the certification of a favorable result of the election for enlargement of the regional district the county superintendent or county superintendents of the county or counties in which the constituent districts are situate shall reapportion the members accordingly but all members shall continue in office for the terms for which they were elected or appointed notwithstanding any reapportionment. If

any constituent district shall become entitled to increased representation on the board the additional members shall be elected at the next annual school election of the regional district. If, as a result of such reapportionment, a disproportionate number of the total representatives of any one constituent district to a regional board are to be elected at a single annual school election, the commissioner shall have the power, on petition of a constituent district board of education, to alter the term of any member representing such constituent district by not more than 1 year, so as to temporarily apportion, as equally as possible over any given 3-year period, the election of the members representing such constituent district.[1]

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

[1]8. Section 2 of P.L.2017, c.45 (C.18A:13-9a) is amended to read as follows:

2. Notwithstanding the provisions of N.J.S.18A:13-9 or any other section of law to the contrary, in the case in which the membership of the board of education of the regional district is apportioned pursuant to section 1 or section 3 of P.L.2017, c.45 (C.18A:13-34a or C.18A:13-46.1), the apportionment shall continue in effect until the [official promulgation] receipt by the Governor of the next federal census. Immediately after the [official promulgation] receipt by the Governor of a federal census, the Commissioner of Education shall consult with the constituent districts of the regional district to determine whether or not to reapportion the membership of the board of education of the regional district. All members of the board of education of the regional district shall continue in office for the terms for which they were elected or appointed notwithstanding any reapportionment ordered by the commissioner. If any constituent district receives increased representation on the board as a result of a reapportionment ordered by the commissioner, the additional members shall be elected at the next annual school election of the regional district. If, as a result of such reapportionment, a disproportionate number of the total representatives of any one constituent district to a regional board are to be elected at a single annual school election, the commissioner shall have the power, on petition of a constituent district board of education, to alter the term of any member representing such constituent district by not more than one year, so as to temporarily apportion, as equally as possible over any given three-year period, the election of the members representing such constituent district.[1]

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

[1]9. Section 1 of P.L.1970, c.305 (C.18A:13-9.1) is amended to read as follows:

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

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

[1]10. Section 3 of P.L.1990, c.85 (C.52:27D-386) is amended to read as follows:

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

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

b. has a population density that exceeds six times the State population density, according to the most recent State population and area estimates reported by 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;

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

d. is located in any of the five most densely populated counties, according to the most recent State population estimates reported by 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)

[2]11. 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.