

Title 40A.  
Chapter 65 (New)  
Shared Services  
and Consolidation  
§§1-35 -  
C.40A:65-1 to  
40A:65-35  
§37 –  
Note to §§1-36  
§§39-41 -  
C.40A:5-48 to  
40A:5-50  
§§53-58 -  
C.18A:7-11 to  
18A:7-16  
§§59 - Note to  
§37 and §§38-58

P.L. 2007, CHAPTER 63, *approved April 3, 2007*  
Assembly, No. 4 (*First Reprint*)

- 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 savings<sup>1</sup> [; and

**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:

<sup>1</sup>Senate floor amendments adopted February 5, 2007.

1 **WHEREAS**, Increased accountability by the voters can better be  
2 ensured if elections of local officials who spend significant  
3 amounts of taxpayer money occur on days when a significant  
4 percentage of the population is likely to vote<sup>1</sup>; now, therefore,  
5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
7 *of New Jersey:*  
8

9 **ARTICLE 1. SHARED SERVICES AND CONSOLIDATION**  
10 **SUBARTICLE A. GENERAL PROVISIONS**  
11

12 1. (New section) Sections 1 through 35 of  
13 P.L. , c. (C. through ) (pending before the Legislature  
14 as this bill) shall be known and may be referred to as the “Uniform  
15 Shared Services and Consolidation Act.”  
16

17 2. (New section) The Legislature finds and declares:  
18 a. Historically, many specialized statutes have been enacted to  
19 permit shared services between local units for particular purposes.  
20 b. Other laws, permitting a variety of shared services, including  
21 interlocal services agreements, joint meetings, and consolidated and  
22 regional services, exist but have not been very effective in  
23 promoting the broad use of shared services as a technique to reduce  
24 local expenses funded by property taxpayers.  
25 c. It is appropriate for the Legislature to enact a new shared  
26 services statute that can be used to effectuate agreements between  
27 local units for any service or circumstance intended to reduce  
28 property taxes through the reduction of local expenses.  
29

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

33 “Board” means the Local Finance Board in the Division of Local  
34 Government Services in the Department of Community Affairs.

35 “Construct” and “construction” connote and include acts of  
36 construction, reconstruction, replacement, extension, improvement  
37 and betterment of lands, public improvements, works, facilities,  
38 services or undertakings.

39 “Contracting local units” means local units participating in a  
40 joint meeting.

41 “Director” means the Director of the Division of Local  
42 Government Services in the Department of Community Affairs.

43 “Division” means the Division of Local Government Services in  
44 the Department of Community Affairs.

45 “Governing body” means the board, commission, council, or  
46 other body having the control of the finances of a local unit; and in  
47 those local units in which an executive officer is authorized by law  
48 to participate in such control through powers of recommendation,

1 approval, or veto, the term includes that executive officer, to the  
2 extent of the officer's statutory participation.

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

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

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

15 "Operate" and "operation" mean and include acquisition,  
16 construction, maintenance, management, and administration of any  
17 lands, public improvements, works, facilities, services, or  
18 undertakings.

19 "Person" means any person, association, corporation, nation,  
20 State, or any agency or subdivision thereof, or a county or  
21 municipality of the State.

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

24 "Shared service" or "shared" means any service provided on a  
25 regional, joint, interlocal, shared, or similar basis between local  
26 units, the provisions of which are memorialized by agreement  
27 between the participating local units, but, for the purposes of this  
28 act, does not include any specific service or activity regulated by  
29 some other law, rule or regulation.

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

33 "Terminal leave benefit" means a single, lump sum payment,  
34 paid at termination, calculated using the regular base salary at the  
35 time of termination.

36

#### 37 SUBARTICLE B. SHARED SERVICES

38

39 4. (New section) a. (1) Any local unit may enter into an  
40 agreement with any other local unit or units to provide or receive  
41 any service that each local unit participating in the agreement is  
42 empowered to provide or receive within its own jurisdiction,  
43 including services incidental to the primary purposes of any of the  
44 participating local units.

45 (2) Notwithstanding any law, rule or regulation to the contrary,  
46 any agreement between local units for the provision of shared  
47 services shall be entered into pursuant to Article 1 of  
48 P.L. , c. (C. ) (pending before the Legislature as this bill);

1 provided, however, that agreements regarding shared services that  
2 are otherwise regulated by statute, rule, or regulation are  
3 specifically excluded from Article 1 of P.L. , c. (C. )  
4 (pending before the Legislature as this bill).

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

8 b. Any agreement entered into pursuant to this section shall be  
9 filed, for informational purposes, with the Division of Local  
10 Government Services in the Department of Community Affairs,  
11 pursuant to rules and regulation promulgated by the director.

12  
13 5. (New section) a. A local unit authorized to enter into an  
14 agreement under section 4 of P.L. , c. (C. ) (pending before  
15 the Legislature as this bill) may do so by the adoption of a  
16 resolution. A resolution adopted pursuant to this section or  
17 subsection b. of that section shall clearly identify the agreement by  
18 reference and need not set forth the terms of the agreement in full.

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

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

25  
26 6. (New section) a. In the case of an agreement for the  
27 provision of services by an officer or employee of a local unit who  
28 is required to comply with a State license or certification  
29 requirement as a condition of employment, the agreement shall  
30 provide for the payment of a salary to the officer or employee and  
31 shall designate one of the local units as the primary employer of the  
32 officer or employee for the purpose of that person's tenure rights. If  
33 the agreement fails to designate one of the local units as the primary  
34 employer, then the local unit having the largest population, shall be  
35 deemed the primary employer for the purposes of that person's  
36 tenure rights.

37 b. A State department or agency with oversight over specific  
38 activities that are the subject of a shared service agreement may  
39 promulgate whatever rules and regulations it deems necessary to  
40 ensure that the service continues to be provided in accordance with  
41 the requirements of that department or agency.

42  
43 7. (New section) a. An agreement made pursuant to section 4  
44 of P.L. , c. (C. ) (pending before the Legislature as this  
45 bill) shall specify:

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

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

4 (3) the estimated cost of the services throughout the duration of  
5 the agreement, with allocation of those costs to the parties, in dollar  
6 amounts or by formula, including a time schedule for periodic  
7 payment of installments for those allocations. The specification  
8 may provide for the periodic modification of estimates or formulas  
9 contained therein in the light of actual experience and in accordance  
10 with procedures to be specified in the agreement;

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

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

14 b. In the case when all of the participating local units are  
15 municipalities, the agreement may provide that it shall not take  
16 effect until submitted to the voters of each municipality, and  
17 approved by a majority of the voters of each municipality voting at  
18 the referendum.

19 c. The agreement may provide for binding arbitration or for  
20 binding fact-finding procedures to settle any disputes or questions  
21 which may arise between the parties as to the interpretation of the  
22 terms of the agreement or the satisfactory performance by any of  
23 the parties of the services and other responsibilities required by the  
24 agreement.

25 d. For the purposes of sections 4 through 13 of  
26 P.L. , c. (C. through ) (pending before the  
27 Legislature as this bill), any party performing a service under a  
28 shared service agreement is the general agent of any other party on  
29 whose behalf that service is performed pursuant to the agreement,  
30 and that agent-party has full powers of performance and  
31 maintenance of the service contracted for, and full powers to  
32 undertake any ancillary operation reasonably necessary or  
33 convenient to carry out its duties, obligations and responsibilities  
34 under the agreement. These powers include all powers of  
35 enforcement and administrative regulation which are, or may be,  
36 exercised by the party on whose behalf the agent-party acts  
37 pursuant to the agreement, except as the powers are limited by the  
38 terms of the agreement itself, and except that no contracting party  
39 shall be liable for any part or share of the cost of acquiring,  
40 constructing, or maintaining any capital facility acquired or  
41 constructed by an agent-party unless that part or share is provided  
42 for in the agreement, or in an amendment thereto ratified by the  
43 contracting parties in the manner provided in Article 1 of  
44 P.L. , c. (C. ) (pending before the Legislature as this bill)  
45 for entering into an agreement.

46 e. Except as the terms of any agreement may explicitly or by  
47 necessary implication provide, any party to an agreement entered  
48 into pursuant to section 4 of P.L. , c. (C. ) (pending before

1 the Legislature as this bill) may enter into another agreement or  
2 agreements with any other eligible parties for the performance of  
3 any service or services pursuant to Article 1 of  
4 P.L. , c. (C. ) (pending before the Legislature as this bill).  
5 The participation in one agreement shall not bar participation with  
6 the same or other parties in any other agreement.

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

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

16

17 8. (New section) a. Whenever two or more local units enter  
18 into an agreement, pursuant to section 4 of P.L. , c. (C. )  
19 (pending before the Legislature as this bill), for the shared provision  
20 of law enforcement services within their respective jurisdictions,  
21 the agreement shall recognize and preserve the seniority, tenure,  
22 and pension rights of every full-time law enforcement officer who  
23 is employed by each of the participating local units and who is in  
24 good standing at the time the ordinance authorizing the agreement  
25 is adopted, and none of those law enforcement officers shall be  
26 terminated, except for cause; provided, however, this provision  
27 shall not be construed to prevent or prohibit a merged law  
28 enforcement entity from reducing force as provided by law for  
29 reasons of economy and efficiency.

30 b. To provide for the efficient administration and operation of  
31 the shared law enforcement services within the participating local  
32 units, the agreement may provide for the appointment of a chief of  
33 police or other chief law enforcement officer. In that case, the  
34 agreement shall identify the appropriate authority to whom the chief  
35 of police or other chief law enforcement officer reports and also  
36 shall provide that any person who is serving as the chief of police or  
37 other chief law enforcement officer in one of the participating local  
38 units at the time the contract is adopted may elect either:

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

41 (2) to retire from service.

42 A person who elects retirement shall not be demoted, but shall  
43 retain the rank of chief of police or other chief law enforcement  
44 officer and shall be given terminal leave for a period of one month  
45 for each five-year period of past service as a law enforcement  
46 officer with a participating local unit. During the terminal leave,  
47 the person shall continue to receive full compensation and shall be  
48 entitled to all benefits, including any increases in compensation or

1 benefits, that he may have been entitled to if he had remained on  
2 active duty.

3 c. Whenever the participating local units have adopted or are  
4 deemed to have adopted Title 11A, Civil Service, of the New Jersey  
5 Statutes with regard to the provision of law enforcement services,  
6 and the agreement provides for the appointment of a chief of police  
7 or other chief law enforcement officer, the position of chief of  
8 police or other chief law enforcement officer shall be in the career  
9 service.

10

11 9. (New section) If any local unit performs a service on behalf  
12 of one or more other local units that are parties to an agreement that  
13 utilizes a private contractor to perform all or most of that service, or  
14 all or most of a specific and separate segment of that service, then  
15 that local unit shall award the contract for the work to be performed  
16 by a private contractor under the agreement in accordance with the  
17 "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et  
18 seq.).

19

20 10. (New section) In the event that any authority, board,  
21 commission, district, joint meeting, or other body created by one or  
22 more local units proposes to enter into a contract under Article 1 of  
23 P.L. , c. (C. ) (pending before the Legislature as this bill),  
24 whereby that entity agrees to have performed on its behalf services,  
25 the cost of which shall equal one-half or more of the total costs of  
26 the services being performed by that entity immediately prior to the  
27 adoption of the proposed contract, then the contract shall require  
28 approval by resolution of the governing body of each local unit  
29 which created the entity or which has become a participant therein  
30 subsequent to its creation.

31

32 11. (New section) a. When a local unit contracts, through a  
33 shared service or joint meeting, to have another local unit or a joint  
34 meeting provide a service it is currently providing using public  
35 employees and one or more of the local units have adopted Title  
36 11A, Civil Service, then the agreement shall include an employment  
37 reconciliation plan in accordance with this section that and, if one  
38 or more of the local units have adopted Title 11A, Civil Service,  
39 shall specifically set forth the intended jurisdiction of the  
40 Department of Personnel. An employment reconciliation plan shall  
41 be subject to the following provisions:

42 (1) a determination of those employees, if any, that shall be  
43 transferred to the providing local unit, retained by the recipient  
44 local unit, or terminated from employment for reasons of economy  
45 or efficiency<sup>1</sup>, subject to the provisions of any existing collective  
46 bargaining agreements within the local units<sup>1</sup> .

47 (2) any employee terminated for reasons of economy or  
48 efficiency by the local unit providing the service under the shared

1 service agreement shall be given a terminal leave payment of not  
2 less than a period of one month for each five-year period of past  
3 service as an employee with the local unit, or other enhanced  
4 benefits that may be provided or negotiated. For the purposes of  
5 this paragraph, "terminal leave payment" means a single, lump sum  
6 payment, paid at termination, calculated using the regular base  
7 salary at the time of termination. Unless otherwise negotiated or  
8 provided by the employer, a terminal leave benefit shall not include  
9 extended payment, or payment for retroactive salary increases,  
10 bonuses, overtime, longevity, sick leave, accrued vacation or other  
11 time benefit, or any other benefit.

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

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

27 (5) when an action is required of the Department of Personnel by  
28 this section, parties to a planned shared service agreement may  
29 consult with that department in advance of the action and the  
30 department shall provide such technical support as may be  
31 necessary to assist in the preparation of an employment  
32 reconciliation plan or any other action required of the department  
33 by this section.

34 b. If all the local units that are parties to the agreement are  
35 subject to the provisions of Title 11A, Civil Service, of the New  
36 Jersey Statutes, the Department of Personnel shall create an  
37 implementation plan for the agreement that will: (1) transfer  
38 employees with current status in current title unless reclassified, or  
39 (2) reclassify employees into job titles that best reflect the work to  
40 be performed. The Department of Personnel shall review whether  
41 any existing hiring or promotional lists should be merged,  
42 inactivated, or re-announced. Non-transferred employees shall be  
43 removed or suspended only for good cause and after the opportunity  
44 for a hearing before the Merit System Board; provided, however,  
45 that they may be laid-off in accordance with the provisions of  
46 N.J.S.11A:8-1 et seq., and the regulations promulgated thereunder.  
47 The final decision of which employees shall transfer to the new  
48 employer is vested solely with the local unit that will provide the



1 service and subject to 'the provisions of' any '[agreement between  
2 the parties] existing collective bargaining agreements within the  
3 local units'.

4 c. If the local unit that will provide the service pursuant to a  
5 shared service agreement is subject to Title 11A, Civil Service, of  
6 the New Jersey Statutes, but the local unit to receive the service is  
7 not subject to that Title, and the contracting local units desire that  
8 some or all employees of the recipient local unit are to be  
9 transferred to the providing local unit, the Department of Personnel  
10 shall vest only those employees who have been employed for one  
11 year or more in permanent status pursuant to N.J.S.11A:9-9 in  
12 appropriate titles, seniority, and tenure with the providing local unit  
13 based on the duties of the position. The final decision of which  
14 employees shall transfer to the new employer is vested solely with  
15 the local unit that will provide the service and subject to 'the  
16 provisions of' any '[agreement between the contracting] existing  
17 collective bargaining agreements within the' local units.

18 d. If the local unit that will provide the service is not subject to  
19 the provisions of Title 11A, Civil Service, of the New Jersey  
20 Statutes, but the local unit that will receive the service is subject to  
21 that Title and the parties desire that some or all employees of the  
22 recipient local unit are to be transferred to the providing local unit,  
23 the transferred employees shall be granted tenure in office and shall  
24 only be removed or suspended for good cause and after a hearing;  
25 provided, however, that they may be laid-off in accordance with the  
26 provisions of N.J.S.11A:8-1 et seq., and the regulations  
27 promulgated thereunder. The transferred employees shall be  
28 subject to layoff procedures prior to the transfer to the new entity.  
29 Once transferred, they will be subject to any employment contracts  
30 and provisions that exist for the new entity. The final decision of  
31 which employees shall transfer to the new employer is vested solely  
32 with the local unit that will provide the service and subject to 'the  
33 provisions of' any '[agreement between the parties] existing  
34 collective bargaining agreements within the local units'.

35  
36 12. (New section) The Public Employment Relations  
37 Commission is specifically authorized to provide technical advice,  
38 pursuant to section 12 of P.L.1968, c.303 (C.34:13A-8.3), and  
39 mediation services to integrate separate labor agreements into single  
40 agreements for the shared service agreement. The commission may  
41 order binding arbitration, pursuant to P.L.1995, c.425 (C.34:13A-  
42 14a et seq.), to integrate any labor agreement.

43  
44 13. (New section) It is the intent of the Legislature to facilitate  
45 and promote shared service agreements, and therefore the grant of  
46 power under sections 1 through 35 of P.L. , c. (C. through )

1 (pending before the Legislature as this bill) is intended to be as  
2 broad as is consistent with general law.

3

4

#### SUBARTICLE C. JOINT MEETINGS

5

6 14. (New section) a. The governing bodies of any two or more  
7 local units may enter into a joint contract, for a period not to exceed  
8 40 years, to provide for the formation of a joint meeting for the  
9 joint operation of any public services, public improvements, works,  
10 facilities, or undertakings which the local units are empowered to  
11 operate. The contract shall be entered into in accordance with the  
12 procedures set forth in subsection b. of section 16 of this bill.

13 b. A joint contract may provide for joint services for any  
14 services which any contracting local unit, on whose behalf those  
15 services are to be performed, is legally authorized to provide for  
16 itself. Those services include, but are not limited to, general  
17 government administration, health, police and fire protection, code  
18 enforcement, assessment and collection of taxes, financial  
19 administration, environmental protection, joint municipal courts,  
20 and youth, senior citizens and social welfare programs.

21 c. The joint contract shall set forth the public services, public  
22 improvements, works, facilities, or undertakings which the  
23 contracting local units desire to operate jointly, and shall provide in  
24 general terms the manner in which the public services, public  
25 improvements, works, facilities or undertakings shall be jointly  
26 operated, and the respective duties and responsibilities of the  
27 contracting local units.

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

31

32 15. (New section) a. A joint meeting is a public body corporate  
33 and politic constituting a political subdivision of the State for the  
34 exercise of public and essential governmental functions to provide  
35 for the public health and welfare.

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

39 (1) to sue and be sued;

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

42 (3) to enter into any and all contracts or agreements and to  
43 execute any and all instruments;

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

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

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

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

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

16 (9) to acquire, maintain, use, and operate lands, public  
17 improvements, works, or facilities in any municipality in the State,  
18 except where the governing body of the municipality, by resolution  
19 adopted within 60 days after receipt of written notice of intention to  
20 so acquire, maintain, use, or operate, shall find that the same would  
21 adversely affect the governmental operations and functions and the  
22 exercise of the police powers of that municipality.

23 c. If the governing body of a municipality in which a joint  
24 meeting has applied for the location and erection of sewage  
25 treatment or solid waste disposal facilities refuses permission  
26 therefore, or fails to take final action upon the application within 60  
27 days of its filing, the joint meeting may, at any time within 30 days  
28 following the date of such refusal or the date of expiration of the  
29 60-day period, apply to the Department of Environmental  
30 Protection for relief. That department is authorized, after hearing  
31 the joint meeting and the interested municipality, to grant the  
32 application for the erection of the sewage treatment or disposal or  
33 solid waste treatment or disposal facilities, notwithstanding the  
34 refusal or failure to act of the municipal governing body, upon  
35 being satisfied that the topographical and other physical conditions  
36 existing in the local units comprising the joint meeting are such as  
37 to make the erection of such facilities within its boundaries  
38 impracticable as an improvement for the benefit of the whole  
39 applying joint meeting.

40  
41 16. (New section) a. The joint contract shall provide for the  
42 operation of the public services, public improvements, works,  
43 facilities, or undertakings of the joint meeting, for the  
44 apportionment of the costs and expenses of operation required  
45 therefore among the contracting local units, for the addition of other  
46 local units as members of the joint meeting, for the terms and  
47 conditions of continued participation and discontinuance of  
48 participation in the joint meeting by the contracting local units, and

1 for such other terms and conditions as may be necessary or  
2 convenient for the purposes of the joint meeting. The  
3 apportionment of costs and expenses may be based upon assessed  
4 valuations, population, and such other factor or factors, or any  
5 combination thereof, as may be provided in the joint contract.

6 b. (1) Notwithstanding any law to the contrary concerning  
7 approval of contracts, the joint contract shall be subject to approval  
8 by resolution of the governing bodies of each of the local units prior  
9 to its execution by the official or officials who are authorized to  
10 execute a joint contract.

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

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

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

18  
19 17. (New section) a. Whenever the governing bodies of two or  
20 more local units enter into a joint contract for the joint operation of  
21 law enforcement services within their respective jurisdictions, the  
22 contract shall recognize and preserve the seniority, tenure, and  
23 pension rights of every full-time law enforcement officer who is  
24 employed by each of the contracting local units and who is in good  
25 standing at the time the ordinance or resolution, as the case may be,  
26 authorizing the contract is adopted, and none of those law  
27 enforcement officers shall be terminated, except for cause;  
28 provided, however, this provision shall not be construed to prevent  
29 or prohibit a merged law enforcement entity from reducing force as  
30 provided by law for reasons of economy and efficiency.

31 b. (1) To provide for the efficient administration and operation  
32 of the joint law enforcement services within the participating local  
33 units, the joint contract may provide for the appointment of a chief  
34 of police or other chief law enforcement officer. In that case, the  
35 joint contract shall identify the appropriate authority to whom the  
36 chief of police or other chief law enforcement officer reports and  
37 also shall provide that any person who is serving as the chief of  
38 police or other chief law enforcement officer in one of the  
39 participating local units at the time the joint contract is adopted may  
40 elect either:

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

43 (b) to retire from service.

44 (2) Any person who elects retirement shall not be demoted but  
45 shall retain the rank of chief of police or other chief law  
46 enforcement officer and shall be given terminal leave for a period of  
47 one month for each five-year period of past service as a law  
48 enforcement officer with the participating local unit. During the

1 terminal leave, the person shall continue to receive full  
2 compensation and shall be entitled to all benefits, including any  
3 increases in compensation or benefits, that he may have been  
4 entitled to if he had remained on active duty.

5 c. Whenever the participating local units have adopted or are  
6 deemed to have adopted Title 11A, Civil Service, of the New Jersey  
7 Statutes with regard to the provision of law enforcement services,  
8 and the contract provides for the appointment of a chief of police or  
9 other chief law enforcement officer, the position of chief law  
10 enforcement officer shall be in the career service.

11

12 18. (New section) a. When a joint meeting merges bargaining  
13 units that have current contracts negotiated in accordance with the  
14 provisions of the "New Jersey Employer-Employee Relations Act,"  
15 P.L.1941, c.100 (C.34:13A-1 et seq.), the terms and conditions of  
16 the existing contracts shall apply to the rights of the members of the  
17 respective bargaining units until a new contract is negotiated,  
18 reduced to writing, and signed by the parties as provided pursuant  
19 to law and regulation promulgated thereunder.

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

27

28 19. (New section) a. When a local unit agrees to participate in  
29 a joint meeting that will provide a service that the local unit is  
30 currently providing itself through public employees, the agreement  
31 shall include an employment reconciliation plan in accordance with  
32 this section. An employment reconciliation plan shall be subject to  
33 the following provisions:

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

39 (2) any employee terminated for reasons of economy or  
40 efficiency by the contracting local unit providing the service or by  
41 the joint meeting shall be given a terminal leave payment of not less  
42 than a period of one month for each five-year period of past service  
43 as an employee with the local unit, or other enhanced benefits that  
44 may be provided or negotiated. Unless otherwise negotiated or  
45 provided by the employer, a terminal leave benefit shall not include  
46 extended payment, or payment for retroactive salary increases,  
47 bonuses, overtime, longevity, sick leave, accrued vacation or other  
48 time benefit, or any other benefit.

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

7 (4) when a proposed joint contract affects employees in local  
8 units that operate under the provisions of Title 11A, Civil Service,  
9 of the New Jersey Statutes, an employment reconciliation plan shall  
10 be filed with the Department of Personnel prior to the approval of  
11 the joint meeting agreement. That department shall review the plan  
12 for consistency with this section within 45 days of receipt and it  
13 shall be deemed approved, subject to approval of the joint meeting  
14 agreement by the end of that time, unless that department has  
15 responded with a denial or conditions that must be met in order for  
16 it to be approved.

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

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

41 c. If the joint meeting operates under the provisions of Title  
42 11A, Civil Service, of the New Jersey Statutes, and a local unit  
43 receiving the service is not subject to that Title, and the parties  
44 desire that some or all employees of the local unit be transferred to  
45 the joint meeting, the Department of Personnel shall vest only those  
46 employees who have been employed one year or more in permanent  
47 status pursuant to N.J.S.40A:9-9 in appropriate titles, seniority, and  
48 tenure with the providing local unit based on the duties of the

1 position. The final decision of which employees shall transfer to  
2 the new employer is vested solely with 'the' joint meeting and  
3 subject to '[any agreement between] the agreements affecting' the  
4 parties', provided that those agreements do not conflict with the  
5 provisions of any existing collective bargaining agreements within  
6 the local units'.

7 d. (1) If the joint meeting does not operate under the provisions  
8 of Title 11A, Civil Service, of the New Jersey Statutes, and the  
9 local unit receiving the service is subject to that Title, and the  
10 parties desire that some or all employees of the recipient local unit  
11 are to be transferred to the joint meeting, then the transferred  
12 employees shall be granted tenure in office and shall be removed or  
13 suspended only for good cause and after a hearing. The transferred  
14 employees shall be subject to layoff procedures prior to the transfer  
15 to the new entity. Once transferred, they will be subject to any  
16 employment contracts and provisions that exist for the new entity.  
17 The final decision of which employees shall transfer to the joint  
18 meeting is vested solely with the joint meeting and subject to '[any  
19 agreement between the parties] the provisions of any existing  
20 collective bargaining agreements within the local units'.

21 (2) A joint meeting established after the effective date of Article  
22 1 of P.L. , c. (C. ) (pending before the Legislature as this  
23 bill) that affects both employees in local units subject to Title 11A,  
24 Civil Service, of the New Jersey Statutes and employees in local  
25 units not subject to that Title, shall determine whether the  
26 employees of the joint meeting shall be subject to the Title. If the  
27 joint meeting determines that the employees shall not be subject to  
28 Title 11A, Civil Service, of the New Jersey Statutes, then the  
29 employees from the local units in which the Title is in effect shall  
30 have the same rights as employees transferred pursuant to paragraph  
31 (1) of this subsection.

32  
33 20. (New section) a. The joint contract shall provide for the  
34 constitution and appointment of a management committee to consist  
35 of at least three members, of which one shall be appointed by the  
36 governing body of each of the local units executing the joint  
37 contract. The members shall be residents of the appointing local  
38 unit, except that a member who is the chief financial officer,  
39 business administrator, municipal administrator, or municipal  
40 manager of the local unit making the appointment need not be a  
41 resident of the appointing local unit. The appointees may or may  
42 not be members of the appointing governing body. Each member of  
43 the management committee shall hold office for the term of one  
44 year and until the member's successor has been appointed and  
45 qualified. In the event that there is an even number of local units  
46 that are parties to the joint contract, the management committee  
47 shall consist of one member appointed by each of the governing

1 bodies and one member selected by the two other appointed  
2 members.

3 b. The management committee shall elect annually from among  
4 its members a chair to preside over its meetings. The management  
5 committee may appoint such other officers and employees,  
6 including counsel, who need not be members of the management  
7 committee or members of the governing bodies or employees or  
8 residents of the local units, as it may deem necessary. The  
9 employees appointed by the management committee shall hold  
10 office for such term not exceeding four years as may be provided by  
11 the joint contract. The management committee shall adopt rules  
12 and regulations to provide for the conduct of its meetings and the  
13 duties and powers of the chairman and such other officers and  
14 employees as may be appointed. All actions of the management  
15 committee shall be by vote of the majority of the entire membership  
16 of the committee, except for those matters for which the contract  
17 requires a greater number, and shall be binding on all local units  
18 who have executed the joint contract. The management committee  
19 shall exercise all of the powers of the joint meeting subject to the  
20 provisions of the joint contract.

21 The joint contract may provide for the delegation of the  
22 administration of any or all of the services, lands, public  
23 improvements, works, facilities or undertakings of the joint meeting  
24 to the governing body of any one of the several contracting local  
25 units, in which event such governing body shall have and exercise  
26 all of the powers and authority of the management committee with  
27 respect to such delegated functions.

28  
29 21. (New section) The cost of acquiring, constructing, and  
30 operating any public improvements, works, facilities, services, or  
31 undertakings, or any part thereof, as determined by the management  
32 committee, shall be apportioned among the participating local units  
33 as provided by the joint contract. Each local unit shall have power  
34 to raise and appropriate the funds necessary therefore in the same  
35 manner and to the same extent as the local unit would have if it  
36 were acquiring and constructing the same for itself, including the  
37 power to authorize and issue bonds or other obligations pursuant to  
38 the "Local Bond Law," N.J.S.40A:2-1 et seq. The management  
39 committee shall certify to the participating local units the cost of the  
40 acquisition or construction, as well as the apportioned shares  
41 thereof, within 15 days after its action thereon.

42  
43 22. (New section) The management committee, not later than  
44 November 1 of each year, shall certify to the participating local  
45 units the total costs and expenses of operation, other than  
46 acquisition and construction costs, of the services, public  
47 improvements, works, facilities, or undertakings for the ensuing  
48 year, in accordance with the terms and provisions of the joint



1 contract, together with an apportionment of the costs and expenses  
2 of operation among the participating local units in accordance with  
3 the method of apportionment provided in the joint contract. It shall  
4 be the duty of each participating local unit to include its  
5 apportioned share of such costs and expenses of operation in its  
6 annual budget, and to pay over to the management committee its  
7 apportioned share as provided in the joint contract. Operations  
8 under the budget and related matters shall be subject to and in  
9 accordance with rules of the Local Finance Board or the  
10 Commissioner of Education, as appropriate. The Local Finance  
11 Board shall be responsible for the determination of the appropriate  
12 rule-making authority with regard to each joint contract. For the  
13 first year of operation under the joint contract, a participating local  
14 unit may adopt a supplemental or emergency appropriation for the  
15 purpose of paying its apportioned share of the costs and expenses of  
16 operation, if provision therefore has not been made in the annual  
17 budget.

18

19 23. (New section) The joint contract shall be terminated upon  
20 the adoption of a resolution to that effect by the governing bodies of  
21 two-thirds of the local units then participating; except that if only  
22 two local units are then participating, adoption of a resolution by  
23 both units shall be required to terminate the contract. The  
24 termination shall not be made effective earlier than the end of the  
25 fiscal year next succeeding the fiscal year in which the last of the  
26 required number of local units adopts its termination resolution

27

28 24. (New section) Any joint meeting or public school jointure  
29 formed under a previous law is continued and shall be governed  
30 under the provisions of sections 1 through 35 of  
31 P.L. , c. (C. through ) (pending before the Legislature  
32 as this bill).

33

#### 34 SUBARTICLE D. LOCAL OPTION MUNICIPAL 35 CONSOLIDATION

36

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

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

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

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

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

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

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

22 c. An application to create a Municipal Consolidation Study  
23 Commission shall propose a process to study the feasibility of  
24 consolidating the participating municipalities into a single new  
25 municipality or merging one into the other. The application shall  
26 include provisions for:

27 (1) the means of selection and qualifications of study  
28 commissioners;

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

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

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

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

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

43 d. (1) An application to the board for consideration of a  
44 consolidation plan or to create a Municipal Consolidation Study  
45 Commission shall be subject to a public hearing within each  
46 municipality to be studied, and a joint public hearing in a place that  
47 is easily accessible to the residents of both or all of the  
48 municipalities.

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

5 (3) After approval of a plan by the board, it may be amended  
6 upon petition to the board by the applicant. Based on the nature of  
7 the amendment, the board may decide to hold a public hearing in  
8 any of the municipalities affected by the plan, or at a regular  
9 meeting, or both.

10 e. Every Municipal Consolidation Study Commission shall  
11 include a representative of the Department of Community Affairs as  
12 a non-voting representative on the commission. The representative  
13 shall not be a resident of a municipality participating in the study.  
14 The department shall prepare an objective fiscal study of the fiscal  
15 aspects of a consolidation and shall provide it to the commission in  
16 a timely manner.

17 f. If the consolidation would include the consolidation of boards  
18 of education, a person appointed by the Commissioner of Education  
19 shall serve as a non-voting member of that Municipal Consolidation  
20 Study Commission. The representative of the Commissioner of  
21 Education shall not be a resident of a community participating in  
22 the study. The county superintendent of schools shall conduct a  
23 study on the impact of consolidation on the educational system and  
24 its finances. The report shall be provided to the commission in a  
25 timely manner.

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

42 h. In considering its decisions under Article 1 of  
43 P.L. , c. (C. ) (pending before the Legislature as this bill),  
44 the Local Finance Board and any other State agency shall take into  
45 account local conditions, the reasonableness of proposed decisions,  
46 and the facilitation of the consolidation process in making decisions  
47 concerning consolidation.

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

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

9       (2) duplicate positions, including those held by tenured, certified  
10 officers, listing those positions proposed to be abolished for reasons  
11 of economy, efficiency or other good cause and listing those  
12 positions proposed to be merged; and

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

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

23       (1) creation of a consolidation implementation plan to establish a  
24 timetable of significant events and goals to be achieved as part of a  
25 consolidation study;

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

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

44       (4) the use of advisory planning districts, comprised of residents  
45 living in the former territories of each former municipality, to  
46 provide advice to the planning board and the zoning board of  
47 adjustment on applications and master plan changes affecting those  
48 areas. A consolidation study plan shall specify that types and

1 nature of the development and zoning applications that the advisory  
2 planning districts shall review and the official boards shall be  
3 required to respond, at a public meeting, to each suggestion made  
4 by an advisory planning district;

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

9 (6) the continued use of boundary lines of any or all of the  
10 former municipalities to continue local ordinances that existed prior  
11 to consolidation that the governing body deems necessary and  
12 appropriate. The need for any such differentiation shall be  
13 reviewed by the governing body at least every five years and shall  
14 only be continued upon the affirmative vote of the full membership  
15 of the governing body, and if such continuance fails, the governing  
16 body shall then adopt uniform policies for the entire area; and

17 (7) the apportionment of existing debt between the taxpayers of  
18 the consolidating municipalities, including whether existing debt  
19 should be apportioned in the same manner as debt within special  
20 taxing districts so that the taxpayers of each consolidating  
21 municipality will continue to be responsible for their own pre-  
22 consolidation debts.

23 c. When one of the municipalities is subject to the provisions of  
24 Title 11A, Civil Service, of the New Jersey Statutes, the question of  
25 whether the new municipality shall be subject to the provisions of  
26 that Title shall be the subject of a public referendum before all of  
27 the voters of the consolidating municipalities. Upon the approval  
28 by a majority of those voting, regardless of their municipality of  
29 residence, the new municipality shall be subject to the provisions of  
30 that Title.

31

32 27. (New section) a. Once a consolidation has been approved  
33 by the affected municipal governing bodies or voters, the division  
34 shall create a task force of State departments, offices and agencies,  
35 as it deems appropriate, and representatives of affected  
36 negotiations units,<sup>1</sup> to facilitate the consolidation and provide  
37 technical assistance.

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

44 c. Whenever a referendum question to decide if a consolidated  
45 municipality shall be subject to the provisions of Title 11A, Civil  
46 Service, of the New Jersey Statutes fails, the employees of a  
47 municipality already subject to that Title shall be given non-civil

1 service titles in the new entity and previously held tenure shall be  
2 vacated.

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

10

11 28. (New section) a. If a revaluation of property for the  
12 consolidated municipality is not implemented for the first local  
13 budget year of the consolidated municipality, then the assessments  
14 on the properties owned by the taxpayers of the former  
15 municipalities shall be equalized for the apportionment of taxes for  
16 the consolidated municipality, in the same manner as assessments  
17 are equalized for the apportionment of county taxes.

18 b. The owners of any residential property or residential tenants  
19 of any municipality consolidated under Article 1 of  
20 P.L. , c. (C. ) (pending before the Legislature as this bill), or  
21 the "Municipal Consolidation Act," P.L.1977, c.435 (C.40:43-66.35  
22 et seq.), who experience a municipal or school district purposes real  
23 property tax increase in the first tax year following the municipal  
24 consolidation shall be entitled to annual property tax relief until  
25 such time as they sell or transfer their home or no longer reside as  
26 tenants in the rental unit they occupied just prior to the municipal  
27 consolidation. In the case of the owner of residential property, the  
28 property tax relief shall be reflected as a credit on the property tax  
29 bill equal to the difference between the municipal and school  
30 district purposes real property tax payable by the taxpayer for the  
31 tax year, subject to any adjustment as determined necessary by the  
32 Director of the Division of Local Government Services in the  
33 Department of Community Affairs to reflect operating budgets for a  
34 normal pre-consolidated fiscal year, and the municipal and school  
35 district purposes real property tax billed to that taxpayer for the tax  
36 year during which the consolidation is effectuated, as may be  
37 adjusted by the Director of the Division of Local Government  
38 Services in the Department of Community Affairs to reflect normal  
39 post-consolidation operating budgets for the municipalities and  
40 school districts. In the case of a residential tenant, the tax credit  
41 applied to an apartment property shall be distributed to eligible  
42 tenants pursuant to the provisions of the "Tenants' Property Tax  
43 Rebate Act," P.L.1976, c.63 (C.54:4-6.2 et seq.) and this section.  
44 The total of all such relief in the municipality shall be paid by the  
45 State to the municipality on a schedule determined by the Local  
46 Finance Board. For the purpose of this subsection, a "normal"  
47 budget year shall be one that, in the determination of the director,

1 does not reflect expenses made in anticipation of, or  
2 implementation expenses related to, a municipal consolidation.

3  
4 29. (New section) The provisions of Article 1 of  
5 P.L. , c. (C. ) (pending before the Legislature as this bill)  
6 shall be liberally construed to effectuate the intention of sections 25  
7 through 28 of P.L. , c. (C. through ) (pending before the  
8 Legislature as this bill). The board is empowered to act to provide  
9 guidance, interpretation, and to resolve disputes regarding these  
10 sections or the "Municipal Consolidation Act," P.L.1977, c.435  
11 (C.40:43-66.35 et seq.). Decisions of the board may be appealed  
12 directly to the Appellate Division of the Superior Court.

13

14 SUBARTICLE E. SHARING AVAILABLE RESOURCES  
15 EFFICIENTLY PROGRAM

16

17 30. (New section) a. A local unit that plans to study the  
18 feasibility of a shared service agreement, joint meeting contract, or  
19 municipal consolidation may apply to the director for grants or  
20 loans to fund the study, including consultant costs, and to fund one-  
21 time start-up costs of a shared service agreement or joint meeting  
22 contract or municipal consolidation. The director, in consultation  
23 with the Commissioner of Education, shall establish a program to  
24 be known as the "Sharing Available Resources Efficiently"  
25 program, or "SHARE," to accomplish this purpose, and, in  
26 consultation with the commissioner, shall promulgate rules and  
27 regulations necessary to effectuate the purposes of the program.

28 b. The director, in consultation with the commissioner, shall  
29 provide guidelines and procedures for the submission of SHARE  
30 grant and loan applications.

31 c. Applications for shared service study funds:

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

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

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

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

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

47 (2) The director may set limits on aid awards and negotiate the  
48 various provisions, costs, payment provisions, and amounts of

1 grants or loans to ensure that the shared service is cost effective and  
2 in the public interest. Financial assistance for costs associated with  
3 terminal leave benefits shall be limited to the lesser of the officer or  
4 employee's regular base rate of compensation that is paid for the  
5 terminal leave benefit pursuant to an applicable employment  
6 contract, local practice, local ordinance, or State law.

7 e. The director may provide technical support programs to assist  
8 local units in applying for grants or aid for studying shared services.  
9

10 31. (New section) There is created a "Sharing Available  
11 Resources Efficiently" account within the Property Tax Relief Fund  
12 as a non-lapsing revolving account which shall receive monies as  
13 may be credited to it from the Property Tax Relief Fund, the  
14 repayments of loans made from the account, and any other funds as  
15 may be appropriated to the account from time to time. Monies in  
16 the account shall be appropriated for the purposes of Article 1 of  
17 P.L. , c. (C. ) (pending before the Legislature as this bill).  
18

19 SUBARTICLE F. VOTER PARTICIPATION TO IDENTIFY  
20 SHARED SERVICES AND OTHER COST-SAVING  
21 OPPORTUNITIES  
22

23 32. (New section) The governing body of a municipality may  
24 adopt, at any regular meeting, a resolution requesting the clerk of  
25 the county to print upon the official ballots to be used at the next  
26 ensuing regular or general election, as appropriate, a certain  
27 proposition to authorize the creation of a citizen's commission,  
28 consisting of members of the governing body, appropriate  
29 municipal officials such as the municipal purchasing agent, and at  
30 least an equal number of residents of the municipality, and to  
31 identify and implement shared service, joint meeting, or  
32 consolidation opportunities for the municipality. The proposition  
33 shall be formulated and expressed in the resolution in concise form  
34 and filed with the clerk of the county not later than 74 days  
35 previous to the election. If approved by a majority of those voting  
36 at the election, the proposition shall be binding and shall constitute  
37 the authority for the governing body to appoint members to the  
38 citizen's commission and provide resources as it deems necessary.  
39

40 SUBARTICLE G. MISCELLANEOUS  
41

42 33. (New section) Any shared service agreement, joint contract  
43 for a joint meeting, or agreement to regionalize or consolidate  
44 services in existence at the time of enactment of Article 1 of  
45 P.L. , c. (C. ) (pending before the Legislature as this bill)  
46 are continued pursuant to the law in effect at the time that the  
47 agreement or contract were executed; provided, however, that any



1 renewals shall be in accordance with the provisions of Article 1 of  
 2 P.L. , c. (C. ) (pending before the Legislature as this bill).

3  
 4 34. (New section) a. Any shared service or joint meeting  
 5 agreement or municipal consolidation shall be deemed in  
 6 furtherance of the public good and presumed valid, subject to a  
 7 rebuttable presumption of good faith on the part of the governing  
 8 bodies entering into the agreement.

9 b. With regard to any responsibilities assigned to the Public  
 10 Employment Relations Commission pursuant to Article 1 of  
 11 P.L. , c. (C. ) (pending before the Legislature as this  
 12 bill):

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

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

20 (3) Within 14 days of receiving a decision, a party aggrieved by  
 21 a decision of a mediator or arbitrator assigned by the commission  
 22 may file notice of an appeal of an award to the commission. In  
 23 deciding an appeal, the commission, pursuant to rule and regulation  
 24 and upon petition, may afford the parties the opportunity to present  
 25 oral arguments. The commission may affirm, modify, correct or  
 26 vacate the award or may, at its discretion, remand the award to the  
 27 same arbitrator or to another arbitrator, selected by lot, for  
 28 reconsideration. An aggrieved party may appeal a decision of the  
 29 commission to the Appellate Division of the Superior Court.

#### 30 31 SUBARTICLE H. REPEALER

32  
 33 35. (New section) The following sections of law are repealed:

34 N.J.S.11A:9-8;

35 N.J.S.18A:46-25 through 18A:46-28;

36 R.S.27:14-33 through 27:14-34;

37 Section 12 of P.L.1947, c.62 (C.27:15-1.11);

38 R.S.27:16-22;

39 R.S.27:16-24;

40 R.S.27:16-40;

41 R.S.27:16-69 and 27:16-70;

42 R.S.27:16-72 through 27:16-76;

43 R.S.27:19-8;

44 R.S.27:19-38;

45 R.S.27:20-2 through 27:20-4;

46 R.S.27:22-1 through 27:22-9;

47 R.S.27:22-11;

48 Section 1 of P.L.1952, c.120 (C.40:5-2.9);

1 Sections 1 through 9, 19, and 20 of P.L.1973, c.208 (C.40:8A-3  
2 through 40:8A-11);  
3 Section 2 of P.L.1992, c.145 (C.40:8A-6.1);  
4 Sections 1 through 5 of P.L.1999, c.60 (C.40:8B-14 through  
5 40:8B-18);  
6 Sections 1 through 11 of P.L.1952, c.72 (C.40:48B-1 through  
7 40:48B-11);  
8 Sections 8 and 9 of P.L.1960, c.3 (C.40:48B-12 and 40:48B-13);  
9 Sections 1 and 2 of P.L.1951, c.102 (C.40:54-29.1 and 40:54-  
10 29.2);  
11 Sections 1 through 4 of P.L.1958, c.147.(C.40:60-25.47 through  
12 40:60-25.50);  
13 Sections 1 through 4 of P.L.1964, c.185 (40:61-35.1 through  
14 40:61-35.4);  
15 R.S.40:67-24 and 40:67-25; and  
16 R.S.40:67-36 through 40:67-46.  
17  
18 36. Section 1 of P.L.1967, c.27 (C.18A:17-14.1) is amended to  
19 read as follows:  
20 1. A board or the boards of two or more districts may, under  
21 rules and regulations prescribed by the State board, appoint a school  
22 business administrator by a majority vote of all the members of the  
23 board, define his duties, which may include serving as secretary of  
24 one of the boards, and fix his salary, whenever the necessity for  
25 such appointment shall have been agreed to by the county  
26 superintendent of schools or the county superintendents of schools  
27 of the counties in which the districts are situate and approved by the  
28 commissioner and the State board. **【A school business  
29 administrator shall be appointed in the manner provided in this  
30 section, however when the boards of education of two or more  
31 school districts determine to share a school business administrator,  
32 the appointment shall comply with the provisions of section 4 of  
33 P.L.1996, c.111 (C.18A:17-24.1).】**  
34 Nothing in P.L.1996, c.111 (C.18A:17-24.1 et al.) shall prohibit  
35 a school district from subcontracting its school business  
36 administrator to another school district pursuant to the provisions of  
37 P.L.1973, c.208 (C.40:8A-1 et seq.) , in which case credit toward  
38 tenure acquisition shall accrue only in the primary district of  
39 employment. **【The provisions of P.L.1996, c.111 (C.18A:17-24.1  
40 et al.) concerning the arrangement to share a school business  
41 administrator by two or more school districts shall not apply when a  
42 school district subcontracts its school business administrator to  
43 another school district.】**  
44 (cf: P.L.1996, c.111, s.1)  
45  
46 37. Article 1, sections 1 through 36 of P.L. , c. (C. )  
47 (pending before the Legislature as this bill) shall take effect

1 immediately, but section 35 shall remain inoperative until the first  
2 day of the seventh month next following enactment.

3

4

## ARTICLE 2. USER-FRIENDLY BUDGETS

5

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

7 40A:4-10. No budget or amendment thereof shall be adopted  
8 unless the director shall have previously certified his approval  
9 thereof. Final adoption shall be by resolution adopted by a majority  
10 of the full membership of the governing body, and may be by title  
11 where the procedures required by sections 40A:4-8 and 40A:4-9 or  
12 section 12 of P.L.1995, c.259 (C.40A:4-6.1), as applicable, have  
13 been followed.

14 The budget shall be adopted in the case of a county not later than  
15 February 25, and in the case of a municipality not later than March  
16 20 of the calendar fiscal year or September 20 of the State fiscal  
17 year, except that the governing body may adopt the budget at any  
18 time within 10 days after the director shall have certified his  
19 approval thereof and returned the same, if such certification shall be  
20 later than the date of the advertised hearing.

21 If, in the case of a municipality which operates on the State fiscal  
22 year, the governing body fails to adopt the budget within the  
23 permitted time, the chief financial officer of the local unit shall so  
24 notify the director the next working day after the expiration of the  
25 permitted time.

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

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

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

42

43 39. (New section) a. The Local Finance Board shall promulgate  
44 "user-friendly," plain language budget summary forms for the use  
45 of counties, municipalities, local authorities, and fire districts. The  
46 board shall also promulgate a procedure for the submission by each  
47 of these local government units of the required budget summary  
48 form to the Division of Local Government Services in the

1 Department of Community Affairs following the adoption of the  
2 annual budget.

3 b. The plain language budget summary shall provide the public  
4 with information in summary form about the budget of the local  
5 unit and shall include, in addition to an abbreviated version of the  
6 formal budget adopted by the local unit, such statistical information  
7 as the board determines to be useful for the public's understanding  
8 of the local unit's fiscal matters and condition, and shall also  
9 include, but shall not be limited to the following information, for  
10 both the local unit's current budget year and the previous budget  
11 year, as the Local Finance Board determines appropriate to the local  
12 unit: all line items of appropriation aggregated by service type; the  
13 property tax rate; the property tax collection rate; the assessed value  
14 and taxable value of all real property located in the local unit; the  
15 amount of bonded indebtedness of the local unit; revenues by major  
16 category; description of unusual revenues or appropriations, with a  
17 description of the circumstances of the revenues or appropriations;  
18 a list of shared service agreements in which the local unit is  
19 participating; and the number and amount of outstanding long-term  
20 tax exemptions and abatements, and the amount of revenue derived  
21 there from.

22 c. The plain language budget summary shall be submitted to the  
23 division in such form as determined by the Local Finance Board,  
24 and, upon its receipt of the summary, the division shall make the  
25 summary available to the public through an Internet website  
26 maintained by the division. The information on the web site shall  
27 be presented as data that can be downloaded by the public for  
28 comparative purposes using commonly-used software.

29  
30 40. (New section) Whenever the governing body of a local unit  
31 proposes <sup>1</sup>[an ordinance,] <sup>a</sup> resolution, or other action that will  
32 establish or modify the salaries, benefits, or other compensation of  
33 any individual employee or group of its employees, that measure  
34 shall only be taken after the local unit first holds a public meeting  
35 where the proposed action shall be introduced and discussed by the  
36 governing body. Notice of the date, time, place, and purpose of the  
37 public meeting, and of the time and place at which a copy of the  
38 proposed measure, together with the employee compensation  
39 disclosure form required to be prepared pursuant to this section,  
40 shall be available to each person requesting it, at no charge, during  
41 the week preceding such public meeting. The public meeting shall  
42 be advertised in a newspaper having substantial circulation in the  
43 local unit at least 10 days prior to the meeting date. <sup>1</sup>Salaries for  
44 local officers and employees that are established, increased, or  
45 decreased by ordinance pursuant to the provisions of N.J.S.40A:9-  
46 165 shall continue to be fixed and determined in accordance with  
47 that section.<sup>1</sup>

1 Prior to the publication of the newspaper notice required by this  
 2 section, the chief financial officer or other appropriate officer of the  
 3 local unit shall prepare an employee compensation disclosure form  
 4 pursuant to the requirements of this section. The employee  
 5 compensation disclosure form shall be made part of any formal  
 6 action taken by the local unit, but shall not be considered part of  
 7 any contract or agreement.

8 The chief financial officer of the local unit shall file the  
 9 employee compensation disclosure form with the clerk or the  
 10 secretary to the governing body of the local unit prior to a public  
 11 meeting when such measure shall be introduced and discussed. Any  
 12 such proposed measure shall be announced publicly at the meeting,  
 13 along with a declaration that an employee compensation disclosure  
 14 form has been provided to the governing body of the local unit  
 15 pursuant to the requirements of Article 2 of P.L. , c. (C. )  
 16 (pending before the Legislature as this bill). Any formal action by a  
 17 governing body approving or disapproving a measure establishing  
 18 or modifying the salaries, benefits, or other compensation of its  
 19 employees shall occur no earlier than the tenth calendar day  
 20 immediately following the meeting at which the measure was  
 21 introduced and discussed.

22 The employee compensation disclosure form shall display the  
 23 estimated cost of salary, benefits or other compensation, for each  
 24 year of the contract for each individual employee or group of  
 25 employees, itemized by the specific form of compensation, the  
 26 estimated cost of the compensation at the time of the action, and the  
 27 incremental difference between each year.

28 Governing body actions taken without compliance with this  
 29 section shall be null and void.

30

31 41. (New section) Not later than the first day of the sixth month  
 32 next following the enactment of Article 2 of P.L. , c. (C. )  
 33 (pending before the Legislature as this bill), the Local Finance  
 34 Board shall promulgate rules and regulations pursuant to the  
 35 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
 36 seq.), to implement the provisions of section <sup>1</sup>[86] <sup>39</sup> of  
 37 P.L. , c. (C. ) (pending before the Legislature as this bill)  
 38 concerning the plain language budget summary, and it also shall  
 39 promulgate the forms and procedures necessary to effectuate the  
 40 provisions of section 40 of P.L. , c. (C. ) (pending before  
 41 the Legislature as this bill) concerning the employee compensation  
 42 disclosure form.

43

44 ARTICLE 3. <sup>1</sup>[FIRE DISTRICT ELECTIONS] EXECUTIVE  
 45 COUNTY SUPERINTENDENTS<sup>1</sup>

46

47 <sup>1</sup>[42. R.S.19:14-4 is amended to read as follows:

48 19:14-4. In the center of the ballot immediately below the

1 perforated line shall be printed in bold-faced type the words  
2 "Official general election ballot." Below these words and extending  
3 across the ballot shall appear the words: "Name of (municipality),  
4 ..... ward, ..... fire district (if applicable),  
5 ..... election district, ..... date of election,  
6 ..... John Doe, county clerk." The blank spaces shall be  
7 filled in with the name of the proper municipality, the ward and  
8 district numbers and the date of the election. For school elections  
9 the name of the school district and of the municipality or  
10 municipalities comprising the district shall also be indicated  
11 thereon. The name of the county clerk shall be a facsimile of his  
12 signature. Below the last stated words extending across the ballot  
13 and at the extreme left shall be printed the words "Instructions to  
14 the voter," and immediately to the right there shall be a bracket  
15 embracing the following instructions numbered consecutively:

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

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

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

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

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

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

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

43 Below the above-stated instructions and information and, except  
44 when compliance with section [19:14-15] R.S.19:14-13 of this  
45 Title as to Statewide propositions otherwise requires, three inches  
46 below the perforated line and parallel to it, there shall be printed a  
47 six-point diagram rule extending across the ballot to within not less

1 than a half inch to the right and left edges of the paper.  
2 (cf: P.L.1995, c.278, s.17)]<sup>1</sup>

3

4 <sup>1</sup>[43. R.S.19:14-8 is amended to read as follows:

5 19:14-8. The ballot shall be divided into a partisan section and a  
6 nonpartisan section. In the partisan section, in the columns of each  
7 of the political parties which made nominations at the next  
8 preceding primary election to the general election and in the  
9 personal choice column, within the space between the two-point  
10 hair line rules, there shall be printed the title of each office to be  
11 filled at such election, except as hereinafter provided.

12 **[Such]** Within each section of the ballot the titles of office shall  
13 be arranged in the following order: member of the United States  
14 Senate; Governor; member of the House of Representatives;  
15 member of the State Senate; members of the General Assembly;  
16 county executive, in counties that have adopted the county  
17 executive plan of the "Optional County Charter Law," P.L.1972,  
18 c.154 (C.40:41A-1 et seq.); sheriff; county clerk; surrogate; register  
19 of deeds and mortgages; county supervisor; members of the board  
20 of chosen freeholders; coroners; mayor and members of municipal  
21 governing bodies<sup>[,]</sup> ; members of the board of fire commissioners,  
22 and any other titles of office. Candidates for board of fire  
23 commissioners shall be listed in the nonpartisan section of the  
24 ballot. Above each of such titles of office, except the one at the top,  
25 shall be printed a two-point diagram rule in place of the two-point  
26 hair line rule. Below the titles of such offices shall be printed the  
27 names of the candidates for the offices.

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

33 The arrangement of the names of candidates for any office for  
34 which more than one are to be elected shall be determined in the  
35 manner hereinafter provided, as in the case of candidates nominated  
36 by petition.

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

40 Immediately to the left of the name of each candidate, at the  
41 extreme left of each column, including the personal choice column,  
42 shall be printed a square, one-quarter of an inch in size, formed by  
43 two-point diagram rules. In the personal choice column no names  
44 of candidates shall be printed.

45 To the right of the title of each office in the party columns and  
46 the personal choice column shall be printed the words "Vote for,"

1 inserting in words the number of persons to be elected to such  
2 office.

3 (cf: P.L.2005, c.136, s.23)]<sup>1</sup>

4

5 <sup>1</sup>[44. R.S.19:14-10 is amended to read as follows:

6 19:14-10. In the column or columns designated as nominations  
7 by petition, within the space between the two-point hair line rules,  
8 there shall be printed the title of each office for which nominations  
9 by petition have been made.

10 Such titles of office shall be arranged in the following order:  
11 electors of President and Vice-President of the United States;  
12 member of the United States Senate; Governor; member of the  
13 House of Representatives; member of the State Senate; members of  
14 the General Assembly; county executive, in counties that have  
15 adopted the county executive plan of the "Optional County Charter  
16 Law," P.L.1972, c.154 (C.40:41A-1 et seq.); sheriff; county clerk;  
17 surrogate; register of deeds and mortgages; county supervisor;  
18 members of the board of chosen freeholders; coroners; mayor and  
19 members of municipal governing bodies[, ] ; members of the board  
20 of fire commissioners, and any other titles of office.

21 Above each of the titles of office, except the one on the top, shall  
22 be printed a two-point diagram rule in place of the two-point hair  
23 line rule. Below the titles of each of the offices shall be printed the  
24 names of each of the candidates for each of such offices followed  
25 by the designation or designations mentioned in the petitions filed.

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

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

34 To the right of the title of each office shall be printed the words  
35 "Vote for " inserting in words the number of candidates to be  
36 elected to such office.

37 (cf: P.L.1995, c.191, s.2)]<sup>1</sup>

38

39 <sup>1</sup>[45. R.S.19:14-16 is amended to read as follows:

40 19:14-16. The words to be printed on the perforated coupon  
41 shall be printed in twelve-point bold-faced capital letters and the  
42 figures in eighteen and twenty-two-point bold-faced type. At the  
43 head of the ballot the words "Official General Election Ballot" shall  
44 be printed in at least thirty-point bold-faced capital letters. The  
45 name of municipality, ward, fire district, election district, and date,  
46 as appropriate, shall be printed in twelve-point bold-faced capital  
47 letters. The words "Instructions to the voter" shall be printed in  
48 twelve-point bold-faced capitals and small letters, while the



1 instructions embraced within the brackets shall be printed in eight-  
2 point bold-faced capital and small letters. The column designations  
3 shall be printed in eighteen-point bold-faced capital letters and the  
4 accompanying instructions shall be printed in eight-point capitals  
5 and small letters. The titles of office and accompanying instructions  
6 shall be printed in ten-point bold-faced capital and small letters.  
7 When there is no nomination made at the primary for an office, the  
8 title shall be printed in the space where such title should appear, and  
9 the words "No Nomination Made" in type large enough to fill the  
10 entire space or spaces shall be printed therein. The names of all  
11 candidates shall be printed in ten-point capital letters. The  
12 designations following the candidates' names in the nomination by  
13 petition column or columns shall be printed in ten-point capitals and  
14 small letters, except that where they overrun the space within the  
15 column the designations may be abbreviated, and all spaces  
16 between the two-point hair line rules not occupied by the titles of  
17 office and names of candidates shall be printed in with scroll or  
18 filling to guide the voter against wrongly marking the ballot. On  
19 the foot of the ballot the words "Public Questions to be Voted  
20 Upon" shall be printed in eighteen-point bold-faced capital letters.  
21 The accompanying instructions shall be printed in eight-point  
22 capital and small letters. The public questions to be voted upon  
23 shall be printed in ten-point capital and small letters, and the words  
24 "Yes" and "No" shall be printed in twelve-point bold-faced capital  
25 letters.

26 (cf: R.S.19:14-16)]<sup>1</sup>

27

28 <sup>1</sup>[46. R.S.19:14-22 is amended to read as follows:

29 19:14-22. The official general election sample ballots shall be as  
30 nearly as possible facsimiles of the official general election ballot to  
31 be voted at such election and shall have printed thereon, after the  
32 words which indicate the number of the election district for which  
33 such sample ballots are printed, the name or number of the fire  
34 district, when appropriate, the street address or location of the  
35 polling place in the election district, the hours between which the  
36 polls shall be open, and shall be printed on paper different in color  
37 from the official general election ballot, and have the following  
38 words printed in large type at the top:

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

41 (cf: P.L.1959, c.139, s.1)]<sup>1</sup>

42

43 <sup>1</sup>[47. N.J.S.40A:14-70 is amended to read as follows:

44 40A:14-70. In any municipality not having a paid or part-paid  
45 fire department and force, the governing body, upon application of  
46 at least 5% of the registered voters or 20 legal voters, whichever is  
47 the greater, shall consider the designation of a fire district. Upon  
48 receipt of the application, the governing body shall fix a time and

1 place for a hearing thereon. The municipal clerk shall advertise the  
2 notice of the hearing in a newspaper circulating in the county  
3 wherein the municipality is located at least once and not less than  
4 10 days prior to the hearing. After the hearing the governing body  
5 shall determine the question of designation of a fire district. If the  
6 governing body decides that the designation of a fire district is  
7 appropriate, it, by ordinance, shall designate a territorial location or  
8 locations, that are coterminous with election districts, for use as a  
9 fire district or fire districts and, by resolution, provide for the  
10 election of a board of fire commissioners for the district or each  
11 district, to consist of five persons, residents therein, and specify the  
12 date~~[,]~~ and time ~~[and place]~~ for the election of the first board.

13 The district or each district shall be assigned a number and the  
14 commissioners thereof and their successors shall be a body  
15 corporate, to be known as "the commissioners of fire district No. ..  
16 . . . . . in . . . . . (name of municipality), county of . . . . .  
17 (name of county)." The said body corporate shall have the power to  
18 acquire, hold, lease, sell or otherwise convey in its corporate name  
19 such real and personal property as the purposes of the corporation  
20 shall require. All sales and leases of real and personal property  
21 shall be in accordance with the provisions of section 13 or 14, as  
22 appropriate, of the "Local Lands and Buildings Law," P.L.1971,  
23 c.199 (C.40A:12-13 or 40A:12-14). Said body corporate may adopt  
24 and use a corporate seal, sue or be sued and shall have such powers,  
25 duties and functions as are usual and necessary for said purposes.

26 **[On the date and at the time and place specified for the election**  
27 **of the first board the clerk of the municipality shall conduct the**  
28 **election and shall preside at the meeting until the board shall have**  
29 **been elected.]**

30 At the first meeting of a newly elected board of fire  
31 commissioners of a district the board shall choose a chairman **[and**  
32 **fix the place for the annual election]**. The members of the board  
33 shall divide themselves by lot into three classes: the first to consist  
34 of two members whose terms shall expire at 12 o'clock noon on the  
35 first Tuesday in **[March] December** of the year following the year  
36 in which the first board is elected; the second, two members whose  
37 terms shall expire at 12 o'clock noon on the first Tuesday in  
38 **[March] December** of the second year following that year; and the  
39 third, one member whose term shall expire at 12 o'clock noon on  
40 the first Tuesday in **[March] December** of the third year following  
41 that year. The terms of fire commissioners in each class, other than  
42 members of the first board, shall expire at 12 o'clock noon on the  
43 first Tuesday in **[March] December** of the third year following the  
44 year in which they were elected.

45 Any vacancy in the membership shall be filled by the remaining  
46 members until the next succeeding annual election, at which time a

1 resident of the district shall be elected for the unexpired term.  
2 (cf: P.L.1991, c.223, s.1)]<sup>1</sup>

3

4 <sup>1</sup>[48. N.J.S.40A:14-71 is amended to read as follows:

5 40A:14-71. Candidates for membership on the board shall be  
6 nominated by verified petitions and shall not be nominees of a  
7 political party. Any such petition shall be in writing, addressed to  
8 the municipal clerk [or the clerk of the board, as the case may be],  
9 stating that the signers thereof are qualified voters and residents in  
10 the district and requesting that the name of the candidate be placed  
11 on the official ballot. Each petition shall be arranged to contain  
12 double spacing between the signature lines of the petition, so that  
13 each signer thereof is afforded sufficient space to provide his or her  
14 printed name, address and signature. The petition shall state the  
15 residence of the candidate and certify his qualification for  
16 membership. The candidate's consent to his nomination shall be  
17 annexed to the petition and shall constitute his agreement to serve  
18 in the event of his election. The petition shall contain the name of  
19 only one candidate, but several petitions may nominate the same  
20 person. Each petition shall be signed by not less than 10 qualified  
21 voters and shall be filed at least [28] 99 days before the date of the  
22 election.

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

31 If a petition is found to be defective, either in form or substance,  
32 the municipal clerk [or the clerk of the board, as the case may be,]  
33 shall forthwith notify the candidate to cause it to be corrected  
34 before the petition is given consideration.

35 (cf: P.L.1985, c.288, s.2)]<sup>1</sup>

36

37 <sup>1</sup>[49. N.J.S.40A:14-72 is amended to read as follows:

38 40A:14-72. An election shall be held annually on the [third  
39 Saturday in February] Tuesday next after the first Monday in  
40 November in each established fire district for the election of  
41 members of the board according to the expiration of terms using the  
42 same registration and on the same official ballot required by law for  
43 the election of State and county officers. The initial election for a  
44 newly created fire district [may] shall take place on [another] that  
45 same date [as a governing body may specify under N.J.S.40A:14-  
46 70, but the annual election thereafter shall be held on the third  
47 Saturday in February]. The place of the election shall be

1 **【determined by the board】** at the place where the general election is  
 2 held and a notice thereof, and of the closing date for the filing with  
 3 the clerk of the board of petitions of nomination for membership on  
 4 the board, shall be published by the municipal clerk at least once in  
 5 a newspaper circulating in the district, at least six weeks prior to the  
 6 date **【fixed for】** of the election. **【Fire】** The municipal clerk may  
 7 combine the publication of notice of election for all fire districts  
 8 located in the same municipality **【may combine the publication of**  
 9 **their notices of election】**. For the purpose of this section, "notices  
 10 of election" shall include the notices required to be published under  
 11 section 7 of P.L.1953, c.211 (C.19:57-7).

12 **【The legal voters thereat shall determine the amount of money to**  
 13 **be raised for the ensuing year and determine such other matters as**  
 14 **may be required.】**

15 (cf: P.L.1994, c.181, s.1) **】**<sup>1</sup>

16  
 17 <sup>1</sup>**【50. (New section) The transition of the annual fire district**  
 18 **commissioner election for the purposes of electing members of the**  
 19 **board of fire commissioners from the third Saturday in February to**  
 20 **the first Tuesday after the first Monday in November, pursuant to**  
 21 **section 49 of this Article (amending N.J.S.40A:14-72), shall be in**  
 22 **accordance with the following schedule:**

23

<b>COMMISSIONER TERM ENDING</b>	<b>OLD ELECTION DATE</b>	<b>NEW ELECTION DATE</b>	<b>LENGTH OF AFFECTED TERM</b>
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) <b>】</b> <sup>1</sup>

1       <sup>1</sup>[51. Section 5 of P.L.1979, c.453 (C.40A:14-78.1) is amended  
2 to read as follows:

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

16 (cf: P.L.1979, c.453, s.5)]<sup>1</sup>

17

18       <sup>1</sup>[52. Section 6 of P.L.1979, c.453 (C.40A:14-78.2) is amended  
19 to read as follows:

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

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

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

30       a. At least [1 week] 10 business days prior to the date of the  
31 hearing, a complete copy of the approved budget shall have been  
32 [posted in such public place as notices are usually posted in the  
33 district,] advertised in a newspaper having substantial circulation in  
34 the fire district and is made available to each person requesting a  
35 copy during said [week] time and during the public hearing; and,

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

40       After closing the hearing, the fire commissioners may, by a vote  
41 of not less than a majority of the full membership, adopt the budget  
42 by title without amendments, or may approve amendments as  
43 provided in section 7[.] of this act.

44 (cf: P.L.1979, c.453, s.6)]<sup>1</sup>

45

46       <sup>1</sup>[53. Section 8 of P.L.1979, c.453 (C.40A:14-78.4) is amended  
47 to read as follows:

1 8. The fire district budget shall be adopted~~[,]~~ by a vote of a  
2 majority of the full membership of the fire commissioners~~[],~~ not  
3 later than 25 days prior to the annual election~~].~~ If the budget is not  
4 adopted in a timely manner, the Director of the Division of Local  
5 Government Services in the Department of Community Affairs, in  
6 determining that such appropriations are necessary, shall fix the  
7 maximum amount of appropriations or shall set an amount to be  
8 raised by taxation, and the fire commissioners shall adopt a budget  
9 that shall not exceed that amount. ~~【The adopted budget shall be~~  
10 ~~advertised after adoption. The advertisement shall contain a copy~~  
11 ~~of the budget and shall be published at least once in a newspaper~~  
12 ~~circulating in the fire district at least 7 days prior to the annual~~  
13 ~~election.】~~

14 (cf: P.L.1979, c.453, s.8)】<sup>1</sup>

15

16 <sup>1</sup>【54. Section 9 of P.L.1979, c.453 (C.40A:14-78.5) is amended  
17 to read as follows:

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

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

45 (cf: P.L.1982, c.174, s.1)】<sup>1</sup>

1       <sup>1</sup>[55. Section 13 of P.L.1985, c.288 (C.40A:14-78.17) is  
2 amended to read as follows:

3       13. A fire district may and, if any contracts, commitments or  
4 payments are to be made prior to the adoption of the budget, shall,  
5 by resolution adopted **[prior to]** between January 1 and January 15,  
6 adopt a temporary budget to make appropriations to provide for the  
7 period between the beginning of the fiscal year and the adoption of  
8 the budget.

9       The total of the appropriations so made shall not exceed **[14%]**  
10 26.25% of the total of the appropriations made for all purposes in  
11 the budget for the preceding fiscal year, excluding, in both  
12 instances, appropriations made for interest and debt redemption  
13 charges and capital improvements.

14       Nothing herein contained shall prevent or relieve the fire district  
15 from making appropriations for all interest and debt redemption  
16 charges maturing during the fiscal year, at any time prior to the date  
17 of the adoption of the budget.

18 (cf: P.L.1985, c.288, s.13)]<sup>1</sup>

19

20       <sup>1</sup>[56. N.J.S.40A:14-80 is amended to read as follows:

21       40A:14-80. The commissioners of any fire district, by  
22 resolution, may borrow after March 1 and before December 31  
23 following, a sum not to exceed the amount appropriated **[at]** for  
24 the preceding **[annual election held in the district,]** year for current  
25 expenses and necessary repairs to fire apparatus and fire houses  
26 within the district, less any sums received from the collector of  
27 taxes or municipal treasurer on account of such appropriation. They  
28 may execute evidences of such indebtedness and pay the amount so  
29 borrowed**[, together with interest thereon, at a rate not exceeding**  
30 **5% per annum]**.

31 (cf: N.J.S.40A:14-80)]<sup>1</sup>

32

33       <sup>1</sup>[57. N.J.S.40A:14-85 is amended to read as follows:

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

1 The resolution shall be written or printed and the election shall  
2 be upon notice stating the time and place. [If said election is to be  
3 the annual one, the] The notices shall be posted by the clerk of the  
4 board of fire commissioners in 10 public places, at least 10 days  
5 prior to the date of the election. The board of commissioners and  
6 the clerk, in their or his discretion, may advertise the election in a  
7 newspaper, published in the fire district, if any, otherwise in a  
8 newspaper published in the county of said district and circulating in  
9 such district. [When a special election is specified notices shall be  
10 posted in 10 public places, at least 21 days prior to the date of  
11 election, and the clerk of said board shall advertise said notice in  
12 such a newspaper at least twice prior to the election date.]

13 (cf: N.J.S.40A:14-85)]<sup>1</sup>  
14

15 <sup>1</sup>[58. (New section) The board of fire commissioners, in  
16 cooperation with the governing body of a municipality that has  
17 established the fire district, the county board of elections, and the  
18 Division of Elections in the Department of Law and Public Safety,  
19 shall take whatever actions are necessary to assure that voters are  
20 assigned to a polling station containing voting machines set up for  
21 their appropriate fire district. These actions shall be completed not  
22 later than 74 days previous to the date of the general election.

23 If the board of fire commissioners, the governing body of the  
24 municipality, the county board of elections, and the Division of  
25 Elections agree that the technological, economic, or logistical  
26 barriers to assuring the proper assignation of votes would  
27 compromise the election outcome, the Division of Election may  
28 grant a waiver to individual fire districts, allowing for either a  
29 longer phase in period or the continuation of February elections if  
30 no viable alternative is identified. The Division of Election shall  
31 report to the Governor, the President of the Senate, and the Speaker  
32 of the General Assembly by December 31 of each year as to every  
33 waiver granted pursuant to this section during that calendar year.]<sup>1</sup>  
34

35 <sup>1</sup>[59. N.J.S.40A:14-73 through N.J.S.40A:14-78, inclusive, and  
36 N.J.S.40A:14-82 are repealed.]<sup>1</sup>  
37

38 <sup>1</sup>[60. Sections 42 through 56 and section 59 of Article 3 of  
39 P.L. , c. (C. ) (pending before the Legislature as this bill)  
40 shall take effect on January 1, 2008, except the term for the election  
41 occurring in February 2007 shall be as provided in section 50, and  
42 section 58 shall take effect immediately.]<sup>1</sup>  
43

#### 44 <sup>1</sup>[ARTICLE 4. SCHOOL BOARD ELECTIONS

45  
46 61. Section 5 of P.L.1996, c.138 (C.18A:7F-5) is amended to  
47 read as follows:



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

3       a. Biennially, within 30 days following the approval of the  
4 Report on the Cost of Providing a Thorough and Efficient  
5 Education, the commissioner shall notify each district of the T&E  
6 amount, the T&E flexible amount, the T&E range, early childhood  
7 program amount, demonstrably effective program amount,  
8 instructional supplement amount, and categorical amounts per pupil  
9 for the subsequent two fiscal years.

10       Annually, within two days following the transmittal of the State  
11 budget message to the Legislature by the Governor pursuant to  
12 section 11 of P.L.1944, c.112 (C.52:27B-20), the commissioner  
13 shall notify each district of the maximum amount of aid payable to  
14 the district in the succeeding school year pursuant to the provisions  
15 of this act, and shall notify each district of the district's T&E  
16 budget, maximum T&E budget, and minimum permissible T&E  
17 budget for the succeeding school year.

18       Beginning in the 1998-99 school year, unless otherwise specified  
19 within this act, aid amounts payable for the budget year shall be  
20 based on budget year pupil counts, which shall be projected by the  
21 commissioner using data from prior years. Adjustments for the  
22 actual pupil counts of the budget year shall be made to State aid  
23 amounts payable during the school year succeeding the budget year.  
24 Additional amounts payable shall be reflected as revenue and an  
25 account receivable for the budget year.

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

1 Any school district which enrolls students who reside on federal  
2 property which were not included in the calculation of core  
3 curriculum standards aid for 1997-98 shall have its core curriculum  
4 standards aid recalculated for these additional enrollments through  
5 the 1997-98 school year using the property value multiplier, income  
6 value multiplier, equalized valuation, and district income which  
7 were used in the original Statewide calculation of core curriculum  
8 standards aid. The additional aid resulting from the recalculations  
9 shall be divided by 20 and the product shall be added to each of the  
10 remaining core curriculum standards aid payments for the 1997-98  
11 school year. Additionally, the core curriculum standards aid  
12 calculation and payment schedule for 1998-99 shall be adjusted for  
13 such enrollments arriving after the last school day prior to October  
14 16, 1997.

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

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

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

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

34 In order to meet this requirement, each district shall raise a  
35 general fund tax levy which, when added to the general fund  
36 balance designated for the budget year, miscellaneous local general  
37 fund revenues estimated consistent with GAAP to be realized  
38 during the budget year, supplemental core curriculum standards aid  
39 calculated pursuant to section 17 of this act and stabilization aid and  
40 supplemental school tax reduction aid calculated pursuant to section  
41 10 of this act, equals its required local share or, for Abbott districts,  
42 the amount required when the calculation of required local share  
43 would result in a general fund tax levy which is less than the  
44 general fund tax levy of the prebudget year. For 1997-98, the  
45 budgeted local share for the prebudget year shall be the district's  
46 general fund tax levy.

47 For the 1997-98 school year, any tax increase which would be  
48 required of an Abbott district or district factor group A district to

1 meet its required local share, after consideration of supplemental  
2 core curriculum standards aid, stabilization aid, and supplemental  
3 school tax reduction aid shall be fully funded by the State and  
4 recorded as supplemental core curriculum standards aid. The  
5 commissioner, in consultation with the Commissioner of the  
6 Department of Community Affairs and the Director of the Division  
7 of Local Government Services in the Department of Community  
8 Affairs, shall examine the fiscal ability of the Abbott districts and  
9 the district factor group A districts eligible for supplemental core  
10 curriculum standards aid to absorb any reduction in such aid and  
11 shall make recommendations to the Legislature and the Governor  
12 regarding the continuation of supplemental core curriculum  
13 standards aid to those districts. In making those recommendations,  
14 the commissioner shall consider the ratable base of the municipality  
15 or municipalities in which the district is located, the tax burden  
16 placed upon the local community due to other required municipal  
17 services, and the fiscal ability of the school district to raise its  
18 required local share. The commissioner shall not implement any of  
19 those recommendations until the recommendations are enacted into  
20 law.

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

24 c. Annually, on or before March 4, each district board of  
25 education shall adopt, and submit to the commissioner, through the  
26 office of the county superintendent of schools, for approval,  
27 together with such supporting documentation as the commissioner  
28 may prescribe, a budget that provides no less than the minimum  
29 permissible T&E budget, plus categorical amounts required for a  
30 thorough and efficient education as established pursuant to the  
31 report, special revenue funds and debt service funds.

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

36 (1) the district's advertised per pupil administrative costs for the  
37 2004-2005 school year inflated by the cost of living or 2.5 percent,  
38 whichever is greater; or

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

42 The county superintendent of schools may disapprove the school  
43 district's **【2005-2006】** proposed budget if he determines that the  
44 district has not implemented all potential efficiencies in the  
45 administrative operations of the district or if he determines that the  
46 budget includes excessive non-instructional expenses. The county  
47 superintendent shall work with each school district in the county  
48 **【during the 2004-2005 school year】** to identify administrative

1 inefficiencies in the operations of the district and excessive non-  
2 instructional expenses that might cause the superintendent to reject  
3 the district's proposed [2005-2006 school year] budget.

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

8 (1) the district's prior year per pupil administrative costs; except  
9 that the district may submit a request to the commissioner for  
10 approval to exceed the district's prior year per pupil administrative  
11 costs due to increases in enrollment, administrative positions  
12 necessary as a result of mandated programs, administrative  
13 vacancies, nondiscretionary fixed costs, and such other items as  
14 defined in accordance with regulations adopted pursuant to section  
15 7 of P.L.2004, c.73. In the event that the commissioner approves a  
16 district's request to exceed its prior year per pupil administrative  
17 costs, the increase authorized by the commissioner shall not exceed  
18 the cost of living or 2.5 percent, whichever is greater; or

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

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

1 general fund budget for the budget year less any withdrawals from  
2 the capital reserve account and the capital outlay portion of the  
3 general fund budget for the prebudget year indexed by the cost of  
4 living or 2.5 percent, whichever is greater. Any district with a  
5 capital outlay adjustment to its spending growth limitation shall be  
6 restricted from transferring any funds from capital outlay accounts  
7 to current expense accounts. The adjustment for capital outlay shall  
8 not become part of the prebudget year net budget for purposes of  
9 calculating the spending growth limitation of the subsequent year.  
10 The adjustment for pupil transportation costs provided pursuant to  
11 N.J.S.18A:39-1.1 shall equal any increase between the cost of  
12 providing such pupil transportation services for the budget year and  
13 the cost of providing such pupil transportation services for the  
14 prebudget year indexed by the cost of living or 2.5 percent,  
15 whichever is greater. The adjustment for the opening of a new  
16 school facility shall include costs associated with the new facility  
17 related to new teaching staff members, support staff, materials and  
18 equipment, custodial and maintenance expenditures, and such other  
19 required costs as determined by the commissioner.

20 (2) **[A]** If a district **[proposing]** proposes a budget set at or  
21 below the minimum T&E budget established pursuant to section 13  
22 of this act **[shall submit, as appropriate, to the board of school**  
23 **estimate or to the voters of the district at the annual school budget**  
24 **election conducted pursuant to the provisions of P.L.1995, c.278**  
25 **(C.19:60-1 et seq.), a]** the general fund tax levy **[which]** when  
26 added to the other components of the net T&E budget shall not  
27 exceed the prebudget year net T&E budget or in 1997-98 the  
28 prebudget year net budget by more than the spending growth  
29 limitation calculated as follows: the sum of the cost of living or 2.5  
30 percent, whichever is greater, multiplied by the prebudget year net  
31 budget, and adjustments for changes in enrollment, certain capital  
32 outlay expenditures, expenditures for pupil transportation services  
33 provided pursuant to N.J.S.18A:39-1.1, expenditures incurred in  
34 connection with the opening of a new school facility during the  
35 budget year, and special education costs per pupil in excess of  
36 \$40,000. The enrollment adjustment shall equal the increase in  
37 weighted resident enrollment between the prebudget year and the  
38 budget year multiplied by the T&E amount less the T&E flexible  
39 amount. The adjustments for special education costs, pupil  
40 transportation services, and capital outlay expenditures shall be  
41 calculated pursuant to the provisions of paragraph (1) of this  
42 subsection. The adjustment for the opening of a new school facility  
43 shall include costs associated with the new facility related to new  
44 teaching staff members, support staff, materials and equipment,  
45 custodial and maintenance expenditures, and such other required  
46 costs as determined by the commissioner.

47 Notwithstanding the provisions of this paragraph, no district  
48 shall raise a net budget which is less than the local share required

1 under the required local share provisions of this act plus the other  
2 components of its net budget.

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

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

38 (5) For the 1997-98 school year, a district's spending growth  
39 limitation shall be increased by the excess of county special  
40 services school district tuition over prebudget year county special  
41 services school district tuition indexed by the CPI or three percent,  
42 whichever is greater.

43 (6) For the purpose of determining a district's spending growth  
44 limitation for the 1997-98 school year, a district may apply to the  
45 commissioner to add all or a part of the district's original designated  
46 general fund balance for 1996-97 to the spending growth limitation  
47 if it can demonstrate through current accounting records and

1 historical trend data that the fund balance will actually be spent in  
2 the budget year.

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

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

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

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

44 [Any proposal or proposals rejected by the voters shall be  
45 submitted to the municipal governing body or bodies for a  
46 determination as to the amount, if any, that should be expended  
47 notwithstanding voter rejection. The decision of the municipal  
48 governing body or bodies or board of school estimate, as

1 appropriate, shall be final and no appeals shall be made to the  
2 commissioner.]

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

10 "Your school district has proposed programs and services in  
11 addition to the core curriculum content standards adopted by the  
12 State Board of Education. Information on this budget and the  
13 programs and services it provides is available from your local  
14 school district." ] (Deleted by amendment, P.L. , c. .) (pending  
15 before the Legislature as this bill)

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

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

44 (2) [Any general fund tax levy rejected by the voters for a  
45 proposed budget at or below the maximum T&E budget shall be  
46 submitted to the governing body of each of the municipalities  
47 included within the district for determination of the amount that



1 should be expended notwithstanding voter rejection. In] For a  
2 proposed budget at or below the maximum T & E budget, in the  
3 case of a district having a board of school estimate, the general fund  
4 tax levy shall be submitted to the board for determination. Any  
5 reductions may be appealed to the commissioner on the grounds  
6 that the amount is necessary for a thorough and efficient education  
7 or that the reductions will negatively impact on the stability of the  
8 district given the need for long term planning and budgeting. In  
9 considering the appeal, the commissioner shall also consider the  
10 factors outlined in paragraph (1) of this subsection.

11 In the case of a school district having a board of school estimate  
12 in which the proposed budget is below, or after a reduction made by  
13 the [municipal governing body or] board of school estimate is  
14 below, the minimum T&E budget calculated pursuant to section 13  
15 of this act, any reductions made by the [municipal governing body  
16 or] board of school estimate shall be automatically reviewed by the  
17 commissioner. In reviewing the budget, the commissioner shall  
18 also consider the factors outlined in paragraph (1) of this  
19 subsection. In addition, the [municipal governing body or] board  
20 of school estimate shall be required to demonstrate clearly to the  
21 commissioner that the proposed budget reductions shall not  
22 adversely affect the ability of the school district to provide a  
23 thorough and efficient education or the stability of the district given  
24 the need for long term planning and budgeting.

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

31 (4) When the [voters, municipal governing body or bodies, or  
32 the board of school estimate authorize the] general fund tax levy is  
33 authorized by a board of education which has determined not to  
34 submit a separate proposal or proposals for additional funds  
35 pursuant to paragraph (9) of subsection d. of this section or a board  
36 of school estimate, the district shall submit the resulting budget to  
37 the commissioner within 15 days of the [action of the voters or  
38 municipal governing body or bodies, whichever is later, or of the  
39 board of school estimate as the case may be] authorization.

40 f. [Any district which is not an Abbott district but which was  
41 classified as a special needs district under the "Quality Education  
42 Act of 1990," P.L.1990, c.52 (C.18A:7D-1 et al.), may appeal any  
43 budget reduction made by the municipal governing body or board of  
44 school estimate, as appropriate, to the commissioner.] (Deleted by  
45 amendment, P.L. , c. .) (pending before the Legislature as this  
46 bill)

1 g. [The commissioner shall annually review the budget of any  
2 district which was classified as a special needs district under the  
3 "Quality Education Act of 1990," P.L.1990, c.52 (C.18A:7D-1 et  
4 al.), to determine if any educationally meritorious program or  
5 service established through State resources provided as a result of  
6 that funding law is proposed to be reduced or eliminated. If the  
7 commissioner determines that the program or service is in jeopardy  
8 and that a reallocation of resources is possible without jeopardizing  
9 other educationally meritorious programs or services, he may  
10 require the school board to fund the program or service through a  
11 reallocation of resources.] (Deleted by amendment, P.L. , c. .)  
12 (pending before the Legislature as this bill)  
13 (cf: P.L.2004, c.73, s.1)]<sup>1</sup>  
14

15 <sup>1</sup>[62. N.J.S.18A:8-20 is amended to read as follows:

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

28 (cf: P.L.1995, c.278, s.26)]<sup>1</sup>  
29

30 <sup>1</sup>[63. N.J.S.18A:8-36 is amended to read as follows:

31 18A:8-36. At [all elections] any election in which an  
32 appropriation must be authorized [by] , a majority of the total votes  
33 cast thereon in all of the territory of the consolidated school district  
34 shall be necessary for the authorization.

35 (cf: P.L.1995, c.278, s.27)]<sup>1</sup>  
36

37 <sup>1</sup>[64. N.J.S.18A:9-10 is amended to read as follows:

38 18A:9-10. If the membership of the board in any such district so  
39 becoming a type II district is less than nine, it shall be increased to  
40 nine by the election of added members at the next [annual school]  
41 general election, unless the adopting election shall have been held  
42 more than 130 days or less than 60 days before the date fixed for  
43 such [annual school] general election, in which case they shall be  
44 elected at a special school election which shall be called by the  
45 members of the board so holding over [, if the adopting election  
46 was held more than 130 days before the annual school election, then  
47 not less than 60 or more than 70 days after the adopting election, or

1 if the adopting election was held less than 60 days before the annual  
2 school election, then not less than 60 or more than 70 days after  
3 such annual school election, excluding in each instance from the  
4 calculation of the period which will elapse between such 60 and 70  
5 days any period which would elapse between the twenty-first day  
6 before and the twenty-first day after any day fixed according to law  
7 for the holding of any primary election for the general election or  
8 general election or municipal election held within the district].

9 (cf: P.L.1995, c.278, s.28)]<sup>1</sup>

10

11 <sup>1</sup>[65. N.J.S.18A:10-3 is amended to read as follows:

12 18A:10-3. Each board of education shall organize annually at a  
13 regular meeting held not later than at 8 p.m. at which time new  
14 members shall take office [:

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

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

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

22 (cf: P.L.1987, c.289, s.2)]<sup>1</sup>

23

24 <sup>1</sup>[66. N.J.S.18A:12-8 is amended to read as follows:

25 18A:12-8. In districts, other than those in cities of the first class,  
26 the members of the board shall be appointed between [April]  
27 December 1 and [April] December 15 and their terms of office  
28 shall begin on [May 16] January 1, next succeeding, and in districts  
29 in cities of the first class they shall be appointed during the month  
30 of June and their terms of office shall begin on July 1, next  
31 succeeding.

32 (cf: P.L.1979, c.284, s.1)]<sup>1</sup>

33

34 <sup>1</sup>[67. N.J.S.18A:12-17 is amended to read as follows:

35 18A:12-17. The mayor or other chief executive officer of the  
36 municipality shall, between [April] December 1 and [April]  
37 December 15 in each year, appoint one member of the board to  
38 serve for a term of 5 years beginning on [May 15] January 1 next  
39 succeeding his appointment, to take the place of the member whose  
40 term shall expire in that year, and any vacancy occurring in the  
41 membership of the board shall be reported forthwith by the  
42 secretary of the board to the mayor or other chief executive officer  
43 of the municipality, who shall within 30 days thereafter appoint a  
44 qualified person to fill the vacancy for the unexpired term.

45 (cf: P.L.1979, c.284, s.2)]<sup>1</sup>

1       <sup>1</sup>[68. N.J.S.18A:13-8 is amended to read as follows:

2       18A:13-8. The board of education of a regional district shall  
3 consist of nine members unless it consists of more than nine  
4 constituent districts, in which case the membership shall be the  
5 same as the number of constituent districts, plus one. If there are  
6 nine or less constituent districts, the members of the board of  
7 education of the regional district shall be apportioned by the county  
8 superintendent or county superintendents of the county or counties  
9 in which the constituent districts are situate, among said districts as  
10 nearly as may be according to the number of their inhabitants  
11 except that each constituent district shall have at least one member.

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

24       If there are more than nine constituent districts, the members on  
25 the board shall be apportioned among the constituent districts and  
26 the weight of their votes in all proceedings of the board shall be  
27 determined by the appropriate county superintendent or  
28 superintendents through the following procedure:

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

32       b. A representative ratio shall be calculated by adding the  
33 number of inhabitants of all constituent districts and dividing the  
34 sum by the board size.

35       c. All constituent districts shall be listed in ascending order of  
36 their number of inhabitants. If the first constituent district in said  
37 list has a number of inhabitants which is less than the representative  
38 ratio, it shall be combined with the constituent district contiguous to  
39 it having the smallest number of inhabitants. This process shall be  
40 repeated for each successively larger constituent district or  
41 combination of constituent districts until all remaining constituent  
42 districts or combinations of constituent districts shall have a number  
43 of inhabitants equal to, or exceeding the representative ratio. The  
44 districts formed in this manner shall be known as representative  
45 districts.

46       d. There shall be established a priority list according to the  
47 method of equal proportions for the apportionment of the members  
48 of the regional district board of education among the representative

1 districts.

2 e. The members of the regional district board of education shall  
3 be apportioned among the representative districts according to the  
4 method of equal proportions, and where a representative district is  
5 composed of more than one constituent district, members shall be  
6 elected at large from within the representative district.

7 f. The number of inhabitants of each representative district shall  
8 be divided by the number of members assigned to that district to  
9 find the number of inhabitants per members.

10 g. The vote to be cast by each member of the regional district  
11 board of education in all proceedings of the board shall be  
12 determined by dividing the number of inhabitants per member in the  
13 representative district from which the member is elected by the  
14 representative ratio for the regional district, and rounding off the  
15 quotient to the nearest tenth of a full vote.

16 Wherever any statute or bylaw of the board requires decision in  
17 any matter by vote of a majority of the board members, or of the  
18 members present, this shall be interpreted as meaning a majority of  
19 the weighted votes of all members, or of the members present, as  
20 the case may be.

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

40 If any constituent district is a consolidated district, or a district  
41 composed of two or more municipalities, and

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

46 b. The regional district is an all purpose district, the membership  
47 of the regional board of education from such district shall be  
48 apportioned, and from time to time reapportioned, and the members

1 from the district shall be elected, as their respective terms expire, in  
2 the same manner as though each of the municipalities making up  
3 such constituent district were constituent districts of the regional  
4 district.

5 (cf: P.L.1992, c.159, s.9)]<sup>1</sup>

6

7 <sup>1</sup>[69. N.J.S.18A:13-10 is amended to read as follows:

8 18A:13-10. The board of education of each regional district  
9 shall provide for the holding, in accordance with the provisions of  
10 P.L.1995, c.278 (C.19:60-1 et al.), of an annual school election for  
11 the regional district on the **[third]** first Tuesday following the first  
12 Monday in **[April]** November.

13 At such election there shall be elected for terms of three years,  
14 beginning on any day of the first **[or second]** week **[following such**  
15 **election]** in January, the members of the regional boards of  
16 education to succeed those members of the board whose terms shall  
17 expire in that year, except as is in this chapter provided for the  
18 election of the first elected members of the board.

19 (cf: P.L.1995, c.278, s.32)]<sup>1</sup>

20

21 <sup>1</sup>[70. N.J.S.18A:13-12 is amended to read as follows:

22 18A:13-12. The board shall hold a regular meeting forthwith  
23 after its first appointment, and annually thereafter on any day of the  
24 first **[or second]** week **[following the annual school election]** in  
25 January, at which it shall organize by the election, from among its  
26 members, of a president and vice president, who shall serve until  
27 the organization meeting next succeeding the election of their  
28 respective successors as members of the board. If any board shall  
29 fail to organize within **[said two weeks]** that week, the county  
30 superintendent of the county, or the county superintendents of the  
31 counties, in which the constituent districts are situate, shall appoint,  
32 from among the members of the board, a president and vice  
33 president to serve until the organization meeting next succeeding  
34 the next election.

35 (cf: P.L.1987, c.289, s.6)]<sup>1</sup>

36

37 <sup>1</sup>[71. N.J.S.18A:13-13 is amended to read as follows:

38 18A:13-13. The board shall appoint a secretary who may or may  
39 not be a member of the board, for the term of one year beginning on  
40 **[July 1]** January 15 following his appointment but he shall  
41 continue to serve after the expiration of his term until his successor  
42 is appointed and qualified.

43 (cf: N.J.S.18A:13-13)]<sup>1</sup>

44

45 <sup>1</sup>[72. N.J.S.18A:13-17 is amended to read as follows:

46 18A:13-17. The regional board of education shall **[,** at each  
47 annual school election, submit to the voters of the regional district

1 the amount of money fixed and determined in its] fix and determine  
2 the district's budget [to be voted upon for the use of the regional  
3 schools of the district] for the ensuing school year and may submit  
4 [thereat] at the annual school election any [other] question  
5 authorized by this law to be submitted at such an election. [The  
6 board may, in submitting to the voters the amount of money to be  
7 voted upon for the use of the regional schools of the district,  
8 identify the amount of money determined to be the constituent  
9 municipality's share.] The board shall follow the procedures  
10 established in section 5 of P.L.1996, c.138 (C.18A:7F-5) and  
11 N.J.S.18A:22-33.  
12 (cf: P.L.2001, c.26, s.1)]<sup>1</sup>

13

14 <sup>1</sup>[73. N.J.S.18A:13-40 is amended to read as follows:

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

32 (cf: N.J.S.18A:13-40)]<sup>1</sup>

33

34 <sup>1</sup>[74. N.J.S.18A:13-46 is amended to read as follows:

35 18A:13-46. The county superintendent of the county in which  
36 any new constituent district of an enlarged regional district shall be  
37 situate shall, not later than 30 days after the election for the  
38 enlargement thereof, appoint one member of the enlarged board of  
39 education of the regional district from among the qualified citizens  
40 of each such new constituent district and the members so appointed  
41 shall serve until the first [Monday] week of January next  
42 succeeding the first [annual] November school election of the  
43 enlarged regional district and their successors shall be elected at  
44 said election. If by reason of the enlargement of the district it  
45 becomes necessary to reapportion the membership of the enlarged  
46 board of education the county superintendent or superintendents of  
47 the county or counties in which the constituent local districts of the

1 enlarged district are situate shall reapportion the membership of the  
2 enlarged board of education in accordance with the provisions of  
3 sections 18A:13-8 and 18A:13-36, and at the same time shall  
4 designate the number of members to be elected from each  
5 constituent school district at the succeeding **[annual]** November  
6 school election to be held therein upon the expiration of the terms  
7 of office of the members of the regional board then in office, in  
8 such manner that the representation of the constituent districts shall  
9 be established in accordance with such reapportionment at the  
10 earliest possible time but the members then in office shall continue  
11 in office for the terms for which they were elected or appointed  
12 notwithstanding such reapportionment.  
13 (cf: N.J.S.18A:13-46)]<sup>1</sup>

14

15 <sup>1</sup>[75. N.J.S.18A:17-5 is amended to read as follows:

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

27 In case of a vacancy in the office of secretary, the vacancy shall  
28 be filled by the board within 60 days after the vacancy occurs and if  
29 the board does not make such appointment within such time the  
30 county superintendent shall appoint a secretary who shall receive  
31 the same compensation as his predecessor in office received and  
32 shall serve until a secretary is appointed by the board.

33 (cf: P.L.1968, c.271, s.1)]<sup>1</sup>

34

35 <sup>1</sup>[76. N.J.S.18A:22-26 is amended to read as follows:

36 18A:22-26. At or after the public hearing but not later than April  
37 8, the board of school estimate of a type II district having a board of  
38 school estimate shall fix and determine by a recorded roll call  
39 majority vote of its full membership the amount of money necessary  
40 to be appropriated for the use of the public schools in the district for  
41 the ensuing school year, exclusive of the amount which shall be  
42 apportioned to it by the commissioner for the year pursuant to the  
43 provisions of section 5 of P.L.1996, c.138 (C.18A:7F-5) and shall  
44 make a certificate of the amount signed by at least a majority of all  
45 members of the board, which shall be delivered to the board of  
46 education and a copy thereof, certified under oath to be correct and  
47 true by the secretary of the board of school estimate, shall be  
48 delivered to the county board of taxation on or before April 15 in



1 each year and a duplicate of the certificate shall be delivered to the  
2 board or governing body of each of the municipalities within the  
3 territorial limits of the district having the power to make  
4 appropriations of money raised by taxation in the municipalities or  
5 political subdivisions and to the county superintendent of schools  
6 and the amount shall be assessed, levied and raised under the  
7 procedure and in the manner provided by law for the levying and  
8 raising of special school taxes **【voted to be raised at an annual or  
9 special election of the legal voters】** in type II districts without a  
10 board of school estimate and shall be paid to the treasurer of school  
11 moneys of the district for such purposes.

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

21 (cf: P.L.1996, c.138, s.56) **】**<sup>1</sup>

22

23 <sup>1</sup>**【77. N.J.S.18A:22-32 is amended to read as follows:**

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

35 (cf: P.L.1996, c.138, s.57) **】**<sup>1</sup>

36

37 <sup>1</sup>**【78. N.J.S.18A:22-33 is amended to read as follows:**

38 18A:22-33. **【**The board of education of each type II district not  
39 having a board of school estimate shall at each annual school  
40 election, submit to the voters of the district, the amount of money  
41 fixed and determined in its budget pursuant to section 5 of  
42 P.L.1996, c.138 (C.18A:7F-5), excluding therefrom the sum or  
43 sums stated therein to be used for interest and debt redemption  
44 charges, in the manner provided by law, to be voted upon for the  
45 use of the public schools of the district for the ensuing school year,  
46 which amount shall be stated in the notice of the election, and the  
47 legal voters of the district shall determine at the election, by a

1 majority vote of those voting upon the proposition, the sum or  
2 sums, not exceeding those stated in the notice of the election, to be  
3 raised by special district tax for said purposes, in the district during  
4 the ensuing school year and] Within two days following the date  
5 specified for the certification of the April school election results,  
6 the secretary of the board of education of a Type II district not  
7 having a board of school estimate shall certify the amount [so  
8 determined upon, if any,] fixed and determined by the school board  
9 pursuant to N.J.S.18A:22-32 and any additional funds approved by  
10 the legal voters of the district and the sums so stated for interest and  
11 debt redemption charges, to the county board of taxation of the  
12 county [within two days following the certification of the election  
13 results] and the amount or amounts so certified shall be included in  
14 the taxes assessed, levied and collected in the municipality or  
15 municipalities comprising the district for such purposes; except  
16 that, in the case of a district which [, following the school election  
17 and the approval by the voters of the sum to be raised by special  
18 district tax for the schools of the district,] determines that it has a  
19 greater surplus account available for the school year than estimated  
20 when the sum to be raised by special district tax was [presented to  
21 the voters] certified to the county board of taxation of the county,  
22 the secretary of the board of education, with the approval of the  
23 commissioner, may between the [date of the school election] third  
24 Tuesday in April and the delivery of tax bills pursuant to R.S.54:4-  
25 64 re-certify to the county board of taxation the sum or sums to be  
26 raised by special district tax in the district during the ensuing school  
27 year, if the sum is lower than that [approved by the voters in the  
28 school election] initially certified to the county board of taxation of  
29 the county, and if the reduction is equivalent to the additional  
30 amount available in the surplus account to be applied towards the  
31 district's budget. The amount re-certified shall be included in the  
32 taxes assessed, levied and collected in the municipality or  
33 municipalities comprising the district.  
34 (cf: P.L.1999, c.346)]<sup>1</sup>

35

36 <sup>1</sup>[79. N.J.S.18A:22-41 is amended to read as follows:37 18A:22-41. In any Type II district [in which the amount, with  
38 any interest to be paid thereon, to be raised, levied and collected by  
39 taxes for school purposes is determined by the voters of the district]  
40 not having a board of school estimate , the board of education shall  
41 cause the question, whether or not the amount so estimated shall be  
42 so raised, to be submitted to the legal voters of the district at a  
43 special school election, to be held on such date as shall be  
44 determined upon by the board, and if at said election the question  
45 shall be adopted, the secretary shall certify that the amount so  
46 determined upon has been authorized to be raised in said manner to  
47 the county board of taxation within five days after the date of the

1 holding of such election.  
2 (cf: P.L.1993, c.83, s.14)]<sup>1</sup>

3

4 <sup>1</sup>[80. R.S.19:15-2 is amended to read as follows:

5 19:15-2. The district boards shall open the polls for such  
6 election at 6:00 A.M. and close them at 8:00 P.M., and shall keep  
7 them open during the whole day of election between these hours;  
8 except that for a school election held at a time other than at the time  
9 of the general election the polls shall be open between the hours of  
10 5:00 P.M. and 9:00 P.M. and during any additional time which the  
11 school board may designate between the hours of 7:00 A.M. and  
12 9:00 P.M.

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

17 At no time from the opening of the polls to the completion of the  
18 canvass shall there be less than a majority of the board present in  
19 the polling room or place, except that during a school election held  
20 at a time other than at the time of the general election there shall  
21 always be at least one member of each district election board  
22 present or if more than two district board members are designated to  
23 serve at the polling place, at least two members present.

24 (cf: P.L.2001, c.245, s.3)]<sup>1</sup>

25

26 <sup>1</sup>[81. R.S.19:45-6 is amended to read as follows:

27 19:45-6. The compensation of each member of the district  
28 boards for all services performed by them under the provisions of  
29 this Title shall be as follows:

30 In all counties, for all services rendered including the counting of  
31 the votes, and in counties wherein voting machines are used, the  
32 tabulation of the votes registered on the voting machines, and the  
33 delivery of the returns, registry binders, ballot boxes and keys for  
34 the voting machines to the proper election officials, \$200 each time  
35 any primary election, the general election or any special election is  
36 held under this Title; provided, however, that:

37 a. (1) The member of the board charged with the duty of  
38 obtaining and signing for the signature copy registers shall receive  
39 an additional \$12.50 per election, such remuneration being limited  
40 to only one board member per election, or \$6.25 to each of two  
41 board members if they share such responsibility for the signature  
42 copy registers, and (2) the member of the board charged with the  
43 duty of returning the signature copy registers shall receive an  
44 additional \$12.50 per election, such remuneration being limited to  
45 only one board member per election, or \$6.25 to each of two board  
46 members if they share such responsibility for the signature copy  
47 registers;

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

6 c. In counties wherein voting machines are used no  
7 compensation shall be paid for any services rendered at any special  
8 election held at the same time as any primary or general election.  
9 Such compensation shall be in lieu of all other fees and payments;  
10 and

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

22 Compensation due each member shall be paid within 30 days but  
23 not within 20 days after each election; provided, however, that no  
24 compensation shall be paid to any member of any such district  
25 board who may have been removed from office or application for  
26 the removal of whom is pending under the provisions of R.S.19:6-4.  
27 (cf: P.L.2005, c.136, s.48)]<sup>1</sup>  
28

29 <sup>1</sup>[82. Section 1 of P.L.1995, c.278 (C.19:60-1) is amended to  
30 read as follows:

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

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

48 b. All school elections shall be by ballot and, except as

1 otherwise provided by P.L.1995, c.278 (C.19:60-1 et al.), shall be  
2 conducted in the manner provided for general elections pursuant to  
3 Title 19 of the Revised Statutes. No grouping of candidates or  
4 party designation shall appear on any ballot to be used in a school  
5 election.

6 (cf: P.L.2003, c.20, s.1)]<sup>1</sup>

7

8 <sup>1</sup>[83. Section 3 of P.L.1995, c. 278 (C.19:60-3) is amended to  
9 read as follows:

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

23 b. Notwithstanding the provisions of subsection a. or any other  
24 law to the contrary:

25 (1) Upon the request of a board of education or the clerk of a  
26 municipality in the county or upon its own initiative, the county  
27 board may designate the polling place and voting equipment of one  
28 election district to serve as the polling place and voting equipment  
29 for the voters of one or more other election districts for school  
30 elections held at times other than at the time of the general election.  
31 Such a designation shall be based on the casting of no more than  
32 500 ballots during each of the two preceding annual school  
33 elections by the voters of the election districts for which that polling  
34 place is designated. If, at two consecutive annual school elections  
35 thereafter, the number of ballots cast by the voters in those election  
36 districts is more than 500, the county board shall effect an  
37 appropriate revision of the election districts using that polling place.  
38 If a request is from a municipal clerk, the request shall apply only  
39 to the election districts in that municipality.

40 (2) If one polling place is designated for two or more election  
41 districts, the county board shall designate at least two members  
42 from among the members of the district boards of election of those  
43 election districts to perform all the duties of the district board for  
44 the school election held at a time other than at the time of the  
45 general election. The county board shall also appoint one of the  
46 persons so designated to serve as judge and another of those persons  
47 to serve as inspector for school elections.

48 (cf: P.L.1996, c.3, s.1)]<sup>1</sup>

1       <sup>1</sup>[84. Section 4 of P.L.1995, c. 278 (C.19:60-4) is amended to  
2 read as follows:

3       4. The secretary of each board of education, not later than 10  
4 o'clock a.m. of the 17th day preceding the **[annual]** April school  
5 election or a special school election, shall make and certify and  
6 forward to the clerk of the county in which the school district is  
7 located a statement designating any public question to be voted  
8 upon by the voters of the district which may be required pursuant to  
9 the provisions of P.L.1995, c.278 (C.19:60-1 et al.) or Title 18A of  
10 the New Jersey Statutes.

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

18 (cf: P.L.1995, c.278, s.4)]<sup>1</sup>

19

20       <sup>1</sup>[85. Section 7 of P.L.1995, c.278 (C.19:60-7) is amended to  
21 read as follows:

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

36       Any candidate may withdraw as a candidate in a school election  
37 by filing a notice in writing, signed by the candidate, of such  
38 withdrawal with the secretary of the board of education before the  
39 **[44th]** 48th day before the date of the election, and thereupon the  
40 name of that candidate shall be withdrawn by the secretary of the  
41 board of education and shall not be printed on the ballot.

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

46       Whenever written objection to a petition of nomination  
47 hereunder shall have been made and timely filed with the secretary  
48 of the board of education, the board of education shall file its

1 determination of the objection on or before the **[44th]** 48th day  
2 preceding the school election. The last day upon which a candidate  
3 may file with the Superior Court a verified complaint setting forth  
4 any invasion or threatened invasion of the candidate's rights under  
5 the candidate's petition of nomination shall be the **[46th]** 50th day  
6 before the election. The last day upon which a candidate whose  
7 petition of nomination or any affidavit thereto is defective may  
8 amend such petition or affidavit shall be the **[44th]** 48th day before  
9 the election.

10 (cf: P.L.2000, c.22, s.1)]<sup>1</sup>

11

12 <sup>1</sup>[86. Section 9 of P.L.1995, c.278 (C.19:60-9) is amended to  
13 read as follows:

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

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

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

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

45 Every county clerk shall have ready for the printer a copy of the  
46 contents of official ballots required by law to be printed for use at a  
47 school election, as follows: in the case of the annual April school

1 election, not later than the 17th day preceding that election; and in  
2 the case of any special school election, not later than two business  
3 days following receipt by the clerk of official notice of the complete  
4 content of the ballot to be voted upon at that election.

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

8 The names of the candidates for the office of member of the local  
9 board of education shall appear on the ballot separately from the  
10 names of candidates for other offices.

11 (cf: P.L.2001, c.26, s.2)]<sup>1</sup>

12

13 <sup>1</sup>[87. Section 11 of P.L.1995, c.278 (C.19:60-11) is amended to  
14 read as follows:

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

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

33 (cf: P.L.1996, c.3, s.2)]<sup>1</sup>

34

35 <sup>1</sup>[88. Section 12 of P.L.1995, c.278 (C.19:60-12) is amended to  
36 read as follows:

37 12. All costs, charges and expenses, including the compensation  
38 of the members of the district boards and the compensation and  
39 expenses of the county board of elections, the county  
40 superintendent of elections, the clerk of the county, and the  
41 municipal clerks for any school election held at a time other than  
42 the time of the general election shall be paid by the board of  
43 education of the school district. All costs, charges and expenses  
44 submitted to the board of education for payment shall be itemized  
45 and shall include the separate identification of costs to prepare,  
46 print and distribute sample ballots. Amounts expended by a county  
47 or a municipality in the conduct of school elections for which the  
48 board of education shall make payment shall be considered



1 mandated expenditures exempt from the limitations on the county  
2 tax levy and from the limitations on final municipal appropriations  
3 imposed pursuant to P.L.1976, c.68 (C.40A:4-45.1 et seq.), and any  
4 costs to the board of education which exceed the amount of the  
5 costs to that board for the annual school election immediately  
6 preceding the enactment of P.L.1995, c.278 (C.19:60-1 et seq.) shall  
7 not be included for the purpose of calculating a school district's  
8 maximum permissible net budget pursuant to section 85 of  
9 P.L.1990, c.52 (C.18A:7D-28).  
10 (cf: P.L.1996, c.3, s.3)]<sup>1</sup>  
11

12 <sup>1</sup>[89. Section 4 of P.L.1993, c.102 (C.34:1B-7.23) is amended  
13 to read as follows:

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

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

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

44 d. (1) Upon certification, the commissioner shall waive the  
45 holding of a referendum or the requirement for approval by a board  
46 of school estimate pursuant to subsection (d) of N.J.S.18A:20-4.2 or  
47 N.J.S.18A:24-5 et seq., as the case may be, or the requirement for  
48 approval of the project by a capital projects control board pursuant

1 to P.L.1991, c.139 (C.18A:7A-46.1 et seq.), as appropriate, and the  
2 school district may, upon receiving the certification and waiver,  
3 apply to the authority for a loan pursuant to this section. The terms  
4 of the loan and the repayment schedule shall be established by the  
5 authority. The repayments to the authority by the school districts  
6 shall be treated as net debt service by the school districts for school  
7 aid purposes. [In addition to the amount of taxes determined by the  
8 legal voters of the district at the annual school election, the] The  
9 secretary of the board of education shall certify the amount required  
10 for the repayment of the interest and principal of the loan in the  
11 same manner required for interest and debt redemption charges  
12 pursuant to N.J.S.18A:22-33, and the amount so certified shall be  
13 included in the taxes assessed, levied and collected in the  
14 municipality or municipalities comprising the school district for  
15 such purposes.

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

21 (3) Notwithstanding any provision of this section to the  
22 contrary, on and after the effective date of P.L.1996, c.48 (C.34:1B-  
23 7.23a et al.), any loan repayments and interest thereon on deposit or  
24 deposited into the compliance fund shall be paid by the authority to  
25 the State Treasurer for deposit into the General Fund of the State,  
26 provided that the payment does not violate any existing agreement  
27 of the authority with bondholders.

28 e. The authority, in consultation with the commissioner shall, in  
29 determining whether to grant approval of any loan application  
30 pursuant to this section, take into consideration the severity of the  
31 need for the particular project, the ability of the school district to  
32 begin and complete the project in an expeditious manner, the ability  
33 of the school district to proceed with the funding of the balance of  
34 the funds for the project, and the extent to which the approval of the  
35 project contributes to the equitable distribution of moneys in the  
36 compliance fund.

37 f. The balance of the moneys needed for a project for which an  
38 application for a loan is made pursuant to this section may be  
39 funded by the school district by: (1) the issuance of bonds, or other  
40 borrowing, excluding lease-purchase agreements, pursuant to the  
41 provisions of subsection (d) of N.J.S.18A:20-4.2, N.J.S.18A:24-5 et  
42 seq., or P.L.1991, c.139 (C.18A:7A-46.1 et seq.), as appropriate;  
43 except that the commissioner shall waive the holding of a  
44 referendum or the requirement for approval by a board of school  
45 estimate pursuant to subsection (d) of N.J.S.18A:20-4.2, or  
46 N.J.S.18A:24-5 et seq., as the case may be, or the requirement for  
47 approval of the project by a capital projects control board pursuant  
48 to P.L.1991, c.139 (C.18A:7A-46.1 et seq.), as appropriate; (2)

1 borrowing from the "Public Schools Small Projects Loan Assistance  
2 Fund" established pursuant to section 7 of P.L.1993, c.102  
3 (C.34:1B-7.25), if the total cost of the project does not exceed  
4 \$5,000,000, and in any such case the commissioner shall waive the  
5 holding of a referendum or the requirement for approval by a board  
6 of school estimate pursuant to subsection (d) of N.J.S.18A:20-4.2 or  
7 N.J.S.18A:24-5 et seq., as the case may be, or approval of the  
8 project by a capital projects control board pursuant to P.L.1991,  
9 c.139 (C.18A:7A-46.1 et seq.), as appropriate; (3) moneys of the  
10 school district not necessary for the completion of any other  
11 specific projects; and (4) any other lawful source; except that no  
12 project funded or approved to be funded by school district bonds  
13 authorized, pursuant to law, prior to December 31, 1992 shall be  
14 funded pursuant to P.L.1993, c.102 (C.34:1B-7.20 et al.).

15 g. Any school district shall be eligible to receive additional  
16 loans pursuant to this section even if the district has received a  
17 previous loan; provided that those additional loans are in  
18 conformity with the selection criteria established pursuant to this  
19 section.

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

23 (cf: P.L.1996, c.48, s.1)]<sup>1</sup>

24  
25 <sup>1</sup>[90. Section 5 of P.L.1993, c.102 (C.34:1B-7.24) is amended  
26 to read as follows:

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

40 b. The authority may use the moneys in the facilities fund to  
41 provide for low interest loans to finance not less than 25%, and not  
42 more than 50%, of the total cost of any project, in accordance with  
43 the criteria set forth in this section, for the purpose of renovation,  
44 repair or other alteration of existing school buildings, for  
45 construction of new school buildings or for the conversion of  
46 existing school buildings to other instructional purposes, whether or  
47 not that renovation, repair, alteration, construction or conversion is  
48 required to bring buildings that, at the time of application do not

1 meet State health and safety code requirements, into compliance  
2 with those requirements.

3 c. Upon application by any school district to the authority for a  
4 loan to be made pursuant to subsection b. of this section, the  
5 authority shall, in consultation with the commissioner, determine  
6 whether to grant approval for the loan based upon the appropriate  
7 authorization for the loan pursuant to subsection (d) of  
8 N.J.S.18A:20-4.2, or the project pursuant to P.L.1991, c.139  
9 (C.18A:7A-46.1 et seq.), as the case may be, the relationship of the  
10 project to the enhancement of the school's academic programs, the  
11 ability of the school district to begin and complete the project in an  
12 expeditious manner, the ability of the school district to proceed with  
13 the funding of the balance of the moneys needed for the project, and  
14 the extent to which approval of the project would contribute to the  
15 equitable distribution of moneys in the facilities fund.

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

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

48 (2) All repayments, and interest thereon, shall be deposited by

1 the authority in the facilities fund for use in the manner provided  
2 for in this section, except insofar as the authority may direct that  
3 such amounts be deposited in the small projects fund established  
4 pursuant to section 7 of P.L.1993, c.102 (C.34:1B-7.25).

5 (3) Notwithstanding any provision of this section to the  
6 contrary, on and after the effective date of P.L.1996, c.48  
7 (C.34:1B-7.23a et al.), any loan repayments and interest thereon on  
8 deposit or deposited into the facilities fund shall be paid by the  
9 authority to the State Treasurer for deposit into the General Fund of  
10 the State, provided that the payment shall not violate any existing  
11 agreement of the authority with bondholders.

12 f. Net earnings received from the investment or deposit of  
13 moneys in the facilities fund by the authority shall be redeposited in  
14 the fund for use for the purposes of this section.  
15 (cf: P.L.1996, c.48, s.2)]<sup>1</sup>

16

17 <sup>1</sup>[91. Section 7 of P.L.1993, c.102 (C.34:1B-7.25) is amended  
18 to read as follows:

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

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

38 c. The authority shall use the monies in the small projects fund  
39 exclusively for: (1) matching funds to provide market rate loans to  
40 school districts to finance an amount up to the remaining balance of  
41 the cost of a project approved for funding from the compliance fund  
42 pursuant to section 4 of this 1993 amendatory and supplementary  
43 act or from the facilities fund pursuant to section 5 of this 1993  
44 amendatory and supplementary act, whether or not the project is  
45 required to bring the buildings that, at the time of application do not  
46 meet State health and safety code requirements, into compliance  
47 with those requirements; provided that the total cost of the project,  
48 including moneys received from the compliance fund or the

1 facilities fund, does not exceed \$5,000,000; and (2) payment of any  
2 principal, interest, premium and expenses incurred in connection  
3 with the bonds issued pursuant to subsection a. of this section.

4 d. (1) The authority shall establish the terms of the market rate  
5 loans which shall include, but not be limited to, the actual rate of  
6 interest, a schedule for drawing down loan funds, and the repayment  
7 schedule for the loans. The repayments shall be treated by the  
8 school district as net debt service for school aid purposes. [In  
9 addition to the amount of taxes determined by the legal voters of the  
10 district at the annual school election, the] The secretary of the  
11 board of education shall certify the amount required for the  
12 repayment of the interest and principal of the loan in the same  
13 manner required for interest and debt redemption charges pursuant  
14 to N.J.S.18A:22-33, and the amount so certified shall be included in  
15 the taxes assessed, levied and collected in the municipality or  
16 municipalities comprising the school district for such purposes.

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

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

23 (cf: P.L.1993, c.102, s.7)]<sup>1</sup>

24

25 <sup>1</sup>[92. R.S.54:4-45 is amended to read as follows:

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

36 (cf: P.L.1995, c.94, s.3)]<sup>1</sup>

37

38 <sup>1</sup>[93. (New section) An elected member of a board of  
39 education, or a member of a board of education appointed to serve  
40 the unexpired term of an elected member, or an appointed member  
41 of a board of education other than a member in a district in a city of  
42 the first class, who is holding office on the effective date of this act  
43 shall continue in office until the day in January next following the  
44 year in which his term was originally set to expire when his  
45 successor takes office.]<sup>1</sup>

46

47 <sup>1</sup>[94. The following sections of law are repealed:

1 N.J.S.18A:13-19;  
 2 N.J.S.18A:22-37;  
 3 N.J.S.18A:22-38.】<sup>1</sup>

4  
 5 <sup>1</sup>[95. a. Sections 71 through 94 of P.L. , c. (pending before  
 6 the Legislature as this bill) shall take effect on January 1 next  
 7 following the date of enactment of P.L. , c. (pending before the  
 8 Legislature as this bill); provided, however that transition of the  
 9 annual school election for the purposes of electing members of the  
 10 board of education from the third Tuesday in April to the first  
 11 Tuesday after the first Monday in November pursuant to section 82  
 12 of this Article (amending section 1 of P.L.1995, c.278 (C.19:60-1)),  
 13 shall be in accordance with the following schedule:  
 14

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)】 <sup>1</sup>

15  
 16 <sup>1</sup>[ARTICLE 5. EXECUTIVE COUNTY SUPERINTENDENTS

17  
 18 96.】 42.<sup>1</sup> N.J.S.18A:7-1 is amended to read as follows:

19 18A:7-1. a. The **【commissioner】** Governor, upon the  
 20 recommendation of the commissioner and with the advice and  
 21 consent of the Senate, shall appoint for each county, **【with the**  
 22 **approval of the state board,】** a suitable person, who holds an  
 23 appropriate certificate issued pursuant to this title and who has been  
 24 a resident of the **【state】** State for at least three years immediately

1 preceding **[his]** the appointment, to be the executive county  
2 superintendent of schools, who shall serve, unless sooner removed  
3 pursuant to law, for a term of three years **[and thereafter until his**  
4 **successor is appointed and shall qualify]**. The superintendent may  
5 be re-appointed by the Governor on the basis of a satisfactory  
6 performance assessment required pursuant to subsection b. of this  
7 section. A person who is serving as a county superintendent of  
8 schools on the effective date of Article 5 of P.L. , c. (C. )  
9 (pending before the Legislature as this bill), shall be eligible for  
10 appointment as the executive county superintendent of schools. The  
11 executive county superintendent of schools shall report to the  
12 Commissioner of Education or to a person designated by the  
13 commissioner.

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

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

32

33 <sup>1</sup>**[97.] 43.** N.J.S.18A:7-2 is amended to read as follows:

34 18A:7-2. The commissioner may designate any one of his  
35 assistant commissioners or**[, with the approval of the State board,]**  
36 another suitable person to exercise the powers and perform the  
37 duties of the executive county superintendent without additional  
38 compensation:

39 a. During any period when **[a]** an executive county  
40 superintendent shall be unable to perform his duties by reason of  
41 illness, physical disability or for any other cause; and

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

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

46

47 <sup>1</sup>**[98.] 44.** N.J.S.18A:7-3 is amended to read as follows:



1 18A:7-3. **[A]** An executive county superintendent of schools  
2 shall receive such salary as shall be approved by the commissioner  
3 and **[the president of the civil service commission subject to**  
4 **availability of funds]** shall receive a salary which is not greater than  
5 the salary of a cabinet-level official of the State.

6 Each executive county superintendent shall receive, in addition  
7 to his salary, the traveling and other expenses incurred by him in  
8 conducting his office and performing his official duties, which shall  
9 be paid by the county treasurer on the orders of the commissioner,  
10 upon his furnishing to the commissioner an itemized statement  
11 thereof certified under his oath, together with proper vouchers, and  
12 no such order shall be issued until such statement and vouchers are  
13 so furnished.

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

15

16 **'[99.] 45.'** N.J.S. 18A:7-4 is amended to read as follows:

17 18A:7-4. The commissioner shall, subject to appeal to the  
18 **[state]** State board, cause to be withheld the orders for the payment  
19 of the salary and expenses of any executive county superintendent,  
20 who shall fail to perform faithfully all of the duties imposed upon  
21 him by this chapter or by the rules of the **[state]** State board, until  
22 he shall have performed all of such duties.

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

24

25 **'[100.] 46.'** N.J.S.18A:7-5 is amended to read as follows:

26 18A:7-5. Each executive county superintendent shall devote his  
27 entire time to the duties of his office, and he shall have general  
28 supervision of all of the public schools of the districts of the county  
29 except those city school districts in which there shall have been  
30 appointed superintendents of schools.

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

32

33 **'[101.] 47.'** N.J.S.18A:7-6 is amended to read as follows:

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

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

43

44 **'[102.] 48.'** N.J.S.18A:7-7 is amended to read as follows:

45 18A:7-7. The executive county superintendent shall appoint  
46 such clerical assistants for his office as he shall deem necessary and  
47 fix their compensation within the limits of available appropriations

1 made thereof. In counties governed by Title [11] 11A, Civil  
 2 Service, of the [Revised] New Jersey Statutes, such appointments  
 3 shall be made and compensation shall be fixed pursuant to the  
 4 provisions thereof, and in all other counties the compensation of  
 5 such clerical assistants shall be fixed on a basis commensurate with  
 6 that of other county employees performing similar duties.  
 7 (cf: N.J.S.18A:7-7)

8  
 9 ' [103.] 49.' N.J.S.18A:7-8 is amended to read as follows:

10 18A:7-8. Each executive county superintendent shall:

11 a. Visit and examine from time to time all of the schools under  
 12 his general supervision and exercise general supervision over them  
 13 in accordance with the rules prescribed from time to time by the  
 14 [state] State board;

15 b. Keep himself informed as to the management, methods of  
 16 instruction and discipline and the courses of study and textbooks in  
 17 use, the condition of the school libraries, and the condition of the  
 18 real and personal property, particularly in respect to the  
 19 construction, heating, ventilation and lighting of school buildings,  
 20 in the local districts under his general supervision, and make  
 21 recommendations in connection therewith;

22 c. Advise with and counsel the boards of education of the local  
 23 districts under his general supervision and of any other district of  
 24 the county when so requested, in relation to the performance of  
 25 their duties;

26 d. Promote administrative and operational efficiencies and cost  
 27 savings within the school districts in the county while ensuring that  
 28 the districts provide a thorough and efficient system of education;

29 e. Based on standards adopted by the commissioner, recommend  
 30 to the commissioner, who is hereby granted the authority to  
 31 effectuate those recommendations, that certain school districts be  
 32 required to enter arrangements with one or more other school  
 33 districts or educational services commissions for the consolidation  
 34 of the district's administrative services;

35 f. Recommend to the commissioner the elimination of laws the  
 36 executive county superintendent determines to be unnecessary State  
 37 education mandates, other than the categories of laws set forth in  
 38 section 3 of P.L.1996, c.24 (C.52:13H-3);

39 g. Have the authority to eliminate districts located in the county  
 40 that are not operating schools on the effective date of Article '[5]  
 41 3' of P.L. , c. (C. ) (pending before the Legislature as this bill),  
 42 in accordance with a plan submitted to the commissioner no later  
 43 than one year following the effective date of Article '[5] 3' of  
 44 P.L. , c. (C. ) (pending before the Legislature as this bill);

45 h. No later than three years following the effective date of  
 46 Article '[5] 3' of P.L. , c. (C. ) (pending before the  
 47 Legislature as this bill), recommend to the commissioner a school

1 district consolidation plan to eliminate all districts, other than  
2 county-based districts and other than preschool or kindergarten  
3 through grade 12 districts in the county, through the establishment  
4 or enlargement of regional school districts. After the approval of  
5 the plan by the commissioner, the executive county superintendent  
6 shall require each board of education covered by a proposal in the  
7 plan to conduct a special school election, at a time to be determined  
8 by the executive county superintendent, and submit thereat the  
9 question whether or not the executive county superintendent's  
10 proposal for the regionalization of the school district shall be  
11 adopted. The question shall be deemed adopted if it receives a vote  
12 in accordance with the provisions of N.J.S.18A:13-5. If the  
13 question is adopted by the voters, then the regional district shall be  
14 established or enlarged in accordance with chapter 13 of Title 18A  
15 of the New Jersey Statutes;

16 i. Promote coordination and regionalization of pupil  
17 transportation services through means such as reviewing bus routes  
18 and schedules of school districts and nonpublic schools within the  
19 county;

20 j. Review and approve, according to standards adopted by the  
21 commissioner, all employment contracts for superintendents of  
22 schools, assistant superintendents of schools, and school business  
23 administrators in school districts within the county, prior to the  
24 execution of those contracts;

25 k. Request the commissioner to order a forensic audit and to  
26 select an auditor for any school district in the county upon the  
27 determination by the executive county superintendent, according to  
28 standards adopted by the commissioner, that the accounting  
29 practices in the district necessitate such an audit;

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

42 m. Permit a district to submit to the voters a separate proposal or  
43 proposals for additional funds pursuant to paragraph (9) of  
44 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), only if:  
45 (1) the district provides the executive county superintendent with  
46 written documentation that the district has made efforts to enter into  
47 shared arrangements with other districts, municipalities, counties,  
48 and other units of local government for the provision of

1 administrative, business, purchasing, public and nonpublic  
2 transportation, and other required school district services; (2) the  
3 district certifies and provides written documentation that the district  
4 participates in on-going shared arrangements; or (3) the district  
5 certifies and provides written documentation that entering such  
6 shared arrangements would not result in cost savings or would  
7 result in additional expenses for the district;

8 n. Promote cooperative purchasing within the county of  
9 textbooks and other instructional materials;

10 o. Coordinate with the Department of Education to maintain a  
11 real time Statewide and district-wide database that tracks the types  
12 and capacity of special education programs being implemented by  
13 each district and the number of students enrolled in each program to  
14 identify program availability and needs;

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

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

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

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

29 t. Work with districts to develop in-district special education  
30 programs and services including providing training in inclusive  
31 education, positive behavior supports, transition to adult life, and  
32 parent-professional collaboration;

33 u. Provide assistance to districts in budgetary planning for  
34 resource realignment and reallocation to direct special education  
35 resources into the classroom;

36 v. Report on a regular basis to the commissioner on progress in  
37 achieving the goal of increasing the number of special education  
38 students educated in appropriate programs with non-disabled  
39 students;

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

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

45 <sup>1</sup>Any budgetary action of the executive county superintendent  
46 under this section may be appealed directly to the commissioner,  
47 who shall render a decision within 15 days of the receipt of the  
48 appeal. If the commissioner fails to issue a decision within 15 days

1 of the filing of an appeal, the budgetary action of the executive  
2 county superintendent shall be deemed approved. The  
3 commissioner shall by regulation establish a procedure for such  
4 appeals.<sup>1</sup>

5 Nothing in this section shall be construed or interpreted to  
6 contravene or modify the provisions of the “New Jersey Employer-  
7 Employee Relations Act,” P.L.1941, c.100 (C.34:13A-1 et seq.), or  
8 to limit or restrict the scope of negotiations as provided pursuant to  
9 law, or to <sup>1</sup> [authorize] require <sup>1</sup> an employer to enter into a  
10 subcontracting agreement which affects the employment of any  
11 employee in a collective bargaining unit represented by a majority  
12 representative during the time that an existing collective bargaining  
13 agreement with the majority representative is in effect.

14 Nothing in this section is intended to interfere with a school  
15 district’s ability to provide a thorough and efficient education.  
16 (cf: N.J.S.18A:7-8)

17

18 <sup>1</sup> [104.] 50. N.J.S.18A:7-9 is amended to read as follows:

19 18A:7-9. The executive county superintendent may, without  
20 charge, administer oaths.

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

22

23 <sup>1</sup> [105.] 51. N.J.S.18A:7-10 is amended to read as follows:

24 18A:7-10. Each executive county superintendent shall, on or  
25 before December 1 of each year, furnish to the board of chosen  
26 freeholders of the county a statement of the amounts estimated to be  
27 necessary to be appropriated for the ensuing year for:

28 a. the compensation of his clerical assistants;

29 b. the supplying of furniture, supplies and equipment for his  
30 office;

31 c. printing; and

32 d. traveling and other expenses incident to the conduct and the  
33 performance of his official duties of his office incurred by him.

34 The board of chosen freeholders shall fix and determine the  
35 amounts necessary to be appropriated for such purposes and shall  
36 appropriate the same accordingly.

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

38

39 <sup>1</sup> [106.] 52. Section 2 of P.L.1975, c.360 (C.18A:13-52) is  
40 amended to read as follows:

41 2. The executive county superintendent shall, within 60 days  
42 after such request, file with the governing bodies of the  
43 municipalities constituting the regional district and the boards of  
44 education of all of the constituent school districts and the board of  
45 education of the regional school district a report containing a  
46 statement of the current assets and operating expenses of the  
47 regional district for the then current year and such financial,  
48 educational and other information as he may deem necessary to

1 enable said governing bodies and local boards of education and  
2 regional board of education to form an intelligent judgment as to  
3 the advisability of the proposed withdrawal or dissolution and the  
4 effect thereof upon the educational and financial condition of the  
5 withdrawing district and the regional district, or upon each of the  
6 constituent districts in the event of a dissolution and setting forth  
7 the amount of indebtedness, if any, to be assumed by the  
8 withdrawing and the regional districts, or by each constituent  
9 district in the event of a dissolution, calculated as hereinafter  
10 provided. The report, in discussing the educational and financial  
11 effect of the withdrawal or dissolution, shall include the effect  
12 thereof upon the administrative and operational efficiencies, and the  
13 resultant cost savings or cost increases, in the withdrawing and the  
14 regional districts, or by each constituent district in the event of a  
15 dissolution.

16 The executive county superintendent may require the constituent  
17 municipalities and school districts and the regional district to  
18 submit a feasibility study in order to determine the educational and  
19 financial impact of the withdrawal from, or dissolution of, the  
20 limited purpose regional district. In the event the executive county  
21 superintendent requests a feasibility study to be conducted, the  
22 executive county superintendent's report required pursuant to this  
23 section shall be filed within 60 days following submission of the  
24 feasibility study.

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

26

27 <sup>1</sup>[107.] 53. (New section) The commissioner shall appoint an  
28 executive county business official to serve in the office of the  
29 executive county superintendent of schools for a term of three  
30 years. The executive county business official shall assist the  
31 executive county superintendent in the performance of the  
32 superintendent's duties pursuant to N.J.S.18A:7-8, and perform such  
33 other duties as determined by the commissioner. Based on criteria  
34 developed by the commissioner, the executive county business  
35 official shall be subject to a performance assessment at least once  
36 during the three-year term. The business official may be re-  
37 appointed on the basis of a satisfactory performance assessment.

38

39 <sup>1</sup>[108.] 54. (New section) A local school district may apply to  
40 the executive county superintendent of schools to have school  
41 district services including, but not limited to, transportation,  
42 personnel, purchasing, payroll, and accounting, assumed by the  
43 office of the superintendent. If the executive county superintendent  
44 determines to assume a service, a fee may be assessed the school  
45 district for the service. The executive county superintendent of  
46 schools may utilize county special services school districts, jointure  
47 commissions, and educational services commissions to provide  
48 services to local school boards.

1        **'[109.] 55.'**<sup>1</sup> (New section) a. When the office of county  
2 superintendent is vacated through the completion of a current term  
3 or for any other reason, the Governor, upon the recommendation of  
4 the Commissioner of Education, shall appoint an executive county  
5 superintendent of schools pursuant to N.J.S.18A:7-1.

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

11  
12        **'[110.] 56.'**<sup>1</sup> (New section) Whenever, in any law, rule,  
13 regulation, order, contract, document, judicial or administrative  
14 proceeding or otherwise, reference is made to the office of the  
15 county superintendent of schools, the same shall mean and refer to  
16 the office of the executive county superintendent of schools.

17  
18        **'[111.] 57.'**<sup>1</sup> (New section) An executive county superintendent  
19 of schools shall not accept employment in any school district which  
20 was under his supervision in that position for a period of two years  
21 commencing on the day his term as executive county superintendent  
22 terminates.

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

36  
37        **'[113.] 59.'**<sup>1</sup> Article 1 shall take effect as provided in section  
38 **'[41] 37'**<sup>1</sup> of this act; Article 2 shall take effect immediately;  
39 Article 3 shall take effect **'[as provided in section 60 of this act;**  
40 **Article 4 shall take effect as provided in section 95 of this act; and**  
41 **Article 5 shall take effect]'**<sup>1</sup> immediately.

42  
43  
44  
45        Implements CORE proposals, including "Uniform Shared  
46 Services and Consolidation Act"; user-friendly budgets; revision of  
47 county superintendent of schools title and duties.