

SENATE, No. 1416

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Co-Sponsored by:

Senator O'Scanlon

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/3/2021)

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

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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

9 26:3-3. a. The local board in every municipality, other than a
10 township, which is subject to the provisions of subdivision C of this
11 article, or a board established by a municipality that invokes the
12 provisions of subsection b. of this section, shall be composed of not
13 less than five nor more than seven members, except that in a city of
14 the first class the board shall consist of 10 members, and in a city
15 having a population of over 80,000, but not of the first class, the
16 board shall consist of not less than five nor more than 10 members.

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

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

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

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

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

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

Matter underlined thus is new matter.

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

4 c. As used in this section, “governing body” means the body
5 exercising general legislative power in the municipality, including
6 any mayor selected by the governing body from among its own
7 members.

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

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

11 26:3-5. The members of the local board in every municipality,
12 other than a township which is subject to the provisions of
13 subdivision C of this article, or a board established by a
14 municipality that invokes the provisions of subsection b. of
15 R.S.26:3-3, shall be appointed in such manner as the governing
16 body may by ordinance provide, except that in a city of the first
17 class all the members of the board shall be appointed by the mayor
18 and confirmed by the board or body having charge of the finances
19 in such city.

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

21
22 3. R.S.26:3-6 is amended to read as follows:

23 26:3-6. The members of the local board in every municipality,
24 other than a township, which is subject to the provisions of
25 subdivision C of this article, or a board established by a
26 municipality that invokes the provisions of subsection b. of
27 R.S.26:3-3, shall serve for such term as the governing body may by
28 ordinance provide, but, except in a city having a population of over
29 80,000 but not of the first class, no term shall exceed 4 years, and in
30 a city of the first class the term shall be 3 years. The terms shall be
31 so arranged that the terms of not more than three members shall
32 expire in any 1 year, except that in a city of the first class the terms
33 of three members shall expire in 1 year, the terms of an additional
34 three members in the next succeeding year, and the terms of the
35 remaining members in the second succeeding year.

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

37
38 4. R.S.26:3-7 is amended to read as follows:

39 26:3-7. If any vacancy shall occur on the local board of any
40 municipality, other than a township which is subject to the
41 provisions of subdivision C of this article, or a board established by
42 a municipality that invokes the provisions of subsection b. of
43 R.S.26:3-3, it shall be filled in the same manner in which the
44 original appointment was made, but for the unexpired portion of the
45 term only.

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

47
48 5. R.S.26:3-9 is amended to read as follows:

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

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

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

32
33 6. (New section) All proceedings had, or actions taken, prior
34 to the effective date of P.L. , c. (C.) (pending before the
35 Legislature as this bill) by a municipal board of health comprised of
36 the members of the municipality's governing body are hereby
37 ratified, validated, and confirmed, notwithstanding that statutory
38 law at the time of the proceedings had, or actions taken, did not
39 expressly permit municipal boards of health to be comprised of the
40 members of the municipal governing body.

41
42 7. This act shall take effect immediately.

43 44 45 STATEMENT

46
47 This bill would permit the governing body of a municipality
48 having a population of 30,000 or less, to serve as the municipal
49 board of health.

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

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