

SENATE, No. 2658

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 30, 2020

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Limits investigatory powers of city councils over municipal officers and employees.

CURRENT VERSION OF TEXT

As introduced.



S2658 SCUTARI

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1 AN ACT concerning investigations by city councils and amending
2 N.J.S.40A:61-5.

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

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7 1. N.J.S.40A:61-5 is amended to read as follows:

8 40A:61-5. a. The council shall be the legislative body of the
9 municipality.

10 b. The council may, subject to general law and the provisions
11 of this act:

12 (1) pass, adopt, amend and repeal any ordinance or, where
13 permitted, any resolution for any purpose required for the
14 government of the municipality or for the accomplishment of any
15 public purpose for which the municipality is authorized to act under
16 general law;

17 (2) control and regulate the finances of the municipality and
18 raise money by borrowing or taxation;

19 (3) investigate any activity of the municipality, or any person
20 serving as an executive officer or employee of the municipality on
21 the date the council commences an investigation;

22 (4) override a veto of the mayor by a two-thirds majority of all
23 the members of the council.

24 c. The council shall appoint the subordinate officials of the
25 municipality, except as provided elsewhere by law. In any case
26 where the council is unable to appoint an officer or fill a vacancy to
27 any appointed position by reason of being equally divided in a vote
28 therein, the mayor shall have the power to cast a vote to break a tie.
29 (cf: N.J.S.40A:61-5)

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31 2. This act shall take effect immediately.

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STATEMENT

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36 This bill would clarify that a city council's investigatory powers
37 over municipal officers and employees is limited to persons who are
38 current officers and employees in the executive branch of the
39 municipality. This would eliminate any ability of a city council to
40 investigate its own members, or to investigate any former officers
41 or employees of a city administration.

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.