SYNOPSIS
Concerns local unit filing requirement for certain shared services agreements.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning local unit filing requirement for certain shared
services agreements and amending the “Uniform Shared Services

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

1. Section 4 of P.L.2007, c.63 (C.40A:65-4) is amended to read
as follows:

4. a. (1) Any local unit may enter into an agreement with any
other local unit or units to provide or receive any service that each
local unit participating in the agreement is empowered to provide or
receive within its own jurisdiction, including services incidental to
the primary purposes of any of the participating local units
including services from licensed or certified professionals required
by statute to be appointed.

In the case of pilot municipalities, tenure rights shall not prohibit
the sharing of services for a municipal clerk, a chief financial
officer, an assessor, a tax collector, a municipal treasurer, or a
municipal superintendent of public works. The statutory
requirements that each municipality must appoint a municipal clerk,
a chief financial officer, an assessor, a tax collector, a municipal
treasurer, a municipal engineer, and a principal public works
manager shall, for those pilot municipalities, permit and include the
provision of the services of any of those municipal employees
through a shared service agreement pursuant to the provisions of
P.L.2007, c.63 (C.40A:65-1 et seq.). The shared service agreement
shall be subject to the provisions of subsection d. of this section and
of section 3 of P.L.2013, c.166 (C.40A:65-4.2).

In a shared service agreement between pilot municipalities for
the services of a municipal clerk, a chief financial officer, an
assessor, a tax collector, a municipal treasurer, or a municipal
superintendent of public works, the agent-party, as that term is used
in subsection d. of section 7 of P.L.2007, c.63 (C.40A:65-7), shall
select for employment under the agreement one of the employees of
the pilot municipalities that are party to the agreement who was
employed in that same capacity prior to the approval of the
agreement.

(2) Notwithstanding any law, rule or regulation to the contrary,
any agreement between local units for the provision of shared
services shall be entered into pursuant to sections 1 to 37 of
P.L.2007, c.63 (C.40A:65-1 et al.); provided, however, that
agreements regarding shared services that are otherwise regulated
by statute, rule, or regulation are specifically excluded from
sections 1 to 37 of P.L.2007, c.63 (C.40A:65-1 et al.).

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.
The board is authorized to render a decision in the determination of the statutory basis under which a specific shared service is governed.

b. Any agreement entered into pursuant to this section shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs, together with an estimate of the cost savings anticipated to be achieved by the local units that are the parties to the agreement [in the case of an agreement between pilot municipalities], pursuant to rules and regulations promulgated by the director.

c. In the case of a pilot municipality, a tenured municipal clerk, chief financial officer, assessor, tax collector, municipal superintendent of public works, or municipal treasurer may be dismissed to effectuate the sharing of a service entered into pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.) and such dismissal shall be deemed to be in the interest of the economy or efficiency of the participants in the shared service agreement.

d. In the case of a pilot municipality, a tenured municipal clerk, chief financial officer, assessor, tax collector, municipal superintendent of public works, or municipal treasurer who has been dismissed to effectuate a shared service agreement entered into pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.) shall be reappointed to his or her former position, and shall regain his or her tenured status, if the shared service agreement is cancelled, or expires, within the two-year period immediately following the dismissal of that person.

e. Notwithstanding any law, rule, or regulation to the contrary, a local unit or units may enter into a shared service agreement with a federal military base, to the extent permitted by 10 U.S.C. s.2679, under which services would be provided to the extent a local unit involved in the agreement is empowered to provide those services within its own jurisdiction. This subsection shall not be construed to impact existing federal or State civil service laws, rules, or regulations with respect to federal employees or employees of a local unit. Where federal law and State law conflict regarding the content and duration of such agreements, federal law shall control. (cf: P.L.2017, c.21, s.1)

This act shall take effect immediately and shall apply to those agreements entered into after the enactment of P.L. , c. (pending before the Legislature as this bill).

STATEMENT

This bill requires that local units entering into a shared services agreement, pursuant to the “Uniform Shared Services and
Consolidation Act,” P.L.2007, c.63, file the agreement and an estimate of the cost savings anticipated to be achieved by the local units with the Division of Local Government Services in the Department of Community Affairs.