

10/22/86

40:49-27

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40:49-27 and 40:49-27a to 40:49-27c (Municipal bond referendum--number of signatures required on petition)

LAWS OF: 1986 CHAPTER 69

BILL NO: A1900

Sponsor(s): Girgenti

Date Introduced: February 3, 1986

Committee: Assembly: Municipal Government
Senate: County and Municipal Government

Amended during passage: No

Date of Passage: Assembly: February 27, 1986
Senate: June 23, 1986

Date of Approval: July 30, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly: Yes
Senate: Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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ASSEMBLY, No. 1900

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 3, 1986

By Assemblyman GIRGENTI

AN ACT concerning ordinances authorizing municipal indebtedness, amending R. S. 40:49-27 and supplementing chapter 49 of Title 40 of the Revised Statutes.

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

1 1. R. S. 40:49-27 is amended to read as follows:

2 40:49-27. Any ordinance authorizing the incurring of any in-
3 debtedness, except for current expenses shall become operative
4 **[ten]** 20 days after the publication thereof after its final passage,
5 unless within **[said ten]** *those 20* days a protest against the in-
6 curring of such indebtedness shall be filed in the office of the mu-
7 nicipal clerk, *by a petition* signed by **[taxpayers representing 10%**
8 **in amount of the assessed valuation of such municipality, whose**
9 **names appear on the last preceding assessment roll thereof,]** *regis-*
10 *tered voters of the municipality equal in number to at least 15%*
11 *of the number of votes cast in the municipality at the most recent*
12 *general election at which members of the General Assembly were*
13 *elected*, in which case such ordinance shall remain inoperative until
14 a proposition for the ratification thereof shall be adopted, at an
15 election to be held for that purpose, by a majority of the qualified
16 voters of the municipality voting on the proposition, subject to the
17 provisions of **[sections]** R. S. 40:49-10 to 40:49-12 **[of this Title]**.

18 **[The certificate of the clerk of the municipality filed in his office**
19 **as to the filing or sufficiency of any protest shall be conclusive for**
20 **the purposes of this section.**

21 At least 10 days before any such election, notice thereof shall

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 printed in italics thus is new matter.

22 be published once in a newspaper published in the municipality,
 23 or if there be no such newspaper, then in a newspaper published
 24 in the county and circulating in the municipality.】

25 *A petition circulated pursuant to this section shall be subject to*
 26 *the provisions of section 2 through 5 of P. L. . . . , c. . . . (C. . . .)*
 27 *(now pending before the Legislature as this bill).*

1 2. (New section) The signatures to a petition circulated pursuant
 2 to R. S. 40:49-27 need not all be appended to one paper, but each
 3 signer shall add after his signature his place of residence, giving
 4 the street and number. One of the signers of each paper shall make
 5 an oath before an officer competent to administer the same that
 6 the statement made therein is true as he believes, and that each
 7 signature on the paper is the genuine signature of the person
 8 whose name it purports to be.

1 3. (New section) Within 10 days after the filing of the petition,
 2 the municipal clerk shall examine the same and ascertain whether
 3 or not it is signed by the requisite number of qualified voters, and
 4 shall attach its certificate showing the result of the examination.
 5 If the petition is insufficient, the clerk shall return the petition to
 6 the person filing it. The petition may be amended and refiled
 7 within 10 days after the receipt thereof from the clerk. Within
 8 10 days after receiving an amended petition, the clerk shall ex-
 9 amine the petition. If the petition is sufficient, the clerk shall sub-
 10 mit it to the governing body of the municipality without delay,
 11 and shall take all necessary steps required by R. S. 40:49-10 and
 12 this amendatory and supplementary act for the scheduling of an
 13 election on the ordinance. If the petition is not sufficient, the clerk
 14 shall return it to the person filing it, and the ordinance shall be-
 15 come operative immediately or on the 20th day following publica-
 16 tion of the ordinance after final passage, as appropriate.

1 4. (New section) If the ordinance is to be submitted to the voters,
 2 notice of the election shall be published at least once in a news-
 3 paper published in the municipality or, if there is no such news-
 4 paper, in a newspaper published in the county and circulating in
 5 the municipality. The notice shall be published at least 10 days
 6 before the date of the election.

1 5. This act shall take effect immediately, but shall not apply to
 2 any referendum required pursuant to a petition filed on or before
 3 the effective date of this act.

STATEMENT

This bill provides that a petition for a referendum on the incurrence of municipal indebtedness shall be signed by registered voters equal in number to at least 15% of the votes cast in the municipality at the preceding general election. Under current law, the petition must be signed by taxpayers representing at least 10% of the assessed valuation of real property in the municipality.

The bill recognizes that all registered voters presumably pay property taxes, directly or indirectly. Thus, the bill is consistent with the philosophy of the current law which permits a referendum to be held upon petition of those who must defray debt services. However, the bill would remove the potential difficulty of a bond ordinance being delayed by a small group of substantial property owners, or by a large commercial ratable.

Finally, the bill fills a void in current law by establishing procedures for circulating, verifying and amending petitions concerning the incurrent of indebtedness.

LOCAL BUDGET AND FINANCE

Provides that a petition for referendum on the incurrence of municipal indebtedness be signed by registered voters numbering at least 15% of the votes cast in the preceding general election.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE
STATEMENT TO
ASSEMBLY, No. 1900
STATE OF NEW JERSEY

DATED: FEBRUARY 20, 1986

The Assembly Municipal Government Committee favorably reports Assembly Bill No. 1900.

This bill requires that a petition to prohibit the implementation of a debt-incurring ordinance contain at least the number of signatures equal to 15% of the voters who voted at the last election at which members of the General Assembly were elected.

Further, before the debt-incurring ordinance becomes operative, this bill requires 20 days to elapse after the notice of enactment of the ordinance has been published.

In addition, procedures are established for circulating, verifying, and amending petitions concerning the incurrence of indebtedness.

Current law requires that a petition to require a referendum on the implementation of a debt-incurring ordinance be signed by taxpayers representing ownership of at least 10% of the assessed valuation in the municipality. This bill changes the criteria for such a petition from a percentage of ownership of property in the municipality to the number of voters that equal 15% of the number of the total registered voters who voted at the most recent municipal election at which members of the General Assembly were elected.

Also current law requires that a 10-day period of time elapse prior to the implementation of a debt-incurring ordinance, while the Local Bond Law requires a 20-day period. This bill brings the requirements for debt-incurring ordinances into conformity with the Local Bond Law requirements. There is no current statutory requirement for the establishment of procedures for circulating, verifying and amending petitions concerning the incurrence of indebtedness.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1900

STATE OF NEW JERSEY

DATED: JUNE 9, 1986

The Senate County and Municipal Government Committee reports favorably Assembly Bill No. 1900.

Assembly Bill No. 1900 requires that a petition protesting the implementation of an ordinance authorizing the incurrence of debt contain a number of signatures equal to at least 15% of the votes cast in the last election at which members of the General Assembly were elected. In addition, the bill provides that 20 days must elapse after publication of a notice that such an ordinance was enacted before the ordinance becomes operative.

Currently, R. S. 40:49-27 provides that 10 days must elapse after publication of a notice of enactment of an ordinance authorizing debt incurrence before the ordinance becomes operative. That law also requires that a protest against the debt incurrence be signed by taxpayers representing ownership of at least 10% of the assessed valuation in the municipality. If such a protest is filed prior to the end of the 10 day period, the ordinance remains inoperative until ratified by referendum vote.

This bill extends the 10 day period to 20 days and requires that a petition be signed by a number of voters equal to at least 15% of the number of voters voting in the most recent election at which General Assembly members were elected instead of a number of taxpayers representing 10% of the assessed valuation. The bill also establishes procedures for circulating, verifying and amending petitions protesting an ordinance authorizing the incurrence of debt.

The extension of the period before which an ordinance authorizing debt incurrence becomes operative conforms the provisions of R. S. 40:49-27 with the "Local Bond Law," N. J. S. 40A:2-1 et seq. which has a 20 day period before which bond ordinances become effective.