

40A:14-70 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40A:14-70 et al

(Fire district elections--  
candidates--compliance  
with Campaign  
Contributions and  
Expenditures Reporting)

LAWS OF: 1985

CHAPTER: 288

Bill No: S2124

Sponsor(s): Russo

Date Introduced: September 13, 1984

Committee: **Assembly:** State Government, Civil Service, Elections, Pensions  
and Veterans' Affairs.

**Senate:** County and Municipal Government

Amended during passage: Yes Amendments during passage denoted  
by asterisks

Date of Passage: **Assembly:** June 17, 1985  
**Senate:** November 29, 1984

Date of Approval: August 14, 1985

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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SENATE, No. 2124

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 13, 1984

By Senator RUSSO

Referred to Committee on County and Municipal Government

AN ACT concerning fire districts, amending \*N. J. S. 40A:14-70,\* N. J. S. 40A:14-71, N. J. S. 40A:14-72, N. J. S. 40A:14-79 and supplementing chapter 14 of Title 40A of the New Jersey Statutes.

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

1 \*1. N. J. S. 40A:14-70 is amended to read as follows:  
2 40A:14-70. In any municipality not having a paid or part-paid  
3 fire department and force, the governing body, upon application of  
4 at least 5% of the registered voters or 20 legal voters whichever is  
5 the greater, by ordinance, shall designate a territorial location or  
6 locations for use as a fire district or fire districts and, by resolution,  
7 provide for the election of a board of fire commissioners for the  
8 district or each district to consist of five persons, residents therein,  
9 and specify the date, time and place for [such] the election of the  
10 first board.

11 The district or each district shall be assigned a number and  
12 the commissioners thereof and their successors shall be a body  
13 corporate, to be known as "the commissioners of fire district No.  
14 ..... in ..... (name of municipality), county of  
15 ..... (name of county)". The said body cor-  
16 porate shall have the power to acquire, hold, lease, sell or otherwise  
17 convey in its corporate name, such real and personal property  
18 as the purposes of the corporation shall require. All sales and  
19 leases of real and personal property shall be in accordance with  
20 the provisions of section 13 or 14, as appropriate, of the "Local  
21 Lands and Buildings Law," P. L. 1971, c. 199 (C. 40A:12-13 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 printed in italics thus is new matter.**

**Matter enclosed in asterisks or stars has been adopted as follows:**

**\*—Assembly committee amendments adopted April 29, 1985.**

22 40A:12-14). Said body corporate may adopt and use a corporate  
 23 seal, sue or be sued and shall have such powers, duties and func-  
 24 tions as are usual and necessary for said purposes.

25 **【At】** *on the date and at the time and place specified for the elec-*  
 26 *tion of the first board the clerk of the municipality shall conduct*  
 27 *the election and shall preside at the meeting until the board shall*  
 28 *have been elected.*

29 At the first meeting of a newly elected board of fire commis-  
 30 sioners of a district the board shall choose a chairman and fix  
 31 the **【time and】** place for the annual election. The members of the  
 32 board shall divide themselves by lot into three classes; the first to  
 33 consist of two members **【to be elected for terms of 1 year】**, *whose*  
 34 *terms shall expire at 12 o'clock noon on the first Tuesday in March*  
 35 *of the year following the year in which the first board is elected;*  
 36 *the second, two members 【for terms of 2 years】 whose terms shall*  
 37 *expire at 12 o'clock noon on the first Tuesday in March of the sec-*  
 38 *ond year following that year; and the third, one member 【for a*  
 39 *term of 3 years】 whose term shall expire at 12 o'clock noon on the*  
 40 *first Tuesday in March of the third year following that year. 【Upon*  
 41 *the expiration of said terms their successors shall be elected for*  
 42 *terms of 3 years.】 The terms of fire commissioners in each class,*  
 43 *other than members of the first board, shall expire at 12 o'clock*  
 44 *noon on the first Tuesday in March of the third year following the*  
 45 *year in which they were elected.*

46 Any vacancy in the membership shall be filled by the remaining  
 47 members until the next succeeding annual election, at which time a  
 48 resident of the district shall be elected for the unexpired term.\*

1 **\*【1.】\*** \*2.\* N. J. S. 40A:14-71 is amended to read as follows:

2 40A:14-71. Candidates for membership on the board shall be  
 3 nominated by verified petitions. Any such petition shall be in  
 4 writing, addressed to the municipal clerk or the clerk of the board,  
 5 as the case may be, stating that the signers thereof are qualified  
 6 voters and residents in the district and requesting that the name  
 7 of the candidate be placed on the official ballot. The petition shall  
 8 state the residence of the candidate and certify his qualification for  
 9 membership. The candidate's consent to his nomination shall be  
 10 annexed to the petition and shall constitute his agreement to serve  
 11 in the event of his election. The petition shall contain the name  
 12 of only one candidate, but several petitions may nominate the same  
 13 person. Each petition shall be signed by not less than 10 qualified  
 14 voters and shall be filed at least 28 days before the date of the  
 15 election.

16 *Any form of a petition of nomination which is provided to candi-*  
 17 *dates by the Secretary of State, the county clerk, or the municipal*

18 clerk shall contain the following notice: "Notice: all candidates are  
 19 required by law to comply with the provisions of 'The New Jersey  
 20 Campaign Contributions and Expenditures Reporting Act,' P. L.  
 21 1973, c. 83 (C. 19:44A-1 et seq.). For further information please  
 22 call (insert phone number of the Election Law Enforcement  
 23 Commission)."

24 If a petition is found to be defective, either in form or substance,  
 25 the municipal clerk or the clerk of the board, as the case may be,  
 26 shall forthwith notify the candidate to cause it to be corrected  
 27 before the petition is given consideration.

1 \***[2.]**\* \*3.\* N. J. S. 40A:14-72 is amended to read as follows:

2 40A:14-72. An election shall be held annually *on the third Satur-*  
 3 *day in February* in each established fire district for the election of  
 4 members of the board according to the expiration of terms. *The*  
 5 *initial election for a newly created fire district may take place on*  
 6 *another date \*as a governing body may specify under N. J. S.*  
 7 *40:14-70\*, but the annual elections thereafter shall be held on the*  
 7A *third Saturday in February.* The **[date,]** \***[time and]**\* place of the  
 8 election shall be determined by the board and a notice thereof, and  
 9 and of the closing date for the filing with the clerk of the board of  
 10 petitions of nomination for membership on the board, shall be pub-  
 11 lished at least once in a newspaper circulating in the district at  
 12 least six weeks prior to the date fixed for the election.

14 The legal voters thereat shall determine the amount of money to  
 15 be raised for the ensuing year and determine such other matters as  
 16 may be required.

1 \***[3.]**\* \*4.\* N. J. S. 40A:14-79 is amended to read as follows:

2 40A:14-79. Upon proper certification pursuant to section 9 of  
 3 \***[this amendatory and supplementary act]**\* \*P. L. 1979, c. 453  
 4 (C. 40:14-78.5)\*, the assessor of the municipality, in which the fire  
 5 district is situate, shall assess the amount to be raised by taxation  
 6 to support the district budget against the taxable property therein,  
 7 in the same manner as municipal taxes are assessed and the said  
 8 amount shall be assessed, levied and collected at the same time and  
 9 in the same manner as other municipal taxes.

10 The collector or treasurer of the municipality, in which said dis-  
 11 trict is situate, shall pay over all moneys so assessed to the treasurer  
 12 or custodian of funds of said fire district **[one-half on or before**  
 13 **July 1 in the year for which said taxes are levied and the other**  
 14 **half on or before January 1 of the following year]** *as follows: on*  
 15 *or before April 1, an amount equaling 21.25% of all moneys so*  
 16 *assessed; on or before July 1, an amount equaling 22.5% of all*  
 17 *moneys so assessed; on or before October 1, an amount equaling*

18 25% of all moneys so assessed; and on or before December 31, an  
 19 amount equaling the difference between the total of all moneys so  
 20 assessed and the total amount of such moneys previously paid over,  
 21 to be held and expended for the purpose of providing and maintain-  
 22 ing means for extinguishing fires in such district.

23 *Notwithstanding anything herein to the contrary, the municipal*  
 24 *governing body may authorize, in the cash management plan*  
 25 *adopted by it pursuant to N. J. S. 40A:5-14, a schedule of payments*  
 26 *of fire district moneys by which an amount greater than required*  
 27 *on any of the first three payment dates cited herein may be paid*  
 28 *over. The municipal governing body and board of fire commis-*  
 29 *sioners may, by concurrent resolution, adopt a schedule of pay-*  
 30 *ments of fire district moneys by which an amount less than required*  
 31 *in any of the first three payment dates cited herein may be paid*  
 32 *over. Such resolution shall be included in the cash management*  
 33 *plan adopted by the municipal governing body pursuant to N. J. S.*  
 34 *40A:5-14.*

35 The commissioners may also pay back, or cause to be paid back  
 36 to such municipality, any funds or any part thereof paid to the  
 37 treasurer or custodian of funds of such fire district by the collector  
 38 or treasurer of the municipality, representing taxes levied for fire  
 39 district purposes but not actually collected in cash by said collector  
 40 or treasurer.

1 \***[4.]**\* \*5.\* (New section) a. Whenever it shall become necessary,  
 2 during the last two months of the fiscal year to expend amounts in  
 3 excess of those appropriations specified in the various line items of  
 4 the operating appropriations section of the annual budget and there  
 5 shall be excess appropriations in other line items of the operating  
 6 appropriations section, the board of fire commissioners of the fire  
 7 district may, by resolution setting forth the facts, adopted by not  
 8 less than  $\frac{2}{3}$  vote of the full membership thereof, transfer the  
 9 amount of the excess to those appropriations deemed to be in-  
 10 sufficient.

11 b. No transfers may be made under this section from appropria-  
 12 tions for:

- 13 (1) Contingent expenses,
- 14 (2) Deferred charges,
- 15 (3) Cash deficit of preceding year,
- 16 (4) Down payments,
- 17 (5) Capital improvements,
- 18 (6) Interest and redemption charges.

1 \***[5.]**\* \*6.\* (New section) a. If, during the first two months of  
 2 any fiscal year, the amount of any appropriation reserve in any line

3 item of the operating appropriations section of the budget for the  
 4 immediately preceding fiscal year is insufficient to pay the claims  
 5 authorized or incurred during the preceding year, and there shall be  
 6 an excess in any appropriation reserve in another line item of the  
 7 operating appropriations section, the board of fire commissioners  
 8 of any fire district may, by resolution adopted by not less than a  
 9  $\frac{2}{3}$  vote of the full membership thereof, transfer the amount of the  
 10 excess to the appropriation reserve deemed to be insufficient or for  
 11 which no reserve was provided.

12 b. No transfers may be made under this section from appropria-  
 13 tion reserves for:

- 14 (1) Contingent expenses,
- 15 (2) Down payments,
- 16 (3) Capital improvements.

1 \***[6.]**\* \*7.\* (New section) A fire district may make emergency ap-  
 2 propriations, after the adoption of a budget approved by the Di-  
 3 rector of the Division of Local Government Services pursuant to  
 4 P. L. 1983, c. 313 (C. 40A:5A-1 et seq.) for a purpose which is not  
 5 foreseen at the time of the adoption thereof, or for which adequate  
 6 provision was not made therein. This appropriation shall be made  
 7 only to meet a pressing need for public expenditure to protect or  
 8 promote the public health, safety, morals or welfare.

1 \***[7.]**\* \*8.\* (New section) An emergency appropriation, together  
 2 with all prior emergency appropriations made during the same  
 3 year, shall not exceed 3% of the total of current operating appro-  
 4 priations made in the budget adopted for that year.

1 \***[8.]**\* \*9.\* (New section) Emergency appropriations shall be  
 2 made as follows:

3 a. The board of fire commissioners of any fire district shall, by  
 4 resolution adopted by not less than  $\frac{2}{3}$  of its full membership,  
 5 declare that an emergency exists requiring a supplementary ap-  
 6 propriation.

7 b. The resolution shall be in the form and content to be pre-  
 8 scribed by the municipal governing body and shall set out the  
 9 nature of the emergency in full.

10 c. A copy of the resolution shall be filed immediately with the  
 11 governing body.

12 d. The resolution shall not take effect until the municipal gov-  
 13 erning body shall by a vote of not less than  $\frac{2}{3}$  of its full member-  
 14 ship approve the emergency appropriation and certify its approval  
 15 to the fire district.

1 \***[9.]**\* \*10.\* (New section) The total amount of all emergency  
 2 appropriations shall be provided in full by the fire district as a

3 deferred charge in the budget of the next succeeding fiscal year.  
 4 *\*In the event that the budget is not approved by the voters, that*  
 5 *deferred charge shall remain in the budget for the fire district to*  
 6 *be adopted by the municipal governing body pursuant to the law.\**

1 *\*[10.]\* \*11.\** (New section) A fire district may finance any emer-  
 2 gency appropriation from the district's available surplus funds, or  
 3 may borrow money for a period of time not in excess of one year  
 4 and execute the necessary evidences of indebtedness.

1 *\*[11.]\* \*12.\** (New section) Commencing January 1, *\*[1985]\**  
 2 *\*1986\** all fire district fiscal years shall begin on January 1 and end  
 3 December 31. Any fire district with a fiscal year commencing at  
 4 any time during *\*[1984]\* \*1985\**, but ending subsequent to *\*[Jan-*  
 5 *uary 1]\* \*December 31\**, 1985, shall adopt a budget pursuant to  
 6 law which ends December 31, *\*[1984]\* \*1985\**, notwithstanding  
 7 that such requirement results in a fiscal year of less than 12 full  
 8 calendar months of duration. Any budget heretofore adopted for  
 9 a fiscal year commencing at any time during *\*[1984]\* \*1985\** but  
 10 ending subsequent to *\*[January 1]\* \*December 31\**, 1985 shall be  
 11 amended such that the fiscal year to which it pertains shall termi-  
 12 nate at December 31, *\*[1984]\* \*1985\**, notwithstanding that such  
 13 action results in a fiscal year of less than 12 full calendar months.

1 *\*[12.]\* \*13.\** (New section) A fire district may and, if any con-  
 2 tracts, commitments or payments are to be made prior to the adop-  
 3 tion of the budget, shall, by resolution adopted prior to January 15,  
 4 adopt a temporary budget to make appropriations to provide for  
 5 the period between the beginning of the fiscal year and the adoption  
 6 of the budget.

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

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

1. *\*[13.]\* \*14.\** This act shall take effect immediately, except that  
 2 sections *\*[1 and]\* 2 \*and 3\** shall take effect January 1, *\*[1985,*  
 3 *and except that sections 3 and 12 shall be retroactive to January 1,*  
 4 *1984]\* \*1985\**.

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1 11. (New section) Commencing January 1, 1985 all fire district  
 2 fiscal years shall begin on January 1 and end December 31. Any  
 3 fire district with a fiscal year commencing at any time during 1984,  
 4 but ending subsequent to January 1, 1985, shall adopt a budget pur-  
 5 suant to law which ends December 31, 1984, notwithstanding that  
 6 such requirement results in a fiscal year of less than 12 full calendar  
 7 months of duration. Any budget heretofore adopted for a fiscal  
 8 year commencing at any time during 1984 but ending subsequent  
 9 to January 1, 1985 shall be amended such that the fiscal year to  
 10 which it pertains shall terminate at December 31, 1984, notwith-  
 11 standing that such action results in a fiscal year of less than 12 full  
 12 calendar months.

1 12. (New section) A fire district may and, if any contracts, com-  
 2 mitments or payments are to be made prior to the adoption of the  
 3 budget, shall, by resolution adopted prior to January 15, adopt a  
 4 temporary budget to make appropriations to provide for the period  
 5 between the beginning of the fiscal year and the adoption of the  
 6 budget.

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

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

1 13. This act shall take effect immediately, except that sections  
 2 1 and 2 shall take effect January 1, 1985, and except that sections 3  
 3 and 12 shall be retroactive to January 1, 1984.

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#### STATEMENT

This bill requires nominating petitions for candidates for mem-  
 bership on a fire district board to contain a notice that all candidates  
 are required to comply with the provisions of "The New Jersey  
 Campaign Contributions and Expenditures Reporting Act," P. L.  
 1973, c. 83 (C. 19:44A-1 et seq.). It also changes the date on which  
 fire district elections are held, and it makes various changes in fire  
 district budget procedures.

52124(1985)



ASSEMBLY STATE GOVERNMENT, CIVIL SERVICE,  
ELECTIONS, PENSIONS AND VETERANS AFFAIRS  
COMMITTEE

STATEMENT TO

**SENATE, No. 2124**

with Assembly committee amendments

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**STATE OF NEW JERSEY**

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DATED: APRIL 29, 1985

This bill would effect various changes in the budgeting practices of municipal fire districts and in the election of commissioners to the boards of those districts.

The provisions regarding budgeting practices are as follows:

(1) Municipal assessments for the support of the fire district budget would be paid over to the district commission on a quarterly schedule, rather than semi-annually, as under current law;

(2) Excess appropriations or appropriations reserves in one line-item of the operating budget could be transferred, upon a  $\frac{2}{3}$  vote of the fire district commission, to certain other appropriations or appropriations reserve line items in that budget during the last two months of the fiscal year;

(3) Emergency appropriations for a pressing need, not exceeding 3% of the current year's operating appropriations, could be made upon a  $\frac{2}{3}$  vote of the fire district commission, with the amount of those appropriations to be provided as a deferred charge in the following year's budget and financed from available surplus funds or from short-term borrowing;

(4) The fire district fiscal year would be made to conform to the calendar year; and

(5) Fire districts would be authorized (and, where necessary, required) to adopt temporary budgets, appropriating amounts not exceeding 14% of the previous fiscal year's appropriations to provide for any period between the beginning of the fiscal year and the adoption of the budget.

As regards elections, the bill requires petitions of nomination for election to the fire district commission to contain a notice to candidates of their obligation to comply with "The New Jersey Campaign Contributions and Expenditures Reporting Act." In addition, the bill fixes the terms of fire district commissioners and provides that annual fire district board elections, other than the first election of commissioners following establishment of a district, be held on the third Saturday of February.

COMMITTEE AMENDMENT:

The committee amended the bill (1) to fix the terms of fire district commissioners, (2) delay until January 1, 1986, the date upon which the provisions regarding the uniform election date and the quarterly payment schedule would become operative, (3) to clarify that charges for emergency appropriations in one year which are deferred for inclusion in the budget for the following year would not be subject to the disapproval of that budget by the voters, and (4) to correct references and make other appropriate technical revisions.

COMMITTEE ACTION:

The committee reported the bill, as amended, favorably.

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SENATE COUNTY AND MUNICIPAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**SENATE, No. 2124**

**STATE OF NEW JERSEY**

DATED: OCTOBER 18, 1984

Senate Bill No. 2124 amends N. J. S. 40A:14-72 and N. J. S. 40A:14-79 and supplements chapter 14 of Title 40A of the New Jersey Statutes to provide for more uniform budgetary procedures for fire districts. The procedures set forth in the bill are, in large part, patterned after those in the "Local Budget Law." (N. J. S. 40A:4-1 et seq.) which govern counties and municipalities. In addition, the amendment to N. J. S. 40A:14-72 and an amendment to N. J. S. 40A:4-71 make certain changes in the election procedures for boards of fire commissioners.

Under the provisions of the bill, all fire districts must adopt the calendar year as the basis for their fiscal year. In line with that requirement, the bill establishes the third Saturday in February as the date for the annual fire district election, at which members of the board of fire commissioners are chosen and the budget approved. To cover the period between the adoption of the budget and its approval by the voters at the annual fire district election, the bill authorizes fire districts to adopt temporary budgets.

The bill also changes the schedule for the transmission of fire district moneys from the local tax collector to the fire district treasurer. Under current law, the local tax collector transmits those moneys biannually. Under the provisions of this bill, the tax collector would be required to make three approximately equal quarterly payments on or before April 1, July 1, and October 1, of each year, and a payment for the balance on or before December 31 of that year.

To meet any deficiencies in its operating line item appropriations, the bill permits fire districts to transfer moneys from certain operating accounts during the last two months of the fiscal year. In addition, fire districts would be permitted to make emergency appropriations. The total amount of emergency appropriations a fire district may make in any one fiscal year may not exceed 3% of the total current operating appropriations of the district in that year. All emergency appropriations must be approved by the board of fire commissioners of the dis-

trict and the governing body of the municipality. To finance any emergency appropriation, a fire district may either use any surplus funds it may have available or it may borrow money for a period of one year.

In addition to the above changes, the bill requires that nominating petitions for candidates for boards of fire commissioners contain a notice that candidates must comply with "The New Jersey Campaign Contributions and Expenditures Reporting Act," P. L. 1973, c. 83 (C. 19:44A-1 et seq.).

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