

40A:14-70

LEGISLATIVE HISTORY CHECKLIST

SA 40A:14-70 (Fire Commissioners--Permit sale or lease of certain property)

LAWS OF 1979 CHAPTER 325

Bill No. S3370

Sponsor(s) Weiss, Hamilton, Dwyer and Parker

Date Introduced June 25, 1979

Committee: Assembly Municipal Government
 Senate County and Municipal Government

Amended during passage Yes Amendments during passage denoted by asterisks. Substituted for A3486 (not enclosed since identical to S3370)

Date of Passage: Assembly Dec. 3, 1979
 Senate Nov. 13, 1979

Date of approval Jan. 18, 1980

Following statements are attached if available:

Sponsor statement	Yes	<input checked="" type="checkbox"/>
Committee Statement: Assembly	Yes	<input type="checkbox"/>
Senate	Yes	<input checked="" type="checkbox"/>
Fiscal Note	Yes	<input type="checkbox"/>
Veto message	Yes	<input type="checkbox"/>
Message on signing	Yes	<input type="checkbox"/>
Following were printed:		
Reports	Yes	<input type="checkbox"/>
Hearings	Yes	<input type="checkbox"/>

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SENATE, No. 3370

STATE OF NEW JERSEY

INTRODUCED JUNE 25, 1979

By Senators WEISS, HAMILTON, DWYER and PARKER

Referred to Committee on County and Municipal Government

AN ACT concerning fire districts, amending N. J. S. 40A:14-70, and validating, confirming and ratifying certain actions and proceedings by the commissioners of a fire district.

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 20 legal voters, by ordinance, shall designate a territorial
5 location or locations for use as a fire district or first districts and,
6 by resolution, provide for the election of a board of fire commis-
7 sioners for the district or each district to consist of five persons,
8 residents therein, and specify the time and place for such election.

9 The district or each district shall be assigned a number and the
10 commissioners thereof and their successors shall be a body cor-
11 porate, to be known as "the commissioners of first district No. . . .
12 in (name of municipality), county of
13 (name of county)". The said body
14 corporate shall have the power to acquire, hold, lease, sell or
15 otherwise convey in its corporate name, such real and personal
16 property [for its purposes. It] as the purposes of the corporation
17 shall require. All sales *and leases* of real and personal property
18 shall be in accordance with the provisions of *[section 13]* *sec-
19 tions 13 or 14, as appropriate,* of the "Local Lands and Buildings
19A Law", P. L. 1971, c. 199 (C. 40A:12-13 *and 40A:12-14*). Said body
20 corporate may adopt and use a corporate seal, sue or be sued and
21 shall have such powers, duties and functions as are usual and
22 necessary for said purposes.

23 At the time and place specified for the election of the first board
24 the clerk of the municipality shall conduct the election and shall
25 preside at the meeting until the board shall have been elected.

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

26 At the first meeting of a newly elected board of fire commis-
27 sioners of a district the board shall choose a chairman and fix the
28 time and place for the annual election. The members of the board
29 shall divide themselves by lot into three classes: the first to consist
30 of two members to be elected for terms of 1 year; the second, two
31 members for terms of 2 years; and the third, one member for a term
32 of 3 years. Upon the expiration of said terms their successors shall
33 be elected for terms of 3 years.

34 Any vacancy in the membership shall be filled by the remaining
35 members until the next succeeding annual election, at which time
36 a resident of the district shall be elected for the unexpired term.

1 2. (New section) Any actions or proceedings relating to any sale
2 of real or personal property by the commissioners of a fire district
3 made in accordance with any of the methods set forth in section 13
4 of the "Local Lands and ***[Building]*** *Buildings** Law", P. L.
5 1971, c. 199 (C. 40A:12-13) prior to the effective date of this act,
6 are hereby validated, ratified and confirmed.

1 3. This act shall take effect immediately.

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 2 of real or personal property by the commissioners of a fire district
 3 made in accordance with any of the methods set forth in section 13
 4 of the "Local Lands and Building Law", P. L. 1971, c. 199 (C.
 5 40A:12-13) prior to the effective date of this act, are hereby
 6 validated, ratified and confirmed.

1 3. This act shall take effect immediately.

STATEMENT

The objectives of this bill are threefold:

(1) To make clear the authority of a fire district to sell any real or personal property that is no longer needed for the effectuation of the purposes of the fire district;

(2) To require that the sale of such property shall be made in accordance with the pertinent provisions of the Local Lands and Building Law; and

(3) To validate any actions taken prior to the enactment of this bill in conformance with the bill's provisions.

S. 3370 (1979)

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 3370

with Senate committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 2, 1979

Senate Bill No. 3370 would clarify the authority of a fire district to hold, sell, lease or otherwise convey real or personal property. The bill would require that any sale of such real or personal property be made in accordance with the pertinent provisions of the "Local Lands and Buildings Law" which would require that such property be no longer needed for the purposes of the fire district. The bill would validate actions taken prior to the effective date of the act in conformance with the bill's provisions.

The Senate committee amendments would require that any lease of real or personal property be made in accordance with the pertinent provisions of the "Local Lands and Buildings Law."