

40:43-66.78

LEGISLATIVE HISTORY CHECKLIST
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(Sparsely populated municipalities)

NJSA: 40:43-66.78

LAWS OF: 1995 **CHAPTER:** 376

BILL NO: A2603

SPONSOR(S): Lance

DATE INTRODUCED: February 27, 1995

COMMITTEE: ASSEMBLY: Local Government

SENATE: Community Affairs

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
Second reprint enacted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: June 12, 1995

SENATE: December 11, 1995

DATE OF APPROVAL: January 5, 1996

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

KBP:pp

[SECOND REPRINT]
ASSEMBLY, No. 2603

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 27, 1995

By Assemblymen LANCE and Warsh

1 AN ACT concerning consolidation of sparsely populated
2 municipalities and supplementing chapter 43 of Title 40 of the
3 Revised Statutes.

4

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

7 1. The Legislature finds and declares that the consolidation of
8 sparsely populated municipalities into contiguous municipalities
9 having larger populations should be encouraged as a means to
10 reduce the costs of local government. The Legislature also finds
11 that there should be a simplified consolidation process when a
12 municipality seeking consolidation is sparsely populated and when
13 the resulting consolidated municipality will have the same form
14 of government as the municipality absorbing the sparsely
15 populated municipality.

16 2. For the purposes of this act:

17 "Absorbing municipality" means a municipality into which a
18 contiguous sparsely populated municipality situate in the same
19 county intends to be consolidated pursuant to the provisions of
20 P.L. , c. (C.) (now pending before the Legislature as
21 this bill).

22 "Director" means the Director of the Division of Local
23 Government Services in the Department of Community Affairs.

24 "Consolidated municipality" means the single new municipality
25 that results from an affirmative consolidation effort pursuant to
26 the provisions of P.L. , c. (C.) (now pending before the
27 Legislature as this bill).

28 "Sparsely populated municipality" means a municipality with a
29 population of less than 500 persons according to the most recent
30 federal decennial census.

31 3. a. The governing body of a sparsely populated municipality
32 may adopt, by two-thirds vote of its full membership, an
33 ordinance proposing the municipality's consolidation into a
34 contiguous municipality.

35 b. The clerk of a municipality that adopts an ordinance
36 pursuant to subsection a. of this section shall forward a copy of
37 the ordinance to the governing body of the absorbing municipality
38 and to the director within seven days of the effective date of the
39 ordinance.

40 c. ¹[Within 120 days following the effective date of an
41 ordinance adopted by two-thirds vote of the full membership of
42 the governing body of the absorbing municipality consenting to

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALG committee amendments adopted March 27, 1995.

² Senate SCO committee amendments adopted September 28, 1995.

1 consolidation with the sparsely populated municipality, the clerk
 2 of the absorbing municipality shall forward a copy of the
 3 ordinance to the director] ²[The] If the governing body of the²
 4 absorbing municipality ²consents to the consolidation it² shall,
 5 within 120 days after receipt of the ordinance adopted by the
 6 governing body of the sparsely populated municipality pursuant to
 7 subsection a. of this section, adopt an ordinance consenting to
 8 consolidation with the sparsely populated municipality by a
 9 two-thirds vote of the full membership of the governing body and
 10 shall forward a copy of the ordinance to the director and the
 11 clerk of the sparsely populated municipality¹.

12 ²4. a. Whenever the governing body of a sparsely populated
 13 municipality with a population between 100 and 500 persons
 14 according to the most recent federal decennial census and the
 15 governing body of an absorbing municipality have both adopted
 16 ordinances proposing and consenting to the consolidation of their
 17 respective municipalities, the municipal clerk of each
 18 municipality shall cause the question of consolidation to be
 19 submitted to the registered voters of each municipality on the
 20 date for the next general or regular municipal election occurring
 21 not less than 60 days after the adoption of the ordinance of the
 22 absorbing municipality. At that election, the question shall be
 23 submitted in the same manner as other public questions in each
 24 such municipality, and in the following form or such part thereof
 25 as shall be applicable:

26
 27 "Shall (insert the names of the municipalities) be consolidated
 28 into a single municipality to be known as (insert name of
 29 absorbing municipality) and governed under (insert the present
 30 plan or form of government of the absorbing municipality)?"
 31

32 b. The question submitted pursuant to subsection a of this
 33 section shall be deemed approved and adopted only if a majority
 34 of those voting on the question in each of the municipalities votes
 35 in favor of the question.

36 c. The results of the election in each municipality in which the
 37 question was submitted shall be certified in accordance with Title
 38 19 of the Revised Statutes, and the county clerk shall, in turn,
 39 not more than 5 days after said certification, notify the director
 40 of the election results.²

41 ²[4.]² a. Within 20 days of ²either: (1)² receipt of an
 42 ordinance consenting to consolidation pursuant to subsection c. of
 43 section 3 of P.L. , c. (C.) (now pending before the
 44 Legislature as this bill) ², with regard to a consolidation involving
 45 a sparsely populated municipality with a population of less than
 46 100 persons according to the most recent federal decennial
 47 census, or (2) the certification of the results of elections
 48 approving a consolidation pursuant to section 4 of P.L. , c.
 49 (C.) (now pending before the Legislature as this bill),² the
 50 director shall meet with the mayors and such other municipal
 51 officials as the director shall require from the sparsely populated
 52 municipality and the absorbing municipality.

53 b. In consultation with the mayors the director shall establish
 54 a timetable for the consolidation to become effective and shall

1 make such budget, financial and educational district adjustments
2 as shall be required to complete the consolidation. The
3 Commissioner of Education also shall be consulted with regard to
4 the adjustment of educational district matters. The director
5 shall also establish a timetable for the preparation of a new
6 official map of the consolidated municipality showing the new
7 boundaries.

8 c. The director, in consultation with the mayors, shall have all
9 of the powers of a consolidation commission under the "Municipal
10 Consolidation Act," P.L.1977, c.435 (C.40:43-66.35 et seq.).

11 ²[5.] 6.² a. The consolidated municipality shall continue the
12 form of government and name of the absorbing municipality.

13 b. The clerk of the consolidated municipality shall notify the
14 Secretary of State and the county clerk of the consolidation.

15 c. The offices and positions of the elected and appointed
16 municipal officials of the sparsely populated municipality shall
17 terminate upon the completion of the consolidation.

18 d. The elected and appointed officers of the absorbing
19 municipality shall continue their terms of office or appointment
20 upon creation of the consolidated municipality as if no
21 consolidation had occurred and the ordinances of the absorbing
22 municipality shall be applicable to the entire consolidated
23 municipality.

24 ²7. In the event children in a consolidated municipality reside
25 on federal property within the former boundaries of a sparsely
26 populated municipality, the State shall assume fiscal
27 responsibility for the tuition and transportation costs of such
28 children. The Department of Education shall pay the tuition to
29 the school district in which the children are enrolled and pay the
30 transportation costs to the district in which the children reside.²

31 ²[6.] 8.² This act shall take effect immediately.

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36 Simplifies procedure for consolidation of sparsely populated
37 municipalities.

ASSEMBLY, No. 2603
STATE OF NEW JERSEY

INTRODUCED FEBRUARY 27, 1995

By Assemblyman LANCE

1 AN ACT concerning consolidation of sparsely populated
2 municipalities and supplementing chapter 43 of Title 40 of the
3 Revised Statutes.

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

7 1. The Legislature finds and declares that the consolidation of
8 sparsely populated municipalities into contiguous municipalities
9 having larger populations should be encouraged as a means to
10 reduce the costs of local government. The Legislature also finds
11 that there should be a simplified consolidation process when a
12 municipality seeking consolidation is sparsely populated and when
13 the resulting consolidated municipality will have the same form
14 of government as the municipality absorbing the sparsely
15 populated municipality.

16 2. For the purposes of this act:

17 "Absorbing municipality" means a municipality into which a
18 contiguous sparsely populated municipality situate in the same
19 county intends to be consolidated pursuant to the provisions of
20 P.L. , c. (C.) (now pending before the Legislature as
21 this bill).

22 "Director" means the Director of the Division of Local
23 Government Services in the Department of Community Affairs.

24 "Consolidated municipality" means the single new municipality
25 that results from an affirmative consolidation effort pursuant to
26 the provisions of P.L. , c. (C.) (now pending before the
27 Legislature as this bill).

28 "Sparsely populated municipality" means a municipality with a
29 population of less than 500 persons according to the most recent
30 federal decennial census.

31 3. a. The governing body of a sparsely populated municipality
32 may adopt, by two-thirds vote of its full membership, an
33 ordinance proposing the municipality's consolidation into a
34 contiguous municipality.

35 b. The clerk of a municipality that adopts an ordinance
36 pursuant to subsection a. of this section shall forward a copy of
37 the ordinance to the governing body of the absorbing municipality
38 and to the director within seven days of the effective date of the
39 ordinance.

40 c. Within 120 days following the effective date of an ordinance
41 adopted by two-thirds vote of the full membership of the
42 governing body of the absorbing municipality consenting to
43 consolidation with the sparsely populated municipality, the clerk
44 of the absorbing municipality shall forward a copy of the
45 ordinance to the director.

1 municipality by at least two-thirds vote of the full membership
2 of its governing body, the director would convene a meeting with
3 the two mayors and other local officials and perform the
4 functions of a consolidation commission to determine all matters
5 necessary to accomplish the consolidation. The consolidated
6 municipality would retain the same name, form of government
7 and elected officials as the municipality that absorbed the
8 sparsely populated municipality.

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13 Simplifies procedure for consolidation of sparsely populated
14 municipalities.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2603

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 27, 1995

The Assembly Local Government Committee favorably reports Assembly Bill No. 2603 with committee amendments.

Assembly Bill No. 2603, as amended, is intended to simplify the process for the consolidation of sparsely populated municipalities into contiguous larger municipalities. The current consolidation procedure under the "Municipal Consolidation Act," P.L.1977, c.435 (C.40:43-66.35), involving a public question and the election of a consolidation commission, is overly burdensome for a sparsely populated municipality. The bill defines a sparsely populated municipality to be a municipality with a population of less than 500 persons according to the latest federal decennial census.

Under this bill as amended a sparsely populated municipality can initiate the consolidation procedure through the adoption of an ordinance by at least two-thirds of the full membership of its governing body, proposing consolidation with a more populated contiguous municipality within the same county. The ordinance would be sent to the clerk of the contiguous municipality as well as to the Director of the Division of Local Government Services in the Department of Community Affairs. The absorbing municipality would have 120 days after receipt of the ordinance proposing the consolidation to adopt an ordinance, by two-thirds vote of the full membership of its governing body, consenting to the consolidation. Within 20 days of receipt of the consenting ordinance the director would be required to convene a meeting with the two mayors and other local officials and perform the functions of a consolidation commission to determine all matters necessary to accomplish the consolidation. The consolidated municipality would retain the same name, form of government and elected officials as the municipality that absorbed the sparsely populated municipality.

The committee amended the bill to provide the absorbing municipality with a 120 day time period to adopt an ordinance consenting to the consolidation offer. The original language provided an unlimited period of time for the absorbing municipality to consent to the consolidation but provided a 120 day period for the clerk of an absorbing municipality to notify the director of the ordinance consenting to the consolidation.

As amended, Assembly Bill No. 2603 is identical to Senate Bill No. 1901.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 2603

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 28, 1995

The Senate Community Affairs Committee reports favorably Assembly, No. 2603(1R), with committee amendments.

As amended by the committee, this bill would establish a simplified process for the consolidation of sparsely populated municipalities into contiguous larger municipalities. The current consolidation procedure is governed by the "Municipal Consolidation Act," P.L.1977, c.435 (C.40:43-66.35). Current law requires a public question and the election of a consolidation commission before a consolidation can be accomplished. The bill defines a sparsely populated municipality to be a municipality with a population of less than 500 persons according to the latest federal decennial census.

Under the bill's provisions, a sparsely populated municipality could initiate the consolidation procedure through the adoption of an ordinance by at least two-thirds of the full membership of its governing body, proposing consolidation with a more populated contiguous municipality within the same county. The ordinance would be sent to the clerk of the contiguous municipality as well as to the Director of the Division of Local Government Services in the Department of Community Affairs. The absorbing municipality would have 120 days after receipt of the ordinance proposing the consolidation to adopt an ordinance, by two-thirds vote of the full membership of its governing body, consenting to the consolidation and to forward a copy of the ordinance to the director and the clerk of the sparsely populated municipality.

Whenever the governing body of a sparsely populated municipality with a population between 100 and 500 persons according to the most recent federal decennial census and the governing body of an absorbing municipality have both adopted ordinances proposing and consenting to the consolidation of their respective municipalities, the municipal clerk of each municipality shall cause the question of consolidation to be submitted to the registered voters of each municipality on the date for the next general or regular municipal election occurring not less than 60 days after the adoption of the ordinance of the absorbing municipality. The question shall be deemed approved and adopted only if a majority of those voting on the question in each of the municipalities votes in favor of the question.

The results of the election in each municipality in which the question was submitted shall be certified in accordance with Title 19 of the Revised Statutes, and the county clerk shall, in turn, not more than 5 days after the certification, notify the director of the election results.

Within 20 days of: (1) receipt of an ordinance consenting to consolidation, with regard to a consolidation involving a sparsely populated municipality with a population of less than 100 persons, or (2) the certification of the results of elections approving a consolidation, with regard to a consolidation involving a sparsely populated municipality with a population between 100 and 500 persons, the director would be required to convene a meeting with the two mayors and other local officials and perform the functions of a consolidation commission to determine all matters necessary to accomplish the consolidation. The consolidated municipality would retain the same name, form of government and elected officials as the municipality that absorbed the sparsely populated municipality.

In the event children in a consolidated municipality reside on federal property within the former boundaries of a sparsely populated municipality, the bill would require the State to assume fiscal responsibility for the tuition and transportation costs of the children. The Department of Education would be required to pay the tuition to the school district in which the children are enrolled and pay the transportation costs to the district in which the children reside.

The committee amended the bill to: 1) require the question of a consolidation involving a sparsely populated municipality with a population between 100 and 500 persons to be submitted to the voters of both municipalities seeking consolidation prior to final approval, and to establish a procedure therefore; 2) clarify that the government body of an absorbing municipality has discretion over whether to consolidate; and 3) provide that the State will assume the fiscal responsibility for the tuition and transportation costs of children residing on federal property within the former boundaries of a sparsely populated municipality.

As amended, this bill is identical to S-1901 with committee amendments adopted by this committee on September 28, 1995.