

40A:9-4 & 40A:14-68
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2017 **CHAPTER:** 181

NJSA: 40A:9-4 & 40A:14-68 (Allows certain emergency squad volunteers holding municipal elective office to vote on emergency squad concerns.)

BILL NO: S169 (Substituted for A4329)

SPONSOR(S) Bateman and others

DATE INTRODUCED: 1/12/2016

COMMITTEE: **ASSEMBLY:** Judiciary

SENATE: Community & Urban Affairs

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** 6/22/2017

SENATE: 11/14/2016

DATE OF APPROVAL: 8/7/2017

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced version of bill enacted) Yes

S169

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A4329

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH/JA

P.L.2017, CHAPTER 181, *approved August 7, 2017*

Senate, No. 169

1 **AN ACT** concerning volunteer emergency service providers and
2 voting recusals of municipal elective officers, and amending
3 N.J.S.40A:9-4 and N.J.S.40A:14-68.

4

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

7

8 1. N.J.S.40A:9-4 is amended to read as follows:

9 40A:9-4. (1) It shall be unlawful for a person to hold
10 simultaneously an elective county office and an elective municipal
11 office.

12 (2) It shall be lawful for a member of the Legislature of the
13 State to hold simultaneously any appointive office or position in
14 county or municipal government.

15 (3) Nothing contained in this section shall be deemed to prevent
16 the incumbent of any office from abstaining from voting in any
17 matter in which the incumbent believes he or she has a conflict of
18 duty or of interest, nor to prevent a challenge of a right to vote on
19 that account under the principles of the common law or any statute.

20 (4) a. (Deleted by amendment, P.L.2007, c.161).

21 b. (Deleted by amendment, P.L.2007, c.161).

22 c. For the purposes of this section the term "elective office"
23 shall mean an office to which an incumbent is elected by the vote of
24 the general electorate.

25 (5) Notwithstanding the provision of paragraph (1) of this
26 section, a person who, on the effective date of P.L.2007, c.161,
27 holds simultaneously an elective county office and an elective
28 municipal office may continue to hold the elective offices
29 simultaneously if service in those elective offices is continuous
30 following the effective date of P.L.2007, c.161.

31 (6) It shall be lawful for a member of a volunteer fire company,
32 ambulance, first aid, hazardous materials, or rescue squad,
33 including an officer of the company or squad, to serve as an elected
34 official on the governing body of the municipal government
35 wherein the emergency services are provided; however, the
36 volunteer shall recuse himself from any vote concerning the
37 emergency services provider of which he is a member. In
38 municipalities below 5,000 in population, recusal from such votes
39 shall only be required for officers, directors, and trustees of the
40 company or squad.

41 (cf: P.L.2009, c.206, s.1)

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.

1 2. N.J.S.40A:14-68 is amended to read as follows:
2 40A:14-68. a. In any municipality not having a paid or part-paid
3 fire department and force, the governing body, by ordinance, may
4 contract with a volunteer fire company or companies in such
5 municipality, for purposes of extinguishing fires, upon such terms
6 and conditions as shall be deemed proper. The members of any
7 such company shall be under the supervision and control of said
8 municipality and in performing fire duty shall be deemed to be
9 exercising a governmental function; however, the appointment or
10 election of the chief of the volunteer fire company shall remain the
11 prerogative of the membership of the fire company as set forth in
12 the company's certificate of incorporation or bylaws.
13 b. A member of a volunteer fire company established pursuant
14 to subsection a. of this section shall not be precluded from holding
15 elected public office on the governing body of the municipal
16 government where the fire company operates, provided that the
17 volunteer recuse himself from any vote involving or concerning the
18 volunteer fire company. In municipalities below 5,000 in
19 population, recusal from such votes shall only be required for
20 officers, directors, and trustees of the volunteer fire company.
21 (cf: P.L.2009, c.206, s.2)

22
23 3. This act shall take effect immediately.
24
25

26 _____
27
28 Allows certain emergency squad volunteers holding municipal
29 elective office to vote on emergency squad concerns.

SENATE, No. 169

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Allows certain emergency squad volunteers holding municipal elective office to vote on emergency squad concerns.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



S169 BATEMAN

2

1 AN ACT concerning volunteer emergency service providers and
2 voting recusals of municipal elective officers, and amending
3 N.J.S.40A:9-4 and N.J.S.40A:14-68.
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45 fire department and force, the governing body, by ordinance, may

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S169 BATEMAN

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2 municipality, for purposes of extinguishing fires, upon such terms
3 and conditions as shall be deemed proper. The members of any
4 such company shall be under the supervision and control of said
5 municipality and in performing fire duty shall be deemed to be
6 exercising a governmental function; however, the appointment or
7 election of the chief of the volunteer fire company shall remain the
8 prerogative of the membership of the fire company as set forth in
9 the company's certificate of incorporation or bylaws.

10 b. A member of a volunteer fire company established pursuant
11 to subsection a. of this section shall not be precluded from holding
12 elected public office on the governing body of the municipal
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14 volunteer recuse himself from any vote involving or concerning the
15 volunteer fire company. In municipalities below 5,000 in
16 population, recusal from such votes shall only be required for
17 officers, directors, and trustees of the volunteer fire company.
18 (cf: P.L.2009, c.206, s.2)

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20 3. This act shall take effect immediately.

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STATEMENT

24

25 This bill allows certain emergency squad volunteers holding
26 municipal elective office to vote on emergency squad concerns.

27 Small municipalities often have difficulties finding enough
28 people to effectively staff volunteer fire companies and emergency
29 squads. Municipal elective officers in such communities should not
30 be discouraged from volunteering time to these companies and
31 squads. Presently, requirements for elective officers to recuse
32 themselves from voting on matters concerning a volunteer company
33 or squad they belong to are discouraging sufficient participation in
34 these critical local service providers. In municipalities below 5,000
35 in population, this bill would require recusal from voting on a
36 matter concerning a volunteer squad or company only for those
37 elective officials who serve as an officer, director, or trustee of the
38 squad or company.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 169

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2017

The Assembly Judiciary Committee reports favorably Senate Bill No. 169.

This bill allows certain emergency squad volunteers holding municipal elective office to vote on emergency squad concerns.

In municipalities below 5,000 in population, this bill would require recusal from voting on a matter concerning a volunteer squad or company only for those elective officials who serve as an officer, director, or trustee of the squad or company.

As reported by the committee, Senate Bill No. 169 is identical to Assembly Bill No. 4329 which was also reported by the committee on this date.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 169

STATE OF NEW JERSEY

DATED: MARCH 7, 2016

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 169.

This bill allows certain emergency squad volunteers holding municipal elective office to vote on emergency squad concerns.

Small municipalities often have difficulties finding enough people to effectively staff volunteer fire companies and emergency squads. Municipal elective officers in such communities should not be discouraged from volunteering time to these companies and squads. Presently, requirements for elective officers to recuse themselves from voting on matters concerning a volunteer company or squad they belong to are discouraging sufficient participation in these critical local service providers. In municipalities below 5,000 in population, this bill would require recusal from voting on a matter concerning a volunteer squad or company only for those elective officials who serve as an officer, director, or trustee of the squad or company.

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill includes changes required by technical review, which has been performed.

ASSEMBLY, No. 4329

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 13, 2017

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Assemblyman Rooney

SYNOPSIS

Allows certain emergency squad volunteers holding municipal elective office to vote on emergency squad concerns.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/23/2017)

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As reported by the committee, Assembly Bill No. 4329 is identical to Senate Bill No. 169 which was also reported by the committee on this date.

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Governor Christie Takes Action On Pending Legislation

Monday, August 7, 2017

Tags: [Bill Action](#)

Trenton, NJ - Governor Chris Christie today announced that he has taken action on the following pending legislation:

BILL SIGNINGS:

S-169/A-4329 (Bateman/McKeon, Zwicker) - Allows certain emergency squad volunteers holding municipal elective office to vote on emergency squad concerns

S-452/A-838 (Sacco, Greenstein/Jimenez, Moriarty) - Requires waiver of dealer obligation regarding necessary repairs impacting vehicle inspection to include description of known defects

S-678/A-4967 (Rice/Watson, Tucker, Caputo) - Requires local government units to certify compliance with certain federal hiring requirements when filing annual budgets

S-726/A-4460 (Cruz-Perez, Oroho/Jones, Mosquera, Downey, Johnson) – Extends full protection of Law Against Discrimination to persons having liability for service in Armed Forces of United States; guarantees equal employment opportunity in State contracting to all veterans

S-996wGR/A-1378 (Rice, Van Drew, Turner/Muoio, Benson, Pintor Marin, Quijano, Schaer) – Requires report on status of lead-safe program in DCA

S-1219/A-936 (Holzapfel, Allen/Wolfe, McGuckin, Oliver, Giblin, Wimberly) - Requires reporting of suspected abuse of institutionalized elderly to police and that facility employees receive notice of reporting requirement annually; designated as "Peggy's Law"

S-1359/A-4096 (A.R. Bucco, Stack/A.M. Bucco, Vainieri Huttie, McKnight, Mazzeo) - Guarantees full and equal access to all housing to disabled persons who retain their retired service or guide dog as a pet, and who also obtain a new service or guide dog

S-1497/A-3225 (A.R. Bucco, Pennacchio/Dancer, Clifton, Munoz, A.M. Bucco) - Designates Killed in Action flag as an official State flag; mandates it be displayed at certain public buildings

SCS for S-1640, 1642, 1013/AS AS ACS for A-3152, 3154, 2426 (Van Drew, Holzapfel, Singer, Turner/Andrzejczak, McGuckin, Land, Wolfe, Vainieri Huttie, Taliaferro, Benson) - Establishes requirements concerning necessary care of dogs, domestic companion animals, and service animals, and for tethering of dogs

S-1660/A-770 (Van Drew, Cruz-Perez/Andrzejczak, Land, Houghtaling, DeAngelo, Johnson) - Provides for voluntary contributions by taxpayers on gross income tax returns for maintenance of certain State memorials honoring war veterans

S-1731/A-2368 (Gordon, Allen/Vainieri Huttie) - Permits municipality to establish civil penalty for smoking in public places

S-1739/A-2167 (Turner, Diegnan/Johnson, Vainieri Huttie, Wimberly) - Establishes sexual assault training requirements for law enforcement officers

S-1750/A-2729 (Madden, Cruz-Perez/A.M. Bucco, DeAngelo, Space, Mosquera, Wisniewski, DeCroce, Mukherji, Jones) - Establishes special motorcycle license plates for veterans

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S-1808/A-3342 (Van Drew, Diegnan/Karabinchak) - Designates striped bass as NJ State Saltwater Fish; redesignates brook trout as NJ Freshwater Fish

S-2153/A-3520 (Gordon/Eustace, Sumter, Wimberly, Vainieri Huttle, Johnson) – Requires NJTA to study impact of constructing rail stations at certain park and ride facilities

S-2369/A-4152 (Whelan, Van Drew, Connors/Andrzejczak, Mazzeo, Land, Burzichelli) - Limits application of DEP shellfish habitat rules for certain dredging activities

S-2457/A-3999 (Van Drew, Oroho/Houghtaling, Andrzejczak, Mazzeo, Space, Downey) - Enables collection of voluntary contributions for Jersey Fresh Program through gross income tax returns

S-2578/A-4239 (Cunningham, Pou, Gordon/Sumter, Jasey, Benson, Muoio, Downey, Mukherji) - Revises New Jersey College Loans to Assist State Students Loan Program to require applicants first exhaust federal student loans, require income verification, and limit total student loan amounts

S-2884/A-4484 (Whelan, Greenstein/Eustace, Quijano, Chiaravalloti, Caride) - Declares that deed restrictions or agreements that prevent raising or constructing of a structure to certain flood elevation standards are unenforceable

S-2892/A-5042 (Sweeney/Giblin) - Exempts certain real estate brokers, broker-salespersons and salespersons from continuing education requirement

S-3074/A-4586 (Lesniak, Turner/Johnson, Oliver, Holley, Chiaravalloti) - Establishes gubernatorial veto power over Waterfront Commission of New York Harbor's meeting minutes; expands gubernatorial oversight powers over commission

S-3244/A-4854 (Sweeney, Allen/Singleton, Burzichelli, Taliaferro) - Designates portion of Interstate Highway Route 295 in West Deptford Township as "State Trooper Sean E. Cullen Memorial Highway"

A-445/S-1661 (Mazzeo, Pinkin, DeAngelo, Chiaravalloti/Van Drew, A.R. Bucco) - Provides for voluntary contributions by taxpayers on gross income tax returns for the NJ World War II Veterans' Memorial Fund

A-1185/S-2771 (Mosquera, Holley, Moriarty, Quijano/Cruz-Perez, Van Drew) - Requires State Comptroller to report findings of audit compliance reviews

A-1199/S-1326 (Mosquera, Moriarty, Lagana, Zwicker, Downey/Turner, Oroho) - Permits a victim or witness of any age to testify by closed circuit television under certain circumstances in prosecutions for domestic violence, sexual assault, and certain other crimes

ACS for A-1690/SCS SCS for S-660, 2002 (Dancer, Singleton, Andrzejczak, Land, Benson, Moriarty, Houghtaling/Turner, Beach, Van Drew) - Allows fire district elections to be moved to November; eliminates certain fire district budget referenda; and eliminates certain fire district capital purchase referenda

A-1953/S-2448 (Coughlin, Lagana, Muoio, Benson, Houghtaling, Danielsen, Mukherji/Vitale, Whelan) - Allows installment payments for senior and disabled property taxpayers to repay overpayments of homestead credits and homestead property tax reimbursements

A-1955/SCS for S-1795 (Jones, Lampitt, Phoebus, Space/A.R. Bucco, Oroho) - Provides for voluntary discharge of personal representatives overseeing administration of estates by application to the Surrogate's Court

A-2176/S-156 (Taliaferro, Eustace, Benson, Mazzeo, Chiaravalloti/Madden, Ruiz) - Criminalizes possession and sale of alpha-pyrrolidinopentophenone (alpha-PVP), commonly known as "flakka" or "flocka"

A-3056/SCS for S-2360, 3030 (Taliaferro, Dancer, Houghtaling, Space, Andrzejczak, Webber/Allen, Greenstein, Bateman, Smith, Wimberly) – Requires DEP to establish voluntary guidelines for K-12 schools and institutions of higher education to reduce, recover, and recycle food waste; extends "Food Bank Good Samaritan Act" immunity protections to public and nonpublic schools.

A-3058/S-2366 (Space, Taliaferro, Dancer, Houghtaling, Andrzejczak/Oroho, Ruiz) - Establishes Farm to School Coordinating Council

A-3381 (McKnight, Holley, Vainieri Huttle, Houghtaling, Chiaravalloti, Quijano, Gordon) – Authorizes municipal volunteer programs for free removal of snow from certain residential properties occupied by seniors or disabled persons.

A-3386/S-2711 (Schaer, Vainieri Huttle, Chiaravalloti, Caride, Mukherji, Wimberly/Vitale, Rice) - Provides protections for children under the age of 18 with developmental disabilities and individuals with developmental disabilities ages 18-21 receiving services from Division of Children's System of Care

A-3437/S-1076 (DeAngelo, Gusciora, Land, Andrzejczak/Turner) - Designates "Garden State" as State Slogan

A-3896/S-2790 (Sumter, Mukherji, Pintor Marin/Scutari, Turner) - Concerns sale of certain tires

A-3908/S-3021 (Mazzeo, DeAngelo, Mukherji, Houghtaling, Quijano/Whelan, T. Kean) - Establishes 9/11 Memorial Registry

A-3911/S-2863 (Wisniewski, Vainieri Huttle, Mukherji/Cardinale, Pennacchio) - Provides that motor vehicle registration expires on registrant's numerical calendar day of birth

A-4164/S-2588 (Houghtaling, Downey, Holley, Muoio, Webber/Van Drew, Cruz-Perez) - Requires State Auditor to annually report on unspent State account balances

A-4206/S-2676 (Karabinchak, Prieto, Webber, Holley/Diegnan, A.R. Bucco) - Requires candidates for election to school board to file with their nominating petitions specific affirmation that they have not been convicted of crimes that would disqualify them from office

A-4230/S-3141 (Conaway, O'Scanlon, Mukherji, Pintor Marin/Codey) - Requires health insurance carriers; SHBP, and SEHBP to inform covered persons about organ and tissue donation

ACS for A-4432/SCS for S-2841 (Schaer, Lampitt, Benson, Singleton, Chiaravalloti, Wimberly/Cunningham) - Provides increased tax credit amounts under Grow New Jersey Assistance Program for certain businesses that have collaborative research relationships with colleges or universities

A-4542/S-2986 (Mazzeo, Johnson, Land, Andrzejczak, DeCrocce/Van Drew) - Designates portion of State Highway Route 55 as "State Trooper Frankie L. Williams Memorial Highway"

A-4580/S-2989 (Taliaferro, Burzichelli, Quijano, Houghtaling/Lesniak, Oroho) - Appropriates \$2,900,000 from "2009 Farmland Preservation Fund" for grants to certain nonprofit organizations for farmland preservation purposes

A-4581/S-2987 (Houghtaling, Andrzejczak, Singleton, Downey/Cruz-Perez, Oroho) - Appropriates \$22,385,743 to State Agriculture Development Committee for farmland preservation purposes

A-4582/S-2990 (Andrzejczak, Mazzeo, Taliaferro, Zwicker, Houghtaling/Whelan, Van Drew) - Appropriates \$32.5 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for county planning incentive grants

A-4584/S-2988 (Zwicker, Taliaferro, Burzichelli, Houghtaling/Sweeney) - Appropriates \$7,500,000 from constitutionally dedicated CBT revenues for planning incentive grants to municipalities for farmland preservation purposes

A-4630/S-1938 (Jones/Cruz-Perez) - Repeals law regulating charges assessed by a miller for grinding grain

A-4673/S-3095 (Houghtaling, Downey/Van Drew) - Concerns assessment of buildings or structures on real property located in certain counties following material depreciation thereof

A-4713/S-3235 (Burzichelli, Prieto, Gusciora, DeAngelo, Benson/Kyrillos, Whelan) - Designates building where NJEDA is located in memory of Caren Franzini to commemorate her outstanding service to State

A-4895/S-3056 (Egan, Sumter, Pinkin/Cunningham) - Eliminates UI exemption for interns employed by hospitals

BILL VETOED:

S-2214/A-3847 (Turner, Cunningham/Lampitt, Mukherji, Johnson, Eustace) - CONDITIONAL - Requires institutions of higher education and proprietary degree-granting institutions to improve transparency of tuition and fees

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