

40A: 14-78.5

LEGISLATIVE HISTORY CHECKLIST

NJSA 40A:14-78.5 (Fire district budget - debt service - appropriations)

LAWS 1982 CHAPTER 174

Bill No. S1582

Sponsor(s) Saxton

Date Introduced June 24, 1982

Committee: Assembly Municipal Government

Senate -----

Amended during passage Yes No

Date of Passage: Assembly Oct. 25, 1982

Senate June 28, 1982

Date of approval Nov. 12, 1982

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate ~~Yes~~ No

Fiscal Note Yes No

Veto Message Yes No

Message on signing Yes ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

6/22/81

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Handwritten notes and stamps on the right side of the page, including a vertical stamp that appears to say "APPROVED" and some illegible scribbles.

SENATE, No. 1582

STATE OF NEW JERSEY

INTRODUCED JUNE 24, 1982

By Senator SAXTON

(Without Reference)

AN ACT concerning appropriations for debt service in fire district budgets in certain cases and amending P. L. 1979, c. 453.

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

1 1. Section 9 of P. L. 1979, c. 453 (C. 40A:14-78.5) is amended to
2 read as follows:

3 9. a. If at the annual election held pursuant to N. J. S. 40A:14-72
4 the question of finally adopting the budget is voted affirmatively
5 upon by a majority of the legal voters voting in the election, the
6 budget shall be considered finally adopted, and the board of fire
7 commissioners shall certify the amount to be raised by taxation to
8 support the district budget to the assessor of the municipality
9 pursuant to N. J. S. 40A:14-79.

10 b. If at the annual election the question of finally adopting the
11 budget is voted negatively upon by a majority of the legal voters
12 voting in the election, the governing body of the municipality in
13 which the fire district is located shall, by resolution of a majority
14 of its full membership, within 30 days after the annual election and
15 after a public hearing for which the legal voters of the fire district
16 shall be given 5 days advertised notice, and at which any interested
17 person shall be heard, fix an annual budget for the fire district.
18 The amount of each appropriations section of the budget so fixed
19 shall not exceed the amount for each as previously voted upon at
20 the annual election, *except the appropriation for debt service which*
21 *shall be included in the amount that is required to be paid. The*

Matter printed in italics thus is new matter.

22 governing body shall certify the amount to be raised by taxation
23 to support the district budget as set forth in the final budget, to
24 the assessor of the municipality pursuant to N. J. S. 40A:14-79.

1 2. This act shall take effect immediately.

STATEMENT

This bill provides for the appropriation of amounts for debt service in a fire district budget, which budget has been disapproved at an annual election, to be made in the amount required to be paid.

Where a fire district budget has been defeated at an annual election, the municipal governing body is required to fix an annual budget for the fire district, such that the amount of each appropriations section does not exceed the amount of each as previously voted upon at the annual election. Debt service appropriations would be excepted from this restriction recognizing that debt service costs vary from year to year and must be made in an amount sufficient to meet requirements.

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23 to support the district budget as set forth in the final budget, to
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S1582(1982)

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1582

STATE OF NEW JERSEY

DATED: OCTOBER 18, 1982

Senate Bill No. 1582 amends section 9 of P. L. 1979, c. 453) (C. 40A:14-78.5) in order to require that whenever a local governing body is obligated to fix a budget for a fire district that it include in that budget an appropriation sufficient to cover the annual debt service costs of the district.

Under current law, the local governing body is required to fix the budget for a fire district whenever the voters fail to adopt the budget proposed by the board of fire commissioners. The only restriction imposed upon the governing body in such cases is that it may not increase the amount of the budget, or any appropriation section therein, above the amount originally proposed by the board of fire commissioners and rejected by the voters of the district. Therefore, under the current law, the governing body may either reduce the size of the budget, or any appropriation section therein, or it may fix a budget identical to the one rejected by the voters.

By requiring the governing body to include an amount sufficient to cover the debt service costs of the district, this bill would prohibit a governing body from fixing a budget which would place the district in default with regard to its bond obligations. The bill would not, however, restrict the right of the governing body to reduce any other appropriations section of the fire district's budget.

OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

CONTACT: PAUL WOLCOTT

FRIDAY, NOVEMBER 12, 1982

Governor Thomas H. Kean today signed the following bills:

S-1582, sponsored by Senator H. James Saxton, R-Burlington, which provides that a governing body fixing a budget for a fire district, include in the budget enough money to cover debt service. Currently, if a fire district's budget is rejected by voters, the governing body must fix an annual budget for the district, but is prevented from exceeding the previous year's amount in any given category. This creates problems in cases where voters authorize a debt, then fail to approve a budget to pay for it. This bill allows the governing body to appropriate enough money in a rejected budget to meet debt service requirements.

A-1111, sponsored by Assemblywoman Leanna Brown, R-Morris, which makes permanent amendments in the laws applying to the size of no smoking signs in some public buildings. The original law required signs with letters two inches high, which made the signs too big to be practical. The amendment allows for one inch high letters or the international "No Smoking" symbol.

A-1885, sponsored by Assemblywoman Barbara F. Kalik, which authorizes New Jersey wineries to ship wine to addresses within the State by retail delivery services which are otherwise not licensed to transport alcoholic beverages. The law previously required that retail delivery services pay a \$500 license fee to carry alcoholic beverages. That requirement is now removed for New Jersey domestic wine delivered within the State.

S-611, sponsored by Senator S. Thomas Gagliano, R-Monmouth, which creates an exemption from the firearm purchase permit laws for the purchase of safety and emergency flare devices for boats and aircraft.

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