

40A:14-70; 40A:14-90 and 40A:14-91

LEGISLATIVE HISTORY CHECKLIST

HJSA 40A:14-70, 40A:14-90 and 40A:14-91 (Fire districts--Establishment or dissolution --require assent of 5% of registered voters)

LAWS OF 1979 CHAPTER 381

Bill No. A1683

Sponsor(s) Kalik and others

Date Introduced October 5, 1978

Committee: Assembly Municipal Government

Senate County and Municipal Government

Amended during passage ~~Yes~~ No

Date of Passage: Assembly June 18, 1979

Senate Dec. 17, 1979

Date of approval Feb. 5, 1980

Following statements are attached if available:

Sponsor statement Yes ~~Yes~~ No

Committee Statement: Assembly Yes ~~Yes~~ No

Senate Yes ~~Yes~~ No

Fiscal Note ~~Yes~~ No

Veto message ~~Yes~~ No

Message on signing ~~Yes~~ No

Following were printed.

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

9/11/78

ASSEMBLY, No. 1683

STATE OF NEW JERSEY

INTRODUCED OCTOBER 5, 1978

By Assemblywoman KALIK, Assemblymen COSTELLO, MARTIN,
NEWMAN, DOYLE, Assemblywoman KIERNAN, Assemblymen
FROUDE and KOZLOSKI

Referred to Committee on Municipal Government

AN ACT concerning the establishment, enlargement, and dissolution
of fire districts, and amending sections 40A :14-70, 40A :14-90 and
40A :14-91 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 time and place for such election.

10 The district or each district shall be assigned a number and
11 the commissioners thereof and their successors shall be a body
12 corporate, to be known as "the commissioners of fire district
13 No. in (name of municipality), county
14-15 of (name of county)". The said body cor-
16 porate shall have the power to acquire real and personal prop-
17 erty for its purposes. It may adopt and use a corporate seal,
18 sue or be sued and shall have such powers, duties and functions
19 as are usual and necessary for said purposes.

20 At the time and place specified for the election of the first
21 board the clerk of the municipality shall conduct the election
22 and shall preside at the meeting until the board shall have been
23 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.

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

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

1 2. N. J. S. 40A:14-90 is amended to read as follows:

2 40A:14-90. The governing body of a municipality having a fire
2A district therein, [upon application as herein provided,] by ordi-
3 nance, may enlarge such fire district by extending the boundaries
4 thereof to include additional territory in such municipality but not
5 included in another fire district.

6 [Such ordinance shall only be adopted upon an application in
7 writing designating the area proposed to be included, submitted
8 by at least 10 legal voters residing in such area.] Upon the
9 adoption of any such ordinance and publication thereof as required
10 by law the additional territory shall become part of said fire district.

11 Nothing contained herein shall affect the terms or tenure of
12 members of the board of fire commissioners or officers or per-
13 sonnel thereof, nor the bonds and obligations, if any, of such fire
14 district.

1 3. N. J. S. 40A:14-91 is amended to read as follows:

2 40A:14-91. Upon a written application therefor, of at least 5%
3 *of the registered voters or, 20 legal voters whichever is the greater*
4 [residing in a fire district] the governing body of the municipality,
5 wherein the fire district is located, shall consider the dissolution of
6 the fire district. Upon receipt of such an application the governing
7 body of said municipality shall fix a time and place for a hearing
8 thereon. The municipal clerk shall advertise the notice of hearing
9 in a newspaper circulating in the county wherein the municipality
10 is located at least once and not less than 10 days prior to the meeting.

11 After the hearing the governing body of said municipality shall
12 determine the question of the proposed dissolution.

13 If a resolution be adopted that the fire district be dissolved,
14 any moneys remaining in the fire district treasury shall be disposed
15 of as the said governing body shall direct.

1 4. This act shall take effect immediately.

STATEMENT

Fire districts established within a municipality affect not only the territory which they embrace, but the whole municipality. It is therefore appropriate that the whole municipality have a say in their establishment, enlargement and dissolution rather than allow such decisions to be initialed by no more than 20 legal voters. This bill would require the assent of at least 5% of the registered voters before a fire district could be established or dissolved. An exception is allowed for those few small municipalities that have less than 400 registered voters. Such municipalities would still need only 20 legal voters to establish or dissolve a fire district.

STATEMENT

Fire districts established within a municipality affect not only the territory which they embrace, but the whole municipality. It is therefore appropriate that the whole municipality have a say in their establishment, enlargement and dissolution rather than allow such decisions to be initialed by no more than 20 legal voters. This bill would require the assent of at least 5% of the registered voters before a fire district could be established or dissolved. An exception is allowed for those few small municipalities that have less than 400 registered voters. Such municipalities would still need only 20 legal voters to establish or dissolve a fire district.

1932 9/17/11

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1683

STATE OF NEW JERSEY

DATED: MAY 7, 1979

The sponsor's statement is adequate. The League of Municipalities writes:

"Since a Fire District serves a substantial part, or in most instances the whole municipality, it is only right that more voters participate in determining whether or not a Fire District should be established or dissolved. A special exception is allowed for those few small municipalities that have less than 400 registered voters.

We believe that the public safety of each local government would be best served if the residents had more of a say in such decisions and we urge the Legislature to pass this bill."

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1683

STATE OF NEW JERSEY

DATED: DECEMBER 6, 1979

Assembly bill 1683 would increase for most municipalities the required number of voter signatures needed for the governing body to form a fire district. In most municipalities the requirement would be 5% of the registered voters. In municipalities having 400 or fewer voters, the number would remain at 20 legal voters.

The bill would eliminate the requirement for application of 10 or more legal voters residing in an area for the enlargement of a fire district to include that area. Under the bill, the governing body could enlarge a fire district by ordinance without the need for application.

With respect to dissolving fire districts, the bill would require the application of 5% of the legal voters in most municipalities. In municipalities having 400 or fewer voters, the number would remain at 20 legal voters. The requirement that these voters reside in the fire district would be eliminated.

The sponsor states:

“Fire districts established within a municipality affect not only the territory which they embrace, but the whole municipality. It is therefore appropriate that the whole municipality have a say in their establishment, enlargement and dissolution rather than allow such decisions to be initiated by no more than 20 legal voters.”

The League of Municipalities approves the bill as follows:

“Since a Fire District serves a substantial part, or in most instances the whole municipality, it is only right that more voters participate in determining whether or not a Fire District should be established or dissolved. A special exception is allowed for those few small municipalities that have less than 400 registered voters.

We believe that the public safety of each local government would be best served if the residents had more of a say in such decisions and we urge the Legislature to pass this bill.”

The certification would be phased in so that beginning January 1, 1982, no tax collector could be appointed or reappointed or gain tenure without the certification.

The bill also provides that a tax collector could only be removed from office for good cause upon written complaint to the Director of the Division of Local Government Services setting forth specific charges. The Director is empowered to hear and determine action on all complaints charged against tax collectors.

A-1683, sponsored by Assemblywoman Barbara Kalik (D-Burlington), which increases the number of voter signatures required for the governing body in most municipalities to either form or dissolve a fire district.

In most municipalities, the required number of signatures would be five percent of the registered voters. In municipalities with fewer than 400 voters, twenty signatures would be required, and in cases in which the fire district is being dissolved, the voters would no longer be required to reside in the fire district.

The bill also eliminates the requirement for application by ten or more legal voters residing in an area for the enlargement of a fire district to include that area. Under the bill, the governing body can enlarge the fire district by ordinance without application.

A-3040, sponsored by Assemblyman Eugene H. Thompson (D-Essex), which repeals the statute requiring the Attorney General and the New Jersey Cemetery Board to be necessary and indispensable parties in any litigation involving a cemetery company.

Since the law requires that the Attorney General and the Board be advised of any such litigations and authorizes them to take any action they deem necessary, there is no necessity for a statute requiring them to be parties in the litigation.

S-896, sponsored by Senator Anthony Russo (D-Union), which amends the Motor Fuels Tax Law, to increase the penalties for its violation and to conform it to the new Criminal Code.

The former penalty for failing to pay the tax, violating any provision of the law, making false statements, or concealing any material fact was a fine of up to \$1,000 or imprisonment for up to six months, or both. These penalties are changed to a fine of up to \$5,000 or imprisonment for up to three years, or both.