

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3818

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2022

The Assembly Judiciary Committee reports favorably Assembly Bill No. 3818, with committee amendments.

As amended by the committee, this bill designates four specific dates throughout the year when special fire district elections can be held, and allows for emergency special elections under emergency circumstances to occur on any date other than a period of religious observance. Currently, special fire district elections can be held at any time. This bill also allows the Commissioner of the Department of Community Affairs to change the date of a designated special election day if it falls on a date that is a period of religious observance which would significantly prevent residents from voting.

As amended by the committee, the bill provides for uniformity in the publication and posting of certain election notices by the board of fire commissioners ahead of certain elections, and also allows for emergency special elections under emergency conditions. Under the bill, as amended, if an election to submit a resolution to the voters, as required by current law for certain fire district personnel and property decisions, will be held at the annual election or at a special election on the dates designated under the bill, notices would be required to be posted by the clerk of the board of fire commissioners in 10 public places, at least 10 days prior to the date of the election. The board of fire commissioners and the clerk of that board may advertise the election in a newspaper, published in the fire district, if any, otherwise in a newspaper published in the county of said district and circulating in such district. Under the bill, as amended, when an emergency special election is specified, the notices would be required to be posted by the clerk of the board of fire commissioners in 10 public places, at least 21 days prior to the date of the election, and the clerk of said board must advertise said notice in such a newspaper at least twice prior to the election date.

As amended by the committee, the bill also permits a board of fire commissioners to use moneys approved at a regular or special meeting in the current annual budget. Under current law, such moneys approved to fund a firehouse, fire engines, apparatus, or other appliances, and to acquire lands or buildings or erect buildings for housing such equipment, or other buildings, including but not limited

to, administrative, communications, or training buildings, or buildings for the maintenance of fire apparatus, may only be used in the next succeeding annual budget.

COMMITTEE AMENDMENTS

The committee amended the bill to allow for emergency special elections in fire districts and to provide uniformity in the requirement for the board of fire commissioners to post certain notices ahead of certain elections.

Specifically, the amendments provide that an election for any resolution required to be submitted to the voters, as is the case under current law for certain personnel and property decisions, would have the following advertisement requirements for an annual election, special election, or emergency special election under the bill.

(1) If the election is the annual one or a special election held on a date established pursuant to section 1 of the bill, the notices must be posted by the clerk of the board of fire commissioners in 10 public places, at least 10 days prior to the date of the election. The board of fire commissioners and the clerk of that board, in their or his discretion, may advertise the election in a newspaper, published in the fire district, if any, otherwise in a newspaper published in the county of said district and circulating in such district.

(2) When an emergency special election is specified, notices must be posted by the clerk of the board of fire commissioners in 10 public places, at least 21 days prior to the date of election, and the clerk of said board must advertise said notice in such a newspaper at least twice prior to the election date.

The committee amendments also permit a board of fire commissioners to use moneys approved at a regular or special meeting in the current annual budget. Under current law, such moneys approved to fund a firehouse, fire engines, apparatus, or other appliances, and to acquire lands or buildings or erect buildings for housing such equipment, or other buildings, including but not limited to, administrative, communications, or training buildings, or buildings for the maintenance of fire apparatus, may only be used in the next succeeding annual budget.