

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)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

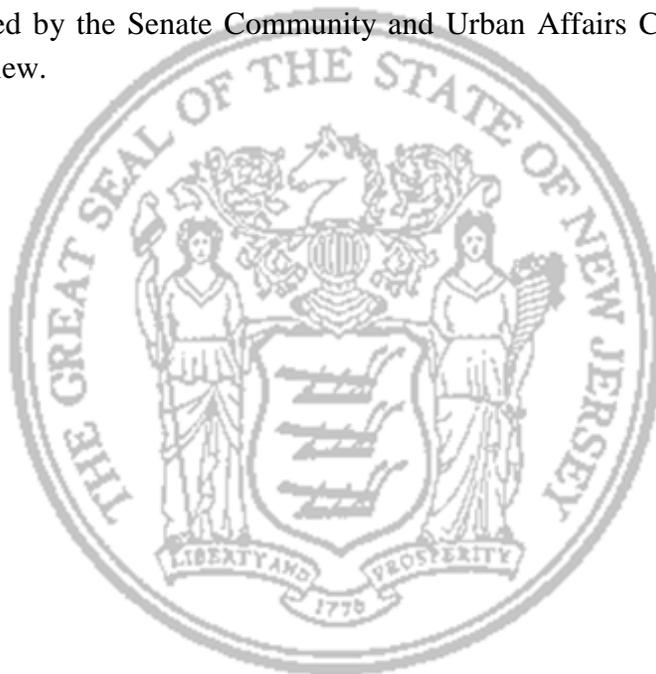
Assemblyman Rooney

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee with technical review.



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

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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.
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)
42

43 2. N.J.S.40A:14-68 is amended to read as follows:

44 40A:14-68. a. In any municipality not having a paid or part-paid
45 fire department and force, the governing body, by ordinance, may

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.

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1 contract with a volunteer fire company or companies in such
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
13 government where the fire company operates, provided that the
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)

19

20 3. This act shall take effect immediately.