

LEGISLATIVE HISTORY OF R.S. 40:14A-4(f)
(Sewerage authorities in counties and municipalities)

L. 1946, Chapter 138

(See Legislative History of R.S. 40:14A-1 et seq)

COPY NO. 1

for material
see copy 2

L. 1947, Chapter 391 - A502

Introduced April 14 by Mr. McCay.

Not amended during passage.

Bill had statement. (photostat enclosed)

- L. 1951, Chapter 127 - S71

Introduced February 5 by Mr. Vogel.

Bill was amended in Senate.

(photostat of p. 440 and 441 of 1951 Senate Journal enclosed)

Bill had statement. (photostat enclosed)

L. 1952, Chapter 277 - S332

Introduced March 26 by Mr. Vogel.

No statement on the bill.

Bill was amended by Senate Committee.

(photostat of p. 711 and 712 of 1952 Senate Journal enclosed)

L. 1954, Chapter 72 - S124

Introduced March 22 by Senator Sharp.

Not amended during passage.

Bill had statement. (photostat enclosed)

52 - yes

1951 - S71 - yes

1952 - S332 - yes

1954 - S124 - yes

131 may be dissolved on condition that (1) either the members of such authority
132 have not been appointed or the sewerage authority, by resolution duly
133 adopted, consents to such dissolution, and (2) the sewerage authority has no
134 debts or obligations outstanding. Upon the dissolution of any sewerage au-
135 thority in the manner provided in this subsection, the governing body or
136 bodies dissolving such sewerage authority shall be deemed never to have
137 created or joined in the creation of a sewerage authority. A copy of each reso-
138 lution or ordinance for the dissolution of a sewerage authority adopted pur-
139 suant to this subsection, duly certified by the appropriate officer of the local
140 unit, shall be filed in the office of the Secretary of State. Upon proof of such
141 filing of a certified copy of the resolution or ordinance or of certified copies
142 of the parallel ordinances for the dissolution of a sewerage authority as
143 aforsaid and upon proof that such sewerage authority had no debts or obli-
144 gations outstanding at the time of the adoption of such resolution, ordinance
145 or ordinances, the sewerage authority therein referred to shall be conclu-
146 sively deemed to have been lawfully and properly dissolved and the property
147 of the sewerage authority shall be vested in the local unit or units. A copy
148 of any such certified resolution or ordinance, duly certified by or on behalf of
149 the Secretary of State, shall be admissible in evidence in any suit, action or
150 proceeding.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to permit the dissolution of a sewerage authority after it has been formed on condition that (1) either the members thereof have not been appointed or the sewerage authority consents to the dissolution, and (2) the sewerage authority has no debts or obligations outstanding.

The present act contains no provision for the dissolution of a sewerage authority.

The passage of this act will permit a county or a municipality or a group of municipalities to dissolve such an authority. Then a municipality or a group of municipalities can proceed in a different manner to solve the sewage disposal problem, possibly using an authority formed by joint action of municipalities instead of one formed by the action of one municipality or using an authority or authorities formed by separate action of the municipality or municipalities instead of one formed by the joint action of municipalities.

14 public places within or without the district, doing no unnecessary injury
15 thereto and making no unnecessary interruption in or interference with the
16 public use of such places and restoring the same to their former usefulness
17 and condition within a reasonable time.

1 11. This act shall take effect immediately.

STATEMENT

The principal purpose of this bill is to grant to a sewerage authority power to construct facilities for collecting and ultimately treating sewage arising outside its territory, which, if not treated, would continue the pollution of streams in its territory even if the authority did a perfect job of disposing of sewage arising within its territory. Under the bill, such extension of collecting facilities does not mean that the authority could force connection to properties outside the district to connect to its extended facilities, and so, for all practical purposes, any such extraterritorial extension can be made only under a voluntary approval and sewerage service contract of the outside municipality or property owners therein. The amendments of sections 6, 24 and 25 in the sewerage authority law (P. L. 1946, c. 138) are suggested for this purpose.

In order to meet or obviate various difficulties encountered in application of the law in the five years since its enactment, various other perfecting amendments are included in this bill. These include: enabling the authority to make sewerage service contracts not only with a municipality but also with two or more of them acting jointly or with agencies thereof (section 3); empowering governing bodies of municipalities which, in the short sixty-day period afforded them under the statute, "voted out" of a county district but which later find it more economical and advisable to join the county system, to rejoin the county district by ordinance duly adopted with the approval of the sewerage authority (section 4); clarification of qualifications of members of governing body as members of authority, and permission to modify compensation restrictions by action of the governing body duly adopted (section 5); providing required flexibility in the form of sewerage service contracts between the authority and

municipalities or others (section 23); clarification of provision for financing of various items necessary in revenue or self-liquidating projects, such as working capital and reserves (section 3); modernization of powers of eminent domain (section 20); and modification of provisions for short statute of limitations on bonding proceedings so as to avoid extensive publications (section 14).

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STATEMENT

The purpose of this bill is to provide for appointment of members of a sewerage authority by the governing body of a new consolidated municipality when such sewerage authority has been created and the members thereof appointed by the governing body of a municipality which has been consolidated with another municipality to form such new consolidated municipality.

In addition, this bill provides for the inclusion within the district of such a sewerage authority of the area within the territorial boundaries of the municipality which has been consolidated with the municipality the governing body of which created such sewerage authority.

The present act contains no provisions with respect to the district or the appointment of members of a sewerage authority when the municipality the governing body of which created such sewerage authority is consolidated with another municipality.

The passage of this bill will permit the governing body of a new consolidated municipality to appoint the members of such a sewerage authority and to include within the district of such a sewerage authority the entire area of such new consolidated municipality.

Which was agreed to.

The amendments were read by the Secretary and adopted.

President Littell ordered the amendment to Senate Bill No. 71 be reprinted and placed on third reading.

Which was agreed to.

Proposed amendments to Senate Bill No. 71:

Amend page 12, section 4, line 43, before the word "except" insert the words "as to any member of the sewerage authority then in office".

Amend page 14, section 7, line 7, after the word "reservations" and before the comma, insert the words "within the district".

Amend page 14, section 7, line 8, after the word "property" insert the words "within the district".

Amend page 14, section 7, line 8, after the word "municipality" strike out the words "or other public body".

Amend page 14, section 7, line 9, after the word "State" insert the words ", or public body or agency of such political subdivision,".

Amend page 14, section 7, immediately following line 16, insert the following new paragraph:

"In addition to other powers conferred by this act or by any other law, and not in limitation thereof:

(a) In connection with construction or operation of any part of a sewerage system, every sewerage authority shall have power to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles or any other equipment and appliance (herein called 'facilities') of any public utility, as defined in section 48:2-13 of the Revised Statutes, in, on, along, over or under any real property, including public lands, waters, parks, roads, streets, highways, playgrounds and reservations.

(b) Whenever in connection with construction or operation of any part of a sewerage system, any sewerage authority shall determine that it is necessary that any such facilities, which now are, or hereafter may be, located in,

on, along, over or under any such real property, including public lands, waters, parks, roads, streets, highways, playgrounds and reservations, should be relocated in such real property, including public lands, waters, parks, roads, streets, highways, playgrounds and reservations, or should be removed therefrom, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the order of the sewerage authority; *provided, however*, that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location, or new locations, and the cost of any lands or any rights or interest in lands, or any other rights acquired to accomplish such relocation or removal, less the cost of any lands or any rights or interests in lands or any other rights of the public utility paid to the public utility in connection with the relocation or removal of such property, shall be paid by the sewerage authority and may be included in the cost of such sewerage system. In case of any such relocation or removal of facilities, as aforesaid, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location."

Mr. Vogel moved that Senate Bill No. 72 be placed back on second reading for the purpose of amending.

Which was agreed to.

The amendments were read by the Secretary and adopted.

President Littell ordered the amendments to Senate Bill No. 72 be reprinted and placed on third reading.

Which was agreed to.

Amendments to Senate Bill No. 72 (Official Copy Reprint):

Amend page 1, title, line 1, after the words "existence of" insert the word "certain".

Amend page 1, section 1, delete lines 1 to 4, inclusive, and insert in lieu thereof the following:

Mr. Hand, Chairman of the Committee on Public Safety, reported

Assembly Bill No. 594,

Favorably, without amendment.

Signed—Kenneth C. Hand, Bruce A. Wallace, Anthony J. Cafiero.

Mr. Hand, Chairman of the Committee on Aviation, reported

Assembly Bill No. 169,

Favorably, without amendment.

Signed—Kenneth C. Hand, Wayne Dumont, Jr., Malcolm S. Forbes.

Mr. Hand, Chairman of the Committee on Veterans Affairs, reported

Assembly Bill No. 239,

Favorably, without amendment.

Signed—Kenneth C. Hand, David Van Alstyne, Jr., John M. Summerill, Jr.

Mr. Cafiero, Chairman of the Committee on Counties and Municipalities, reported

Senate Bill No. 332,

Favorably, with amendment.

Signed—Anthony J. Cafiero, Bruce A. Wallace, Albert McCay, Wayne Dumont, Jr.

The following committee amendments to Senate Bill No. 332 were read, and, upon the motion of Mr. Cafiero, the committee amendments were adopted.

Committee amendments proposed to Senate Bill No. 332:

Amend page 7, section 1, lines 166 to 187, inclusive, omit and insert the following:

“(i) Whenever the sewerage authority of any county shall certify to the governing body of such county that it has entered into a contract pursuant to section twenty-three of this act with one or more municipalities situate within one or more other counties, one additional member of the

sewerage authority for such original county and two additional members for each other county shall be appointed by resolution of the governing body of the respective counties, as in this section provided. The additional members so appointed and their respective successors shall be resident voters within their respective counties. The additional member first appointed, or to be so appointed for the original county shall serve for a term expiring on the first day of the fifth February next ensuing after the date of such appointment and the two members appointed for each additional county shall serve for terms, one expiring on the first day of the second February, and the other expiring on the first day of the third February, next ensuing after the date of such appointment and on or after the first day of January in the year in which the term or terms of any additional member or members first appointed shall expire and in every fifth year thereafter, one person shall be appointed by the governing body as a member of the sewerage authority, as successor to each such additional member, to serve for a term commencing on the first day of February in such year and expiring on the first day of February in the fifth year after such year. If, after such appointment of an additional member or members for any such other county or counties, the sewerage authority shall certify to said governing body that it is no longer a party to a contract entered into pursuant to section twenty-three of this act with any municipality situate within another county designated, the term of office of the additional members appointed for such other county shall thereupon cease and expire and no additional members for such county shall thereafter be appointed."

Senate Bill No. 330, entitled "An act concerning the State Police, and supplementing chapter three of Title 53 of the Revised Statutes,"

Was taken up, read a second time, considered by sections, agreed to, ordered to be printed, and to have a third reading.

Senate Bill No. 323, entitled "An act concerning County Courts, and amending section 2A:3-18 of the New Jersey Statutes,"

Was taken up, read a second time, considered by sections, agreed to, ordered to be printed, and to have a third reading.