



(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** Yes

Committee Meeting of Senate Environment and Energy Committee: "The Committee will meet to hear testimony from invited guests on what actions the State should take to achieve net-zero greenhouse gas emissions by 2050, and the cost of those actions to ratepayers" March 14, 2022 <https://hdl.handle.net/10929/83583>

**NEWSPAPER ARTICLES:** No

CL/JA

P.L. 2023, CHAPTER 39, *approved May 8, 2023*  
Senate, No. 435 (*First Reprint*)

1 AN ACT related to the format and provision of <sup>1</sup>**[sewerage**  
2 authority]<sup>1</sup> public hearing records <sup>1</sup>by certain local authorities<sup>1</sup>  
3 and amending P.L.1946, c.138 <sup>1</sup>and P.L.1957, c.183<sup>1</sup>.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. Section 8 of P.L.1946, c.138 (C.40:14A-8) is amended to  
9 read as follows:

10 8. (a) Every sewerage authority is hereby authorized to charge  
11 and collect rents, rates, fees or other charges (in this act sometimes  
12 referred to as "service charges") for direct or indirect connection  
13 with, or the use or services of, the sewerage system. Such service  
14 charges may be charged to and collected from any person  
15 contracting for such connection or use or services or from the owner  
16 or occupant, or both of them, of any real property which directly or  
17 indirectly is or has been connected with the system or from or on  
18 which originates or has originated sewage or other wastes which  
19 directly or indirectly have entered or may enter the sewerage  
20 system, and the owner of any such real property shall be liable for  
21 and shall pay such service charges to the sewerage authority at the  
22 time when and the place where such service charges are due and  
23 payable.

24 (b) Rents, rates, fees and charges, which may be payable  
25 periodically, being in the nature of use or service charges, shall as  
26 nearly as the sewerage authority shall deem practicable and  
27 equitable be uniform throughout the district for the same type, class  
28 and amount of use or service of the sewerage system, except as  
29 permitted by section 1 of P.L.1994, c.78 (C.40:14A-8.2), and may  
30 be based or computed either on the consumption of water on or in  
31 connection with the real property, making due allowance for  
32 commercial use of water, or on the number and kind of water  
33 outlets on or in connection with the real property, or on the number  
34 and kind of plumbing or sewerage fixtures or facilities on or in  
35 connection with the real property, or on the number of persons  
36 residing or working on or otherwise connected or identified with the  
37 real property, or on the capacity of the improvements on or  
38 connected with the real property, or on any other factors  
39 determining the type, class and amount of use or service of the  
40 sewerage system, or on any combination of any such factors, and

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ATU committee amendments adopted June 2, 2022.

1 may give weight to the characteristics of the sewage and other  
2 wastes and any other special matter affecting the cost of treatment  
3 and disposal thereof, including chlorine demand, biochemical  
4 oxygen demand, concentration of solids and chemical composition.  
5 In addition to any such periodic service charges, a separate charge  
6 in the nature of a connection fee or tapping fee, in respect of each  
7 connection of any property with the sewerage system, may be  
8 imposed upon the owner or occupant of the property so connected.  
9 Such connection charges shall be uniform within each class of  
10 users, except as provided by section 2 of P.L.2005, c.29  
11 ~~'[(C.40:14A-8.30)]~~ (C.40:14A-8.3)<sup>1</sup> and except as provided by  
12 section 2 of P.L.2005, c.173 (C.40:14A-8.4), and the amount  
13 thereof shall not exceed the actual cost of the physical connection,  
14 if made by the authority, plus an amount computed in the following  
15 manner to represent a fair payment toward the cost of the system:

16 (1) The amount representing all debt service, including but not  
17 limited to sinking funds, reserve funds, the principal and interest on  
18 bonds, and the amount of any loans and interest thereon, paid by the  
19 sewerage authority to defray the capital cost of developing the  
20 system as of the end of the immediately preceding fiscal year of the  
21 authority shall be added to all capital expenditures made by the  
22 authority not funded by a bond ordinance or debt for the  
23 development of the system as of the end of the immediately  
24 preceding fiscal year of the authority.

25 (2) Any gifts, contributions or subsidies to the authority  
26 received from, and not reimbursed or reimbursable to any federal,  
27 State, county or municipal government or agency or any private  
28 person, and that portion of amounts paid to the authority by a public  
29 entity under a service agreement or service contract which is not  
30 repaid to the public entity by the authority, shall then be subtracted.

31 (3) The remainder shall be divided by the total number of  
32 service units served by the authority at the end of the immediately  
33 preceding fiscal year of the authority, and the results shall then be  
34 apportioned to each new connector according to the number of  
35 service units attributed to that connector, to produce the connector's  
36 contribution to the cost of the system. In attributing service units to  
37 each connector, the estimated average daily flow of sewage for the  
38 connector shall be divided by the average daily flow of sewage for  
39 the average single family residence in the authority's district to  
40 produce the number of service units to be attributed.

41 The connection fee shall be recomputed at the end of each fiscal  
42 year of the authority, after a public hearing is held in the manner  
43 prescribed in subsection (c) of this section. The revised connection  
44 fee may be imposed upon those who subsequently connect in that  
45 fiscal year to the system. The combination of such connection fee  
46 or tapping fee and the aforesaid periodic service charges shall meet  
47 the requirements of subsection (c) hereof.

1 (c) The sewerage authority shall prescribe and from time to time  
2 when necessary revise a schedule of service charges, which shall  
3 comply with the terms of any contract of the sewerage authority and  
4 in any event shall be such that the revenues of the sewerage  
5 authority will at all times be adequate to pay all expenses of  
6 operation and maintenance of the sewerage system, including  
7 reserves, insurance, extensions, and replacements, and to pay  
8 punctually the principal of and interest on any bonds and to  
9 maintain such reserves or sinking funds therefor as may be required  
10 by the terms of any contract of the sewerage authority or as may be  
11 deemed necessary or desirable by the sewerage authority. Said  
12 schedule shall thus be prescribed and from time to time revised by  
13 the sewerage authority after public hearing thereon which shall be  
14 held by the sewerage authority at least 20 days after notice of the  
15 proposed adjustment is mailed to the clerk of each municipality  
16 serviced by the authority and publication of notice of the proposed  
17 adjustment of the service charges and of the time and place of the  
18 public hearing in at least two newspapers of general circulation in  
19 the area serviced by the authority. The sewerage authority shall  
20 provide evidence at the hearing showing that the proposed  
21 adjustment of the service charges is necessary and reasonable, and  
22 shall provide the opportunity for cross-examination of persons  
23 offering such evidence, and a transcript of the hearing shall be made  
24 and a copy thereof shall be available upon request to any interested  
25 party at a reasonable fee; or in lieu of providing a transcript of the  
26 hearing, the sewerage authority may provide any interested party  
27 with a live recording of the hearing without cost to the interested  
28 party. <sup>1</sup>【The sewerage authority shall ensure that a live recording  
29 provided pursuant to this section meets any applicable requirements  
30 of the federal “Americans with Disabilities Act of 1990,” 42 U.S.C.  
31 s.12101 et seq.】<sup>1</sup> The sewerage authority may provide the live  
32 recording to an interested party in an audiovisual format with video  
33 and audio, or in a format without live video. The authorization to  
34 provide a live recording under this subsection shall not limit any  
35 duty of the sewerage authority to provide a government record as  
36 required pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), known as  
37 the open public records act. The sewerage authority shall likewise  
38 fix and determine the time or times when and the place or places  
39 where such service charges shall be due and payable and may  
40 require that such service charges shall be paid in advance for  
41 periods of not more than one year. A copy of such schedule of  
42 service charges in effect shall at all times be kept on file at the  
43 principal office of the sewerage authority and shall at all reasonable  
44 times be open to public inspection.

45 (d) Any county sewerage authority may establish sewerage  
46 regions in portions of the district. Rents, rates, fees and charges  
47 which may be payable periodically, being in the nature of use or

1 service charges, shall as nearly as the sewerage authority shall deem  
2 practicable and equitable, be uniform throughout the district for the  
3 same type, class and amount of use or service of the sewerage  
4 systems, except as permitted by section 1 of P.L.1994, c.78  
5 (C.40:14A-8.2), and shall meet all other requirements of subsection  
6 (b) hereof.  
7 (cf: P.L.2005, c.173, s.1)

8  
9 <sup>1</sup>2. Section 23 of P.L.1957, c.183 (C.40:14B-23) is amended to  
10 read as follows:

11 Every municipal authority shall prescribe and from time to time  
12 when necessary revise a schedule of all its service charges, which  
13 may provide a single rent, rate, fee or charge for any of its utility  
14 charges and which shall comply with the terms of any contract of  
15 the municipal authority and may be such that the revenues of the  
16 municipal authority will at all times be adequate to pay the  
17 expenses of operation and maintenance of the utility system,  
18 including reserves, insurance, extensions, and replacements, and to  
19 pay the principal of and interest on any bonds and to maintain such  
20 reserves or sinking funds therefor as may be required by the terms  
21 of any contract of the municipal authority or as may be deemed  
22 necessary or desirable by the municipal authority. Said schedule  
23 shall thus be prescribed and from time to time revised by the  
24 municipal authority after public hearing thereon which shall be held  
25 by the municipal authority at least 20 days after notice of the  
26 proposed adjustment is mailed to the clerk of each municipality  
27 serviced by the authority and publication of notice of the proposed  
28 adjustment of the service charges and of the time and place of the  
29 public hearing in at least two newspapers of general circulation in  
30 the area serviced by the authority. The municipal authority shall  
31 provide evidence at the hearing showing that the proposed  
32 adjustment of the service charges is necessary and reasonable, and  
33 shall provide the opportunity for cross-examination of persons  
34 offering such evidence, and a transcript of the hearing shall be made  
35 and a copy thereof shall be available upon request to any interested  
36 party at a reasonable fee; or in lieu of providing a transcript of the  
37 hearing, the municipal authority may provide any interested party  
38 with a live recording of the hearing without cost to the interested  
39 party. The municipal authority may provide the live recording to an  
40 interested party in an audiovisual format with video and audio, or in  
41 a format without live video. The authorization to provide a live  
42 recording under this subsection shall not limit any duty of the  
43 municipal authority to provide a government record as required  
44 pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), known as the open  
45 public records act. The municipal authority shall likewise fix and  
46 determine the time or times when and the place or places where  
47 such service charges shall be due and payable and may require that

1 such service charges shall be paid in advance for periods of not  
2 more than one year. A copy of such schedule of service charges in  
3 effect shall at all times be kept on file at the principal office of the  
4 municipal authority and shall at all reasonable times be open to  
5 public inspection.<sup>1</sup>

6 (cf: P.L.1985, c.118, s.2)

7

8 **<sup>1</sup>[2.] 3.**<sup>1</sup> This act shall take effect immediately.

9

10

11

12

13 \_\_\_\_\_  
14 Authorizes certain local authorities to distribute live recordings  
of certain public hearings in lieu of transcript requirement.

# SENATE, No. 435

---

# STATE OF NEW JERSEY

## 220th LEGISLATURE

---

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Authorizes sewerage authority to distribute live recordings of certain public hearings in lieu of transcript requirement.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT related to the format and provision of sewerage authority  
2 public hearing records and amending P.L.1946, c.138.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 8 of P.L.1946, c.138 (C.40:14A-8) is amended to  
8 read as follows:

9 8. (a) Every sewerage authority is hereby authorized to charge  
10 and collect rents, rates, fees or other charges (in this act sometimes  
11 referred to as "service charges") for direct or indirect connection  
12 with, or the use or services of, the sewerage system. Such service  
13 charges may be charged to and collected from any person  
14 contracting for such connection or use or services or from the owner  
15 or occupant, or both of them, of any real property which directly or  
16 indirectly is or has been connected with the system or from or on  
17 which originates or has originated sewage or other wastes which  
18 directly or indirectly have entered or may enter the sewerage  
19 system, and the owner of any such real property shall be liable for  
20 and shall pay such service charges to the sewerage authority at the  
21 time when and the place where such service charges are due and  
22 payable.

23 (b) Rents, rates, fees and charges, which may be payable  
24 periodically, being in the nature of use or service charges, shall as  
25 nearly as the sewerage authority shall deem practicable and  
26 equitable be uniform throughout the district for the same type, class  
27 and amount of use or service of the sewerage system, except as  
28 permitted by section 1 of P.L.1994, c.78 (C.40:14A-8.2), and may  
29 be based or computed either on the consumption of water on or in  
30 connection with the real property, making due allowance for  
31 commercial use of water, or on the number and kind of water  
32 outlets on or in connection with the real property, or on the number  
33 and kind of plumbing or sewerage fixtures or facilities on or in  
34 connection with the real property, or on the number of persons  
35 residing or working on or otherwise connected or identified with the  
36 real property, or on the capacity of the improvements on or  
37 connected with the real property, or on any other factors  
38 determining the type, class and amount of use or service of the  
39 sewerage system, or on any combination of any such factors, and  
40 may give weight to the characteristics of the sewage and other  
41 wastes and any other special matter affecting the cost of treatment  
42 and disposal thereof, including chlorine demand, biochemical  
43 oxygen demand, concentration of solids and chemical composition.  
44 In addition to any such periodic service charges, a separate charge  
45 in the nature of a connection fee or tapping fee, in respect of each

**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.

1 connection of any property with the sewerage system, may be  
2 imposed upon the owner or occupant of the property so connected.  
3 Such connection charges shall be uniform within each class of  
4 users, except as provided by section 2 of P.L.2005, c.29 (C.40:14A-  
5 8.30) and except as provided by section 2 of P.L.2005, c.173  
6 (C.40:14A-8.4), and the amount thereof shall not exceed the actual  
7 cost of the physical connection, if made by the authority, plus an  
8 amount computed in the following manner to represent a fair  
9 payment toward the cost of the system:

10 (1) The amount representing all debt service, including but not  
11 limited to sinking funds, reserve funds, the principal and interest on  
12 bonds, and the amount of any loans and interest thereon, paid by the  
13 sewerage authority to defray the capital cost of developing the  
14 system as of the end of the immediately preceding fiscal year of the  
15 authority shall be added to all capital expenditures made by the  
16 authority not funded by a bond ordinance or debt for the  
17 development of the system as of the end of the immediately  
18 preceding fiscal year of the authority.

19 (2) Any gifts, contributions or subsidies to the authority  
20 received from, and not reimbursed or reimbursable to any federal,  
21 State, county or municipal government or agency or any private  
22 person, and that portion of amounts paid to the authority by a public  
23 entity under a service agreement or service contract which is not  
24 repaid to the public entity by the authority, shall then be subtracted.

25 (3) The remainder shall be divided by the total number of  
26 service units served by the authority at the end of the immediately  
27 preceding fiscal year of the authority, and the results shall then be  
28 apportioned to each new connector according to the number of  
29 service units attributed to that connector, to produce the connector's  
30 contribution to the cost of the system. In attributing service units to  
31 each connector, the estimated average daily flow of sewage for the  
32 connector shall be divided by the average daily flow of sewage for  
33 the average single family residence in the authority's district to  
34 produce the number of service units to be attributed.

35 The connection fee shall be recomputed at the end of each fiscal  
36 year of the authority, after a public hearing is held in the manner  
37 prescribed in subsection (c) of this section. The revised connection  
38 fee may be imposed upon those who subsequently connect in that  
39 fiscal year to the system. The combination of such connection fee  
40 or tapping fee and the aforesaid periodic service charges shall meet  
41 the requirements of subsection (c) hereof.

42 (c) The sewerage authority shall prescribe and from time to time  
43 when necessary revise a schedule of service charges, which shall  
44 comply with the terms of any contract of the sewerage authority and  
45 in any event shall be such that the revenues of the sewerage  
46 authority will at all times be adequate to pay all expenses of  
47 operation and maintenance of the sewerage system, including  
48 reserves, insurance, extensions, and replacements, and to pay

1 punctually the principal of and interest on any bonds and to  
2 maintain such reserves or sinking funds therefor as may be required  
3 by the terms of any contract of the sewerage authority or as may be  
4 deemed necessary or desirable by the sewerage authority. Said  
5 schedule shall thus be prescribed and from time to time revised by  
6 the sewerage authority after public hearing thereon which shall be  
7 held by the sewerage authority at least 20 days after notice of the  
8 proposed adjustment is mailed to the clerk of each municipality  
9 serviced by the authority and publication of notice of the proposed  
10 adjustment of the service charges and of the time and place of the  
11 public hearing in at least two newspapers of general circulation in  
12 the area serviced by the authority. The sewerage authority shall  
13 provide evidence at the hearing showing that the proposed  
14 adjustment of the service charges is necessary and reasonable, and  
15 shall provide the opportunity for cross-examination of persons  
16 offering such evidence, and a transcript of the hearing shall be made  
17 and a copy thereof shall be available upon request to any interested  
18 party at a reasonable fee; or in lieu of providing a transcript of the  
19 hearing, the sewerage authority may provide any interested party  
20 with a live recording of the hearing without cost to the interested  
21 party. The sewerage authority shall ensure that a live recording  
22 provided pursuant to this section meets any applicable requirements  
23 of the federal "Americans with Disabilities Act of 1990," 42 U.S.C.  
24 s.12101 et seq. The sewerage authority may provide the live  
25 recording to an interested party in an audiovisual format with video  
26 and audio, or in a format without live video. The authorization to  
27 provide a live recording under this subsection shall not limit any  
28 duty of the sewerage authority to provide a government record as  
29 required pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), known as  
30 the open public records act. The sewerage authority shall likewise  
31 fix and determine the time or times when and the place or places  
32 where such service charges shall be due and payable and may  
33 require that such service charges shall be paid in advance for  
34 periods of not more than one year. A copy of such schedule of  
35 service charges in effect shall at all times be kept on file at the  
36 principal office of the sewerage authority and shall at all reasonable  
37 times be open to public inspection.

38 (d) Any county sewerage authority may establish sewerage  
39 regions in portions of the district. Rents, rates, fees and charges  
40 which may be payable periodically, being in the nature of use or  
41 service charges, shall as nearly as the sewerage authority shall deem  
42 practicable and equitable, be uniform throughout the district for the  
43 same type, class and amount of use or service of the sewerage  
44 systems, except as permitted by section 1 of P.L.1994, c.78  
45 (C.40:14A-8.2), and shall meet all other requirements of subsection  
46 (b) hereof.  
47 (cf: P.L.2005, c.173, s.1)

1       2. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       This bill authorizes a sewerage authority to distribute live  
7 recordings of public hearings in lieu of certain transcript  
8 requirements. Under current law, when considering an adjustment  
9 to service charges, sewerage authorities in New Jersey are required  
10 to hold a public hearing with the purpose of presenting evidence  
11 that the adjustment is necessary and to allow individuals to question  
12 the need for adjustment. Current law requires this public hearing to  
13 be transcribed and transcript made available, upon request, to  
14 interested parties at a reasonable cost. This bill allows a sewerage  
15 authority to provide a live recording of a public hearing in full, to  
16 an interested party in lieu of providing a written transcript. A live  
17 recording can consist of video and audio of the proceeding, or audio  
18 only. The authority could not charge the interested party for a live  
19 recording. This bill requires sewerage authority to meet any  
20 applicable requirements of the federal "Americans with Disabilities  
21 Act" and P.L.1963, c.73 (C.47:1A-1 et seq.), known commonly as  
22 the open public records act.

ASSEMBLY TELECOMMUNICATIONS AND UTILITIES  
COMMITTEE

STATEMENT TO

**SENATE, No. 435**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 2, 2022

The Assembly Telecommunications and Utilities Committee reports favorably and with committee amendments Senate Bill No. 435.

As amended and reported, this bill authorizes certain local authorities, including sewerage authorities, municipal utilities authorities, and county utilities authorities, to distribute live recordings of public hearings in lieu of certain transcript requirements. Under current law, when considering an adjustment to service charges, local authorities are required to hold a public hearing with the purpose of presenting evidence that the adjustment is necessary and to allow individuals to question the need for adjustment. Current law requires this public hearing to be transcribed and made available, upon request, to interested parties at a reasonable cost.

This bill allows a local authority to provide a live recording of a public hearing to an interested party in lieu of providing a written transcript. The live recording may consist of video and audio of the proceeding, or audio only. However, these authorities could not charge the interested party for a live recording. The bill also requires these authorities to satisfy any applicable requirements of the State's open public records act.

As amended and reported, this bill is identical to Assembly Bill No. 392 (1R), which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments expand the provisions of the bill to include municipal utilities authorities and county utilities authorities. Accordingly, the amendments provide that these local authorities may also distribute live recordings of public hearings in lieu of certain transcript requirements.

The amendments also remove a provision of the bill that specified that sewerage authorities would be required to meet any applicable requirements of the federal "Americans with Disabilities Act of 1990," 42 U.S.C. s.12101 et seq.

ASSEMBLY STATE AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

[First Reprint]

**SENATE, No. 435**

**STATE OF NEW JERSEY**

DATED: JANUARY 19, 2023

The Assembly State and Local Government Committee reports favorably Senate Bill No. 435 (1R).

This bill authorizes certain local authorities, including sewerage authorities, municipal utilities authorities, and county utilities authorities, to distribute live recordings of public hearings in lieu of certain transcript requirements. Under current law, when considering an adjustment to service charges, local authorities are required to hold a public hearing with the purpose of presenting evidence that the adjustment is necessary and to allow individuals to question the need for adjustment. Current law requires this public hearing to be transcribed and made available, upon request, to interested parties at a reasonable cost.

This bill allows a local authority to provide a live recording of a public hearing to an interested party in lieu of providing a written transcript. The live recording may consist of video and audio of the proceeding, or audio only. However, these authorities could not charge the interested party for a live recording. The bill also requires these authorities to satisfy any applicable requirements of the State's open public records act.

As reported by the committee, this bill is identical to Assembly Bill No. 392 (1R), which was also reported by the committee on this date.

# SENATE ENVIRONMENT AND ENERGY COMMITTEE

## STATEMENT TO

### SENATE, No. 435

# STATE OF NEW JERSEY

DATED: MARCH 14, 2022

The Senate Environment and Energy Committee favorably reports Senate Bill, No. 435.

This bill authorizes a sewerage authority to distribute live recordings of public hearings in lieu of certain transcript requirements. Under current law, when considering an adjustment to service charges, sewerage authorities in New Jersey are required to hold a public hearing with the purpose of presenting evidence that the adjustment is necessary and to allow individuals to question the need for adjustment. Current law requires the public hearing to be transcribed and the transcript made available, upon request, to interested parties at a reasonable cost. This bill allows a sewerage authority to provide a live recording of a public hearing in full, to an interested party in lieu of providing a written transcript. A live recording can consist of video and audio of the proceeding, or audio only. The authority may not charge the interested party for a live recording. This bill requires sewerage authority to meet any applicable requirements of the federal “Americans with Disabilities Act” and P.L.1963, c.73 (C.47:1A-1 et seq.), known commonly as the open public records act.

This bill was pre-filed for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

# ASSEMBLY, No. 392

---

# STATE OF NEW JERSEY

## 220th LEGISLATURE

---

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Assemblyman JOE DANIELSEN**

**District 17 (Middlesex and Somerset)**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**SYNOPSIS**

Authorizes sewerage authority to distribute live recordings of certain public hearings in lieu of transcript requirement.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



A392 DANIELSEN, DANCER

2

1 AN ACT related to the format and provision of sewerage authority  
2 public hearing records and amending P.L.1946, c.138.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 8 of P.L.1946, c.138 (C.40:14A-8) is amended to read  
8 as follows:

9 8. (a) Every sewerage authority is hereby authorized to charge  
10 and collect rents, rates, fees or other charges (in this act sometimes  
11 referred to as "service charges") for direct or indirect connection  
12 with, or the use or services of, the sewerage system. Such service  
13 charges may be charged to and collected from any person  
14 contracting for such connection or use or services or from the owner  
15 or occupant, or both of them, of any real property which directly or  
16 indirectly is or has been connected with the system or from or on  
17 which originates or has originated sewage or other wastes which  
18 directly or indirectly have entered or may enter the sewerage  
19 system, and the owner of any such real property shall be liable for  
20 and shall pay such service charges to the sewerage authority at the  
21 time when and the place where such service charges are due and  
22 payable.

23 (b) Rents, rates, fees and charges, which may be payable  
24 periodically, being in the nature of use or service charges, shall as  
25 nearly as the sewerage authority shall deem practicable and  
26 equitable be uniform throughout the district for the same type, class  
27 and amount of use or service of the sewerage system, except as  
28 permitted by section 1 of P.L.1994, c.78 (C.40:14A-8.2), and may  
29 be based or computed either on the consumption of water on or in  
30 connection with the real property, making due allowance for  
31 commercial use of water, or on the number and kind of water  
32 outlets on or in connection with the real property, or on the number  
33 and kind of plumbing or sewerage fixtures or facilities on or in  
34 connection with the real property, or on the number of persons  
35 residing or working on or otherwise connected or identified with the  
36 real property, or on the capacity of the improvements on or  
37 connected with the real property, or on any other factors  
38 determining the type, class and amount of use or service of the  
39 sewerage system, or on any combination of any such factors, and  
40 may give weight to the characteristics of the sewage and other  
41 wastes and any other special matter affecting the cost of treatment  
42 and disposal thereof, including chlorine demand, biochemical  
43 oxygen demand, concentration of solids and chemical composition.  
44 In addition to any such periodic service charges, a separate charge  
45 in the nature of a connection fee or tapping fee, in respect of each

**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.

1 connection of any property with the sewerage system, may be  
2 imposed upon the owner or occupant of the property so connected.  
3 Such connection charges shall be uniform within each class of  
4 users, except as provided by section 2 of P.L.2005, c.29 (C.40:14A-  
5 8.30) and except as provided by section 2 of P.L.2005, c.173  
6 (C.40:14A-8.4), and the amount thereof shall not exceed the actual  
7 cost of the physical connection, if made by the authority, plus an  
8 amount computed in the following manner to represent a fair  
9 payment toward the cost of the system:

10 (1) The amount representing all debt service, including but not  
11 limited to sinking funds, reserve funds, the principal and interest on  
12 bonds, and the amount of any loans and interest thereon, paid by the  
13 sewerage authority to defray the capital cost of developing the  
14 system as of the end of the immediately preceding fiscal year of the  
15 authority shall be added to all capital expenditures made by the  
16 authority not funded by a bond ordinance or debt for the  
17 development of the system as of the end of the immediately  
18 preceding fiscal year of the authority.

19 (2) Any gifts, contributions or subsidies to the authority  
20 received from, and not reimbursed or reimbursable to any federal,  
21 State, county or municipal government or agency or any private  
22 person, and that portion of amounts paid to the authority by a public  
23 entity under a service agreement or service contract which is not  
24 repaid to the public entity by the authority, shall then be subtracted.

25 (3) The remainder shall be divided by the total number of  
26 service units served by the authority at the end of the immediately  
27 preceding fiscal year of the authority, and the results shall then be  
28 apportioned to each new connector according to the number of  
29 service units attributed to that connector, to produce the connector's  
30 contribution to the cost of the system. In attributing service units to  
31 each connector, the estimated average daily flow of sewage for the  
32 connector shall be divided by the average daily flow of sewage for  
33 the average single family residence in the authority's district to  
34 produce the number of service units to be attributed.

35 The connection fee shall be recomputed at the end of each fiscal  
36 year of the authority, after a public hearing is held in the manner  
37 prescribed in subsection (c) of this section. The revised connection  
38 fee may be imposed upon those who subsequently connect in that  
39 fiscal year to the system. The combination of such connection fee  
40 or tapping fee and the aforesaid periodic service charges shall meet  
41 the requirements of subsection (c) hereof.

42 (c) The sewerage authority shall prescribe and from time to time  
43 when necessary revise a schedule of service charges, which shall  
44 comply with the terms of any contract of the sewerage authority and  
45 in any event shall be such that the revenues of the sewerage  
46 authority will at all times be adequate to pay all expenses of  
47 operation and maintenance of the sewerage system, including  
48 reserves, insurance, extensions, and replacements, and to pay

1 punctually the principal of and interest on any bonds and to  
2 maintain such reserves or sinking funds therefor as may be required  
3 by the terms of any contract of the sewerage authority or as may be  
4 deemed necessary or desirable by the sewerage authority. Said  
5 schedule shall thus be prescribed and from time to time revised by  
6 the sewerage authority after public hearing thereon which shall be  
7 held by the sewerage authority at least 20 days after notice of the  
8 proposed adjustment is mailed to the clerk of each municipality  
9 serviced by the authority and publication of notice of the proposed  
10 adjustment of the service charges and of the time and place of the  
11 public hearing in at least two newspapers of general circulation in  
12 the area serviced by the authority. The sewerage authority shall  
13 provide evidence at the hearing showing that the proposed  
14 adjustment of the service charges is necessary and reasonable, and  
15 shall provide the opportunity for cross-examination of persons  
16 offering such evidence, and a transcript of the hearing shall be made  
17 and a copy thereof shall be available upon request to any interested  
18 party at a reasonable fee; or in lieu of providing a transcript of the  
19 hearing, the sewerage authority may provide any interested party  
20 with a live recording of the hearing without cost to the interested  
21 party. The sewerage authority shall ensure that a live recording  
22 provided pursuant to this section meets any applicable requirements  
23 of the federal "Americans with Disabilities Act of 1990," 42 U.S.C.  
24 s.12101 et seq. The sewerage authority may provide the live  
25 recording to an interested party in an audiovisual format with video  
26 and audio, or in a format without live video. The authorization to  
27 provide a live recording under this subsection shall not limit any  
28 duty of the sewerage authority to provide a government record as  
29 required pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), known as  
30 the open public records act. The sewerage authority shall likewise  
31 fix and determine the time or times when and the place or places  
32 where such service charges shall be due and payable and may  
33 require that such service charges shall be paid in advance for  
34 periods of not more than one year. A copy of such schedule of  
35 service charges in effect shall at all times be kept on file at the  
36 principal office of the sewerage authority and shall at all reasonable  
37 times be open to public inspection.

38 (d) Any county sewerage authority may establish sewerage  
39 regions in portions of the district. Rents, rates, fees and charges  
40 which may be payable periodically, being in the nature of use or  
41 service charges, shall as nearly as the sewerage authority shall deem  
42 practicable and equitable, be uniform throughout the district for the  
43 same type, class and amount of use or service of the sewerage  
44 systems, except as permitted by section 1 of P.L.1994, c.78  
45 (C.40:14A-8.2), and shall meet all other requirements of subsection  
46 (b) hereof.  
47 (cf: P.L.2005, c.173, s.1)

1       2. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       This bill authorizes a sewerage authority to distribute live  
7 recordings of public hearings in lieu of certain transcript  
8 requirements. Under current law, when considering an adjustment  
9 to service charges, sewerage authorities in New Jersey are required  
10 to hold a public hearing with the purpose of presenting evidence  
11 that the adjustment is necessary and to allow individuals to question  
12 the need for adjustment. Current law requires this public hearing to  
13 be transcribed and transcript made available, upon request, to  
14 interested parties at a reasonable cost. This bill allows a sewerage  
15 authority to provide a live recording of a public hearing in full, to  
16 an interested party in lieu of providing a written transcript. A live  
17 recording can consist of video and audio of the proceeding, or audio  
18 only. The authority could not charge the interested party for a live  
19 recording. This bill requires sewerage authority to meet any  
20 applicable requirements of the federal "Americans with Disabilities  
21 Act" and P.L.1963, c.73 (C.47:1A-1 et seq.), known commonly as  
22 the open public records act.

ASSEMBLY TELECOMMUNICATIONS AND UTILITIES  
COMMITTEE

STATEMENT TO  
ASSEMBLY, No. 392

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 2, 2022

The Assembly Telecommunications and Utilities Committee reports favorably Assembly Bill No. 392 with committee amendments.

As amended and reported, this bill authorizes certain local authorities, including sewerage authorities, municipal utilities authorities, and county utilities authorities, to distribute live recordings of public hearings in lieu of certain transcript requirements. Under current law, when considering an adjustment to service charges, local authorities are required to hold a public hearing with the purpose of presenting evidence that the adjustment is necessary and to allow individuals to question the need for adjustment. Current law requires this public hearing to be transcribed and made available, upon request, to interested parties at a reasonable cost.

This bill allows a local authority to provide a live recording of a public hearing to an interested party in lieu of providing a written transcript. The live recording may consist of video and audio of the proceeding, or audio only. However, these authorities could not charge the interested party for a live recording. The bill also requires these authorities to satisfy any applicable requirements of the State's open public records act.

As amended and reported, this bill is identical to Senate Bill No. 435 (1R), which was also amended and reported by the committee on this date.

This bill was pre-filed for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amendments expand the provisions of the bill to include municipal utilities authorities and county utilities authorities. Accordingly, the amendments provide that these local authorities may also distribute live recordings of public hearings in lieu of certain transcript requirements.

The amendments also remove a provision of the bill that specified that sewerage authorities would be required to meet any applicable requirements of the federal “Americans with Disabilities Act of 1990,” 42 U.S.C. s.12101 et seq.

ASSEMBLY STATE AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 392**

**STATE OF NEW JERSEY**

DATED: JANUARY 19, 2023

The Assembly State and Local Government Committee reports favorably Assembly Bill No. 392 (1R).

This bill authorizes certain local authorities, including sewerage authorities, municipal utilities authorities, and county utilities authorities, to distribute live recordings of public hearings in lieu of certain transcript requirements. Under current law, when considering an adjustment to service charges, local authorities are required to hold a public hearing with the purpose of presenting evidence that the adjustment is necessary and to allow individuals to question the need for adjustment. Current law requires this public hearing to be transcribed and made available, upon request, to interested parties at a reasonable cost.

This bill allows a local authority to provide a live recording of a public hearing to an interested party in lieu of providing a written transcript. The live recording may consist of video and audio of the proceeding, or audio only. However, these authorities could not charge the interested party for a live recording. The bill also requires these authorities to satisfy any applicable requirements of the State's open public records act.

As reported by the committee, this bill is identical to Senate Bill No. 435 (1R), which was also reported by the committee on this date.

# Governor Murphy Takes Action on Legislation

05/8/2023

**TRENTON** – Today, Governor Murphy signed the following bills into law:

- S-142/A-4341 (Diegnan, Pou/Freiman, Moriarty, Mosquera)** - Modernizes business filing statutes to include entity conversion and domestication
- S-435/A-392 (Smith, Greenstein/Danielsen)** - Authorizes certain local authorities to distribute live recordings of certain public hearings in lieu of transcript requirement
- S-660/A-2438 (Oroho, Gopal/Wirths, DeAngelo, Space)** - Establishes that "100 percent Disabled Veterans" are not required to submit to MVC certain documentation to renew park privileges
- S-1033/A-2682 (Vitale, Ruiz/Mukherji, Benson, McKnight)** - Establishes "Alzheimer's and Dementia Care Long-Term Advisory Commission" in DHS
- S-2396/A-3810 (Madden, Zwicker/Moen, Mosquera, Danielsen)** - Provides for oversight and improvement of administration of unemployment compensation
- S-2423/A-3746 (Pou/McKeon, Calabrese)** - Allows local government deferred compensation plans to invest in collective investment trusts
- A-179/S-752 (Carter, Moen, Sumter/Lagana, Greenstein)** - Requires DEP to make certain information regarding water purveyors available on its Internet website
- A-1463/S-1810 (Lopez, Speight, McKnight/Ruiz, Singleton)** - Clarifies penalties for certain violations of pretrial release; directs prosecutor to provide written notice of release to v
- A-1791/S-3306 (DeAngelo, Verrelli, McKnight/Turner, Greenstein)** - Establishes "Career and Technical Education Scholar Awards" to annually recognize outstanding career and technical education students
- A-3494/S-2381 (Dancer, Moriarty, Haider/Diegnan)** - Allows license plate frame to obscure certain parts of permanent or temporary license plate under certain conditions
- A-3946/S-340 (Quijano, Calabrese, Carter/Singleton, Turner)** - Decouples State tax provisions from federal prohibition on cannabis business deductions
- A-4132/S-3426 (Stanley, Jaffer, Atkins/Cruz-Perez, Turner)** - Establishes NJ Agricultural Literacy Week
- A-4184/S-2827 (Tully/Greenstein, Turner)** - Requires DCA to allow hiring of information technology and cybersecurity professionals pursuant to shared service incentive programs
- ACS for A-4756/S-3262 (Spearman, Wimberly, Reynolds-Jackson/Burgess, Ruiz)** - Requires Division of Children's System of Care to establish training program for employees of emergency shelters for homeless
- A-4836/S-3417 (Speight, Atkins, Wimberly/Greenstein, Stanfield)** - Requires Office of Emergency Management to incorporate into State Emergency Operations Plan framework to address cybersecurity incidents
- A-4935/S-3335 (Benson, Spearman, Haider/Johnson, Diegnan)** - Concerns electronic transmission of crash reports
- Governor Murphy conditionally vetoed the following bill:
- S-3110/A-4783 (Smith, Codey/McKeon, Kennedy, Chaparro) - CONDITIONAL** - Requires sellers of real property and landlords to make certain notifications regarding flooding