

40:14B-4

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40:14B-4 (County utilities authorities--  
permits creation)

CHAPTER 213

Laws Of: 1987

Bill No: A3449

Sponsor(s): Chinnici and Muziani

Date Introduced: December 8, 1981

Committee: Assembly: Independent and Regional Authorities

Senate: \_\_\_\_\_

Amended during passage: No

Date of Passage: Assembly: June 18, 1987

Senate: June 18, 1987

Date of Approval: July 23, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clipping-- attached:

"MUA assails plan to add alternate members," 3-13-85 Asbury Park Press.

"MUA plan labeled by EHT committee," 1-24-85 Asbury Park Press.

ASSEMBLY, No. 3449  
STATE OF NEW JERSEY

INTRODUCED DECEMBER 8, 1986

By Assemblymen CHINNICI and MUZIANI

AN ACT providing for an increase in membership on county utilities authorities and amending P. L. 1957, c. 183

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Section 4 of P. L. 1957, c. 183 (C. 40:14B-4) is amended to  
2 read as follows:

3 4. a. Any governing body may, in the case of a county by resolu-  
4 tion or ordinance duly adopted, or in the case of a municipality by  
5 ordinance duly adopted, create a public body corporate and politic  
6 under the name and style of "the [redacted] municipal utilities  
7 authority," or of "the [redacted] county utilities authority,"  
8 with the name of said county or municipality inserted. Said body  
9 shall consist of the five members thereof, who shall be appointed  
10 by the governing body as hereinafter in this section provided, and  
11 it shall constitute the county or municipal authority contemplated  
12 and provided for in this act and an agency and instrumentality of  
13 said county or municipality. After the taking effect of the resolu-  
14 tion or ordinance for the creation of said body and the filing of a  
15 certified copy thereof as in section 7 of this act provided, five per-  
16 sons shall be appointed as the members of the county or municipal  
17 authority. The members first appointed shall, by the resolution of  
18 appointment, be designated to serve for terms respectively expiring  
19 on the first days of the first, second, third, fourth and fifth Febru-  
20 arys next ensuing after the date of their appointment. On or after  
21 January 1 in each year after such first appointments, one person  
22 shall be appointed as a member of the county or municipal authority

**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 printed in italics thus is new matter.

23 to serve for a term commencing on February 1 in such year and ex-  
24 piring on February 1 in the fifth year after such year. In the event  
25 of a vacancy in the membership of the county or municipal authority  
26 occurring during an unexpired term of office, a person shall be  
27 appointed as a member of the county or municipal authority to  
28 serve for such unexpired term.

29 b. (1) *Any county governing body may provide by resolution or*  
30 *ordinance as appropriate that the county utilities authority created*  
31 *by it shall consist of seven members. The two additional members*  
32 *first appointed pursuant to the resolution or ordinance shall be*  
33 *designated to serve for terms respectively expiring on the first*  
34 *day of the second and third Februarys next ensuing after the date*  
35 *of their appointment. On or after January 1 in the year in which*  
36 *expires the term of the additional member first appointed and in*  
37 *every fifth year thereafter, one person shall be appointed as a*  
38 *member of the county utilities authority by the county governing*  
39 *body as a successor to such additional member, or reappointment*  
40 *of the additional member, to serve for a term commencing on*  
41 *February 1 of such year and expiring on February 1 in the fifth*  
42 *year after such year.*

43 (2) *Any county governing body may provide by resolution or*  
44 *ordinance as appropriate that the county utilities authority created*  
45 *by it shall consist of nine members. The four additional members*  
46 *first appointed pursuant to said resolution or ordinance shall be*  
47 *designated to serve for terms respectively expiring on the first day*  
48 *of the second, third, fourth and fifth Februarys next ensuing after*  
49 *the date of their appointment. On or after January 1 in the year in*  
50 *which expires the term of said additional member first appointed*  
51 *and in every fifth year thereafter, one person shall be appointed*  
52 *as a member of the county utilities authority by said county govern-*  
53 *ing body as a successor to such additional member, to serve for a*  
54 *term commencing on February 1 of such year and expiring on*  
55 *February 1 in the fifth year after such year.*

56 c. *Whenever the municipal authority of any county shall certify*  
57 *to the governing body of any county that it has entered into a*  
58 *contract pursuant to section 49 of this act (C. 40:14B-49) with*  
59 *one or more municipalities situate within any other county one*  
60 *additional member of the municipal authority for each such other*  
61 *county shall be appointed by the governing body of such other*  
62 *county as in this section provided. The additional member so*  
63 *appointed for any such other county, and his successors shall be*  
64 *a resident of one of said municipalities situate within such other*

65 county. The additional member first appointed or to be first ap-  
66 pointed for such other county shall serve for a term expiring on  
67 the first day of the fifth February next ensuing after the date of  
68 such appointment, and on or after January 1 in the year in which  
69 expires the term of the said additional member first appointed, and  
69 in every fifth year thereafter, one person shall be appointed by  
70 said governing body as a member of the municipal authority as  
71 successor to said additional member, to serve for a term com-  
72 mencing on February 1 in such year and expiring on February 1  
73 in the fifth year after such year. If after such appointment of an  
74 additional member for such other county the municipal authority  
75 shall certify to said governing body of such other county that it is  
76 no longer a party to a contract entered into pursuant to section 49  
77 of this act (C. 40:14B-49) with any municipality situate within  
78 such other county, the term of office of such additional member shall  
79 thereupon cease and expire and no additional member for such  
80 other county shall thereafter be appointed.

81 d. In any county wherein a county sewer authority is reorganized  
82 as a municipal authority pursuant to section 6 of this act (C.  
83 40:14B-6), its governing body shall, by resolution or ordinance  
84 as appropriate, reappoint the existing members of the authority  
85 to terms corresponding to terms of members first appointed to  
86 a municipal authority pursuant to subsection a. of this section;  
87 provided, however, that, if said county sewer authority has seven  
88 members, then the existing members shall be reappointed to the  
89 reorganized municipal authority pursuant to subsections a. and b.  
90 of this section.

91 e. The governing body of a county or municipality may provide  
92 in the ordinance or resolution creating the utilities authority for  
93 not more than two alternate members. Alternate members shall  
94 be designated by the governing body as "Alternate No. 1" and  
95 "Alternate No. 2" and shall serve during the absence or disqualifi-  
96 cation of any regular member or members. The governing body  
97 of the county or municipality shall provide by ordinance or resolu-  
98 tion for the order in which the alternates shall serve. The term of  
99 each alternate member shall be five years commencing on February  
100 1 of the year of appointment; provided, however, that in the event  
101 two alternate members are appointed their initial terms shall be  
102 four and five years respectively. The terms of the first alternate  
103 members appointed pursuant to this amendatory act shall commence  
104 on the day of their appointment and shall expire on the fourth or  
105 fifth January 31 next ensuing after the date of their appointments,

106 as the case may be. Alternate members may participate in dis-  
107 cussions of the proceedings but may not vote except in the absence  
108 or disqualification of a regular member. A vote shall not be delayed  
109 in order that a regular member may vote instead of an alternate  
110 member.

1 2. This act shall take effect immediately.

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#### STATEMENT

This bill provides that any county governing body may create a county utilities authority which shall consist of seven members. Under current law, a utilities authority created pursuant to the "municipal and county utilities authorities law," P. L. 1957, c. 183 (C. 40:14B-1 et seq.), shall consist of either five members or nine members, plus one or two alternate members, depending upon the number specified in the ordinance or resolution creating it.

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#### AUTHORITIES AND REGIONAL COMMISSIONS

Allows for the creation of a seven-member county utilities authority.

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*A 3449 (1987)*

ASSEMBLY INDEPENDENT AND REGIONAL  
AUTHORITIES COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3449**

**STATE OF NEW JERSEY**

DATED: MAY 21, 1987

The Assembly Independent and Regional Authorities Committee reports favorably Assembly Bill No. 3449.

As reported, this bill amends section 4 of P. L. 1957, c. 183 (C. 40:14B-4) to permit a county governing body to create a seven-member county utilities authority. The bill maintains the current provisions of section 4 of P. L. 1957, c. 183 (C. 40:14B-4) which allow for the creation of either a five-member or nine-member county utilities authority.

The purpose of this bill is to allow any county governing body the option of creating a county utilities authority consisting either of five, seven or nine members.