

58: 11B-4

LEGISLATIVE HISTORY CHECKLIST

NJSA: 58:11B-4

(Wastewater
Treatment Trust)

LAWS OF: 1987

CHAPTER: 459

Bill No: A3766

Sponsor(s): Farragher

Date Introduced: February 23, 1987

Committee: **Assembly:** Environmental Quality

Senate: Energy & Environment

Amended during passage: No

Date of Passage: **Assembly:** May 18, 1987

Senate: January 11, 1988

Date of Approval: January 19, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: **Assembly:** Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

ASSEMBLY, No. 3766
STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1987

By Assemblywoman FARRAGHER, Assemblyman BENNETT,

Assemblywoman Smith, Assemblymen Azzolina and Arango

AN ACT concerning the term of the chairman of the New Jersey
Wastewater Treatment Trust and amending P. L. 1985, c. 334.

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

1 1. Section 4 of P. L. 1985, c. 334 (C. 58:11B-4) is amended to
2 read as follows:

3 4. a. There is established in, but not of, the Department of
4 Environmental Protection a body corporate and politic, with cor-
5 porate succession, to be known as the "New Jersey Wastewater
6 Treatment Trust." The trust is constituted as an instrumentality
7 of the State exercising public and essential governmental func-
8 tions, no part of whose revenues shall accrue to the benefit of any
9 individual, and the exercise by the trust of the powers conferred by
10 this act shall be deemed and held to be an essential governmental
11 function of the State.

12 b. The trust shall consist of a seven-member board of directors
13 composed of the State Treasurer, the Commissioner of the Depart-
14 ment of Community Affairs, and the Commissioner of the Depart-
15 ment of Environmental Protection, who shall be members ex officio;
16 one person appointed by the Governor upon the recommendation
17 of the President of the Senate and one person appointed by the
18 Governor upon the recommendation of the Speaker of the General
19 Assembly, who shall serve during the two-year legislative term
20 in which they are appointed; and two residents of the State
21 appointed by the Governor with the advice and consent of the
22 Senate, who shall serve for terms of four years, except that the

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 first two appointed shall serve terms of two and three years
24 respectively. Each appointed director shall serve until his suc-
25 cessor has been appointed and qualified. A director is eligible for
26 reappointment. Any vacancy shall be filled in the same manner as
27 the original appointment, but for the unexpired term only.

28 With respect to those public members first appointed by the
29 Governor[;], the appointment of each of the two members upon
30 the advice and consent of the Senate shall become effective 30 days
31 after their nomination by the Governor if the Senate has not given
32 advice and consent on those nominations within that time period;
33 the President of the Senate and the Speaker of the General Assem-
34 bly each shall recommend to the Governor a public member for
35 appointment within 20 days following the effective date of this act,
36 and a recommendation made in this manner shall become effective
37 if the Governor makes the appointment in accordance with the
38 recommendation, in writing, within 10 days of the Governor's
39 receipt thereof. In each instance where the Governor fails to make
40 the appointment, the President of the Senate and the Speaker of
41 the General Assembly shall make new recommendations subject
42 to appointment by the Governor as determined in this section.

43 c. Each appointed director may be removed from office by the
44 Governor for cause, upon the Governor's consideration of the
45 findings and recommendations of an administrative law judge
46 after a public hearing before the judge, and may be suspended by
47 the Governor pending the completion of the hearing. Each director,
48 before entering upon his duties, shall take and subscribe an oath
49 to perform the duties of his office faithfully, impartially and justly
50 to the best of his ability. A record of oaths shall be filed in the
51 [Office] office of the Secretary of State

52 d. The Governor shall designate one of the appointed members
53 to be the chairman and chief executive officer of the trust and the
54 directors shall biannually elect a vice-chairman from among the
55 appointed directors. The chairman shall serve as such for a term
56 of [one year] *two years* and until a successor has been designated.
57 A chairman shall [not] be eligible to succeed himself *for one addi-*
58 *tional two year term*. The directors shall elect a secretary and
59 treasurer, who need not be directors, and the same person may
60 be elected to serve as both secretary and treasurer. The powers
61 of the trust are vested in the directors in office from time to
62 time and four directors shall constitute a quorum at any meeting.
63 Action may be taken and motions and resolutions adopted by
64 the trust by the affirmative majority vote of those directors
65 present, but in no event shall any action be taken or motions or

66 resolutions adopted without the affirmative vote of at least four
67 members. No vacancy on the board of directors of the trust shall
68 impair the right of a quorum of the directors to exercise the
69 powers and perform the duties of the trust.

70 e. Each director and the treasurer of the trust shall execute a
71 bond to be conditioned upon the faithful performance of the
72 duties of the director or treasurer in a form and amount as may
73 be prescribed by the State Treasurer. Bonds shall be filed in the
74 [Office] office of the Secretary of State. At all times thereafter,
75 the directors and treasurer shall maintain these bonds in full
76 effect. All costs of the bonds shall be borne by the trust.

77 f. The directors of the trust shall serve without compensation,
78 but the trust shall reimburse the directors for actual and necessary
79 expenses incurred in the performance of their duties. Notwith-
80 standing the provisions of any other law to the contrary, no officer
81 or employee of the State shall be deemed to have forfeited or shall
82 forfeit his office or employment or any benefits or emoluments
83 thereof by reason of his acceptance of the office of ex officio
84 director of the trust or his services thereon.

85 g. Each ex officio director may designate an officer of his depart-
86 ment to represent him at meetings of the trust. Each designee may
87 lawfully vote and otherwise act on behalf of the director for whom
88 he constitutes the designee. The designation shall be delivered in
89 writing to the trust and shall continue in effect until revoked or
90 amended in writing and delivered to the trust.

91 h. The trust may be dissolved by law, provided the trust has no
92 debts or obligations outstanding or that provision has been made
93 for the payment or retirement of these debts or obligations. The
94 trust shall continue in existence until dissolved by act of the Legis-
95 lature. Upon any dissolution of the trust all property, funds and
96 assets of the trust shall be vested in the State.

97 i. A true copy of the minutes of every meeting of the trust shall
98 be forthwith delivered by and under the certification of the secre-
99 tary [therefor] thereof to the Governor and at the same time to
100 the Senate and General Assembly. The time and act of this de-
101 livery shall be duly recorded on a delivery receipt. No action
102 taken or motion or resolution adopted at a meeting by the trust
103 shall have effect until 10 days, exclusive of Saturdays, Sundays
104 and public holidays, after a copy of the minutes has been delivered
105 to the Governor, unless during the 10-day period the Governor
106 shall approve all or part of the actions taken or motions or reso-
107 lutions adopted, in which case the action or motion or resolution
108 shall become effective upon the approval. If, in the 10-day period,

109 the Governor returns the copy of the minutes with a veto of any
 110 action taken by the trust or any member thereof at that meeting,
 111 the action shall be of no effect. The Senate or General Assembly
 112 shall have the right to provide written comments concerning the
 113 minutes to the Governor within the 10-day period, which comments
 114 shall be returned to the trust by the Governor with his approval
 115 or veto of the minutes. The powers conferred in this subsection
 116 upon the Governor shall be exercised with due regard for the
 117 rights of the holders of bonds, notes and other obligations of the
 118 trust at any time outstanding, and nothing in, or done pursuant
 119 to, this subsection shall in any way limit, restrict or alter the
 120 obligation or powers of the trust or any representative or officer
 121 of the trust to carry out and perform each covenant, agreement or
 122 contract made or entered into by or on behalf of the trust with
 123 respect to its bonds, notes or other obligations or for the benefit,
 124 protection or security of the holders thereof.

125 j. No resolution or other action of the trust providing for the
 126 issuance of bonds, refunding bonds, notes or other obligations
 127 shall be adopted or otherwise made effective by the trust without
 128 the prior approval in writing of the Governor and the State Treas-
 129 urer. The trust shall provide the Senate and General Assembly
 130 with written notice of any request for approval of the Governor
 131 and State Treasurer at the time the request is made, and shall
 132 also provide the Senate and General Assembly written notice of
 133 the response of the Governor and State Treasurer at the time
 134 that the response is received by the trust.

1 2. This act shall take effect immediately.

STATEMENT

This bill would amend the "New Jersey Wastewater Treatment Trust Act" to extend the term of office of the chairman of the New Jersey Wastewater Treatment Trust from one to two years and permit the chairman's reappointment for an additional two year term.

SEWERAGE

Extends term of chairman of N. J. Wastewater Treatment Trust from one to two years and permits reappointment.

109 the Governor returns the copy of the minutes with a veto of any
 110 action taken by the trust or any member thereof at that meeting,
 111 the action shall be of no effect. The Senate or General Assembly
 112 shall have the right to provide written comments concerning the
 113 minutes to the Governor within the 10-day period, which comments
 114 shall be returned to the trust by the Governor with his approval
 115 or veto of the minutes. The powers conferred in this subsection
 116 upon the Governor shall be exercised with due regard for the
 117 rights of the holders of bonds, notes and other obligations of the
 118 trust at any time outstanding, and nothing in, or done pursuant
 119 to, this subsection shall in any way limit, restrict or alter the
 120 obligation or powers of the trust or any representative or officer
 121 of the trust to carry out and perform each covenant, agreement or
 122 contract made or entered into by or on behalf of the trust with
 123 respect to its bonds, notes or other obligations or for the benefit,
 124 protection or security of the holders thereof.

125 j. No resolution or other action of the trust providing for the
 126 issuance of bonds, refunding bonds, notes or other obligations
 127 shall be adopted or otherwise made effective by the trust without
 128 the prior approval in writing of the Governor and the State Trea-
 129 surer. The trust shall provide the Senate and General Assembly
 130 with written notice of any request for approval of the Governor
 131 and State Treasurer at the time the request is made, and shall
 132 also provide the Senate and General Assembly written notice of
 133 the response of the Governor and State Treasurer at the time
 134 that the response is received by the trust.

1 2. This act shall take effect immediately.

STATEMENT

This bill would amend the "New Jersey Wastewater Treatment Trust Act" to extend the term of office of the chairman of the New Jersey Wastewater Treatment Trust from one to two years and permit the chairman's reappointment for an additional two year term.

SEWERAGE

Extends term of chairman of N. J. Wastewater Treatment Trust from one to two years and permits reappointment.

LAW LIBRARY COPY
DO NOT REMOVE

ASSEMBLY COMMITTEE ON ENVIRONMENTAL QUALITY

STATEMENT TO

ASSEMBLY, No. 3766

STATE OF NEW JERSEY

DATED: MARCH 5, 1987

The Assembly Committee on Environmental Quality favorably reports Assembly Bill No. 3766.

The Waste Water Treatment Trust is presided over by a board of directors, the chairman of which is appointed by the Governor for a one-year term and not eligible for reappointment. To provide more continuity in the chairmanship of the board of directors, this bill would extend the term of office of the chairman to two years and permit reappointment to one additional two-year term.

LAW LIBRARY COPY
DO NOT REMOVE

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3766

STATE OF NEW JERSEY

DATED: DECEMBER 17, 1987

The Senate Energy and Environment Committee favorably reports Assembly Bill No. 3766.

Assembly Bill No. 3766 would extend the term of office of the chairman of the "New Jersey Wastewater Treatment Trust" established pursuant to P. L. 1985, c. 334. Currently, the term of the chairman is fixed by law at one year, with a chairman prohibited from serving two terms in succession. This bill would extend the term of chairman to two years; and would allow a chairman to serve two terms in succession.