

40:62-101 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40:62-101 et al

(Water districts--annual assessments-- exempt certain property owners)

LAWS OF: 1985

CHAPTER: 191

Bill No: S1716

Sponsor(s): Dumont

Date Introduced: Pre-filed

Committee: Assembly: Energy and Natural Resources

Senate: Energy and Environment

Amended during passage: Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly: May 6, 1985

Senate: January 31, 1985

Date of Approval: June 20, 1985

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

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SENATE, No. 1716**STATE OF NEW JERSEY**

INTRODUCED MAY 14, 1984

By Senator DUMONT

Referred to Committee on Energy and Environment

AN ACT concerning water districts and amending R. S. 40:62-101,
R. S. 40:62-102 and P. L. 1951, c. 280.

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

1 1. R. S. 40:62-101 is amended to read as follows:

2 40:62-101. **[The]** *a. Except as provided in subsection b. of this*
3 *section, the cost of the creation and establishment of such water*
4 *district or districts and the installation and construction of such*
5 *water systems shall be assessed against the real estate benefited*
6 *thereby in proportion to and not in excess of the benefits conferred,*
7 *and such assessments shall bear interest and penalties from the*
8 *same time and at the same rate as assessments for local improve-*
9 *ments in the district or districts where they are imposed, and from*
10 *the date of confirmation shall be a first and paramount lien upon*
11 *the real estate assessed to the same extent, and be enforced and*
12 *collected in the same manner, as assessments for local improve-*
13 *ments.*

14 No assessments shall be invalid by reason of failure to receive
15 notice or any other informality.

16 *b. Real estate in the water district shall be exempt from the*
17 *assessment authorized by subsection a. of this section if:*

18 (1) ***[The owner of the real estate has not utilized the water**
19 *supplied by the water district for consumption purposes to benefit*
20 *the real estate in any manner]* *The water supplied by the water*
20A *district is not reasonably available to the owner of the property*;*
20B *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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted November 19, 1984.

3 25. a. The board of water commissioners shall certify the amount
 4 of money voted at the annual district meeting to the assessor of the
 5 township in which said district is situate, who, *except as provided*
 6 *in subsection b. of this section*, shall assess said money on the in-
 7 habitants of said district and their estates and taxable property
 8 therein in the same manner as township taxes are assessed and the
 9 money shall be assessed, levied and collected, at the same time and
 10 in the same manner as other township taxes.

11 The collector or treasurer of the township in which said district
 12 is situate shall pay over all moneys so assessed to the treasurer or
 13 custodian of funds of said water district one-half on or before July
 14 1 in the year for which said taxes are levied and the other half
 15 on or before January 1 of the following year, to be held and ex-
 16 pended for the purpose of providing and maintaining means for
 17 supplying water in such district.

18 b. *Property within the water district shall be exempt from the*
 19 *assessment authorized in subsection a. of this section if:*

20 (1) *~~【The owner of the property has not utilized the water sup-
 21 plied by the water district for consumption purposes to benefit the
 22 property in any manner】~~* *The water supplied by the water dis-
 22A trict is not reasonably available to the owner of the property*; and

23 (2) *Prior to each annual assessment the board of water commis-
 24 sioners determines that the exemption would not adversely affect
 25 the ability of the water district to meet principal reduction and
 26 interest payments on outstanding bonds issued thereby.*

1 4. Section 34 of P. L. 1951, c. 280 (C. 40:62-105.34) is amended
 2 to read as follows:

3 34. **【Whenever】** a. *Except as provided in subsection b. of this*
 4 *section whenever* such bonds shall have been authorized by the
 5 legal voters as aforesaid and the same shall have been issued, the
 6 clerk of the board of water commissioners shall annually issue to
 7 the assessor of the taxing district in which such water district is
 8 situate, an order directing him to assess upon the owners of prop-
 9 erty in that water district, and their estates and the taxable prop-
 10 erty therein, an amount sufficient to pay the bond or bonds maturing
 11 in each year together with the interest accruing upon all the unpaid
 12 bonds of such township water district, which order shall be duly
 13 executed by the assessor. The money so assessed shall be assessed
 14 and levied by the assessor and collected by the collector of said
 15 taxing district, who shall on or before July 1 next thereafter, pay
 16 the full amount so ordered to be assessed, levied and collected to
 17 the treasurer of the board of water commissioners, who shall pay
 18 the principal and interest as they become due and payable. If there

25 (1) *The owner of the property has not utilized the water supplied*
 26 *by the water district for consumption purposes to benefit the*
 27 *property in any manner; and*

28 (2) *Prior to each annual assessment the board of water commis-*
 29 *sioners determines that the exemption would not adversely affect*
 30 *the ability of the water district to meet principal reduction and*
 31 *interest payments on outstanding bonds issued thereby.*

1 5. This act shall take effect immediately.

STATEMENT

Currently, municipalities and boards of commissioners of water districts have statutory authority to bill owners of property located within the district, through annual assessments, for the creation and maintenance of water systems as well as payments of principal and interest on outstanding bonds. However, no exception is made for owners of property who have a private source of water and who do not utilize the water provided by the water district. This bill provides that, under certain conditions, owners of property within a water district would be exempt from the requirement of paying for the creation, maintenance and debt service of the district if they do not utilize the water supplied by the public system.

S1776(1985)

ASSEMBLY ENERGY AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

SENATE, No. 1716

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STATE OF NEW JERSEY

DATED: APRIL 29, 1985

This bill would permit water districts to exempt property owners from fees for water service if the water supplied by the water district is not reasonably available to the property owner. Currently, municipalities and boards of water districts have statutory authority to bill owners of property located within the district for the creation and maintenance of water systems, regardless of whether the property owners can utilize the water provided by the water district.

The committee reported this bill favorably.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1716

STATE OF NEW JERSEY

DATED: NOVEMBER 19, 1984

As amended by the Committee, Senate Bill No. 1716 would permit water districts to exempt property owners from fees for water service if the water supplied by the water district is not reasonably available to the property owner. Currently, municipalities and boards of water districts have statutory authority to bill owners of property located with the district for the creation and maintenance of water systems, regardless of whether the property owners can utilize the water provided by the water district.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1716

STATE OF NEW JERSEY

DATED: NOVEMBER 19, 1984

As amended by the Committee, Senate Bill No. 1716 would permit water districts to exempt property owners from fees for water service if the water supplied by the water district is not reasonably available to the property owner. Currently, municipalities and boards of water districts have statutory authority to bill owners of property located with the district for the creation and maintenance of water systems, regardless of whether the property owners can utilize the water provided by the water district.