

48:2-32.2 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 48:2-32.2 et al

(Public utilities--hearings and investigations--amend notice requirements)

LAWS OF: 1985

CHAPTER: 203

Bill No: A2040

Sponsor(s): Girgenti

Date Introduced: May 14, 1984

Committee: Assembly: Municipal Government

Senate: County and Municipal Government

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: June 28, 1984

Senate: May 2, 1985

Date of Approval: June 26, 1985

Following statements are attached if available:

Sponsor statement: Yes

Senate committee amendments, adopted 10-22-84 (with statement)

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

Administrative regulations, referred to in statements: N.J.A.C. 14: 1-10.1 et seq.

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~~"55 and out..." 8-9-85 Star Ledger.~~

~~"Police aging issues..." 6-24-85 Trenton Times.~~

~~See: Equal Employment Opportunity Commission v State, Civil Action
on 85-2905, filed 10-7-85.~~

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ASSEMBLY, No. 2040

STATE OF NEW JERSEY

INTRODUCED MAY 14, 1984

By Assemblyman GIRGENTI

AN ACT concerning public notices and amending P. L. 1962, c. 198 and P. L. 1980, c. 179**, and supplementing chapter 2 of Title 48 of the Revised Statutes**.

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

1 1. Section 34 of P. L. 1962, c. 198 (C. 48:2-32.2) is amended to
2 read as follows:

3 34. a. Every municipality may intervene alone or jointly with
4 another municipality or municipalities in any hearing or investiga-
5 tion held by the board, which involves public utility rates, fares
6 or charges, service or facilities, affecting the municipality or
7 municipalities or the public within the municipality or municipali-
8 ties and may employ such legal counsel, experts and assistants as
9 may be necessary to protect the interest of the municipality or
10 municipalities or the public within the municipality or municipali-
11 ties. Such municipality or municipalities may by emergency reso-
12 lution raise and appropriate the funds necessary to provide reason-
13 able compensation and expenses of such legal counsel, experts and
14 assistants.

15 b. The **[board of freeholders]** *governing body* of any county
16 shall have all the rights of intervention, alone or jointly with any
17 municipality or municipalities, or with the **[board of freeholders]**
18 *governing body* of any other county, which are conferred upon
19 municipalities by subsection a. of this section, and may use all of the
20 means provided for the effectuation of said rights which are per-
21 mitted to municipalities under subsection a. of this section.

22 c. (1) *If a hearing **to which this amendatory and supplementary*

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:

*—Assembly committee amendments adopted June 18, 1984.

**—Senate committee amendments adopted October 22, 1984.

23 act applies** is held pursuant to a petition by a public utility, that
 24 public utility shall serve written notice of the petition on the
 25 **[governing body of each affected county or municipality, as
 26 appropriate,]**** **clerk of each affected municipality, the clerk to
 27 the board of chosen freeholders of each affected county and, where
 27A appropriate, the executive officer of each affected county,** not
 27B less than 20 days prior to the date of the hearing*, or the date of the
 27C first in a scheduled series thereof, as appropriate*. The utility shall
 27D furnish the board with proof of service of notice not later than 10
 27E days prior to the date of the hearing.

28 The board shall, not later than 10 days prior to the date of the
 29 hearing, serve written notice on the **[governing body of each
 30 affected county or municipality, as appropriate,]**** **clerk of each
 31 affected municipality, the clerk to the board of chosen freeholders
 31A of each affected county and, where appropriate, the executive
 31B officer of each affected county,** of the hour, date and place of the
 31C hearing. **If this information is available at the time of the notice
 31D by the utility, the board may require the utility to include the in-
 31E formation in that notice, in lieu of notice by the board.** *In the
 31F case of a scheduled series of hearings, the board may serve one
 31G notice encompassing the entire schedule, in lieu of serving a
 31H separate notice for each individual hearing. This notice shall be
 31I served not later than 10 days prior to the date of the first scheduled
 31J hearing. The board shall serve notice of any change in the hour,
 31K date or place of a scheduled hearing not less than 10 days prior to
 31L the original or new date of that hearing, as appropriate.*

32 (2) If a hearing or investigation **to which this amendatory and
 33 supplementary act applies** is initiated by the board, the board
 34 shall serve written notice on the **[governing body of each affected
 35 county or municipality, as appropriate,]**** **clerk of each affected
 36 municipality, the clerk to the board of chosen freeholders of each
 37 affected county and, where appropriate, the executive officer of each
 38 affected county** as to the subject matter of the hearing or of any
 39 investigatory function in which the county or municipalti may
 40 intervene. This notice shall be served not less than 20 days prior
 41 to the date of the hearing or investigatory function*, or the date
 42 of the first in a scheduled series thereof, as appropriate*. Not less
 43 than 10 days before the date of the hearing or investigatory func-
 43A tion, the board shall serve written notice on the **[governing body
 43B of each affected county or municipality, as appropriate,]**** **clerk
 43C of each affected municipality, the clerk to the board of chosen free-
 43D holders of each affected county and, where appropriate, the execu-
 43E tive officer of each affected county,** as to the hour, date and place

43F of that hearing or function; except, that this notice may be given at
 43G the same time as notice of the subject matter of the hearing or
 43H function. *In the case of a scheduled series of hearings or func-
 43I tions, the board may serve one notice encompassing the entire
 43J schedule, in lieu of serving a separate notice for each individual
 43K hearing or function. This notice shall be served not later than 10
 43L days prior to the date of the first scheduled hearing or function, as
 43M appropriate. The board shall serve notice of any change in the
 43N hour, date or place of a scheduled hearing or function not less than
 43O 10 days prior to the original or new date of that hearing or function,
 43P as appropriate.*

44 d. The notice requirements provided for in subsection c. of this
 45 section may be waived upon consent of all involved parties, or in an
 46 emergency situation which involves a condition or set of conditions
 47 posing an immediate danger to the public health, safety or welfare.
 48 A petition for an adjustment of rates, fares or charges shall not
 49 constitute an emergency situation for the purposes of this sub-
 50 section.

1 2. Section 1 of P. L. 1980, c. 179 (C. 48:2-32.4) is amended to read
 2 as follows:

3 1. Prior to granting a public utility a proposed adjustment which
 4 would result in an increase in individual rates, joint rates, tolls,
 5 charges or schedules thereof, the Board of Public Utilities or the
 6 Office of Administrative Law shall hold at least one public hearing
 7 in the municipality affected by the proposed adjustment. If more
 8 than one municipality is located in the service area affected by the
 9 proposed adjustment, the public hearing shall be held in a centrally
 10 located municipality in the affected service area. Notice of any
 11 such hearing shall be furnished in the manner provided for notices
 12 generally pursuant to subsections c. and d. of section 34 of P. L.
 13 1962, c. 198 (C. 48:2-32.2). In the case of a hearing held by the
 14 Office of Administrative Law, proof of service of notice by a public
 15 utility shall be furnished to that office.

1 **3. (New section) The specific notification procedures set forth
 2 in this amendatory and supplementary act shall apply to any hear-
 3 ing or investigatory function involving:

4 a. Any adjustment of public utility rates, tolls, fares or charges,
 5 or schedules thereof;

6 b. The proposed or actual discontinuance, curtailment or aban-
 7 donment of any essential public utility service;

8 c. The fixing of standards for the measurement of a public utility
 9 product or service pursuant to subsection b. of R. S. 48:2-25; and

10 *d. Public utility surcharge collections, pursuant to R. S.*
11 *48:2-29.4.*

1 4. (New section) *This amendatory and supplementary act shall*
2 *not be construed as limiting notice requirements, per se, to the*
3 *hearings and investigations set forth in section 3. hereof but, rather,*
4 *shall be construed as complementing any other public utility notice*
5 *requirements, and other notice requirements, pertaining to the*
6 *Board of Public Utilities, which are provided by law.***

1 ****[3.]**** ****5.**** *This act shall take effect immediately, but shall*
2 *not affect any investigation initiated, or hearing scheduled pur-*
3 *suant to a petition filed, prior to the effective date of this act.*

STATEMENT

This bill provides that certain uniform notice requirements be observed when hearings or investigations by the Board of Public Utilities involve counties or municipalities. If a public utility petitions for a hearing on rates, charges, fares, services or facilities, that utility shall provide at least 20 days' notice to the affected counties or municipalities, and shall furnish the board with proof of such notice. The board, in turn, shall provide the affected counties or municipalities with at least 10 days' notice of the time and place of the hearing.

If the board initiates a public hearing, it shall provide at least 20 days' notice to the appropriate counties or municipalities of the subject matter of the hearing or of any investigatory function in which the counties or municipalities may intervene, and shall provide at least 10 days' notice of the time and place of the hearing or function.

The notice requirements may be waived in certain emergency situations, or upon the consent of all involved parties.

Essentially, this bill codifies and unifies the principles involved in certain existing administrative regulations.

A2040 (1985)

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2040

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 18, 1984

Assembly Bill No. 2040 provides that certain uniform notice requirements be observed when hearings or investigations by the Board of Public Utilities involve counties or municipalities. If a public utility petitions for a hearing on rates, charges, fares, services or facilities, that utility shall provide at least 20 days' notice to the affected counties or municipalities, and shall furnish the board with proof of such notice. The board, in turn, shall provide the affected counties or municipalities with at least 10 days' notice of the time and place of the hearing.

If the board initiates a public hearing, it shall provide at least 20 days' notice to the appropriate counties or municipalities of the subject matter of the hearing or of any investigatory function in which the counties or municipalities may intervene, and shall provide at least 10 days' notice of the time and place of the hearing or function. The notice requirements may be waived in certain emergency situations, or upon the consent of all involved parties.

Essentially, this bill codifies and unifies the principles involved in certain existing administrative regulations.

The Assembly committee amendments are technical and clarifying in nature.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2040

[OFFICIAL COPY REPRINT]

with Senate committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 18, 1984

Assembly Bill No. 2040 OCR provides that certain uniform notice requirements be observed when hearings or investigations by the Board of Public Utilities involve counties or municipalities. If a public utility petitions for a hearing on rates, charges, fares, services or facilities, that utility shall provide at least 20 days' notice to the affected counties or municipalities, and shall furnish the board with proof of such notice. The board, in turn, shall provide the affected counties or municipalities with at least 10 days' notice of the time and place of the hearing, or times and places of a series thereof.

If the board initiates a public hearing, it shall provide at least 20 days' notice to the appropriate counties or municipalities of the subject matter of the hearing or of any investigatory function in which the counties or municipalities may intervene, and shall provide at least 10 days' notice of the time and place of the hearing or function, or times and places of a series thereof. The notice requirements may be waived in certain emergency situations, or upon the consent of all involved parties.

Essentially, this bill codifies and unifies the principles involved in certain existing administrative regulations.

The Senate committee amendments :

a. Limit the specific procedural requirements of the bill to hearings or investigations involving rate adjustments, the discontinuance, curtailment or abandonment of utility services, or the fixing of standards for measuring the quality and quantity of utility products or services, and any hearing involving utility surcharge collections ;

b. Permit the board to require, under certain limited circumstances, that a utility provide notice otherwise required to be provided by the board (this amendment is intended to reduce overlapping notices in those circumstances) ; and

c. Clarify that notice shall be served not on county and municipal governing bodies, but on the municipal and freeholder clerks and, where appropriate, the county executive officer.

The remaining amendments are technical in nature.

to

Assembly Bill No. 2040 OCR

10-22-89

Amend:

Page	Sec.	Line
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STATEMENT

The proposed Committee amendments would make the following changes in the bill:

(1) Limit the specific procedural requirements of the bill to hearings or investigations involving rate adjustments, the discontinuance, curtailment or abandonment of utility services, or the fixing of standards measuring the quality and quantity of utility products or services, and any hearing involving utility surcharge collections;

(2) Permit the board to require, under certain limited circumstances, that a utility provide notice otherwise required to be provided by the board (this amendment is intended to reduce overlapping notices in those circumstances); and

(3) Clarify that notice shall be served not on county and municipal governing bodies, but on the municipal and freeholder clerks and, where appropriate, the county executive officer.

The proposed amendments would also make certain technical changes in the bill.