

40:11A-4

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40:11A-4

(Parking authority--allows certain municipalities to expand)

LAWS OF: 1983

CHAPTER: 99

Bill No: A1667

Sponsor(s): Girgenti and others

Date Introduced: June 17, 1982

Committee: Assembly: Municipal Government

Senate: County and Municipal Government

Amended during passage: Yes // (Amendments during passage denoted by asterisks)

Date of Passage: Assembly: Sept. 20, 1982

Senate: Dec. 13, 1982

Date of Approval: March 11, 1983

Following statements are attached if available:

Sponsor statement: Yes //

Committee statement: Assembly Yes //

Senate Yes //

Fiscal Note: /// No

Veto Message: /// No

Message on Signing: **Yes** ~~No~~

Following were printed:

Reports: /// No

Hearings: /// No

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ASSEMBLY, No. 1667

STATE OF NEW JERSEY

INTRODUCED JUNE 17, 1982

By Assemblymen GIRGENTI, NAPLES, PANKOK, MILLER and PELLECCIA

AN Act concerning the appointment of certain commissioners and amending P. L. 1948, c. 198.

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

1 1. Section 4 of P. L. 1948, c. 198 (C. 40:11A-4) is amended to read as follows:

3 4. The governing body of any county or municipality may, by resolution or ordinance, as appropriate, create a public body corporate and politic and a political subdivision of the State to be known as the "Parking Authority of the . . . . .," inserting all or any significant part of the name of the municipality or county creating such authority. The creating resolution or ordinance, as the case may be, may provide that no real property shall be acquired by the power of eminent domain without the consent of the governing body. Such authority shall constitute an agency and instrumentality of the municipality or county creating it. Thereupon the governing body shall, by resolution or ordinance, as appropriate, appoint five persons as commissioners of the authority. The commissioners who are first appointed shall be designated to serve for terms of 1, 2, 3, 4 and 5 years, respectively, from the date of their appointment, but thereafter commissioners shall be appointed as aforesaid for a term of 5 years, except that all vacancies shall be filled for the unexpired term.

20 The governing body of any county, or of any municipality with a population of [80,000] 35,000 or more, may by resolution or

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 October 25, 1982.

22 ordinance, as appropriate, provide for the appointment of two addi-  
23 tional commissioners who shall serve 1- and 2-year terms respec-  
24 tively, from the date of their appointment, but thereafter, such  
25 commissioners shall be appointed \***[as aforesaid, except that]**\* \***[**,  
26 in the case of a county,**]** *as aforesaid, and in\* the case of a munici-*  
27 *pality\****[**, by the mayor**]**\* *which has adopted a "Mayor-Council*  
28 *Plan" of government pursuant to the provisions of the "Optional*  
29 *Municipal Charter Law," P. L. 1950, c. 210 (C. 40:69A-1 et seq.) the*  
30 *mayor shall appoint the two additional commissioners, to terms of*  
30A *five years except that all vacancies shall be filled for the unexpired*  
30B *term.*

31 No municipality the area of which has been included (with its  
32 consent) within the area of operation of a parking authority cre-  
33 ated by a county shall thereafter create a parking authority.

34 Upon the creation of any such authority, the clerk shall certify  
35 a copy of the ordinance or resolution creating the parking authority,  
36 and also a copy of the resolution or ordinance appointing the first  
37 commissioners thereof, which documents shall be filed with the clerk  
38 of the county and be recorded in records of certificates of incorpora-  
39 tion, and the clerk of the county shall cause duplicate certified copies  
40 of said documents to be filed forthwith with the Secretary of State.

1 2. This act shall take effect immediately.

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6 known as the "Parking Authority of the .....,,"  
7 inserting all or any significant part of the name of the municipality  
8 or county creating such authority. The creating resolution or  
9 ordinance, as the case may be, may provide that no real property  
10 shall be acquired by the power of eminent domain without the  
11 consent of the governing body. Such authority shall constitute an  
12 agency and instrumentality of the municipality or county creating  
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14 as appropriate, appoint five persons as commissioners of the au-  
15 thority. The commissioners who are first appointed shall be  
16 designated to serve for terms of 1, 2, 3, 4 and 5 years, respectively,  
17 from the date of their appointment, but thereafter commissioners  
18 shall be appointed as aforesaid for a term of 5 years, except that  
19 all vacancies shall be filled for the unexpired term.

20 The governing body of any county, or of any municipality with  
21 a population of **[80,000]** *35,000* or more, may by resolution or

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22 ordinance, as appropriate, provide for the appointment of two addi-  
 23 tional commissioners who shall serve 1- and 2-year terms respec-  
 24 tively, from the date of their appointment, but thereafter, such  
 25 commissioners shall be appointed *as aforesaid, except that the case*  
 26 *of a municipality which has adopted a "Mayor-Council Plan" of*  
 27 *government pursuant to the provisions of the "Optional Municipal*  
 28 *Charter Law," P. L. 1950, c. 210 (C. 40:69A-1 et seq.) the mayor*  
 29 *shall appoint the two additional commissioners, to terms of 5 years*  
 30 *except that all vacancies shall be filled for the unexpired term.*

31 No municipality the area of which has been included (with its  
 32 consent) within the area of operation of a parking authority cre-  
 33 ated by a county shall thereafter create a parking authority.

34 Upon the creation of any such authority, the clerk shall certify  
 35 a copy of the ordinance or resolution creating the parking authority,  
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 37 commissioners thereof, which documents shall be filed with the clerk  
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#### STATEMENT

The purpose of this bill is to amend the "Parking Authority Law," P. L. 1948, c. 198 (C. 40:11A-1 et seq.) in order to permit any municipality with a population in excess of 35,000 to increase the size of its parking authority from five to seven members.

The bill further amends the section to provide that in any municipality which has adopted a "Mayor-Council Plan" of government pursuant to the provisions of the "Optional Municipal Charter Law," P. L. 1950, c. 210 (C. 40:69A-1 et seq.), the appointment of the two additional members shall be the responsibility of the mayor, not the governing body of the local unit.

A 1667(1982)

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1667

STATE OF NEW JERSEY

DATED: JUNE 28, 1982

Assembly Bill No. 1667 amends section 4 of the "Parking Authority Law," P. L. 1946, c. 198 (C. 40:11A-4) to permit the governing body of any municipality with a population in excess of 35,000 to increase the number of members on its parking authority from five to seven members. Under current law, only counties and municipalities with a population in excess of 80,000 are permitted to increase the membership on their parking authorities from five to seven members.

The bill also amends the section to provide that whenever a municipality operating under a "Mayor-Council Plan" form of government decides to increase the membership of its parking authority, the appointment of the two additional members shall be the responsibility of the mayor, not the governing body of the local unit. Currently all appointments are the responsibility of the governing body.

SENATE COUNTY AND MUNICIPAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1667**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: OCTOBER 25, 1982

Assembly Bill No. 1667 amends the "Parking Authority Law," P. L. 1948, c. 198 (C. 40:11A-1 et seq.) to permit any municipality with a population of 35,000 or more to expand the membership of the authority from 5 to 7 members. Under current law, this option is available only to counties and to municipalities with a population of 80,000 or more.

The bill also provides that in municipalities having adopted a "Mayor-Council Plan" of government under the "Optional Municipal Charter Law," P. L. 1950, c. 210 (C. 40:69A-1 et seq.), the mayor shall appoint the two additional members. This is the same as under current law for municipalities of 80,000 or more population, pursuant to P. L. 1982, c. 151.

The Senate committee amendments are technical in nature, and incorporate the provisions of P. L. 1982, c. 151 which amended the same section of law.

[SENATE REPRINT]  
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~~Page Two~~

Friday, March 11, 1983

A-717, A-1619, A-770, A-384, S-1619, S-252, A-1323, A-1548, A-1667 & A-1856/S-3004

S-1691, sponsored by Senator Frank X. Graves, (D-Passaic), which provides that adults under the age of 26 who have been convicted of committing a crime while in possession of a firearm are subject to mandatory minimum sentences. It thus clarifies the Young Adult Offender sentencing section of the Criminal Code, which establishes a general policy that persons under 26 be sentenced to an indeterminate term.

S-252, sponsored by State Senator Carmen A. Orechio (D-Essex), which creates an additional exemption to the two-license limit for alcoholic beverage retailers. Exemptions currently include hotels of more than 50 rooms and restaurants. This bill exempts bowling establishments of 20 or more lanes.

A-1323, sponsored by Assemblywoman Catherine A. Costa (D-Burlington), which allows temporarily handicapped persons to park overtime or in designated handicapped parking areas outside the municipality which issues the person a placard identifying him or her as temporarily handicapped.

A-1548, sponsored by Assemblyman Thomas F. Cowan, (D-Hudson), which clarifies the relationship between Workers' Compensation statutes and the Federal Old Age, Survivors and Disability Act so as to prevent totally disabled persons from having their Workers' Compensation payment offset twice by benefits received under the Old Age Survivors and Disability Act.

A-1667, sponsored by Assemblyman John A. Girgenti, (D-Passaic), which permits the addition of two more members to five-member parking authority commissions in municipalities with a population of more than 35,000.

A-1856/S-3004, sponsored by Assemblyman Richard VanWagner and State Senator Daniel J. Dalton, (D-Camden), which appropriates \$230,000 to the Agent Orange Commission.

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