## 58:11-63

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### LEGISLATIVE HISTORY CHECKLIST

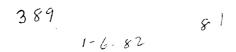
LAWS 1981		CHAI	PTER 38	89	
Bill No. 53347	nestlikie zwanya ini star				
Sponsor(s) Parker	r and Dodd				
Date Introduced					
Committee: Assembly	,			· · · · · · · · · · · · · · · · · · ·	Mar gran
Amended during passa	ge	Yes	•	Amendments denoted	by asterisks
according to Govern Date of Passage: As	sembly	June 29, 19	981	Re-enacted 1-4-82	
Se	nate June	25 <b>,</b> 1981		Re-enacted 11-16-81	
Date of approval	Jan. 6, 1	982			
Following statements	are attached	if available	3:		
Sponsor statement		Yes	×¥×	Č (	
Committee Statement:	Assembly	Xex	No		
	Senate	Xex	No		
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### [OFFICIAL COPY REPRINT] SENATE, No. 3347

## STATE OF NEW JERSEY

#### INTRODUCED JUNE 25, 1981

#### By Senators PARKER and DODD

#### (Without Reference)

An Acr concerning the acquisition of small water companies and supplementing Title 58 of the Revised Statutes.

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

1. Whenever the Department of Environmental Protection and 1 2 the Board of Public Utilities order the acquisition of a small water 3 company by the most suitable public or private entity pursuant to law, the board may, in its discretion, allow the acquiring company 4 to charge and collect a differential rate from the customers of the 5 small water company for the use or service of the acquiring com-6 7 pany's water supply system or facilities. 1

2. This act shall take effect \*[immediately]\* \*upon enactment of

2 P. L. 1981, c. ..... (now pending before the General Assembly as

3 Senate Committee Substitute for Senate Bill No. 1614)\*.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

# SENATE, No. 3347 STATE OF NEW JERSEY

INTRODUCED JUNE 25, 1981

By Senators PARKER and DODD

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An Act concerning the acquisition of small water companies and supplementing Title 58 of the Revised Statutes.

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1 1. Whenever the Department of Environmental Protection and 2 the Board of Public Utilities order the acquisition of a small water 3 company by the most suitable public or private entity pursuant to 4 law, the board may, in its discretion, allow the acquiring company 5 to charge and collect a differential rate from the customers of the 6 small water company for the use or service of the acquiring com-7 pany's water supply system or facilities.

1 2. This act shall take effect immediately.

#### STATEMENT

This bill would authorize the Board of Public Utilities, in its discretion, to allow any public or private water company ordered by the board and the Department of Environmental Protection to acquire and takeover a small water company pursuant to law, to charge and collect a differential rate from the customers of the former service area of the small water company. <u>S-1650</u>, sponsored by Senator Frank Dodd (D-Essex) which allows the Department of Environmental Protection to confiscate any conveyance -- i.e. aircraft, vessel, vehicle, equipment or other container -- used in the illegal discharge of a hazardous substance.

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FROM THE OFFICE

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Governor Byrne conditionally vetoed the bill on May 4, 1981, saying that while he was convinced that DEP should have this power "the bill contains language which might limit existing forfeiture provisions and may limit the law enforcement agencies that may seize conveyances used in the illegal discharge of harmful substances."

He suggested some changes in the bill's language to reflect these concerns and the Legislature concurred with his recommendations.

<u>S-3347</u>, sponsored by Senator Barry Parker (R-Burlington) which authorizes the Board of Public Utilities, in its discretion, to allow any public or private water company ordered by the BPU and the Department of Environmental Protection to acquire and take over a small wayer company pursuant to law, to charge and collect a differential rate from the customers of the former service area of the small water company.

The bill is intended to facilitate takeovers allowed under <u>S-1614</u>, which was not delivered to the Governor until December 8 and signed December 22, 1981. The bills are inextricably linked.

Since the Governor had to take action on S-3347 by November 12, he conditionally vetoed it on that day to change its effective date from "immediately" to "upon the enactment of (S-1614)".

######

November 12, 1981

SENATE BILL NO. 3347

To the Senate:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 3347 with my objections.

This bill would authorize the Board of Public Utilities, in its discretion, to allow any public or private water company ordered by the board and the Department of Environmental Protection to acquire and takeover a small water company pursuant to law, to charge and collect a differential rate from the customers of the former service area of the small water company.

This bill is intended to facilitate takeovers ordered under Senate Bill No. 1614 which is now awaiting final action by the General Assembly. That bill is a key element in the Administration's water supply program designed to prevent a reoccurrence of the water supply shortages we have experienced recently. Senate Bill No. 1614 is the sole remaining legislative proposal of that program as yet unenacted. This bill is inextricably linked to it.

Accordingly, I am returning Senate Bill No. 3347 with the following recommendation for amendment:

Page 1, Section 2, Line 1: Delete "immediately" and insert "upon enactment of P.L. 1981, c. (now pending before the General Assembly as Senate Bill No. 1614)"

Respectfully,

/s/ Brendan Byrne GOVERNOR

[seal]

Attest:

/s/ Harold L. Hodes CHIEF OF STAFF, SECRETARY