

58:11-63

LEGISLATIVE HISTORY CHECKLIST

NJSA 58:11-63 (Public utilities to allow difference rates of certain water companies)

LAWS 1981 CHAPTER 389

Bill No. 53347

Spncsor(s) Parker and Dodd

Date Introduced June 25, 1981

Committee: Assembly ---

Senate ---

Amended during passage Yes
according to Governor's recommendations
Date of Passage: Assembly June 29, 1981
Senate June 25, 1981

~~NA~~ Amendments denoted by asterisks

Re-enacted 1-4-82

Re-enacted 11-16-81

Date of approval Jan. 6, 1982

Following statements are attached if available:

Sponsor statement	Yes	XXX
Committee Statement: Assembly	XXX	No
Senate	XXX	No
Fiscal Note	XXX	No
Veto Message	Yes	NA
Message on signing	Yes	NA

Following were printed:

Reports	XXX	No
Hearings	XXX	No

P.L. 1981, c347 (S.1614), effective 12-22-81

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SENATE, No. 3347

STATE OF NEW JERSEY

INTRODUCED JUNE 25, 1981

By Senators PARKER and DODD

(Without Reference)

AN ACT 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 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]*** *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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supplementing Title 58 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
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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.

S-1650, 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.

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.

S-3347, 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 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.

The bill is intended to facilitate takeovers allowed under S-1614, 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)".

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STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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