

40:14B-6

LEGISLATIVE HISTORY CHECKLIST

(Municipal and county sewerage
authorities--allows hiring without
regard to title eleven (Civil Service))

NJSA 40:14B-6

LAWS 1981

CHAPTER 501

Bill No. S3222

Sponsor(s) Feldman

Date Introduced May 4, 1981

Committee: Assembly _____

Senate Municipal Gov't

Amended during passage Yes ~~XXX~~ Amendments during passage
denoted by asterisks

Date of Passage: Assembly Jan. 11, 1982

Senate Dec. 7, 1981

Date of approval Jan. 12, 1982

Following statements are attached if available:

Sponsor statement Yes ~~XXX~~

Committee Statement: Assembly ~~XXX~~ No

Senate Yes ~~XXX~~

Fiscal Note ~~XXX~~ No

Veto Message ~~XXX~~ No

Message on signing Yes ~~XXX~~

Following were printed:

Reports ~~XXX~~ No

Hearings ~~XXX~~ No

6/22/81

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1-12-82

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SENATE, No. 3222

STATE OF NEW JERSEY

INTRODUCED MAY 4, 1981

By Senator FELDMAN

Referred to Committee on Municipal Government

AN ACT to amend the "municipal and county utilities authorities law," approved August 22, 1957 (P. L. 1957, c. 183) as said short title was amended by P. L. 1977, c. 384.

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

1 1. Section 6 of P. L. 1957, c. 183 (C. 40:14B-6) is amended to
2 read as follows:

3 6. a. The governing body of any municipality which shall have
4 created a sewerage authority may, by ordinance duly adopted,
5 provide and determine that said sewerage authority shall be
6 reorganized as a municipal authority and thereupon and thereby
7 cause said sewerage authority to be organized as a public body
8 corporate and politic existing under and by virtue of this act.

9 b. In any county which has created a sewerage authority or a
10 county sewer authority or authorities each such authority shall be
11 reorganized as a county utilities authority and shall be continued
12 as a public body corporate and politic existing under and by virtue
13 of the municipal authorities law, P. L. 1957, c. 183 (C. 40:14B-1
14 et seq.). The governing body of any county wherein a sewerage
15 authority or a county sewerage authority or authorities was reorga-
16 nized pursuant to this section shall record such reorganization by
17 resolution and file such resolution with the Secretary of State
18 pursuant to section 7 of this act (C. 40:14B-7).

19 c. No authority reorganized pursuant to this section shall
20 acquire, construct, maintain, operate or improve a water system,
21 a solid waste system or a hydroelectric system until such time
22 as the governing body authorizes such action by ordinance in the
23 case of a municipality, or by resolution in the case of a county.

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

24 d. Said body shall consist of the members of said sewerage
 25 authority or of said county sewer authority holding office at the
 26 time of such organization together with successors in such member-
 27 ship appointed as if said sewerage authority or county sewer
 28 authority had originally been created pursuant to section 4 of this
 29 act, and, upon the passage of this amendatory and supplementary
 30 act or upon the taking effect of such ordinance and the filing of
 31 a certified copy thereof as in section 7 of this act provided, said
 32 body shall constitute a municipal authority contemplated and
 33 provided for in this act and an agency and instrumentality of said
 34 municipality, or county. Said body as such municipal authority
 35 shall have all of the rights and powers granted and be subject
 36 to all the duties and obligations imposed by this act and, subject
 37 to the rights (if any) of the holders of any bonds or other obliga-
 38 tions of said sewerage authority or county sewer authority there-
 39 tofore issued, said body shall be the successor in all respects to
 40 said sewerage authority or county sewer authority and forthwith
 41 succeed to all of the rights, property, assets and franchises of said
 42 sewerage authority, or county sewer authority and the said bonds
 43 or other obligations of said sewerage authority or county sewer
 44 authority shall be assumed by and become the obligations of said
 45 municipal authority, and the property of said sewerage authority
 46 or county sewer authority shall be vested in said municipal
 47 authority. Said body may at any time, by resolution duly adopted,
 48 change its corporate name and adopt the name and style of "the
 49 municipal utilities authority" with the
 50 name of said municipality or county inserted.

51 e. ***[Any]** ****[No person employed on the effective date of this**
 52 **act by a]** **** Any**** municipal or county sewerage authority or
 53 any county sewer authority which reorganizes or was reorganized as
 54 a municipal authority or county utilities authority under this sec-
 55 tion ***[may appoint and employ without regard]** ****[shall be**
 56 **subject* to the provisions of Title 11 of the Revised Statutes]** ******
 57 ****may appoint those persons employed by the authority on the**
 58 **effective date of this act to permanent positions in the classified**
 59 **service of the civil service without competitive examination****
 60 ***[any agents and employees as it may require and determine their**
 61 **duties and compensation]*.**

1 2. This act shall take effect immediately.

27 ship appointed as if said sewerage authority or county sewer
 28 authority had originally been created pursuant to section 4 of this
 29 act, and, upon the passage of this amendatory and supplementary
 30 act or upon the taking effect of such ordinance and the filing of
 31 a certified copy thereof as in section 7 of this act provided, said
 32 body shall constitute a municipal authority contemplated and
 33 provided for in this act and an agency and instrumentality of said
 34 municipality, or county. Said body as such municipal authority
 35 shall have all of the rights and powers granted and be subject
 36 to all the duties and obligations imposed by this act and, subject
 37 to the rights (if any) of the holders of any bonds or other obliga-
 38 tions of said sewerage authority or county sewer authority there-
 39 tofore issued, said body shall be the successor in all respects to
 40 said sewerage authority or county sewer authority and forthwith
 41 succeed to all of the rights, property, assets and franchises of said
 42 sewerage authority, or county sewer authority and the said bonds
 43 or other obligations of said sewerage authority or county sewer
 44 authority shall be assumed by and become the obligations of said
 45 municipal authority, and the property of said sewerage authority
 46 or county sewer authority shall be vested in said municipal
 47 authority. Said body may at any time, by resolution duly adopted,
 48 change its corporate name and adopt the name and style of "the
 49 municipal utilities authority" with the
 50 name of said municipality or county inserted.

51 *e. Any municipal or county sewerage authority or any county*
 52 *sewer authority which reorganizes or was reorganized as a munici-*
 53 *pal authority or county utilities authority under this section may*
 54 *appoint and employ without regard to the provisions of Title 11 of*
 55 *the Revised Statutes any agents and employees as it may require*
 56 *and determine their duties and compensation.*

1 2. This act shall take effect immediately.

STATEMENT

Prior to the adoption of P. L. 1977, c. 384 allowing municipal and county sewerage authorities and county sewer authorities to reorganize into municipal authorities and county utilities authorities, these authorities were permitted to hire employees without regard to the provisions of Title 11 of the Revised Statutes as specified in section 17 of P. L. 1946, c. 123 (N. J. S. A. 40:36A-17) and section 5 of P. L. 1946, c.138 (N. J. S. A. 40:14A-5e). When P. L. 1957, c. 183, the "Municipal Utilities Authorities Law" was amended by P. L. 1977, c. 384, no provision was made to maintain

53222 (1981)

the same employment practices that had governed these sewerage authorities prior to reorganization. This bill allows municipal and county sewerage authorities and county sewer authorities which have reorganized pursuant to P. L. 1977, c. 384 to hire employees under the same practices available to them prior to reorganization and, in so doing, addresses the confusion in employment practices which has resulted from reorganization.

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SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 3222

STATE OF NEW JERSEY

DATED: NOVEMBER 16, 1981

Senate Bill No. 3222 permits certain municipal or county sewerage authorities reorganized under P. L. 1977, c. 384 to continue to hire employees without regard to civil service.

Prior to the adoption of P. L. 1977, c. 384 allowing municipal and county sewerage authorities and county sewer authorities to reorganize into municipal authorities and county utilities authorities, these authorities were permitted to hire employees without regard to the provisions of Title 11 of the Revised Statutes as specified in section 17 of P. L. 1946, c. 123 (N. J. S. A. 40:36A-17) and section 5 of P. L. 1946, c. 138 (N. J. S. A. 40:14A-5e). When P. L. 1957, c. 183, the "Municipal Utilities Authorities Law" was amended by P. L. 1977, c. 384, no provision was made to maintain the same employment practices that had governed these sewerage authorities prior to reorganization. This bill allows municipal and county sewerage authorities and county sewer authorities which have reorganized pursuant to P. L. 1977, c. 384 to hire employees under the same practices available to them prior to reorganization and, in so doing, address the confusion in employment practices which has resulted from reorganization.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE:

JANUARY 13, 1982

FOR FURTHER INFORMATION:

DAVE DE MAIO

Governor Brendan Byrne signed the following Senate bills yesterday morning (this partial list duplicates the numerical list you were given yesterday):

S-3466, sponsored by Senator Frank X. Graves, Jr. (D-Passaic), increasing penalties for persons convicted of driving while intoxicated. Under the bill:

- first offenders may be fined \$250-\$400, spend 30 days in jail, or lose their license for 6 to 12 months--an increase in the fines and loss of license time;

- second offenders may be fined \$500 to \$1,000, up to 90 days in jail, must perform 30 days of community service, or lose their license for 2 years--an increase in the loss of license period, and the new requirement for community service; and

- third offenders may be fined \$1,000, must spend 30 to 180 days in jail with credit for 90 days of community service, or lose their license for 10 years--an increase in the sentence and loss of license provisions.

The bill also strengthens criminal penalties against those who refuse to take "breathalyzer" tests. The provisions for community service penalties are new; there are no such provisions under current law.

Governor Byrne did not sign the "motor vehicle" package of bills (S-3491, S-3402, and S-3404 through S-3410) sponsored by Senator Graves.

S-3222, sponsored by Senator Matthew Feldman (D-Bergen), "grandfathering" into the civil service system municipal or county utility authority personnel who were left out of the system after the authorities were reorganized by legislation enacted in 1979. This is a one-time-only provision.

S-3213, sponsored by Senator Eugene Bedell (D-Monmouth), making technical change in the laws governing penalties for violations of booking, or performing artists, employment agencies. Quasi-criminal sanctions of a fine (\$50-\$250) and jail sentence (up to one-year) for operating without a license are replaced by civil penalties of \$3 for the first offense and \$500-\$1,000 for the second, among other technical changes.

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