

40: 62-85.2

LEGISLATIVE HISTORY CHECKLIST

(Waterworks--municipally owned--exempt certain ones which supply water to other towns from PUC jurisdiction)

WJSA 40:62-85.2

LAWS OF 1979 CHAPTER 12

Bill No. S116

Sponsor(s) Perskie

Date Introduced Pre-filed

Committee: Assembly Transportation & Communications

Senate Transportation & Communications

Amended during passage ~~xxx~~ No Senate Committee Substitute enacted

Date of Passage: Assembly December 4, 1978

Senate June 5, 1978

Date of approval February 8, 1979

Following statements are attached if available:

Sponsor statement Yes ~~xx~~

Committee Statement: Assembly Yes ~~xx~~

Senate ~~xxx~~ No

Fiscal Note ~~xxx~~ No

Veto message ~~xxx~~ No

Message on signing Yes ~~xx~~

Following were printed:

Reports ~~xxx~~ No

Hearings ~~xxx~~ No

Legislative Index incorrect, i.e. no public hearing held; verified by Legislative Services.

2/1/78

CHAPTER 12
APPROVED 2-8-79

[OFFICIAL COPY REPRINT]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 116

STATE OF NEW JERSEY

ADOPTED MAY 18, 1978

AN ACT to amend the title of "An act subjecting municipalities solely owning or controlling waterworks or water supplies and supplying water in other municipalities to the jurisdiction, regulation and control of the Board of Public Utility Commissioners with respect to such service and supplementing Title 48 of the Revised Statutes, and repealing 'An act concerning certain cities of the second class, and supplementing chapter 62 of Title 40 of the Revised Statutes,' approved June 18, 1947 (P. L. 1947, c. 295, C. 40:62-85.1)," approved August 16, 1975 (P. L. 1975, c. 184), so that the same shall read "An act subjecting municipalities solely owning or controlling waterworks or water supplies and supplying water in other municipalities to the jurisdiction, regulation and control of the Board of Public Utilities with respect to such service in certain cases and supplementing Title 48 of the Revised Statutes, and repealing 'An act concerning certain cities of the second class, and supplementing chapter 62 of Title 40 of the Revised Statutes,' approved June 18, 1947 (P. L. 1947, c. 295, C. 40:62-85.1)," and to amend the body of said act.

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

1 1. The title of P. L. 1975, c. 184 is amended to read as follows:
2 An act subjecting municipalities solely owning or controlling
3 waterworks or water supplies and supplying water in other munici-
4 palities to the jurisdiction, regulation and control of the Board
5 of Public **[Utility Commissioners]** *Utilities* with respect to such
6 service *in certain cases* and supplementing Title 48 of the Revised
7 Statutes, and repealing "An act concerning certain cities of the
8 second class, and supplementing chapter 62 of Title 40 of the Re-
9 vised Statutes," approved June 18, 1947 (P. L. 1947, c. 295,
10 C. 40:62-85.1).

1 2. Section 1 of P. L. 1975, c. 184 (C. 40:62-85.2) is amended to
2 read as follows:

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

3 1. Whenever any municipality solely owning or controlling water-
 4 works or its own water supply is supplying water to [the inhabi-
 5 tants of, or to other consumers of water] *more than 1,000 billed*
 6 *customers* within[,] any other municipality, the supplying munici-
 7 pality shall with respect to such service be subject to the jurisdic-
 8 tion, regulation and control of the Board of Public [Utility Com-
 9 missioners] *Utilities* in the same manner and to the same extent
 10 as are the services of public utilities and to that extent and for
 11 that purpose such supplying municipality shall be deemed to be a
 12 public utility.

13 *Whenever any municipality solely owning or controlling water-*
 14 *works or its own water supply is supplying water to *[less than*
 15 *1,000 nonbulk]* *1,000 or less* billed customers *who do not buy*
 15A *water at a bulk rate* within any other municipality, the supply-*
 16 *ing municipality shall with respect to such service be exempt from*
 17 *the jurisdiction, regulation and control of the Board of Public Utili-*
 18 *ties provided that the revenue derived from the sale of water outside*
 19 *of its boundaries does not exceed 25% of its total water revenue.*

20 *Whenever any supplying municipality is exempt from the juris-*
 21 *isdiction, regulation and control of the Board of Public Utilities, the*
 22 *rates charged to the billed customers within any other municipality*
 23 *shall be the same as those charged to customers within the supply-*
 24 *ing municipality. Any increase in the water rates shall be au-*
 25 *thorized by ordinance. Notice of the second reading of such ordi-*
 26 *nance shall be sent by regular mail to billed customers outside of*
 27 *the supplying municipality at least 1 week prior to the public*
 28 *hearing for the said ordinance. Such customers shall have an*
 29 *opportunity to be heard at the public hearing.*

1 3. This act shall take effect immediately.

SENATE, No. 116

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1978 SESSION

By Senator PERSKIE

AN ACT to amend the title of "An act subjecting municipalities solely owning or controlling waterworks or water supplies and supplying water in other municipalities to the jurisdiction, regulation and control of the Board of Public Utility Commissioners with respect to such service and supplementing Title 48 of the Revised Statuts, and repealing 'An act concerning certain cities of the second class, and supplementing chapter 62 of Title 40 of the Revised Statutes,' approved June 18, 1947 (P. L. 1947, c. 295, C. 40:62-85.1)," approved August 16, 1975 (P. L. 1975, c. 184), so that the same shall read "An act subjecting municipalities solely owning or controlling waterworks or water supplies and supplying water in other municipalities to the jurisdiction, regulation and control of the Board of Public Utilities with respect to such service in certain cases and supplementing Title 48 of the Revised Statutes, and repealing 'An act concerning certain cities of the second class, and supplementing chapter 62 of Title 40 of the Revised Statutes,' approved June 18, 1947 (P. L. 1947, c. 295, C. 40:62-85.1)," and to amend the body of said act.

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

1 1. The title of P. L. 1975, c. 184 is amended to read as follows:
2 An act subjecting municipalities solely owning or controlling
3 waterworks or water supplies and supplying water in other munici-
4 palities to the jurisdiction, regulation and control of the Board
5 of Public **[Utility Commissioners]** *Utilities* with respect to such
6 service *in certain cases* and supplementing Title 48 of the Revised
7 Statutes, and repealing "An act concerning certain cities of the
8 second class, and supplementing chapter 62 of Title 40 of the Re-
9 vised Statutes," approved June 18, 1947 (P. L. 1947, c. 295,
10 C. 40:62-85.1).

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

1 2. Section 1 of P. L. 1975, c. 184 (C. 40:62-85.2) is amended to
2 read as follows :

3 1. Whenever any municipality solely owning or controlling water-
4 works or its own water supply is supplying water to *more than*
5 *1,000* of the inhabitants of, or to *more than 1,000* other consumers
6 of water within, any other municipality, the supplying municipality
7 shall with respect to such service be subject to the jurisdiction,
8 regulation and control of the Board of Public [Utility Commis-
9 sioners] *Utilities* in the same manner and to the same extent as are
10 the services of public utilities and to that extent and for that pur-
11 pose such supplying municipality shall be deemed to be a public
12 utility. *Whenever any supplying municipality is, pursuant to the*
13 *provisions of this amendatory act, exempt from the jurisdiction,*
14 *regulation and control of the Board of Public Utilities, the rates*
15 *charged to the inhabitants of or consumers within any other*
16 *municipality shall be the same as those charged to the inhabitants*
17 *of or consumers within the supplying municipality.*

1 3. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to exempt from the jurisdiction, regula-
tion and control of the Board of Public Utilities, those municipally
owned or controlled waterworks supplying water to less than 1,000
of the inhabitants of, or to less than 1,000 other consumers of water
within, any other municipality. In addition, however, in order to
properly protect the public interest, this bill requires any supplying
municipality which is exempt from board control to charge the
same rates to inhabitants of or consumers within any other munic-
ipality as are charged to the inhabitants of or consumers within the
supplying municipality.

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 116

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 20, 1978

This bill as amended by the committee exempts from the jurisdiction of the Board of Public Utilities municipally owned or controlled waterworks supplying water to 1,000 or less billed customers who do not buy water at a bulk rate within any other municipality provided that the revenue derived from the outside sale of water does not exceed 25% of its total water revenue.

The legislation provides that: (1) rates charged to customers within and outside of the supplying municipality be the same; (2) any increase in water rates be authorized by ordinance, (3) a public hearing be held on such increase, and customers be notified and given an opportunity to comment.

The Board of Public Utilities supports this legislation.

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

FEBRUARY 8, 1979

KATHRYN FORSYTH

Governor Brendan Byrne today signed the following bills:

S-116, sponsored by Senator Steven Perskie (D-Atlantic), which exempts certain municipally owned waterworks supplying water outside the municipality from the jurisdiction of the Board of Public Utilities.

The exempted waterworks would be municipally owned facilities supplying water to 1,000 or fewer billed customers living outside the municipality who do not buy water at a bulk rate within any other municipality, provided that the revenue derived from the outside sale of water does not exceed 25 percent of the waterworks' total revenue.

The purpose of the bill is to free facilities serving a limited number of customers outside the municipality from the burden of rate proceedings before the Board of Public Utilities from which, as municipally owned waterworks, they would otherwise be exempt.

The bill also provides:

-- that the rates charged to the billed customers in any other municipality be the same as those charged to customers within the municipality owning the facility;

-- that any increase in the water rates be authorized by ordinance; and

-- that notice of the second reading of an ordinance authorizing a rate increase be sent by regular mail to billed customers outside the supplying municipality at least one week prior to the public hearing, and that those customers be permitted to be heard at the hearing.

S-768, sponsored by Senator Joseph Maressa (D-Camden), which eliminates the waiting period which may occur between the early completion of a driver education course by the holder of a special learner's permit and the holder's attainment of the age of 16 years and six months.

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