

40 : 14B-4

LEGISLATIVE HISTORY CHECKLIST

WASA 40:14B-4 (County utilities authorities may increase membership)

LAWS OF 1979 CHAPTER 473

Bill No. A3139

Sponsor(s) Van Wagner and Flynn

Date Introduced Feb. 26, 1979

Committee: Assembly County Government

Senate County and Municipal Government

Amended during passage Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly July 16, 1979

Senate Dec. 17, 1979

Date of approval Feb. 27, 1980

Following statements are attached if available:

Sponsor statement Yes (Below)

Committee Statement: Assembly No

Senate Yes

Fiscal Note No

Veto message No

Message on signing Yes

Following were printed.

Reports No

Hearings No

Sponsor's statement:

This bill would amend the Municipal and County Utilities Authorities Law to clarify an earlier amendment to the law which was intended to permit a county utilities authority, in its discretion, to increase its membership from five to seven members subject to the approval of a duly adopted resolution or ordinance.

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ASSEMBLY, No. 3139

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 26, 1979

By Assemblymen VAN WAGNER and FLYNN

Referred to Committee on County Government

AN ACT to amend the "Municipal and County Utilities Authorities Law," approved August 22, 1957 (P. L. 1957, c. 183, C. 40:14B-1 et seq.).

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

1 1. Section 4 of P. L. 1957, c. 183 (C. 40:14B-4) is amended to
2 read as follows:

3 4. a. Any governing body may, in the case of a county by resolu-
4 tion or ordinance duly adopted, or in the case of a municipality by
5 ordinance duly adopted, create a public body corporate and politic
6 under the name and style of "the [redacted] municipal utilities
7 authority," or of "the [redacted] county utilities au-
8 thority," with the name of said county or municipality inserted.
9 Said body shall consist of the 5 members thereof, who shall be
10 appointed by the governing body as hereinafter in this section
11 provided, and it shall constitute the *county or* municipal authority
12 contemplated and provided for in this act and an agency and instru-
13 mentality of said county or municipality. After the taking effect
14 of the resolution or ordinance for the creation of said body and the
15 filing of a certified copy thereof as in section 7 of this act provided,
16 5 person shall be appointed as the members of the *county or* municipi-
17 pal authority. The members first appointed shall, by the resolution
18 of appointment, be designated to serve for terms respectively
19 expiring on the first days of the first, second, third, fourth and fifth
20 Februarys next ensuing after the date of their appointment. On or
21 after January 1 in each year after such first appointments, 1 person
22 shall be appointed as a member of the *county or* municipal authority
23 to serve for a term commencing on February 1 in such year and
24 expiring on February 1 in the fifth year after such year. In the
25 event of a vacancy in the membership of the *county or* municipal

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

26 authority occurring during an unexpired term of office, a person
27 shall be appointed as a member of the *county or* municipal authority
28 to serve for such unexpired term.

29 b. Any county governing body may provide by resolution or
30 ordinance as appropriate that the **[municipal]** *county utilities*
31 authority created by it shall consist of **[seven]** **nine** members.
32 The **[two]** **four** additional members first appointed pursuant
33 to said resolution or ordinance shall be designated to serve for
34 terms respectively expiring on the first day of the **second, third,**
35 fourth and fifth Februarys next ensuing after the date of their
36 appointment. On or after January 1 in the year in which expires
37 the term of said additional member first appointed and in every
38 fifth year thereafter, one person shall be appointed as a member of
39 the **[municipal]** *county utilities* authority by said county governing
40 body as a successor to such additional members, to serve for a term
41 commencing on February 1 of such year and expiring on February
41A 1 in the fifth year after such year.

42 c. Whenever the municipal authority of any county shall certify
43 to the governing body of any county that it has entered into a
44 contract pursuant to section 49 of this act (C. 40:14B-49) with one
45 or more municipalities situate within any other county one addi-
46 tional member of the municipal authority for each such other
47 county shall be appointed by the governing body of such other
48 county as in this section provided. The additional member so
49 appointed for any such other county, and his successors shall
50 be a resident of one of said municipalities situate within such
51 other county. The additional member first appointed or to be
52 first appointed for such other county shall serve for a term expir-
53 ing on the first day of the fifth February next ensuing after the
54 date of such appointment, and on or after January 1 in the year
55 in which expires the term of the said additional member first ap-
56 pointed, and in every fifth year thereafter, one person shall be
57 appointed by said governing body as a member of the municipal
58 authority as successor to said additional member, to serve for a
59 term commencing on February 1 in such year and expiring on
60 February 1 in the fifth year after such year. If after such appoint-
61 ment of an additional member for such other county the municipal
62 authority shall certify to said governing body of such other county
63 that it is no longer a party to a contract entered into pursuant to
64 section 49 of this act (C. 40:14B-49) with any municipality situate
65 within such other county, the term of office of such additional mem-
66 ber shall thereupon cease and expire and no additional member
67 for such other county shall thereafter be appointed.

68 d. In any county wherein a county sewer authority is reorganized
69 as a municipal authority pursuant to section 6. of this act
70 (C. 40:14B-6), its governing body shall, by resolution or ordinance
71 as appropriate, reappoint the existing members of the authority to
72 terms corresponding to terms of members first appointed to a
73 municipal authority pursuant to subsection a. of this section; pro-
74 vided, however, that, if said county sewer authority has seven
75 members, then the existing members shall be reappointed to the
76 reorganized municipal authority pursuant to subsections a. and b.
77 of this section.

1 2. This act shall take effect immediately.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3139

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STATE OF NEW JERSEY

DATED: DECEMBER 6, 1979

Assembly Bill 3139, according to the sponsor, would allow a county governing body to provide that its county utilities authority shall consist of 9 members.

Under the current statute, a county utilities authority consists of 5 members, unless the county governing body shall provide that the authority shall consists of 7 members.

It should be noted that under this bill, the county would no longer have the option of having an authority consisting of 7 members. The bill, therefore, would require counties now having 7 member authorities to reconstitute those authorities as either 5 or 9 member authorities.

being nominated, elected or appointed to a State Civil Service office or position of profit; a member of the Legislature from becoming a member of Congress or accepting any Federal or State office or position of profit; a member of Congress or a Federal or State official or judge from becoming a member of the Legislature; or the Governor from being a member of Congress or holding any office or position of profit in the State or Federal government.

A-1642, sponsored by Assemblyman Walter J. Kavanaugh (R-Somerset), which permits a fraternal organization or lodge to file an application within 30 days of enactment for a property tax exemption for the year 1972 in which the exemption was lost for failure to file a timely application.

A-3114, sponsored by Assemblyman Chuck Hardwick (R-Union), which will permit the Commissioner of the Department of Corrections to order a phased restriction of admissions of new inmates to any county penal facility which is in willful and continuous violation of the minimum standards promulgated by the Department for such a facility.

A-3139, sponsored by Assemblyman Richard Van Wagner (D-Monmouth), which amends the Municipal and County Utilities Authorities Law to enable a county governing body in its discretion to expand the membership of the county utilities authority from five to nine members. The purpose of the bill is to permit a county governing body to provide for wider county representation on the utilities authority board.

A-3154, sponsored by Assemblyman Emil Olszowy (R-Passaic), which appropriates \$2,800,000 from the 1976 Clean Waters Fund to provide a 100% grant to the Borough of Haledon for the repair and maintenance of the Haledon Reservoir Dam.

The Governor signed the bill with a line item veto, reducing the appropriation from \$2,800,000 to \$125,000. A copy of the Governor's message is attached.

A-3276, sponsored by Assemblyman Joseph D. Patero (D-Somerset), which appropriates to the Department of Environmental Protection from the Clean Waters Fund \$3,100,000 for the following water quality planning and water supply construction and rehabilitation projects:

Areawide Water Quality Planning	\$ 750,000
Delaware and Raritan Canal Rehabilitation & Improvement	\$2,200,000
Manasquan River Reservoir Engineering & Design	\$ 150,000