

40:36A-2

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:36A-2

Laws of 1975 Chapter 82

Bill No. A1877

Sponsor(s) Shelton & Others

Date Introduced June 24, 1974

Committee: Assembly County Government

Senate County & Municipal Government

Amended during passage Yes No

Date of passage: Assembly February 4, 1975

Senate February 27, 1975

Date of approval May 5, 1975

Following statements are attached if available:

Sponsor statement Yes Below ~~No~~

Committee Statement: Assembly ~~Yes~~ No

Senate ~~Yes~~ No

Fiscal Note ~~Yes~~ No

Veto message ~~Yes~~ No

Message on signing ~~Yes~~ No

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

Sponsor's Statement:

The purpose of this bill is to provide a procedure for the dissolution of sewerage authorities created in counties pursuant to P.L. 1946, c. 123 (C. 40:36A-1 et seq.)

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10/4/76
JUN 1977

ASSEMBLY, No. 1877

STATE OF NEW JERSEY

INTRODUCED JUNE 24, 1974

By Assemblymen SHELTON, HICKS, OTLOWSKI, McMANIMON,
Assemblywoman TOTARO, Assemblymen VAN WAGNER,
SINSIMER and SALKIND

Referred to Committee on County Government

AN ACT concerning the dissolution of certain sewerage authorities
in certain instances and amending P. L. 1946, c. 123.

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

1 1. Section 2 of P. L. 1946, c. 123 (C. 40:36A-2) is amended to
2 read as follows:

3 2. Whenever in any such county a sewerage district is established
4 under the provisions of this act a sanitary sewer district authority
5 shall thereby be created for such district. Such sanitary sewer
6 district authority shall be known as and have the corporate name
7 and style of "..... County Sewer
8 Authority" (inserting the name of the county whose board of
9 chosen freeholders established such district) or, if such board of
10 chosen freeholders shall by resolution so determine, of all or any
11 part of the name designated by the said board to identify the
12 district. If in any such county a sanitary sewer district authority
13 shall have been or be created and be known by and have any other
14 name than "..... County Sewer
15 Authority" (with the name of the county inserted), the board of
16 chosen freeholders of such county may, by resolution, establish
17 and designate the name and style above quoted as the corporate
18 name and style of such sanitary sewer district authority. Whenever
19 "the county" is hereinafter referred to "the county" shall mean
20 the county whose board of chosen freeholders established the
21 sewerage district. Whenever an "authority" or the "authority"
22 is hereinafter referred to "authority" shall mean a sanitary sewer
23 district authority of a county created as provided by this act.

24 A sewerage district whenever established shall be deemed to be

25 the district of the authority created by the establishment of the
26 district.

27 An authority shall consist of seven members (hereinafter some-
28 times referred to as "commissioners") who shall be appointed by
29 the board of chosen freeholders of the county, subject, however,
30 to reduction to five members in the discretion of the said board of
31 chosen freeholders.

32 The commissioners first to be appointed shall be appointed at, or
33 immediately following, the time of the adoption of the resolution
34 establishing the sewerage district.

35 The commissioners first appointed shall hold office, one for 1
36 year, one for 2 years, three for 3 years, one for 4 years and one
37 for 5 years. Upon the expiration of the term of office of any com-
38 missioner, his successor shall be appointed by the board of chosen
39 freeholders of the county for the term of 3 years. Any vacancy
40 occurring by death, resignation or otherwise, shall be filled for
41 the unexpired term only, in the same manner in which the original
42 appointment was made. Where five commissioners were first ap-
43 pointed and thereafter two additional commissioners shall be ap-
44 pointed so as to constitute an authority consisting of seven members
45 instead of five members, each of the two additional commissioners
46 shall be appointed by the said board of chosen freeholders for the
47 term of 3 years. In the event that an authority consisting of seven
48 members shall be reduced to one of five members by action of the
49 board of chosen freeholders, as herein provided, the said board
50 shall provide in its resolution for such reduction which of the terms
51 of the commissioners then in office shall thereupon terminate.

52 *The board of chosen freeholders of any county which has created*
53 *an authority pursuant to this section may, by resolution duly*
54 *adopted, dissolve such authority on the conditions set forth in this*
55 *section. A copy of each resolution for the dissolution of an au-*
56 *thority adopted pursuant to this section, duly certified by the clerk*
57 *of the board of chosen freeholders, shall be filed in the office of the*
58 *county clerk. The authority referred to in such resolution shall be*
59 *conclusively deemed to have been lawfully and properly dissolved,*
60 *and the property of the authority shall be vested in the county*
61 *either (1) upon proof that such authority had no debts or obliga-*
62 *tions outstanding at the time of adoption of such resolution, or*
63 *(2) upon proof that all creditors and other obligees of such au-*
64 *thority have consented to the adoption of such resolution, or (3)*
65 *upon the taking effect of a resolution adopted by such board of*
66 *chosen freeholders providing for the assumption by such county*

67 of all outstanding debts and obligations of such authority, a copy
68 of which resolution, duly certified by the clerk of the board of
69 chosen freholders, shall be filed in the office of the county clerk;
70 provided, however, that all creditors and other obligees of the
71 authority in respect of any such debts and obligations of the au-
72 thority then outstanding and which were outstanding prior to
73 January 1, 1975 shall have consented to such assumption. The
74 board of chosen freeholders of any county which has created an
75 authority pursuant to this section and which has by resolution
76 duly adopted provided for the dissolution of such authority, shall
77 have the power by resolution to assume all such debts and obliga-
78 tions of such authority and to provide for the payment thereof,
79 in whole or in part, by the incurring of indebtedness and issuance
80 of bonds in accordance with the "Local Bond Law" (N. J. S.
81 40A:2-1 et seq.) or by having provided an appropriation in its
82 annual budget for the purpose, pursuant to the provisions of the
83 "Local Budget Law" (N. J. S. 40A:4-1 et seq.).

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to provide a procedure for the dissolution of sewerage authorities created in counties pursuant to P. L. 1946, c. 123 (C. 40:36A-1 et seq.).