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SENATE, No. 156

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# STATE OF NEW JERSEY

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PRE-FILED FOR INTRODUCTION IN THE 1972 SESSION

By Senator SCHLUTER

AN ACT to amend *\*and supplement\** the "County Improvement Authorities Law," approved January 18, 1961 (P. L. 1960, c. 183).

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

1 1. Section 2 of P. L. 1968, chapter 66 (C. 40:37A-45) is amended  
2 to read as follows:

3 2. As used in this act, unless a different meaning clearly ap-  
4 pears from the context:

5 (a) "Authority" shall mean a public body created pursuant  
6 to this act;

7 (b) "Bond resolution" shall have the meaning ascribed thereto  
8 in section 16 of this act;

9 (c) "Bonds" shall mean bonds, notes or other obligations is-  
10 sued pursuant to this act;

11 (d) "Construct" and "construction" shall connote and include  
12 acts of clearance, demolition, construction, development or re-  
13 development, reconstruction, replacement, extension, improvement  
14 and betterment;

15 (e) "Cost" shall mean, in addition to the usual connotations  
16 thereof, the cost of planning, acquisition or construction of all  
17 or any part of any public facility or facilities of an authority  
18 and of all or any property, rights, easements, privileges, agree-  
19 ments and franchises deemed by the authority to be necessary or  
20 useful and convenient therefor or in connection therewith, includ-  
21 ing interest or discount on bonds, cost of issuance of bonds, archi-  
22 tectural, engineering and inspection costs and legal expenses, cost  
23 of financial, professional and other estimates and advice, organi-  
24 zation, administrative, operating and other expenses of the au-

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

25 thority prior to and during such acquisition or construction, and  
26 all such other expenses as may be necessary or incident to the  
27 financing, acquisition, construction and completion of such public  
28 facility or facilities or part thereof and the placing of the same  
29 fully in operation or the disposition of the same, and also such  
30 provision or reserves for working capital, operating, maintenance  
31 or replacement expenses or for payment or security of principal  
32 of or interest on bonds during or after such acquisition or con-  
33 struction as the authority may determine, and also reimburse-  
34 ments to the authority or any governmental unit or person of any  
35 moneys theretofore expended for the purposes of the authority;

36 (f) The term "county" shall mean any county of any class of  
37 the State, and the term "the county" shall mean the county which  
38 created an authority pursuant to this act;

39 (g) "Development project" shall mean any lands, structures, or  
40 property or facilities acquired or constructed or to be acquired  
41 or constructed by an authority for the purposes of the authority  
42 described in clause (d) of section 11 of this act;

43 (h) "Facility charges" shall have the meaning ascribed to said  
44 term in section 14 of this act;

45 (i) "Facility revenues" shall have the meaning ascribed to said  
45A term in section 20(e) of this act;

46 (j) "Governing body" shall mean, in the case of a county, the  
47 board of chosen freeholders, and, in the case of a municipality,  
48 the commission, council, board or body, by whatever name it may  
49 be known, having charge of the finances of the municipality;

50 (k) "Governmental unit" shall mean the United States of Amer-  
51 ica or the State or any county or municipality or any subdivision,  
52 department, agency, or instrumentality heretofore or hereafter  
53 created, designated or established by or for the United States  
54 of America or the State or any county or municipality;

55 (l) "Local bond law" shall mean chapter 2 of Title 40A, Mu-  
56 nicipalities and Counties, of the New Jersey Statutes (N. J. S.)  
57 as amended and supplemented;

58 (m) "Municipality" shall mean any city, borough, village, town,  
59 or township of the State but not a county or a school district;

60 (n) "Person" shall mean any person, partnership, association,  
61 corporation or entity other than a nation, State, county or munici-  
62 pality or any subdivision, department, agency or instrumentality  
63 thereof;

64 (o) "Project" shall have the meaning ascribed to said term in  
65 section 16 of this act;

66 (p) "Public facility" shall mean any lands, structures, fran-  
 67 chises, equipment, or other property or facilities acquired or con-  
 68 structed or to be acquired or constructed by an authority for its  
 69 purposes and either (i) operated or to be operated by the author-  
 70 ity or by any governmental unit or person under a lease or other  
 71 agreement by or with the authority or (ii) constituting a develop-  
 72 ment project; **[and]**

73 (q) "Real property" shall mean lands within or without the  
 74 State, above or below water, and improvements thereof or thereon,  
 75 or any riparian or other rights or interests therein;

76 (r) "*Garbage and solid wastes disposal system*" shall mean the  
 77 *plants, structures and other real and personal property acquired,*  
 78 *constructed or operated or to be acquired, constructed or operated*  
 79 *by a county improvement authority, including incinerators, sanitary*  
 80 *landfill facilities or other plants for the treatment and disposal of*  
 81 *garbage, solid waste and refuse matter and all other real and per-*  
 82 *sonal property and rights therein and appurtenances necessary or*  
 83 *useful and convenient for the collection and treatment or disposal in*  
 84 *a sanitary manner of garbage, solid waste and refuse matter (but*  
 85 *not including sewage); and*

86 (s) "*Garbage, solid \***[wastes]**\* \*waste\* or refuse matter*" shall  
 87 *mean any refuse matter, trash or garbage from residences, hotels,*  
 88 *apartments or any other public or private building but shall not*  
 89 *include water-carried wastes or the kinds of wastes usually col-*  
 90 *lected, carried away and disposed of by a sewerage system.*

1 2. Section 11 of P. L. 1968, chapter 66 (C. 40:37A-54) is amended  
 2 to read as follows:

3 11. The purposes of every authority shall be (a) provision  
 4 within the county of public buildings for use by the State, the  
 5 county, or any municipality in the county, or any two or more or  
 6 any subdivisions, departments, agencies or instrumentalities of any  
 7 of the foregoing, including buildings for use by any municipality  
 8 bordering on the Atlantic ocean as enlargements or parts of or  
 9 supplements to any municipal convention hall maintained by it,  
 10 (b) provision within the county of structures, franchises, equip-  
 11 ment and facilities for operation of public transportation or for  
 12 terminal purposes, including development and improvement of  
 13 port terminal structures, facilities and equipment for public use  
 14 in counties in, along or through which a navigable river flows, (c)  
 15 provision within the county of structures or other facilities used  
 16 or operated by the authority or any governmental unit in connec-

17 tion with, or relative to development and improvement of, aviation  
18 for military or civilian purposes, including research in connection  
19 therewith, and including structures or other facilities for the  
20 accommodation of passengers, (d) acquisition of any real property  
21 within the county, with or without the improvements thereof or  
22 thereon or personal property appurtenant or incidental thereto,  
23 from the United States of America or any department, agency  
24 or instrumentality heretofore or hereafter created, designated or  
25 established by or for it, and the clearance, development or rede-  
26 velopment, improvement, use or disposition of the acquired lands  
27 and premises in accordance with the provisions and for the pur-  
28 poses stated in this act, including the construction, reconstruction,  
29 demolition, rehabilitation, conversion, repair or alteration of im-  
30 provements on or to said lands and premises, and structures and  
31 facilities incidental to the foregoing as may be necessary, con-  
32 venient or desirable, (e) *acquisition, construction, maintenance and*  
33 *operation of garbage and solid waste disposal systems for the pur-*  
34 *pose of collecting and disposing of garbage, solid waste or refuse*  
35 *matter, and [(e)] (f) any combination or combinations of the*  
36 *foregoing.*

1 \*3. *Any solid waste disposal system operated by a county im-*  
2 *provement authority shall be subject to the provisions of the "Solid*  
3 *Waste Management Act (1970)" (P. L. 1970, c. 39, C. 13:1E-1*  
4 *et seq.), and to any rules and regulations adopted thereunder by*  
5 *the State Department of Environmental Protection.\**

1 \*4. *Whenever any county improvement authority chooses to*  
2 *exercise the powers granted by this amendatory and supplementary*  
3 *act with respect to the selection of a site location or locations for*  
4 *any facility of its garbage and solid waste disposal system, it shall*  
5 *so inform the Commissioner of Environmental Protection, and shall*  
6 *make or cause to be made, after consultation with the commissioner,*  
7 *such preliminary surveys, investigations, studies, borings, maps,*  
8 *plans, drawings and estimates of costs and revenues relating to the*  
9 *type and location of such garbage and solid waste disposal facil-*  
10 *ities, or any part thereof, which the authority may deem necessary*  
11 *to purchase or construct in order to protect the health, safety and*  
12 *welfare of the inhabitants of the county. In addition, the authority*  
13 *may make or cause to be made a study and a map of all existing*  
14 *garbage and solid waste disposal treatment and disposal facilities*  
15 *proposed for or already operating in the county. The undertaking*  
16 *of all such studies and surveys and the provision of the necessary*  
17 *maps, sketches, data and plans in connection therewith, shall be*

18 deemed a county purpose and the costs thereof may be paid out of  
19 general funds of the county; but all such costs shall be reimbursed  
20 to the county by the county improvement authority.\*

1 \*5. Subject to an enabling resolution adopted by the governing  
2 body of the county which has created such an authority (herein-  
3 after referred to as the host county) pursuant to the act to which  
4 this act is amendatory and supplementary, the county improvement  
5 authority shall have the responsibility for selecting a final site  
6 location or locations for any garbage and solid waste collection,  
7 treatment or disposal facilities to be operated by said authority.  
8 The governing body of the county shall not, however, adopt any  
9 such enabling resolution until the site location or locations tenta-  
10 tively designated by the improvement authority shall have been  
11 approved by:

12 a. The Commissioner of Environmental Protection, after an  
13 evaluation of all studies, surveys and plans, and any accompany-  
14 ing maps and data, as may be required by the commissioner pur-  
15 suant to section 4 of this amendatory and supplementary act;

16 b. The governing bodies of the several municipalities situate  
17 within the county, by the adoption of concurring resolutions by any  
18 combination of such municipalities with an aggregate population  
19 of at least \*~~80%~~\* \*75%\* of the total population of said county, as  
20 determined by the last decennial census; and

21 c. The planning board of the host county, by a resolution affirm-  
22 ing that such site location or locations are compatible with the host  
23 county's master plan, or such county planning policies as may  
24 exist.\*

1 \*6. Any solid waste collection system or solid waste treatment  
2 or disposal facilities operated by a county improvement authority  
3 pursuant to the provisions of this amendatory and supplementary  
4 act, shall be deemed a public utility and shall be subject to such  
5 rules and regulations as may be adopted by the Board of Public  
6 Utility Commissioners in accordance with the provisions of the  
7 "Solid Waste Utility Control Act of 1970" (P. L. 1970, c. 40,  
8 C. 48:13A-1 et seq.). The improvement authority's application to  
9 operate any solid waste facility shall be considered at a public hear-  
10 ing by the Board of Public Utility Commissioners.\*

1 \*7. All facilities of a solid waste disposal system operated by a  
2 county improvement authority shall be open to use by any mu-  
3 nicipality or municipalities situate in the host county. Such facil-  
4 ities shall also be open to use by any municipality or municipalities  
5 situate in any county contiguous to the host county, provided that

6 the population of said municipality, or the aggregate population of  
7 any several such municipalities, would not by itself or when added  
8 to the nonhost county population already using the improvement  
9 authority's facilities, be in excess of 10% of the total population  
10 of the host county. When the prospective nonhost county user  
11 population would exceed the foregoing 10% limit, the applications  
12 for use of the petitioning nonhost county municipalities shall re-  
13 quire the prior approval of the governing bodies of the host county,  
14 and of any combination of municipalities situate therein, in  
15 accordance with the requirements and procedures set forth in  
16 section 5 of this amendatory and supplementary act.\*

1 \*8. Upon contracting with a county improvement authority for  
2 the collection, treatment or disposal of garbage or solid waste as  
3 herein provided, no municipality shall, during the term of the con-  
4 tract, engage in, or grant, permit or enter into any new contract  
5 for, the collection, treatment and disposal of garbage and solid  
6 waste that might be competitive with the facilities or services being  
7 provided under contract to that municipality by the improvement  
8 authority.

9 This section shall in no way be construed so as to prevent or  
10 prohibit any municipality from erecting, constructing, operating  
11 and maintaining an incinerator or garbage and solid waste disposal  
12 plant or other means for the disposition of garbage and solid wastes  
13 in any manner or by any means by which the same may be lawfully  
14 erected, constructed, operated or maintained.\*

1 \***[3.]**\* \*9.\* This act shall take effect immediately.