

40:41A-30

**LEGISLATIVE HISTORY CHECKLIST**  
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(County utilities)

NJSA: 40:41A-30

LAWS OF: 1997 CHAPTER: 39

BILL NO: S1891

SPONSOR(S): Ewing

DATE INTRODUCED: March 10, 1997

COMMITTEE: ASSEMBLY: ---  
SENATE: Community Affairs

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: March 24, 1997  
SENATE: March 24, 1997

DATE OF APPROVAL: March 24, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: No  
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

P.L. 1997, CHAPTER 39, *approved March 24, 1997*  
Senate, No. 1891

1 **AN ACT** concerning certain county utilities authorities and amending  
2 P.L.1972, c.154.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. Section 30 of P.L.1972, c.154 (C.40:41A-30) is amended to  
8 read as follows:

9 30. The grant of powers under this act is intended to be as broad  
10 as is consistent with the Constitution of New Jersey and with general  
11 law relating to local government. The grant of powers shall be  
12 construed as liberally as possible in regard to the county's right to  
13 reorganize its own form of government, to reorganize its structure and  
14 to alter or abolish its agencies, subject to the general mandate of  
15 performing services, whether they be performed by the agency  
16 previously established or by a new agency or another department of  
17 county government. All county offices, boards, commissions and  
18 authorities authorized or established by statute, other than an authority  
19 organized under the "municipal and county utilities authorities law,"  
20 P.L.1957, c.183 (C.40:14B-1 et seq.), those boards and offices which  
21 are subject to the provisions of subsection b. of section 125 of  
22 P.L.1972, c.154 (C.40:41A-125b.), and other than educational  
23 institutions authorized or established pursuant to Title 18A of the New  
24 Jersey Statutes, shall be considered to be county agencies for the  
25 purposes of this section.

26 Based on the need to develop effective services to meet problems  
27 which cross municipal boundaries and which cannot be met effectively  
28 on an individual basis by the municipalities or the State, this act shall  
29 be construed as intending to give the county power to establish  
30 innovative programs and to perform such regional services as any  
31 municipality or the State may determine, in its own best interest, to  
32 have the county perform on a contractual basis.  
33 (cf: P.L.1981, c.48, s.2)

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

**Matter underlined thus is new matter.**

1       2. This act shall take effect immediately and shall apply to any  
2 action to reorganize or to alter or abolish a county utilities authority  
3 organized under the "municipal and county utilities authorities law,"  
4 P.L.1957, c.183 (C.40:14B-1 et seq.), adopted or approved pursuant  
5 to section 30 of P.L.1972, c.154 (C.40:41A-30), on or after March 3,  
6 1997.

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## STATEMENT

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11       This bill would prohibit the board of freeholders of a county  
12 organized under the "Optional County Charter Law," P.L.1972, c.154  
13 (C. 40:41A-1 et seq.), from purging the members of a county utilities  
14 authority through its power to "reorganize" an authority pursuant to  
15 section 30 of P.L.1972, c.154 (C.40:41A-30). The "municipal and  
16 county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.),  
17 contains sufficient procedures for dissolving an authority or removing  
18 authority members for inefficiency, neglect of duty or misconduct in  
19 office that a freeholder board should not need to resort to a vague  
20 "reorganization" power that has a great potential for political abuse.

21       The bill would apply to any action to reorganize or to alter or  
22 abolish a county utilities authority organized under the "municipal and  
23 county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et  
24 seq.), adopted or approved pursuant to section 30 of P.L.1972, c.154  
25 (C.40:41A-30), on or after March 3, 1997, so that such action would  
26 be null and void.

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Requires use of authorities law to reorganize county utility authority.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 1891**

**STATE OF NEW JERSEY**

DATED: MARCH 20, 1997

The Senate Community Affairs Committee reports Senate Bill No. 1891 without recommendation.

This bill would prohibit the board of freeholders of a county organized under the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), from purging the members of a county utilities authority through its power to "reorganize" an authority pursuant to section 30 of P.L.1972, c.154 (C.40:41A-30). The "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), contains sufficient procedures for dissolving an authority or removing authority members for inefficiency, neglect of duty, or misconduct in office that a freeholder board should not need to resort to a vague "reorganization" power that has a great potential for political abuse.

The bill would apply to any action to reorganize or to alter or abolish a county utilities authority organized under the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), adopted or approved pursuant to section 30 of P.L.1972, c.154 (C.40:41A-30), on or after March 3, 1997, so that such action would be null and void.