

40:14B-4

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:14B-4; 40:14A-4 (counties and municipalities -- permits alternate members
on utilities authorities)

LAWS 1981 CHAPTER 412

Bill No. A1371

Sponsor(s) Kalik and others

Date Introduced March 13, 1980

Committee: Assembly Municipal Government

Senate County and Municipal Government

Amended during passage Yes ~~XX~~ Amendments during passage
denoted by asterisks

Date of Passage: Assembly Nov. 10, 1980

Senate Jan. 4, 1982

Date of approval Jan. 7, 1982

Following statements are attached if available:

Sponsor statement Yes ~~XX~~ (Below)

Committee Statement: Assembly Yes ~~XX~~

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

Sponsors' statement:

This bill permits counties and municipalities to appoint a maximum of two
alternate members to their utilities authorities.

6/22/81

PP

ASSEMBLY, No. 1371

STATE OF NEW JERSEY

INTRODUCED MARCH 13, 1980

By Assemblywoman KALIK, Assemblymen VAN WAGNER, COSTELLO, JANISZEWSKI, Assemblywoman GARVIN and Assemblyman BATE

Referred to Committee on Municipal 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 municipal utilities
7 authority," or of "the county utilities au-
8 thority," with the name of said county or municipality inserted.
9 Said body shall consist of the five 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 five persons shall be appointed as the members of the county or
17 municipal authority. The members first appointed shall, by the
18 resolution of appointment, be designated to serve for terms re-
19 spectively expiring on the first days of the first, second, third,
20 fourth and fifth Februarys next ensuing after the date of their
21 appointment. On or after January 1 in each year after such first
22 appointments, one person shall be appointed as a member of the
23 county or municipal authority to serve for a term commencing on
24 February 1 in such year and expiring on February 1 in the fifth

25 year after such year. In the event of a vacancy in the membership
26 of the county or municipal authority occurring during an unexpired
27 term of office, a person shall be appointed as a member of the
28 county or municipal authority to serve for such unexpired term.

29 b. Any county governing body may provide by resolution or
30 ordinance as appropriate that the county utilities authority created
31 by it shall consist of nine members. The four additional members
32 first appointed pursuant to said resolution or ordinance shall be
33 designated to serve for terms respectively expiring on the first
34 day of the second, third, fourth and fifth Februarys next ensuing
35 after the date of their appointment. On or after January 1 in the
36 year in which expires the term of said additional member first
37 appointed and in every fifth year thereafter, one person shall be
38 appointed as a member of the county utilities authority by said
39 county governing body as a successor to such additional members,
40 to serve for a term commencing on February 1 of such year and
41 expiring on February 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 be
50 a resident of one of said municipalities situate within such other
51 county. The additional member first appointed or to be first
52 appointed for such other county shall serve for a term expiring
53 on the first day of the fifth February next ensuing after the date
54 of such appointment, and on or after January 1 in the year in
55 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.

78 e. *The governing body of a county or municipality may provide*
79 *in the ordinance or resolution creating the utilities authority for*
80 *not more than two alternate members. Alternate members shall be*
81 *designated by the governing body as "Alternate No. 1" and "Alter-*
82 *nate No. 2" and shall serve in rotation during the absence or dis-*
83 *qualification of any regular member or members. The term of each*
84 *alternate member shall be 5 years commencing on February 1 of*
85 *the year of appointment; provided, however, that in the event two*
86 *alternate members are appointed their initial terms shall be 4*
87 *and 5 years respectively. The terms of the first alternate members*
88 *appointed pursuant to this amendatory act shall commence on the*
89 *day of their appointment and shall expire on the fourth or fifth,*
90 *January 31, next ensuing after the date of their appointments, as*
91 *the case may be.*

1 2. This act shall take effect immediately.

STATEMENT

This bill permits counties and municipalities to appoint a maximum of two alternate members to their utilities authorities.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1371

STATE OF NEW JERSEY

DATED: SEPTEMBER 29, 1980

This bill, as amended by the committee, permits the governing bodies of counties and municipalities to appoint up to two alternate members to utilities authorities. The alternates would serve staggered 5 year terms. The order in which the alternates would serve in the absence of a regular member would be determined by the local governing body. Alternates would be permitted to participate in authority proceedings but would not be permitted to vote except in the absence or disqualification of a regular member. The bill also specifies that no vote shall be delayed to allow a regular member to vote instead of an alternate.

The intent of the bill is to ensure that authorities have sufficient members in attendance to transact business, and to enable potential permanent members to gain experience through service as alternates.

The committee amended the bill to make the above provisions applicable to sewerage authorities (P. L. 1946, c. 138; C. 40A:14A-1 et seq.) as well as utilities authorities (P. L. 1957, c. 183; C. 40:14B-1).

ASSEMBLY COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 1371

STATE OF NEW JERSEY

ADOPTED SEPTEMBER 29, 1980

Amend page 1, title, lines 1 and 2, omit "Municipal and County Utilities Authorities Law", insert "municipal and county utilities authorities law".

Amend page 1, title, lines 2 and 3, omit ", C. 40:14B-1 et seq."

Amend page 1, title, line 3, after "et seq.)", insert "as said short title was amended by P. L. 1977, c. 384 and amending the 'sewerage authorities law,' approved April 23, 1946 (P. L. 1946, c. 138)".

Amend page 3, section 1, line 82, omit "in rotation".

Amend page 3, section 1, line 83, after "members.", insert "The governing body of the county or municipality shall provide by ordinance or resolution for the order in which the alternates shall serve."

Amend page 3, section 1, line 91, after "be.", insert "Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member.

2. Section 4 of P. L. 1946, c. 138 (C. 40:14A-4) is amended to read as follows:

4. (a) The governing body of any county may, by resolution duly adopted, create a public body corporate and politic under the name and style of 'the sewerage authority,' with all or any significant part of the name of such county inserted. Said body shall consist of the five members thereof, who shall be appointed by resolution of the governing body as hereinafter in this section provided, together with the additional members thereof, if any, appointed as hereinafter in subsection (i) of this section provided, and it shall constitute the sewerage authority contemplated and provided for in this act and an agency and instrumentality of said county. After the taking effect of the resolution for the creation of said body and the filing of a certified copy thereof as in subsection (d) of this section provided, five persons shall be appointed as the members of the sewerage authority. The members first appointed shall, by the resolution of appointment, be designated to serve for terms respectively expiring on the first days of the first, second, third, fourth and fifth Februarys next ensuing after the date of their appointment. On or after January 1 in each year after

such first appointments, one person shall be appointed as a member of the sewerage authority to serve for a term commencing on February 1 in such year and expiring on February 1 in the fifth year after such year. In the event of a vacancy in the membership of the sewerage authority occurring during an unexpired term of office, a person shall be appointed as a member of the sewerage authority to serve for such unexpired term.

(b) The governing body of any municipality may, by ordinance duly adopted, create a public body corporate and politic under the name and style of 'the sewerage authority,' with all or any significant part of the name of such municipality inserted. Said body shall consist of five members thereof, who shall be appointed by resolution of the governing body as hereinafter in this section provided, and it shall constitute the sewerage authority contemplated and provided for in this act and an agency and instrumentality of said municipality. After the taking effect of such ordinance and the filing of a certified copy thereof as in subsection (d) of this section provided, five persons shall be appointed as the members of the sewerage authority. The members first appointed shall, by the resolution of appointment, be designated to serve for terms respectively expiring on the first days of the first, second, third, fourth and fifth Februarys next ensuing after the date of their appointment. On or after January 1 in each year after such first appointments, one person shall be appointed as a member of the sewerage authority to serve for a term commencing on February 1 in such year and expiring on February 1 in the fifth year after such year. In the event of a vacancy in the membership of the sewerage authority occurring during an unexpired term of office, a person shall be appointed as a member of the sewerage authority to serve for such unexpired term.

(c) The governing bodies of any two or more municipalities or any two or more counties, the areas of which together comprise an integral body of territory, may, by parallel ordinances or in the case of counties by parallel resolutions, duly adopted by each of such governing bodies within any single calendar year, create a public body corporate and politic under the name and style of 'the sewerage authority,' with all or any significant part of the name of each such municipality or county or some identifying geographical phrase inserted. Said body shall consist of the members thereof, in an aggregate number determined as hereinafter in this subsection provided, who shall be appointed by resolutions of the several governing bodies as hereinafter in this section provided, and it shall constitute the sewerage authority contemplated and provided for in this act and an agency and instrumentality of the said municipalities or counties. The number of

members of the sewerage authority to be appointed at any time for full terms of office by the governing body of any such municipality or county shall be as may be stated in said ordinances or resolutions which shall be not less than one nor more than three. After the taking effect of the said ordinances or resolutions of all such municipalities or counties and after the filing of certified copies thereof as in subsection (d) of this section provided, the appropriate number of persons shall be appointed as members of the sewerage authority by the governing body of each municipality or county. In the case of municipalities or counties which by ordinance or resolution are entitled to appoint only one member of the authority, the total number of members, if five or more, shall be divided into five classes as nearly equal as possible, except that if there are less than five members each member shall constitute a class. The members initially appointed shall be appointed for such terms that the terms of one class shall expire on the first day of each of the first, second, third, fourth and fifth Februarys next ensuing the date of appointment. In the event the several municipalities or counties cannot agree on the terms of the respective representatives, such terms shall be determined by lot. On or after January 1 in each year after such appointments, the expiring terms shall be filled by the appointment for terms commencing February 1 in such year and expiring on the first day of the fifth February next ensuing.

Upon the expiration of the terms of office of members, in office on July 1, 1970, of sewerage authorities created by two or more municipalities or counties where only one member is appointed by any participating municipality or county, their immediate successors, except for appointments to fill vacancies, shall be appointed for designated terms of 1, 2, 3, 4 or 5 years in the same manner as in this subsection (c) provided as to initial appointees.

In municipalities or counties entitled to appoint three members, the appointing authority shall designate one of the initial appointees to serve for a term of 3 years, one for 4 years and one for 5 years. In municipalities or counties entitled to appoint two members, the appointing authority shall designate one of the initial appointees to serve for a term of 5 years and one for 4 years. On or after January 1 in the year in which expire the terms of the said members first appointed and in every fifth year thereafter, the appropriate number of persons shall be appointed as members of the sewerage authority by the governing body of each municipality or county, to serve for terms commencing on February 1 in such year and expiring on February 1 in the fifth year after such year. In the event of a vacancy in the membership of the sewerage authority occurring during the unexpired term of office, a person shall be appointed as a member of the sewerage authority to

serve for such unexpired term by the governing body which made the original appointment for such unexpired term.

Upon the expiration of the terms of office of members, in office on July 1, 1967, of sewerage authorities created by two or more municipalities or counties where more than one member is appointed by any participating municipality or county, their immediate successors, except for appointments to fill vacancies, shall be appointed for designated terms of 3, 4 or 5 years in the same manner as in this subsection (c) provided as to initial appointees.

(d) A copy of each resolution or ordinance for the creation of a sewerage authority adopted pursuant to this section, duly certified by the appropriate officer of the local unit, shall be filed in the office of the Secretary of State. Upon proof of such filing of a certified copy of the resolution or ordinance or of certified copies of the parallel ordinances for the creation of a sewerage authority as aforesaid, the sewerage authority therein referred to shall, in any suit, action or proceeding involving the validity or enforcement of, or relating to, any contract or obligation or act of the sewerage authority, be conclusively deemed to have been lawfully and properly created and established and authorized to transact business and exercise its powers under this act. A copy of any such certified resolution or ordinance, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action or proceeding.

(e) A copy of each resolution appointing any member of a sewerage authority adopted pursuant to this section, duly certified by the appropriate officer of the local unit, shall be filed in the office of the Secretary of State. A copy of such certified resolution, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action or proceeding and, except in a suit, action or proceeding directly questioning such appointment, shall be conclusive evidence of the due and proper appointment of the member or members named therein.

(f) The governing body of a county which may create or join in the creation of any sewerage authority pursuant to this section shall not thereafter create or join in the creation of any other sewerage authority. No governing body of any municipality constituting the whole or any part of a district shall create or join in the creation of any sewerage authority except upon the written consent of the sewerage authority and in accordance with the terms and conditions of such consent, and in the event such consent be given and a sewerage authority be created pursuant thereto, the terms and conditions of such consent shall thereafter be in all respects binding upon such municipality and the sewerage authority so created and any system of sewers or sewage disposal plants constructed or maintained in conformity with the terms and con-

ditions of such consent by the sewerage authority so created shall be deemed not to be competitive with the sewerage systems of the sewerage authority giving such consent. In the event that prior to the creation of a sewerage authority of a county the governing body of any municipality located in said county shall have created or joined in the creation of a sewerage authority, the area within the territorial limits of such municipality shall not be part of the district of the sewerage authority of said county.

(g) Within 10 days after the filing in the office of the Secretary of State of a certified copy of a resolution for the creation of a sewerage authority adopted by the governing body of any county pursuant to this section, a copy of such resolution, duly certified by the appropriate officer of the county, shall be filed in the office of the clerk of each municipality within the county. In the event that the governing body of any such municipality shall, within 60 days after such filing in the office of the Secretary of State, adopt a resolution determining that such municipality shall not be a part of the district of such sewerage authority and file a copy thereof duly certified by its clerk, in the office of the Secretary of State, the area within the territorial limits of such municipality shall not thereafter be part of such district, but at any time after the adoption of such resolution, the governing body of such municipality may, by ordinance duly adopted, determine that such area shall again be a part of such district and if thereafter a copy of such ordinance duly certified by the appropriate officer of such municipality, together with a certified copy of a resolution of such sewerage authority approving such ordinance, shall be filed in the office of the Secretary of State, then from and after such filing the area within the territorial limits of such municipality shall forever be part of such district.

(h) The governing body of any local unit which has created a sewerage authority pursuant to subsection (a) or subsection (b) of this section may, in the case of a county by resolution duly adopted or in the case of a municipality by ordinance duly adopted, dissolve such sewerage authority on the conditions set forth in this subsection. The governing bodies of two or more local units which have created a sewerage authority pursuant to subsection (c) of this section may, by parallel ordinances duly adopted by each of such governing bodies within any single calendar year, dissolve such sewerage authority on the conditions set forth in this subsection. Such a sewerage authority may be dissolved on condition that (1) either the members of such authority have not been appointed or the sewerage authority, by resolution duly adopted, consents to such dissolution, and (2) the sewerage authority has no debts or obligations outstanding. Upon the dissolution of any sewerage authority in the manner provided in this subsection, the

governing body or bodies dissolving such sewerage authority shall be deemed never to have created or joined in the creation of a sewerage authority. A copy of each resolution or ordinance for the dissolution of a sewerage authority adopted pursuant to this subsection, duly certified by the appropriate officer of the local unit, shall be filed in the office of the Secretary of State. Upon proof of such filing of a certified copy of the resolution or ordinance or of certified copies of the parallel ordinances for the dissolution of a sewerage authority as aforesaid and upon proof that such sewerage authority had no debts or obligations outstanding at the time of the adoption of such resolution, ordinance or ordinances, the sewerage authority therein referred to shall be conclusively deemed to have been lawfully and properly dissolved and the property of the sewerage authority shall be vested in the local unit or units. A copy of any such certified resolution or ordinance, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action or proceeding.

(i) Whenever the sewerage authority of any county shall certify to the governing body of any county that it has entered into a contract pursuant to section 23 of this act with one or more municipalities situate within any other county, one additional member of the sewerage authority for each such other county shall be appointed by resolution of the governing body of such other county as in this section provided. The additional member so appointed for any such other county, and his successors shall be a resident of one of said municipalities situate within such other county. The additional member first appointed or to be first appointed for any such other county shall serve for a term expiring on the first day of the fifth February next ensuing after the date of such appointment, and on or after January 1 in the year in which expires the term of the said additional member first appointed and in every fifth year thereafter, one person shall be appointed by said governing body as a member of the sewerage authority as successor to said additional member, to serve for a term commencing on February 1 in such year and expiring on February 1 in the fifth year after such year. If after such appointment of an additional member for any such other county the sewerage authority shall certify to said governing body of such other county that it is no longer a party to a contract entered into pursuant to section 23 of this act with any municipality situate within such other county, the term of office of such additional member shall thereupon cease and expire and no additional member for such other county shall thereafter be appointed.

(j) If a municipality, the governing body of which has created a sewerage authority pursuant to subsection (b) of this section, has been or shall be consolidated with another municipality, the governing body of the new consolidated municipality may, by ordinance duly adopted,

provide that the members of the sewerage authority shall thereafter be appointed by the governing body of such new consolidated municipality, which shall make appointment of members of the sewerage authority by resolution as hereinafter in this subsection provided. On or after the taking effect of such ordinance, one person shall be appointed as a member of the sewerage authority for a term commencing on February 1 in each year, if any, after the date of consolidation, in which has or shall have expired the term of a member of the sewerage authority theretofore appointed by the governing body of the municipality which has been or shall be so consolidated, and expiring on February 1 in the fifth year after such year. Thereafter, on or after January 1 in each year, one person shall be appointed as a member of the sewerage authority to serve for a term commencing on February 1 in such year and expiring February 1 in the fifth year after such year. In the event of a vacancy in the membership of the sewerage authority occurring during an unexpired term of office, a person shall be appointed as a member of the sewerage authority to serve for such unexpired term. Each member of the sewerage authority appointed by the governing body of a municipality which has been or shall be so consolidated shall continue in office until his successor has been appointed as in this subsection provided and has qualified.

(k) If a municipality, the governing body of which has created a sewerage authority pursuant to subsection (b) of this section, has been or shall be consolidated with another municipality, the governing body of the new consolidated municipality, subject to the rights of the holders, if any, of bonds issued by the sewerage authority, and upon receipt of the sewerage authority's written consent thereto, may provide, by ordinance duly adopted, that the area within the territorial boundaries of the new consolidated municipality shall constitute the district of the sewerage authority, and upon the taking effect of such ordinance, such area shall constitute the district of the sewerage authority. Until the taking effect of such ordinance, the district of the sewerage authority shall be the area within the territorial boundaries, as they existed at the date of the consolidation, of the municipality the governing body of which created the sewerage authority.

(l) Whenever, with the approval of any sewerage authority created by the governing bodies of two or more municipalities, any other municipality not constituting part of the district shall convey to the sewerage authority all or any part of a system of main, lateral or other sewers or other sewerage facilities located within the district and theretofore owned and operated by such other municipality, then, if so provided in the instruments of such conveyance, one additional member of the sewerage authority for such other municipality shall be appointed

by resolution of its governing body as in this section provided. The additional member so appointed for such municipality, and his successors, shall be residents of such municipality. The additional member first appointed or to be first appointed for such municipality shall serve for a term expiring on the first day of the fifth February next ensuing after the date of such appointment, and on or after January 1 in the year in which expires the term of the said additional member first appointed and in every fifth year thereafter, one person shall be appointed by said governing body as a member of the sewerage authority as successor to said additional member, to serve for a term commencing on February 1 in such year and expiring on February 1 in the fifth year after such year. If at any time after such conveyance of sewers or sewerage facilities by a municipality its governing body shall adopt a resolution determining not thereafter to be represented in the membership of the sewerage authority and shall file a copy thereof duly certified by its clerk in the office of the sewerage authority, the term of office of any such additional member theretofore appointed for such municipality shall thereupon cease and expire and no additional member for such municipality shall thereafter be appointed.

(m) (i) The governing body of any municipality which is contiguous to the district of a sewerage authority created by the governing bodies of two or more other municipalities may at any time, by ordinance duly adopted, propose that the whole or any part of the area herein referred to as 'service area' within the territorial limits of such municipality shall be a part of said contiguous district. Such ordinance shall (1) state the number of members of the sewerage authority, not less than one nor more than three, thereafter to be appointed for full terms of office by the governing body of such municipality, and (2) determine that, after the filing of a certified copy thereof and of a resolution of the sewerage authority in accordance with this subsection, such service area shall be a part of said contiguous district. If thereafter a copy of such ordinance duly certified by the appropriate officer of such municipality, together with a certified copy of a resolution of said sewerage authority approving such ordinance, shall be filed in the office of the Secretary of State, then from and after such filing the service area shall forever be part of said contiguous district and said sewerage authority shall consist of the members thereof acting or appointed as in this section provided and constitute an agency and instrumentality of such municipality as well as such other municipalities. The governing body of the said municipality so becoming part of said contiguous district shall thereupon appoint members of the sewerage authority in the number stated in such ordinance, for periods and in the manner provided for the first appointment of members of a sewerage authority under subsection (c) of this section.

(ii) If the service area of such municipality shall then be part of the district of any other sewerage authority or municipal authority, such other authority shall by resolution adopted not more than 1 year prior to the adoption of such ordinance, consent to the inclusion of the service area in the district of said contiguous district, and the service area shall become part of said contiguous district as aforesaid and shall no longer be part of the district of such other authority for sewerage purposes. If only part of the area within the territorial limits of such municipality shall constitute the service area to become part of said contiguous district, the service area shall be that so designated or shown on a map thereof bearing legend or reference to this section and filed in the office of the clerk of such municipality and in the office of the secretary of each authority referred to in this section, and such map shall be incorporated by a reference thereto in such ordinance and resolutions as or for a description of the service area. For all the purposes of this act such sewerage authority shall be deemed to have been created by the governing body of such municipality jointly with the other municipalities (the territorial areas of which constitute the district of such contiguous authority), and such municipality shall have all powers, duties, rights and obligations provided for by this act or any other law for or with respect to such sewerage authority or any other sewerage authority or municipal authority, notwithstanding that only a part of the area within the territorial limits of such municipality shall become part of said contiguous district.

(n) The governing body of a county or municipality may provide in the ordinance or resolution creating the utilities authority for not more than two alternate members. Alternate members shall be designated by the governing body as 'Alternate No. 1' and 'Alternate No. 2' and shall serve during the absence or disqualification of any regular member or members. The governing body of the county or municipality shall provide by ordinance or resolution for the order in which the alternates shall serve. The term of each alternate member shall be 5 years commencing on February 1 of the year of appointment; provided, however, that in the event two alternate members are appointed their initial terms shall be 4 and 5 years respectively. The terms of the first alternate members appointed pursuant to this amendatory act shall commence on the day of their appointment and shall expire on the fourth or fifth, January 31, next ensuing after the date of their appointments, as the case may be. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member."

Amend page 3, section 2, line 1, omit "2.", insert "3."

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1371

STATE OF NEW JERSEY

INTRODUCED MARCH 13, 1980

By Assemblywoman KALIK, Assemblymen VAN WAGNER, COSTELLO, JANISZEWSKI, Assemblywoman GARVIN and Assemblyman BATE

Referred to Committee on Municipal Government

AN ACT to amend the *["Municipal and County Utilities Authorities Law,"]* *"*municipal and county utilities authorities law*"* approved August 22, 1957 (P. L. 1957, c. 183, *["C. 40:14B-1 et seq.]*) *as said short title was amended by P. L. 1977, c. 384 and amending the "*sewerage authorities law*," approved April 23, 1946, (P. L. 1946, c. 138)*.

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 municipal utilities
7 authority," or of "the county utilities au-
8 thority," with the name of said county or municipality inserted.
9 Said body shall consist of the five 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 five persons shall be appointed as the members of the county or
17 municipal authority. The members first appointed shall, by the
18 resolution of appointment, be designated to serve for terms re-
19 spectively expiring on the first days of the first, second, third,
20 fourth and fifth Februarys next ensuing after the date of their

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

21 appointment. On or after January 1 in each year after such first
22 appointments, one person shall be appointed as a member of the
23 county or municipal authority to serve for a term commencing on
24 February 1 in such year and expiring on February 1 in the fifth
25 year after such year. In the event of a vacancy in the membership
26 of the county or municipal authority occurring during an unexpired
27 term of office, a person shall be appointed as a member of the
28 county or municipal authority to serve for such unexpired term.

29 b. Any county governing body may provide by resolution or
30 ordinance as appropriate that the county utilities authority created
31 by it shall consist of nine members. The four additional members
32 first appointed pursuant to said resolution or ordinance shall be
33 designated to serve for terms respectively expiring on the first
34 day of the second, third, fourth and fifth Februarys next ensuing
35 after the date of their appointment. On or after January 1 in the
36 year in which expires the term of said additional member first
37 appointed and in every fifth year thereafter, one person shall be
38 appointed as a member of the county utilities authority by said
39 county governing body as a successor to such additional members,
40 to serve for a term commencing on February 1 of such year and
41 expiring on February 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 be
50 a resident of one of said municipalities situate within such other
51 county. The additional member first appointed or to be first
52 appointed for such other county shall serve for a term expiring
53 on the first day of the fifth February next ensuing after the date
54 of such appointment, and on or after January 1 in the year in
55 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.

78 e. *The governing body of a county or municipality may provide*
 79 *in the ordinance or resolution creating the utilities authority for*
 80 *not more than two alternate members. Alternate members shall be*
 81 *designated by the governing body as "Alternate No. 1" and "Alter-*
 82 *nate No. 2" and shall serve ***[in rotation]*** during the absence or dis-*
 83 *qualification of any regular member or members. *The governing*
 84 *body of the county or municipality shall provide by ordinance or*
 85 *resolution for the order in which the alternates shall serve.* The*
 86 *term of each alternate member shall be 5 years commencing on*
 87 *February 1 of the year of appointment; provided, however, that in*
 88 *the event two alternate members are appointed their initial terms*
 89 *shall be 4 and 5 years respectively. The terms of the first alternate*
 90 *members appointed pursuant to this amendatory act shall com-*
 91 *mence on the day of their appointment and shall expire on the*
 92 *fourth or fifth, January 31, next ensuing after the date of their*
 93 *appointments, as the case may be. *Alternate members may par-*
 94 *ticipate in discussions of the proceedings but may not vote except*
 95 *in the absence or disqualification of a regular member. A vote shall*
 96 *not be delayed in order that a regular member may vote instead of*
 97 *an alternate member.*

1 2. Section 4 of P. L. 1946, c. 138 (C. 40:14A-4) is amended to
 2 read as follows:

3 4. (a) The governing body of any county may, by resolution
 4 duly adopted, create a public body corporate and politic under
 5 the name and style of "the sewerage
 6 authority," with all or any significant part of the name of such
 7 county inserted. Said body shall consist of the five members thereof,
 8 who shall be appointed by resolution of the governing body as
 9 hereinafter in this section provided, together with the additional

10 members thereof, if any, appointed as hereinafter in subsection
11 (i) of this section provided, and it shall constitute the sewerage
12 authority contemplated and provided for in this act and an agency
13 and instrumentality of said county. After the taking effect of the
14 resolution for the creation of said body and the filing of a certified
15 copy thereof as in subsection (d) of this section provided, five per-
16 sons shall be appointed as the members of the sewerage authority.
17 The members first appointed shall, by the resolution of appoint-
18 ment, be designated to serve for terms respectively expiring on
19 the first days of the first, second, third, fourth and fifth Februarys
20 next ensuing after the date of their appointment. On or after
21 January 1 in each year after such first appointments, one person
22 shall be appointed as a member of the sewerage authority to serve
23 for a term commencing on February 1 in such year and expiring
24 on February 1 in the fifth year after such year. In the event of
25 a vacancy in the membership of the sewerage authority occurring
26 during an unexpired term of office, a person shall be appointed
27 as a member of the sewerage authority to serve for such unexpired
28 term.

29 (b) The governing body of any municipality may, by ordinance
30 duly adopted, create a public body corporate and politic under the
31 name and style of "the sewerage
32 authority," with all or any significant part of the name of such mu-
33 nicipality inserted. Said body shall consist of five members thereof,
34 who shall be appointed by resolution of the governing body as
35 hereinafter in this section provided, and it shall constitute the
36 sewerage authority contemplated and provided for in this act and
37 an agency and instrumentality of said municipality. After the
38 taking effect of such ordinance and the filing of a certified copy
39 thereof as is subsection (d) of this section provided, five persons
40 shall be appointed as the members of the sewerage authority.
41 The members first appointed shall, by the resolution of appoint-
42 ment, be designated to serve for terms respectively expiring on
43 the first days of the first, second, third, fourth and fifth Februarys
44 next ensuing after the date of their appointment. On or after
45 January 1 in each year after such first appointments, one person
46 shall be appointed as a member of the sewerage authority to serve
47 for a term commencing on February 1 in such year and expiring
48 on February 1 in the fifth year after such year. In the event of
49 a vacancy in the membership of the sewerage authority occurring
50 during an unexpired term of office, a person shall be appointed as
51 a member of the sewerage authority to serve for such unexpired
52 term.

53 (c) The governing bodies of any two or more municipalities or
 54 any two or more counties, the areas of which together comprise an
 55 integral body of territory, may, by parallel ordinances or in the
 56 case of counties by parallel resolutions, duly adopted by each of
 57 such governing bodies within any single calendar year, create a
 58 public body corporate and politic under the name and style of
 59 "the sewerage authority," with all
 60 or any significant part of the name of each such municipality or
 61 county or some identifying geographical phrase inserted. Said
 62 body shall consist of the members thereof, in an aggregate number
 63 determined as hereinafter in this subsection provided, who shall
 64 be appointed by resolutions of the several governing bodies as
 65 hereinafter in this section provided, and it shall constitute the
 66 sewerage authority contemplated and provided for in this act and
 67 an agency and instrumentality of the said municipalities or
 68 counties. The number of members of the sewerage authority to
 69 be appointed at any time for full terms of office by the governing
 70 body of any such municipality or county shall be as may be stated
 71 in said ordinances or resolutions which shall be not less than one
 72 nor more than three. After the taking effect of the said ordinances
 73 or resolutions of all such municipalities or counties and after the
 74 filing of certified copies thereof as in subsection (d) of this section
 75 provided, the appropriate number of persons shall be appointed
 76 as members of the sewerage authority by the governing body of each
 77 municipality or county. In the case of municipalities or counties
 78 which by ordinance or resolution are entitled to appoint only one
 79 member of the authority, the total number of members, if five or
 80 more, shall be divided into five classes as nearly equal as possible,
 81 except that if there are less than five members each member shall
 82 constitute a class. The members initially appointed shall be ap-
 83 pointed for such terms that the terms of one class shall expire on
 84 the first day of each of the first, second, third, fourth and fifth
 85 Februarys next ensuing the date of appointment. In the event the
 86 several municipalities or counties cannot agree on the terms of the
 87 respective representatives, such terms shall be determined by lot.
 88 On or after January 1 in each year after such appointments, the
 89 expiring terms shall be filled by the appointment for terms com-
 90 mencing February 1 in such year and expiring on the first day of
 91 the fifth February next ensuing.

92 Upon the expiration of the terms of office of members, in office
 93 on July 1, 1970, of sewerage authorities created by two or more
 94 municipalities or counties where only one member is appointed by
 95 any participating municipality or county, their immediate succes-

96 sors, except for appointments to fill vacancies, shall be appointed
97 for designated terms of 1, 2, 3, 4 or 5 years in the same manner as
98 in this subsection (c) provided as to initial appointees.

99 In municipalities or counties entitled to appoint three members,
100 the appointing authority shall designate one of the initial ap-
101 pointees to serve for a term of 3 years, one for 4 years and one for
102 5 years. In municipalities or counties entitled to appoint two
103 members, the appointing authority shall designate one of the initial
104 appointees to serve for a term of 5 years and one for 4 years. On
105 or after January 1 in the year in which expire the terms of the
106 said members first appointed and in every fifth year thereafter,
107 the appropriate number of persons shall be appointed as members
108 of the sewerage authority by the governing body of each munici-
109 pality or county, to serve for terms commencing on February 1 in
110 such year and expiring on February 1 in the fifth year after such
111 year. In the event of a vacancy in the membership of the sewerage
112 authority occurring during the unexpired term of office, a person
113 shall be appointed as a member of the sewerage authority to serve
114 for such unexpired term by the governing body which made the
115 original appointment for such unexpired term.

116 Upon the expiration of the terms of office of members, in office
117 on July 1, 1967, of sewerage authorities created by two or more
118 municipalities or counties where more than one member is
119 appointed by any participating municipality or county, their imme-
120 diate successors, except for appointments to fill vacancies, shall be
121 appointed for designated terms of 3, 4 or 5 years in the same
122 manner as in this subsection (c) provided as to initial appointees.

123 (d) A copy of each resolution or ordinance for the creation of
124 a sewerage authority adopted pursuant to this section, duly certi-
125 fied by the appropriate officer of the local unit, shall be filed in the
126 office of the Secretary of State. Upon proof of such filing of a
127 certified copy of the resolution or ordinance or of certified copies
128 of the parallel ordinances for the creation of a sewerage authority
129 as aforesaid, the sewerage authority therein referred to shall, in
130 any suit, action or proceeding involving the validity or enforce-
131 ment of, or relating to, any contract or obligation or act of the
132 sewerage authority, be conclusively deemed to have been lawfully
133 and properly created and established and authorized to transact
134 business and exercise its powers under this act. A copy of any
135 such certified resolution or ordinance, duly certified by or on behalf
136 of the Secretary of State, shall be admissible in evidence in any
137 suit, action or proceeding.

138 (e) A copy of each resolution appointing any member of a
139 sewerage authority adopted pursuant to this section, duly certified
140 by the appropriate officer of the local unit, shall be filed in the
141 office of the Secretary of State. A copy of such certified resolution,
142 duly certified by or on behalf of the Secretary of State, shall be
143 admissible in evidence in any suit, action or proceeding and, except
144 in a suit, action or proceeding directly questioning such appoint-
145 ment, shall be conclusive evidence of the due and proper appoint-
146 ment of the member or members named therein.

147 (f) The governing body of a county which may create or join
148 in the creation of any sewerage authority pursuant to this section
149 shall not thereafter create or join in the creation of any other
150 sewerage authority. No governing body of any municipality con-
151 stituting the whole or any part of a district shall create or join
152 in the creation of any sewerage authority except upon the written
153 consent of the sewerage authority and in accordance with the
154 terms and conditions of such consent, and in the event such consent
155 be given and a sewerage authority be created pursuant thereto,
156 the terms and conditions of such consent shall thereafter be in
157 all respects binding upon such municipality and the sewerage au-
158 thority so created and any system of sewers or sewage disposal
159 plants constructed or maintained in conformity with the terms
160 and conditions of such consent by the sewerage authority so created
161 shall be deemed not to be competitive with the sewerage systems
162 of the sewerage authority giving such consent. In the event that
163 prior to the creation of a sewerage authority of a county the gov-
164 erning body of any municipality located in said county shall have
165 created or joined in the creation of a sewerage authority, the area
166 within the territorial limits of such municipality shall not be part
167 of the district of the sewerage authority of said county.

168 (g) Within 10 days after the filing in the office of the Secretary
169 of State of a certified copy of a resolution for the creation of a
170 sewerage authority adopted by the governing body of any county
171 pursuant to this section, a copy of such resolution, duly certified
172 by the appropriate officer of the county, shall be filed in the office
173 of the clerk of each municipality within the county. In the event
174 that the governing body of any such municipality shall, within
175 60 days after such filing in the office of the Secretary of State,
176 adopt a resolution determining that such municipality shall not
177 be a part of the district of such sewerage authority and file a copy
178 thereof duly certified by its clerk, in the office of the Secretary of
179 State, the area within the territorial limits of such municipality
180 shall not thereafter be part of such district, but at any time after

181 the adoption of such resolution, the governing body of such mu-
182 nicipality may, by ordinance duly adopted, determine that such
183 area shall again be a part of such district and if thereafter a copy
184 of such ordinance duly certified by the appropriate officer of such
185 municipality, together with a certified copy of a resolution of such
186 sewerage authority approving such ordinance, shall be filed in the
187 office of the Secretary of State, then from and after such filing the
188 area within the territorial limits of such municipality shall forever
189 be part of such district.

190 (h) The governing body of any local unit which has created a
191 sewerage authority pursuant to subsection (a) or subsection (b)
192 of this section may, in the case of a county by resolution duly
193 adopted or in the case of a municipality by ordinance duly adopted,
194 dissolve such sewerage authority on the conditions set forth in
195 this subsection. The governing bodies of two or more local units
196 which have created a sewerage authority pursuant to subsection
197 (c) of this section may, by parallel ordinances duly adopted by
198 each of such governing bodies within any single calendar year,
199 dissolve such sewerage authority on the conditions set forth in
200 this subsection. Such a sewerage authority may be dissolved on
201 condition that (1) either the members of such authority have not
202 been appointed or the sewerage authority, by resolution duly
203 adopted, consents to such dissolution, and (2) the sewerage au-
204 thority has no debts or obligations outstanding. Upon the dissolu-
205 tion of any sewerage authority in the manner provided in this sub-
206 section, the governing body or bodies dissolving such sewerage
207 authority shall be deemed never to have created or joined in the
208 creation of a sewerage authority. A copy of each resolution or
209 ordinance for the dissolution of a sewerage authority adopted pur-
210 suant to this subsection, duly certified by the appropriate officer
211 of the local unit, shall be filed in the office of the Secretary of State.
212 Upon proof of such filing of a certified copy of the resolution or
213 ordinance or of certified copies of the parallel ordinances for the
214 dissolution of a sewerage authority as aforesaid and upon proof
215 that such sewerage authority had no debts or obligations outstand-
216 ing at the time of the adoption of such resolution, ordinance or
217 ordinances, the sewerage authority therein referred to shall be
218 conclusively deemed to have been lawfully and properly dissolved
219 and the property of the sewerage authority shall be vested in the
220 local unit or units. A copy of any such certified resolution or
221 ordinance, duly certified by or on behalf of the Secretary of State,
222 shall be admissible in evidence in any suit, action or proceeding.

223 (i) Whenever the sewerage authority of any county shall certify
224 to the governing body of any county that it has entered into a
225 contract pursuant to section 23 of this act with one or more munic-
226 palities situate within any other county, one additional member of
227 the sewerage authority for each such other county shall be ap-
228 pointed by resolution of the governing body of such other county
229 as in this section provided. The additional member so appointed
230 for any such other county, and his successors shall be a resident
231 of one of said municipalities situate within such other county. The
232 additional member first appointed or to be first appointed for any
233 such other county shall serve for a term expiring on the first day
234 of the fifth February next ensuing after the date of such appoint-
235 ment, and on or after January 1 in the year in which expires the
236 term of the said additional member first appointed and in every
237 fifth year thereafter, one person shall be appointed by said gov-
238 erning body as a member of the sewerage authority as successor
239 to said additional member, to serve for a term commencing on
240 February 1 in such year and expiring on February 1 in the fifth
241 year after such year. If after such appointment of an additional
242 member for any such other county the sewerage authority shall
243 certify to said governing body of such other county that it is no
244 longer a party to a contract entered into pursuant to section 23
245 of this act with any municipality situate within such other county,
246 the term of office of such additional member shall thereupon cease
247 and expire and no additional member for such other county shall
248 thereafter be appointed.

249 (j) If a municipality, the governing body of which has created
250 a sewerage authority pursuant to subsection (b) of this section,
251 has been or shall be consolidated with another municipality, the
252 governing body of the new consolidated municipality may, by
253 ordinance duly adopted, provide that the members of the sewerage
254 authority shall thereafter be appointed by the governing body of
255 such new consolidated municipality, which shall make appointment
256 of members of the sewerage authority by resolution as hereinafter
257 in this subsection provided. On or after the taking effect of such
258 ordinance, one person shall be appointed as a member of the
259 sewerage authority for a term commencing on February 1 in each
260 year, if any, after the date of consolidation, in which has or shall
261 have expired the term of a member of the sewerage authority
262 theretofore appointed by the governing body of the municipality
263 which has been or shall be so consolidated, and expiring on Febru-
264 ary 1 in the fifth year after such year. Thereafter, on or after
265 January 1 in each year, one person shall be appointed as a member

266 of the sewerage authority to serve for a term commencing on
267 February 1 in such year and expiring February 1 in the fifth year
268 after such year. In the event of a vacancy in the membership of
269 the sewerage authority occurring during an unexpired term of
270 office, a person shall be appointed as a member of the sewerage
271 authority to serve for such unexpired term. Each member of the
272 sewerage authority appointed by the governing body of a municipi-
273 pality which has been or shall be so consolidated shall continue in
274 office until his successor has been appointed as in this subsection
275 provided and has qualified.

276 (k) If a municipality, the governing body of which has created
277 a sewerage authority pursuant to subsection (b) of this section,
278 has been or shall be consolidated with another municipality, the
279 governing body of the new consolidated municipality, subject to
280 the rights of the holders, if any, of bonds issued by the sewerage
281 authority, and upon receipt of the sewerage authority's written
282 consent thereto, may provide, by ordinance duly adopted, that the
283 area within the territorial boundaries of the new consolidated
284 municipality shall constitute the district of the sewerage authority,
285 and upon the taking effect of such ordinance, such area shall
286 constitute the district of the sewerage authority. Until the taking
287 effect of such ordinance, the district of the sewerage authority
288 shall be the area within the territorial boundaries, as they existed
289 at the date of the consolidation, of the municipality the governing
290 body of which created the sewerage authority.

291 (l) Whenever, with the approval of any sewerage authority
292 created by the governing bodies of two or more municipalities, any
293 other municipality not constituting part of the district shall convey
294 to the sewerage authority all or any part of a system of main, lateral
295 or other sewers or other sewerage facilities located within the
296 district and theretofore owned and operated by such other municipi-
297 pality, then, if so provided in the instruments of such conveyance,
298 one additional member of the sewerage authority for such other
299 municipality shall be appointed by resolution of its governing body
300 as in this section provided. The additional member so appointed for
301 such municipality, and his successors, shall be residents of such
302 municipality. The additional member first appointed or to be first
303 appointed for such municipality shall serve for a term expiring on
304 the first day of the fifth February next ensuing after the date of
305 such appointment, and on or after January 1 in the year in which
306 expires the term of the said additional member first appointed and
307 in every fifth year thereafter, one person shall be appointed by said
308 governing body as a member of the sewerage authority as successor

309 to said additional member, to serve for a term commencing on
310 February 1 in such year and expiring on February 1 in the fifth year
311 after such year. If at any time after such conveyance of sewers or
312 sewerage facilities by a municipality its governing body shall adopt
313 a resolution determining not thereafter to be represented in the
314 membership of the sewerage authority and shall file a copy thereof
315 duly certified by its clerk in the office of the sewerage authority, the
316 term of office of any such additional member theretofore appointed
317 for such municipality shall thereupon cease and expire and no addi-
318 tional member for such municipality shall thereafter be appointed.

319 (m) (i) The governing body of any municipality which is con-
320 tiguous to the district of a sewerage authority created by the
321 governing bodies of two or more other municipalities may at any
322 time, by ordinance duly adopted, propose that the whole or any
323 part of the area herein referred to as "service area" within the
324 territorial limits of such municipality shall be a part of said
325 contiguous district. Such ordinance shall (1) state the number of
326 members of the sewerage authority, not less than one nor more
327 than three, thereafter to be appointed for full terms of office
328 by the governing body of such municipality, and (2) determine that,
329 after the filing of a certified copy thereof and of a resolution of the
330 sewerage authority in accordance with this subsection, such service
331 area shall be a part of said contiguous district. If thereafter a copy
332 of such ordinance duly certified by the appropriate officer of such
333 municipality, together with a certified copy of a resolution of said
334 sewerage authority approving such ordinance, shall be filed in the
335 office of the Secretary of State, then from and after such filing the
336 service area shall forever be part of said contiguous district and
337 said sewerage authority shall consist of the members thereof acting
338 or appointed as in this section provided and constitute an agency
339 and instrumentality of such municipality as well as such other
340 municipalities. The governing body of the said municipality so
341 becoming part of said contiguous district shall thereupon appoint
342 members of the sewerage authority in the number stated in such
343 ordinance, for periods and in the manner provided for the first
344 appointment of members of a sewerage authority under subsection
345 (c) of this section.

346 (ii) If the service area of such municipality shall then be part
347 of the district of any other sewerage authority or municipal au-
348 thority, such other authority shall by resolution adopted not more
349 than 1 year prior to the adoption of such ordinance, consent to the
350 inclusion of the service area in the district of said contiguous
351 district, and the service area shall become part of said contiguous

352 district as aforesaid and shall no longer be part of the district of
 353 such other authority for sewerage purposes. If only part of the
 354 area within the territorial limits of such municipality shall con-
 355 stitute the service area to become part of said contiguous district,
 356 the service area shall be that so designated or shown on a map
 357 thereof bearing legend or reference to this section and filed in the
 358 office of the clerk of such municipality and in the office of the sec-
 359 retary of each authority referred to in this section, and such map
 360 shall be incorporated by a reference thereto in such ordinance and
 361 resolutions as or for a description of the service area. For all the
 362 purposes of this act such sewerage authority shall be deemed to
 363 have been created by the governing body of such municipality
 364 jointly with the other municipalities (the territorial areas of which
 365 constitute the district of such contiguous authority), and such mu-
 366 nicipality shall have all powers, duties, rights and obligations
 367 provided for by this act or any other law for or with respect to such
 368 sewerage authority or any other sewerage authority or municipal
 369 authority, notwithstanding that only a part of the area within the
 370 territorial limits of such municipality shall become part of said
 371 contiguous district.

372 *(n) The governing body of a county or municipality may provide*
 373 *in the ordinance or resolution creating the utilities authority for*
 374 *not more than two alternate members. Alternate members shall be*
 375 *designated by the governing body as "Alternate No. 1" and "Alter-*
 376 *nate No. 2" and shall serve during the absence or disqualification*
 377 *of any regular member or members. The governing body of the*
 378 *county or municipality shall provide by ordinance or resolution for*
 379 *the order in which the alternates shall serve. The term of each*
 380 *alternate member shall be 5 years commencing on February 1 of the*
 381 *year of appointment; provided, however, that in the event two*
 382 *alternate members are appointed their initial terms shall be 4 and*
 383 *5 years respectively. The terms of the first alternate members*
 384 *appointed pursuant to this amendatory act shall commence on the*
 385 *day of their appointment and shall expire on the fourth or fifth,*
 386 *January 31, next ensuing after the date of their appointments, as*
 387 *the case may be. Alternate members may participate in discussions*
 388 *of the proceedings but may not vote except in the absence or dis-*
 389 *qualification of a regular member. A vote shall not be delayed in*
 390 *order that a regular member may vote instead of an alternate*
 391 *member.**

1 ***[2.]*** *3.* This act shall take effect immediately.

JANUARY 8, 1982

- A -

S-3379, sponsored by Senator John F. Russo (D-Ocean) amending existing statutes on the fingerprinting of persons charged with indictable offenses to require that all persons charged with indictable offenses and with narcotics offenses be fingerprinted and the prints filed with the State Bureau of Identification. The act takes effect immediately.

The State Supreme Court, in September of 1980, amended certain court rules pertaining to persons charged with indictable offenses. One of the Court's holdings allowed the issuance of summonses instead of warrants for indictable offenses where there is little need for detention or further investigation (violent crimes were exempted).

The rule resulted in the inability of many law enforcement authorities to fingerprint some persons charged with indictable offenses but issued summonses rather than arrest warrants, since current fingerprinting statutes require an arrest to be made. Persons "summoned" to appear in court are not technically arrested and many narcotics charges are non-indictable offenses.

This bill amends the fingerprinting statutes to require fingerprinting for all indictable offenses and all narcotics related offenses, indictable or non-indictable.

A-1371, sponsored by Assemblywoman Barbara F. Kalik (D-Burlington) allowing counties and municipalities to appoint two alternate members to their utility or sewerage authorities.

The alternates would be able to participate in authority proceedings but would be permitted to vote only if a regular member is absent or disqualified. If an alternate is available, authority proceedings may not be delayed to allow a regular member to vote rather than the alternate. The act takes effect immediately.

A-3152, sponsored by Assemblyman Walter Rand (D-Camden) and known as the "New Jersey Ridesharing Act of 1981," defines ridesharing and attempts to promote its growth by defining employer and employee liability for engaging in van or carpooling programs.

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