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LAW/RWH

P.L.2012, CHAPTER 64, *approved November 19, 2012*

Assembly, No. 1522 (*First Reprint*)

1 AN ACT concerning decisions of the Board of Public Utilities on
2 public utility petitions to sell real property, amending P.L.1988,
3 c.163 and supplementing Title 48 of the Revised Statutes.

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

7
8 1. (New section) Except as provided in section 4 of P.L.1988,
9 c.163 (C.48:2-23.1), when a public utility petitions the Board of
10 Public Utilities to approve the sale of any real property owned by
11 the public utility, the board shall issue an order, in writing, of its
12 decision within 180 days after receiving a petition deemed by the
13 board to be complete for review ¹; ~~provided, however, that if the~~
14 ~~board determines that its decision on any such petition cannot be~~
15 ~~resolved within 180 days due to circumstances beyond the control~~
16 ~~of the board, the board shall issue an order, in writing, of its~~
17 ~~decision within 270 days after receiving such petition deemed by~~
18 ~~the board to be complete for review~~¹. The board, not later than the
19 ~~['30th] 75th~~¹ day after receipt of a petition pursuant to this section,
20 may require the public utility to submit any additional information
21 which the board deems necessary in order to declare the petition
22 complete for review. The time periods established by this section
23 may be extended upon the mutual consent of the public utility and
24 the board.

25
26 2. Section 4 of P.L.1988, c.163 (C.48:2-23.1) is amended to
27 read as follows:

28 4. a. The Board of Public Utilities, in reviewing a request by a
29 public utility to convey land utilized for the purpose of the
30 protection of a public water supply to a corporation or other entity
31 which is not subject to the jurisdiction of the board, shall request
32 the Department of Environmental Protection to review and make
33 recommendations on an assessment, prepared and submitted by the
34 utility, of the impact that the conveyance, and the prospective use or
35 uses of the land conveyed, would have on the water quality of the
36 affected public water supply, and shall require the department to
37 assess the impact of the conveyance on the State's open space,
38 conservation, and recreation requirements. The department, upon
39 receipt of a request by the board for an assessment and a review

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted June 25, 2012.

1 pursuant to this subsection, shall prepare and submit to the board
2 the assessment and review within 12 months of the request therefor.

3 b. Any public utility requesting the board to approve a
4 conveyance of land utilized for the purpose of the protection of a
5 public water supply to a corporation or other entity which is not
6 subject to the jurisdiction of the board shall submit to the board a
7 document setting forth a detailed explanation of the prospective use
8 or uses of the land to be conveyed. The board, **[upon]** not later
9 than the ¹[30th] 75th¹ day following receipt of this document, may
10 require the public utility to submit any additional information which
11 the board deems appropriate.

12 c. The board, upon receiving the review and recommendations
13 from the Department of Environmental Protection pursuant to the
14 provisions of subsection a. of this section, shall issue an order, in
15 writing, of its decision within 180 days after receiving such review
16 and recommendations ¹; provided, however, that if the board
17 determines that its decision on any such petition cannot be resolved
18 within 180 days due to circumstances beyond the control of the
19 board, the board shall issue an order, in writing, of its decision
20 within 270 days after receiving such petition deemed by the board
21 to be complete for review¹.

22 (cf: P.L.1988, c.163, s.4)

23

24 3. This act shall take effect immediately, but sections 1 and 2
25 shall be inoperative until the 60th day after the date of enactment,
26 provided that the Board of Public Utilities may take such
27 anticipatory administrative action in advance thereof as shall be
28 necessary for the implementation of this act.

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33 _____
34 Requires BPU, under certain circumstances, to issue a decision
35 within 180 days after receipt of petition by public utilities to sell
certain real property.

ASSEMBLY, No. 1522

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Assemblyman JOHN J. BURZICHELLI
District 3 (Cumberland, Gloucester and Salem)
Assemblywoman CELESTE M. RILEY
District 3 (Cumberland, Gloucester and Salem)
Assemblywoman ANNETTE QUIJANO
District 20 (Union)
Assemblyman RALPH R. CAPUTO
District 28 (Essex)

Co-Sponsored by:

Assemblyman Rudder

SYNOPSIS

Requires BPU to issue a decision within 180 days after receipt of petition by public utilities to sell certain real property.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



A1522 BURZICHELLI, RILEY

2

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2 public utility petitions to sell real property, amending P.L.1988,
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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
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8 1. (New section) Except as provided in section 4 of P.L.1988,
9 c.163 (C.48:2-23.1), when a public utility petitions the Board of
10 Public Utilities to approve the sale of any real property owned by
11 the public utility, the board shall issue an order, in writing, of its
12 decision within 180 days after receiving a petition deemed by the
13 board to be complete for review. The board, not later than the 30th
14 day after receipt of a petition pursuant to this section, may require
15 the public utility to submit any additional information which the
16 board deems necessary in order to declare the petition complete for
17 review. The time periods established by this section may be
18 extended upon the mutual consent of the public utility and the
19 board.
20

21 2. Section 4 of P.L.1988, c.163 (C.48:2-23.1) is amended to
22 read as follows:

23 4. a. The Board of Public Utilities, in reviewing a request by a
24 public utility to convey land utilized for the purpose of the
25 protection of a public water supply to a corporation or other entity
26 which is not subject to the jurisdiction of the board, shall request
27 the Department of Environmental Protection to review and make
28 recommendations on an assessment, prepared and submitted by the
29 utility, of the impact that the conveyance, and the prospective use or
30 uses of the land conveyed, would have on the water quality of the
31 affected public water supply, and shall require the department to
32 assess the impact of the conveyance on the State's open space,
33 conservation, and recreation requirements. The department, upon
34 receipt of a request by the board for an assessment and a review
35 pursuant to this subsection, shall prepare and submit to the board
36 the assessment and review within 12 months of the request therefor.

37 b. Any public utility requesting the board to approve a
38 conveyance of land utilized for the purpose of the protection of a
39 public water supply to a corporation or other entity which is not
40 subject to the jurisdiction of the board shall submit to the board a
41 document setting forth a detailed explanation of the prospective use
42 or uses of the land to be conveyed. The board, **[upon]** not later
43 than the 30th day following receipt of this document, may require
44 the public utility to submit any additional information which the
45 board deems appropriate.

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ASSEMBLY REGULATORY OVERSIGHT AND GAMING
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1522

STATE OF NEW JERSEY

DATED: JUNE 18, 2012

The Assembly Regulatory Oversight and Gaming Committee reports favorably Assembly Bill No. 1522.

This bill requires the Board of Public Utilities (“board”, or “BPU”) to issue an order, in writing, of its decision on any petition by a public utility to approve the sale of any real property owned by the public utility, within 180 days after receiving a petition deemed by the board to be complete for review. The bill provides that the BPU would have 30 days following receipt of a petition to request any additional information which the board deems necessary to declare the petition complete for review. These time frames may be extended upon the mutual consent of the public utility, and the board.

In the case of a request by a public utility to convey land utilized for the purpose of the protection of a public water supply to a corporation or other entity which is not subject to the jurisdiction of the board, the bill requires the board to issue an order, in writing, of its decision within 180 days after first receiving the Department of Environmental Protection’s review of the request and its recommendations regarding the impact that the conveyance, and the prospective use or uses of the land conveyed, would have on the water quality of the affected public water supply, and the State’s open space, conservation, and recreation requirements. Current law, in section 4 of P.L.1988, c.163 (C.48:2-23.1), requires the department to provide the board with its review and recommendations within 12 months of the board’s request on the petition.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

STATEMENT TO
ASSEMBLY, No. 1522

with Assembly Floor Amendments
(Proposed by Assemblyman BURZICHELLI)

ADOPTED: JUNE 25, 2012

These Assembly amendments provide that: 1) the Board of Public Utilities (“BPU”), in reviewing a public utility petition to approve the sale of any real property owned by the public utility, shall issue an order, in writing, of its decision within 270 days after receiving a petition deemed by the BPU to be complete for review if the BPU determines its decision on any such petition cannot be resolved within 180 days due to circumstances beyond the control of the BPU; and 2) extend from 30 to 75 days the deadline by which the BPU may have a public utility submit any additional information which the BPU deems necessary in order to declare the public utility petition complete for review.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1522

STATE OF NEW JERSEY

DATED: SEPTEMBER 13, 2012

The Senate Economic Growth Committee reports favorably Assembly Bill No. 1522 (1R).

This bill requires the Board of Public Utilities (“board”) to issue an order, in writing, of its decision on any petition by a public utility to approve the sale of any real property owned by the public utility, within 180 days after receiving a petition deemed by the board to be complete for review. If the board determines that its decision on any such petition cannot be resolved within 180 days due to circumstances beyond the control of the board, the board shall issue an order, in writing, of its decision within 270 days after receiving such petition deemed by the board to be complete for review. The bill provides that the board would have 75 days following receipt of the petition to request any additional information which the board deems necessary to declare the petition complete for review.

In the case of a request by a public utility to convey land utilized for the purpose of the protection of a public water supply to a corporation or other entity which is not subject to the jurisdiction of the board, the bill requires the board to issue an order, in writing, of its decision within 180 days after first receiving the Department of Environmental Protection’s review of the request and its recommendations regarding the impact that the proposed conveyance, and the prospective use or uses of the land conveyed, would have on the water quality of the affected public water supply, and the State’s open space, conservation, and recreation requirements. Current law requires the Department of Environmental Protection to provide the board with its review and recommendations within 12 months of the board’s request on the petition. If the board determines that its decision on the petition cannot be resolved within 180 days due to circumstances beyond the control of the board, the board shall issue an order, in writing, of its decision within 270 days after receiving the petition deemed by the board to be complete for review. The bill extends the time period from up to 30 days to 75 days when the board may request the public utility to submit additional documentation the board deems appropriate following receipt of any document concerning the proposed conveyance.

SENATE, No. 2200

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED SEPTEMBER 20, 2012

Sponsored by:

Senator RAYMOND J. LESNIAK

District 20 (Union)

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

SYNOPSIS

Requires BPU, under certain circumstances, to issue a decision within 180 days after receipt of petition by public utilities to sell certain real property.

CURRENT VERSION OF TEXT

As introduced.



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10 Public Utilities to approve the sale of any real property owned by
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12 decision within 180 days after receiving a petition deemed by the
13 board to be complete for review; provided, however, that if the
14 board determines that its decision on any such petition cannot be
15 resolved within 180 days due to circumstances beyond the control
16 of the board, the board shall issue an order, in writing, of its
17 decision within 270 days after receiving such petition deemed by
18 the board to be complete for review. The board, not later than the
19 75th day after receipt of a petition pursuant to this section, may
20 require the public utility to submit any additional information which
21 the board deems necessary in order to declare the petition complete
22 for review. The time periods established by this section may be
23 extended upon the mutual consent of the public utility and the
24 board.

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26 2. Section 4 of P.L.1988, c.163 (C.48:2-23.1) is amended to
27 read as follows:

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29 public utility to convey land utilized for the purpose of the
30 protection of a public water supply to a corporation or other entity
31 which is not subject to the jurisdiction of the board, shall request
32 the Department of Environmental Protection to review and make
33 recommendations on an assessment, prepared and submitted by the
34 utility, of the impact that the conveyance, and the prospective use or
35 uses of the land conveyed, would have on the water quality of the
36 affected public water supply, and shall require the department to
37 assess the impact of the conveyance on the State's open space,
38 conservation, and recreation requirements. The department, upon
39 receipt of a request by the board for an assessment and a review
40 pursuant to this subsection, shall prepare and submit to the board
41 the assessment and review within 12 months of the request therefor.

42 b. Any public utility requesting the board to approve a
43 conveyance of land utilized for the purpose of the protection of a
44 public water supply to a corporation or other entity which is not
45 subject to the jurisdiction of the board shall submit to the board a
46 document setting forth a detailed explanation of the prospective use

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1 or uses of the land to be conveyed. The board, **[upon]** not later
2 than the 75th day following receipt of this document, may require
3 the public utility to submit any additional information which the
4 board deems appropriate.

5 c. The board, upon receiving the review and recommendations
6 from the Department of Environmental Protection pursuant to the
7 provisions of subsection a. of this section, shall issue an order, in
8 writing, of its decision within 180 days after receiving such review
9 and recommendations; provided, however, that if the board
10 determines that its decision on any such petition cannot be resolved
11 within 180 days due to circumstances beyond the control of the
12 board, the board shall issue an order, in writing, of its decision
13 within 270 days after receiving such petition deemed by the board
14 to be complete for review.

15 (cf: P.L.1988, c.163, s.4)

16

17 3. This act shall take effect immediately, but sections 1 and 2
18 shall be inoperative until the 60th day after the date of enactment,
19 provided that the Board of Public Utilities may take such
20 anticipatory administrative action in advance thereof as shall be
21 necessary for the implementation of this act.

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STATEMENT

25

26 This bill requires the Board of Public Utilities (“board”) to issue
27 an order, in writing, of its decision on any petition by a public
28 utility to approve the sale of any real property owned by the public
29 utility, within 180 days after receiving a petition deemed by the
30 board to be complete for review. If the board determines that its
31 decision on any such petition cannot be resolved within 180 days
32 due to circumstances beyond the control of the board, the board
33 shall issue an order, in writing, of its decision within 270 days after
34 receiving such petition deemed by the board to be complete for
35 review. The bill provides that the board would have 75 days
36 following receipt of the petition to request any additional
37 information which the board deems necessary to declare the petition
38 complete for review.

39

40 In the case of a request by a public utility to convey land utilized
41 for the purpose of the protection of a public water supply to a
42 corporation or other entity which is not subject to the jurisdiction of
43 the board, the bill requires the board to issue an order, in writing, of
44 its decision within 180 days after first receiving the Department of
45 Environmental Protection’s review of the request and its
46 recommendations regarding the impact that the proposed
47 conveyance, and the prospective use or uses of the land conveyed,
48 would have on the water quality of the affected public water supply,
49 and the State's open space, conservation, and recreation
requirements. Current law requires the Department of

S2200 LESNIAK, CODEY

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1 Environmental Protection to provide the board with its review and
2 recommendations within 12 months of the board's request on the
3 petition. If the board determines that its decision on the petition
4 cannot be resolved within 180 days due to circumstances beyond
5 the control of the board, the board shall issue an order, in writing,
6 of its decision within 270 days after receiving the petition deemed
7 by the board to be complete for review. The bill extends the time
8 period from up to 30 days to 75 days when the board may request
9 the public utility to submit additional documentation the board
10 deems appropriate following receipt of any document concerning
11 the proposed conveyance.