

40:66A-35; 40:66A-64

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:66A-35; 40:66A-64

Laws of 1975 Chapter 216

Bill No. S 1506

Sponsor(s) Vreeland & others

Date Introduced Dec. 10, 1974

Committee: Assembly Municipal Gov't.

Senate County & Municipal Gov't.

Amended during passage Yes Amendments during passage denoted by asterisks

Date of passage: Assembly July 30, 1975

Senate Feb. 13, 1975

Date of approval Oct. 7, 1975

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

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SENATE, No. 1506

STATE OF NEW JERSEY

INTRODUCED DECEMBER 10, 1974

By Assemblymen VREELAND, DAVENPORT, HIRKALA,
DUMONT and BEDELL

Referred to Committee on County and Municipal Government

AN ACT to amend and supplement the "Solid Waste Management
Authorities Law," approved August 16, 1968 (P. L. 1968, c. 249).

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

1 1. Section 4 of P. L. 1968, c. 249 (C. 40:66A-35) is amended to
2 read as follows:

3 4. Solid waste management authority may be created by municipi-
4 palities; filing of ordinance or resolution. (a) The governing body
5 of any municipality may, by ordinance duly adopted, create a public
6 body corporate and politic under the name and style of ".....
7 solid waste management authority" with all or any significant
8 part of the name of such municipality inserted. Said body shall
9 consist of the five members thereof, who shall be appointed by
10 resolution of the governing body as hereinafter in this section
11 provided, and it shall constitute the solid waste management au-
12 thority contemplated and provided for in this act and an agency
13 and instrumentality of said municipality. After the taking effect
14 of such ordinance and the filing of a certified copy thereof as in
15 subsection (c) of this section provided, five persons shall be ap-
16 pointed as the members of the solid waste management authority.
17 The members first appointed shall, by the resolution of appointment,
18 be designated to serve for terms respectively expiring on the first
19 days of the first, second, third, fourth and fifth Februarys next
20 ensuing after the date of their appointment. On or after January
21 1 in each year after such first appointments, one person shall be
22 appointed as a member of the solid waste management authority
23 to serve for a term commencing on February 1 in such year and
24 expiring on February 1 in the fifth year after such year. In the
25 event of a vacancy in the membership of the solid waste manage-
26 ment authority occurring during an unexpired term of office, a

27 person shall be appointed as a member of the solid waste manage-
28 ment authority to serve for such unexpired term.

29 (b) The governing bodies of any two or more municipalities,
30 whether or not the areas of such municipalities comprise an in-
31 tegral body of territory, may enter into an agreement and, by
32 parallel ordinances duly adopted by each of such governing bodies
33 within any single calendar year, create a public body corporate
34 and politic under the name and style of "the
35 solid waste management authority" with all or any significant
36 part of the name of each such municipality or some identifying
37 geographical phrase inserted. Said body shall consist of the
38 members thereof, in an aggregate number determined as herein-
39 after in this subsection provided, who shall be appointed by resolu-
40 tion of the several governing bodies as hereinafter in this section
41 provided, and it shall constitute the solid waste management au-
42 thority contemplated and provided for in this act and an agency
43 and instrumentality of the said municipalities. The governing
44 body of each municipality which is a party to such agreement
45 shall appoint one member of the solid waste management authority.
46 Said ordinance may provide for the appointment of an alternate
47 representative to serve in the event of the absence or inability to
48 act of the representative. The terms of the representative and
49 such alternate of the respective municipalities shall be 3 years.
50 Nothing herein shall prevent such ordinances and agreement from
51 providing for staggered terms. In the event a vacancy occurs at
52 any time in the office of representative of any one of the munici-
53 palities, the governing body of such municipality shall forthwith,
54 by resolution, appoint a successor representative to fill the said
55 vacancy and serve out the said unexpired term. Until the appoint-
56 ment and qualification of such successor representative, however,
57 the alternate representative of such municipality shall serve as
58 the representative of such municipality to the authority. In the
59 event a vacancy occurs at any time in the office of alternate repre-
60 sentative of any one of the municipalities, the governing body of
61 such municipality shall forthwith, by resolution, appoint a suc-
62 cessor alternate representative to fill such vacancy and serve out
63 the said unexpired term.

64 (c) A copy of each ordinance for the creation of a solid waste
65 management authority adopted pursuant to this section, duly cer-
66 tified by the appropriate officer of the local unit, shall be filed in
67 the office of the Secretary of State. Upon proof of such filing of a
68 certified copy of the ordinance or of certified copies of the parallel

69 ordinances for the creation of a solid waste management authority
70 as aforesaid, the solid waste management authority therein re-
71 ferred to shall, in any suit, action or proceeding involving the
72 validity or enforcement of, or relating to, any contract or obliga-
73 tion or act of the solid waste management authority, be conclusively
74 deemed to have been lawfully and properly created and established
75 and authorized to transact business and exercise its powers under
76 this act. A copy of any such certified ordinance, duly certified by
77 or on behalf of the Secretary of State, shall be admissible in
78 evidence in any suit, action or proceeding.

79 (d) A copy of each resolution appointing any member of a solid
80 waste management authority adopted pursuant to this action, duly
81 certified by the appropriate officer of the local unit, shall be filed
82 in the office of the Secretary of State. A copy of such certified
83 resolution, duly certified by or on behalf of the Secretary of State,
84 shall be admissible in evidence in any suit, action or proceeding
85 and, except in a suit, action or proceeding directly questioning
86 such appointment, shall be conclusive evidence of the due and
87 proper appointment of the members named therein.

88 (e) No governing body which may create or join in the creation
89 of any solid waste management authority pursuant to this section
90 shall thereafter create or join in the creation of any other solid
91 waste management authority. No governing body of any municipi-
92 pality within a district shall create or join in the creation of any
93 solid waste management authority except upon the written consent
94 of the solid waste management authority and in accordance with
95 the terms and conditions of such consent. *This subsection shall not*
96 *be applicable where the previously established solid waste manage-*
97 *ment authority shall have been formally dissolved.*

1 2. (New section) The governing body of any local unit which
2 has created a solid waste management authority or the governing
3 bodies of any two or more local units which have joined in the
4 formation of such an authority, by ordinance, or parallel ordinances,
5 as the case may be, may dissolve such authority upon the condition
6 that a. the members of the authority have not been appointed, the
7 authority, by resolution duly adopted consents to such dissolution
8 or the governing body desires to join in the creation of another
9 authority under this or another law and b. the solid waste manage-
10 ment authority has no debts or obligations outstanding or all
11 creditors or obligees of the authority have consented to its
12 dissolution.

13 A copy of the dissolution ordinance or ordinances, certified by
14 the appropriate municipal official, shall be filed in the office of the
15 Secretary of State. Upon proof of such filing the authority shall
16 be dissolved.

1 3. This act shall take effect immediately **and shall be retroactive*
2 *to September 1, 1974**.

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13 A copy of the dissolution ordinance or ordinances, certified by
14 the appropriate municipal official, shall be filed in the office of the
15 Secretary of State. Upon proof of such filing the authority shall
16 be dissolved.

1 3. This act shall take effect immediately.

STATEMENT

The Solid Waste Management Authorities Law presently contains no provision for the dissolution of such an authority; this bill provides such a procedure.

(SENATE COMMITTEE)
STATEMENT TO
SENATE, No. 1506

STATE OF NEW JERSEY

DATED: JANUARY 27, 1975

Senate Bill No. 1506 establishes procedures for the dissolution of solid waste management authorities created pursuant to the Solid Waste Management Authorities Law, and establishes conditions for effectuating such dissolution.

At the present time, the Solid Waste Management Authorities Law does not contain any provisions for the dissolution of an authority created under that law (see Ringwood Solid Waste Management Authority v. Borough of Ringwood, N. J. Super. Ct., Law Division—Passaic County Dkt. L. 1975/74). Moreover, under present law, no municipality which may create or join in the creation of any such authority may create or join in the creation of any other such authority, except upon the written consent of, and in accordance with such conditions as may be consented to by the authority so created.

This bill would allow the creation or participation in the creation of another authority upon the formal dissolution of the authority already created. Such dissolution shall take place only under the following conditions:

- a. the appointed members of the authority have not been appointed or the authority, by resolution duly adopted, consents to such dissolution, or the governing body desires to join in the creation of another authority under this or another law; and
- b. the solid waste management authority has no debts or obligations outstanding or all creditors or obligees of the authority have consented to its dissolution.

The provisions of this bill roughly parallel the conditions set forth for the dissolution of sewerage authorities created pursuant to either the sewerage authorities law (see C. 40:14A-4) or the municipal utilities authorities law (see C. 40:14B-13).