

40:14A-31.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1995 **CHAPTER:** 358

NJSA: 40:14A-31.1 (Provides for host municipality benefits for certain municipalities hosting wastewater treatment plants, sludge dewatering plants, and sludge incinerators)

BILL NO: A1443 (Substituted for S368)

SPONSOR(S): Smith, Azzolina

DATE INTRODUCED: March 7, 1994

COMMITTEE: **ASSEMBLY:** Independent Authorities

SENATE: ---

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 26, 1995

SENATE: December 21, 1995

DATE OF APPROVAL: January 5, 1996

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: First Reprint enacted

A1443

SPONSORS STATEMENT: (Begins on page 2 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: Yes

S368

SPONSORS STATEMENT: (Begins on page 2 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes Budget
Community

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: Yes 11-7-94
First reprint

(continued)

VETO MESSAGE:

No

GOVERNOR'S MESSAGE ON SIGNING:

No

FOLLOWING WERE PRINTED:

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REPORTS:

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HEARINGS:

No

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No

LAW/RWH

ASSEMBLY, No. 1443

STATE OF NEW JERSEY

INTRODUCED MARCH 7, 1994

By Assemblywoman J. SMITH and Assemblyman AZZOLINA

1 AN ACT concerning the payment of host community benefits to
2 certain municipalities and supplementing chapter 14A of Title
3 40 of the Revised Statutes.

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

7 1. Notwithstanding the provisions of any law, rule or
8 regulation to the contrary, a municipality with a population
9 greater than 6,150 persons but less than 6,600 persons, and a
10 municipality with a population greater than 3,300 persons but less
11 than 3350 persons, according to the latest federal decennial
12 census, located in a county of the fifth class with a population
13 exceeding 500,000 persons, according to the latest federal
14 decennial census, and in which is located a wastewater treatment
15 facility, sludge dewatering facility and sludge incineration
16 facility, owned or operated by a regional sewerage authority
17 pursuant to the provisions of P.L.1946, c.138 (C.40:14A-1 et
18 seq.), and which facilities serve more than one municipality, shall
19 be entitled to an annual host municipality benefit in an amount
20 determined by multiplying \$0.06 times each 1,000 gallons of
21 sewerage processed at the wastewater treatment plant per year
22 that was generated by the municipality which hosts the facilities,
23 according to the calculations as prepared by the consulting
24 engineer to the regional sewerage authority. The total amount of
25 each year's benefit shall be rounded to the nearest \$1.00.

26 2. a. An authority subject to the provisions of this act shall
27 annually pay the appropriate municipality the full amount of the
28 benefit provided for in this act, and each recipient municipality
29 may anticipate this amount for the purposes of preparing its
30 annual budget. All cash payments shall be appropriated by the
31 municipality in accordance with the provisions of the "Local
32 Budget Law," N.J.S.40A:4-1 et seq. The authority responsible for
33 paying the benefit specified under this act may, subject to the
34 prior agreement of the recipient municipality, provide such
35 benefit to the municipality in the following manner:

36 (1) Notwithstanding the provisions of section 31 of P.L.1946,
37 c.183 (C.40:14A-31), as payment in lieu of taxes on the land on
38 which the wastewater treatment plant, dewatering plant and
39 sludge incineration facility are situated, and such payment shall
40 be due and owing at the same time as the third quarterly payment
41 of property taxes is due and owing pursuant to R.S.54:4-66;

42 (2) As an exemption of all or part of the fees and charges for
43 the treatment of all wastewater generated within the boundaries
44 of the municipality;

45 (3) As a lump sum cash payment or payments, according to a
46 schedule established by the governing body of the recipient
47 municipality or

1 (4) Any combination thereof.

2 b. The payment of a host community benefit under this section
3 shall be included as a cost of operation and maintenance for
4 which rents, rates, fees or other charges are collected by the
5 authority pursuant to section 8 of P.L.1946, c.138 (C.40:14A-8).

6 3. The host municipality benefit provided for under this act
7 shall constitute a personal obligation of the appropriate
8 authority, and shall be enforced through civil action pursuant to
9 the New Jersey Court Rules.

10 4. This act shall take effect immediately.

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STATEMENT

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15 This bill entitles certain municipalities to receive an annual
16 host municipality benefit for hosting a wastewater treatment
17 plant, a sewage sludge dewatering plant and a sludge incinerator
18 owned or operated by a regional sewerage authority. The benefit
19 would be calculated as \$0.06 per 1,000 gallons of sewerage
20 generated by the host municipality which hosts the facilities that
21 is processed by the authority (rounded to the nearest \$1.00), and
22 could be paid as: (1) a payment in lieu of property taxes; (2) a
23 full or partial exemption of wastewater treatment fees within the
24 host municipality; (3) cash payments; or (4) any combination of
25 these.

26 Specifically, this benefit shall be paid to any municipality with
27 a population greater than 6,150 but less than 6,600 persons in a
28 county of the fifth class with a population exceeding 500,000
29 persons, according to the latest federal decennial census, and to
30 any municipality with a population greater than 3,300 but less
31 than 3,350 persons in any such county.

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36 Provides for host municipality benefits for certain municipalities
37 hosting wastewater treatment plants, sludge dewatering plants,
38 and sludge incinerators.

ASSEMBLY INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1443

STATE OF NEW JERSEY

DATED: MAY 12, 1994

The Assembly Independent Authorities Committee reports favorably Assembly Bill No. 1443.

This bill entitles certain municipalities to receive an annual host municipality benefit for hosting a wastewater treatment plant, a sewage sludge dewatering plant and a sludge incinerator owned or operated by a regional sewerage authority. The benefit would be calculated as \$0.06 per 1,000 gallons of sewerage generated by the host municipality which hosts the facilities that is processed by the authority (rounded to the nearest \$1.00), and could be paid as: (1) a payment in lieu of property taxes; (2) a full or partial exemption of wastewater treatment fees within the host municipality; (3) cash payments; or (4) any combination of these.

Specifically, this benefit shall be paid to any municipality with a population greater than 6,150 but less than 6,600 persons in a county of the fifth class with a population exceeding 500,000 persons, according to the latest federal decennial census, and to any municipality with a population greater than 3,300 but less than 3,350 persons in any such county.

According to the 1990 census, the municipalities which fulfill these population criterion, respectively, are Union Beach and Monmouth Beach in Monmouth County.

(1) Notwithstanding the provisions of section 31 of P.L.1946, c.1[183] 138¹ (C.40:14A-31), as payment in lieu of taxes on the land on which the wastewater treatment plant, dewatering plant and sludge incineration facility are situated, and such payment shall be due and owing at the same time as the third quarterly payment of property taxes is due and owing pursuant to R.S.54:4-66;

(2) As an exemption of all or part of the fees and charges for the treatment of all wastewater generated within the boundaries of the municipality;

(3) As a lump sum cash payment or payments, according to a schedule established by the governing body of the recipient municipality^{1,1} or

(4) Any combination thereof.

b. The payment of a host community benefit under this section shall be included as a cost of operation and maintenance for which rents, rates, fees or other charges are collected by the authority pursuant to section 8 of P.L.1946, c.138 (C.40:14A-8).

STATEMENT

This amendment would delete population criteria that describe Monmouth Beach in Monmouth County, thereby deleting that municipality from this bill. This amendment would make the bill identical to Senate Bill No. 368 (1R).

LEGISLATIVE FISCAL ESTIMATE TO

[FIRST REPRINT]

ASSEMBLY, No. 1443

STATE OF NEW JERSEY

DATED: June 29, 1995

Assembly Bill No. 1443 (1R) of 1994 contains certain population and facility criteria that entitles the municipality of Union Beach, Monmouth County, to receive an annual host municipality benefit for hosting a wastewater treatment plant, a sewage sludge dewatering plant and a sludge incinerator owned or operated by a regional sewerage authority. The benefit would be calculated as \$0.06 per 1,000 gallons of sewerage treated by the affected wastewater treatment plant and could be paid as: (1) a payment in lieu of property taxes; (2) a full or partial exemption of wastewater treatment fees within the host municipality; (3) cash payments; or (4) any combination thereof.

The wastewater treatment facility in Union Beach is owned and operated by the Bayshore Regional Sewerage Authority, which also serves Hazlet, Holmdel, Keyport, Matawan, Keansburg and portions of Marlboro.

The Office of Legislative Services (OLS) estimates that Union Beach would receive approximately \$24,000 annually under the bill. This amount is based on the bill's calculation criteria when applied to the 400 million gallons of sewerage annually processed from Union Beach at the aforementioned facility, according to the Bayshore Regional Sewerage Authority.

The OLS also notes that the cost of providing the host municipality benefit under the bill may be eventually shared, through higher rates, by the municipalities served by the affected sewerage authority. Thus, as the host municipality becomes subject to such higher rates, its net host benefit amount may be lowered accordingly.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

[FIRST REPRINT]
ASSEMBLY, No. 1443

STATE OF NEW JERSEY

INTRODUCED MARCH 7, 1994

By Assemblywoman J. SMITH and Assemblyman AZZOLINA

1 AN ACT concerning the payment of host community benefits to
2 certain municipalities and supplementing chapter 14A of Title
3 40 of the Revised Statutes.
4

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

7 1. Notwithstanding the provisions of any law, rule or
8 regulation to the contrary, a municipality with a population
9 greater than 6,150 persons but less than 6,600 persons¹, and a
10 municipality with a population greater than 3,300 persons but less
11 than 3350 persons¹, according to the latest federal decennial
12 census, located in a county of the fifth class with a population
13 exceeding 500,000 persons, according to the latest federal
14 decennial census, and in which is located a wastewater treatment
15 facility, sludge dewatering facility and sludge incineration
16 facility, owned or operated by a regional sewerage authority
17 pursuant to the provisions of P.L.1946, c.138 (C.40:14A-1 et
18 seq.), and which facilities serve more than one municipality, shall
19 be entitled to an annual host municipality benefit in an amount
20 determined by multiplying \$0.06 times each 1,000 gallons of
21 sewerage processed at the wastewater treatment plant per year
22 that was generated by the municipality which hosts the facilities,
23 according to the calculations as prepared by the consulting
24 engineer to the regional sewerage authority. The total amount of
25 each year's benefit shall be rounded to the nearest \$1.00.

26 2. a. An authority subject to the provisions of this act shall
27 annually pay the appropriate municipality the full amount of the
28 benefit provided for in this act, and ¹[each] a¹ recipient
29 municipality may anticipate this amount for the purposes of
30 preparing its annual budget. All cash payments shall be
31 appropriated by the municipality in accordance with the
32 provisions of the "Local Budget Law," N.J.S.40A:4-1 et seq. The
33 authority responsible for paying the benefit specified under this
34 act may, subject to the prior agreement of the recipient
35 municipality, provide such benefit to the municipality in the
36 following manner:

37 (1) Notwithstanding the provisions of section 31 of P.L.1946,
38 c.¹[183] 138¹ (C.40:14A-31), as payment in lieu of taxes on the
39 land on which the wastewater treatment plant, dewatering plant
40 and sludge incineration facility are situated, and such payment
41 shall be due and owing at the same time as the third quarterly
42 payment of property taxes is due and owing pursuant to
43 R.S.54:4-66;

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:
Assembly floor amendments adopted June 19, 1995.

1 (2) As an exemption of all or part of the fees and charges for
2 the treatment of all wastewater generated within the boundaries
3 of the municipality;

4 (3) As a lump sum cash payment or payments, according to a
5 schedule established by the governing body of the recipient
6 municipality^{1,1} or

7 (4) Any combination thereof.

8 b. The payment of a host community benefit under this section
9 shall be included as a cost of operation and maintenance for
10 which rents, rates, fees or other charges are collected by the
11 authority pursuant to section 8 of P.L.1946, c.138 (C.40:14A-8).

12 3. The host municipality benefit provided for under this act
13 shall constitute a personal obligation of the appropriate
14 authority, and shall be enforced through civil action pursuant to
15 the New Jersey Court Rules.

16 4. This act shall take effect immediately.

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21 Provides for host municipality benefits for certain municipalities
22 hosting wastewater treatment plants, sludge dewatering plants,
23 and sludge incinerators.

SENATE, No. 368

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Senator KYRILLOS

1 AN ACT concerning the payment of host community benefits to
2 certain municipalities and supplementing chapter 14A of Title
3 40 of the Revised Statutes.

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

7 1. Notwithstanding the provisions of any law, rule or
8 regulation to the contrary, a municipality with a population
9 greater than 6,150 persons but less than 6,600 persons, and a
10 municipality with a population greater than 3,300 persons but less
11 than 3350 persons, according to the latest federal decennial
12 census, located in a county of the fifth class with a population
13 exceeding 500,000 persons, according to the latest federal
14 decennial census, and in which is located a wastewater treatment
15 facility, sludge dewatering facility and sludge incineration
16 facility, owned or operated by a regional sewerage authority
17 pursuant to the provisions of P.L.1946, c.138 (C.40:14A-1 et
18 seq.), and which facilities serve more than one municipality, shall
19 be entitled to an annual host municipality benefit in an amount
20 determined by multiplying \$0.06 times each 1,000 gallons of
21 sewerage processed at the wastewater treatment plant per year
22 that was generated by the municipality which hosts the facilities,
23 according to the calculations as prepared by the consulting
24 engineer to the regional sewerage authority. The total amount of
25 each year's benefit shall be rounded to the nearest \$1.00.

26 2. a. An authority subject to the provisions of this act shall
27 annually pay the appropriate municipality the full amount of the
28 benefit provided for in this act, and each recipient municipality
29 may anticipate this amount for the purposes of preparing its
30 annual budget. All cash payments shall be appropriated by the
31 municipality in accordance with the provisions of the "Local
32 Budget Law," N.J.S.40A:4-1 et seq. The authority responsible for
33 paying the benefit specified under this act may, subject to the
34 prior agreement of the recipient municipality, provide such
35 benefit to the municipality in the following manner:

36 (1) Notwithstanding the provisions of section 31 of P.L.1946,
37 c.183 (C.40:14A-31), as payment in lieu of taxes on the land on
38 which the wastewater treatment plant, dewatering plant and
39 sludge incineration facility are situated, and such payment shall
40 be due and owing at the same time as the third quarterly payment
41 of property taxes is due and owing pursuant to R.S.54:4-66;

42 (2) As an exemption of all or part of the fees and charges for
43 the treatment of all wastewater generated within the boundaries
44 of the municipality;

1 (3) As a lump sum cash payment or payments, according to a
2 schedule established by the governing body of the recipient
3 municipality or

4 (d) Any combination thereof.

5 b. The payment of a host community benefit under this section
6 shall be included as a cost of operation and maintenance for
7 which rents, rates, fees or other charges are collected by the
8 authority pursuant to section 8 of P.L.1946, c.138 (C.40:14A-8).

9 3. The host municipality benefit provided for under this act
10 shall constitute a personal obligation of the appropriate
11 authority, and shall be enforced through civil action pursuant to
12 the New Jersey Court Rules.

13 4. This act shall take effect immediately.

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18 Provides for host municipality benefits for certain municipalities
19 hosting wastewater treatment plants, sludge dewatering plants,
20 and sludge incinerators.

SENATE, No. 368

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Senators KYRILLOS

1 AN ACT concerning the payment of host community benefits to
2 certain municipalities and supplementing chapter 14A of Title
3 40 of the Revised Statutes.

4

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

7 1. Notwithstanding the provisions of any law, rule or
8 regulation to the contrary, a municipality with a population
9 greater than 6,150 persons but less than 6,600 persons, and a
10 municipality with a population greater than 3,300 persons but less
11 than 3350 persons, according to the latest federal decennial
12 census, located in a county of the fifth class with a population
13 exceeding 500,000 persons, according to the latest federal
14 decennial census, and in which is located a wastewater treatment
15 facility, sludge dewatering facility and sludge incineration
16 facility, owned or operated by a regional sewerage authority
17 pursuant to the provisions of P.L.1946, c.138 (C.40:14A-1 et
18 seq.), and which facilities serve more than one municipality, shall
19 be entitled to an annual host municipality benefit in an amount
20 determined by multiplying \$0.06 times each 1,000 gallons of
21 sewerage processed at the wastewater treatment plant per year
22 that was generated by the municipality which hosts the facilities,
23 according to the calculations as prepared by the consulting
24 engineer to the regional sewerage authority. The total amount of
25 each year's benefit shall be rounded to the nearest \$1.00.

26 2. a. An authority subject to the provisions of this act shall
27 annually pay the appropriate municipality the full amount of the
28 benefit provided for in this act, and each recipient municipality
29 may anticipate this amount for the purposes of preparing its
30 annual budget. All cash payments shall be appropriated by the
31 municipality in accordance with the provisions of the "Local
32 Budget Law," N.J.S.40A:4-1 et seq. The authority responsible for
33 paying the benefit specified under this act may, subject to the
34 prior agreement of the recipient municipality, provide such
35 benefit to the municipality in the following manner:

36 (1) Notwithstanding the provisions of section 31 of P.L.1946,
37 c.183 (C.40:14A-31), as payment in lieu of taxes on the land on
38 which the wastewater treatment plant, dewatering plant and
39 sludge incineration facility are situated, and such payment shall
40 be due and owing at the same time as the third quarterly payment
41 of property taxes is due and owing pursuant to R.S.54:4-66;

42 (2) As an exemption of all or part of the fees and charges for
43 the treatment of all wastewater generated within the boundaries
44 of the municipality;

1 (3) As a lump sum cash payment or payments, according to a
2 schedule established by the governing body of the recipient
3 municipality or

4 (d) Any combination thereof.

5 b. The payment of a host community benefit under this section
6 shall be included as a cost of operation and maintenance for
7 which rents, rates, fees or other charges are collected by the
8 authority pursuant to section 8 of P.L.1946, c.138 (C.40:14A-8).

9 3. The host municipality benefit provided for under this act
10 shall constitute a personal obligation of the appropriate
11 authority, and shall be enforced through civil action pursuant to
12 the New Jersey Court Rules.

13 4. This act shall take effect immediately.
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16 STATEMENT

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18 This bill entitles certain municipalities to receive an annual
19 host municipality benefit for hosting a wastewater treatment
20 plant, a sewage sludge dewatering plant and a sludge incinerator
21 owned or operated by a regional sewerage authority. The benefit
22 would be calculated as \$0.06 per 1,000 gallons of sewerage
23 generated by the host municipality which hosts the facilities that
24 is processed by the authority (rounded to the nearest \$1.00), and
25 could be paid as: (1) a payment in lieu of property taxes; (2) a
26 full or partial exemption of wastewater treatment fees within the
27 host municipality; (3) cash payments; or (4) any combination of
28 these.

29 Specifically, this benefit shall be paid to any municipality with
30 a population greater than 6,150 but less than 6,600 persons in a
31 county of the fifth class with a population exceeding 500,000
32 persons, according to the latest federal decennial census, and to
33 any municipality with a population greater than 3,300 but less
34 than 3,350 persons in any such county.
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39 Provides for host municipality benefits for certain municipalities
40 hosting wastewater treatment plants, sludge dewatering plants,
41 and sludge incinerators.

LEGISLATIVE FISCAL ESTIMATE TO
SENATE, No. 368

STATE OF NEW JERSEY

DATED: November 7, 1994

Senate Bill No. 368 of 1994 entitles certain municipalities to receive an annual host municipality benefit for hosting a wastewater treatment plant, a sewage sludge dewatering plant and a sludge incinerator owned or operated by a regional sewerage authority. The benefit would be calculated as \$0.06 per 1,000 gallons of sewerage treated by the affected wastewater treatment plant and could be paid as: (1) a payment in lieu of property taxes; (2) a full or partial exemption of wastewater treatment fees within the host municipality; (3) cash payments; or (4) any combination thereof.

The only municipalities eligible for benefits under the bill would be Union Beach and Monmouth Beach, both located in Monmouth County. The wastewater treatment facility in Union Beach is owned and operated by the Bayshore Regional Sewerage Authority and also serves Hazlet, Holmdel, Keyport, Matawan, Keansburg and portions of Marlboro. The treatment facility in Monmouth Beach is owned and operated by the Northeast Monmouth Regional Sewerage Authority and also serves Fair Haven, Little Silver, Oceanport, Shrewsbury Borough and Township, West Long Branch, Eatontown, Red Bank, Rumson, Sea Bright, Tinton Falls, Fort Monmouth and Camp Charles Wood.

The Office of Legislative Services (OLS) estimates that Union Beach would receive approximately \$166,000 annually under the bill while Monmouth Beach would receive approximately \$210,500 annually. These amounts are based on gallonage figures reported to the Department of Environmental Protection in January, 1993. At that time, 7,580,000 gallons of sewerage per day was reported to be treated at the Union Beach facility, while the Monmouth Beach facility reported treating 9,610,000 gallons per day. The host benefit amounts cited above were arrived at by calculating these daily gallons at \$0.06 per 1,000 gallons.

The OLS also estimates that the cost of providing the host municipality benefits under the bill would likely be proportionately shared by the municipalities (and federal facilities) served by the affected sewerage authorities. If the two host municipalities also become subject to the resultant higher facility rates, the host benefit payouts may be lowered accordingly.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 368

STATE OF NEW JERSEY

DATED: FEBRUARY 6, 1995

The Senate Community Affairs Committee reports without recommendation Senate Bill No. 368.

This bill would entitle certain municipalities to receive an annual host municipality benefit for hosting a wastewater treatment plant, a sewage sludge dewatering plant and a sludge incinerator owned or operated by a regional sewerage authority. The benefit would be calculated as \$0.06 per 1,000 gallons of sewerage generated by the host municipality and processed by the authority (rounded to the nearest \$1.00), and could be paid as: (1) a payment in lieu of property taxes; (2) a full or partial exemption of wastewater treatment fees within the host municipality; (3) cash payments; or (4) any combination of these.

Specifically, this benefit would accrue to a municipality with a population greater than 6,150 but less than 6,600 persons and a municipality with a population greater than 3,300 but less than 3,350 persons, according to the latest federal decennial census, located in a county of the fifth class with a population exceeding 500,000 persons, according to the latest federal decennial census, and in which is located a wastewater treatment facility, sludge dewatering facility and sludge incineration facility, owned or operated by a regional sewerage authority pursuant to the provisions of P.L.1946. c.138 (C.40:14A-1 et seq.), and which facilities serve more than one municipality. The only municipality that satisfies these criteria is Union Beach in Monmouth County.

This bill was prefiled for introduction in the 1994 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 368

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MARCH 13, 1995

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 368 with amendments.

Senate Bill No. 368, as amended, entitles the municipality described in the bill to receive an annual host municipality benefit for hosting a wastewater treatment plant, a sewage sludge dewatering plant and a sludge incinerator owned or operated by a regional sewerage authority. The benefit would be calculated as \$0.06 per 1,000 gallons of sewerage generated by the host municipality and processed by the authority (rounded to the nearest \$1.00), and could be paid as: (1) a payment in lieu of property taxes; (2) a full or partial exemption of wastewater treatment fees within the host municipality; (3) cash payments; or (4) any combination of these.

Specifically, this benefit would accrue to a municipality with a population greater than 6,150 but less than 6,600 persons, according to the latest federal decennial census, located in a county of the fifth class with a population exceeding 500,000 persons, according to the latest federal decennial census, and in which is located a wastewater treatment facility, sludge dewatering facility and sludge incineration facility, owned or operated by a regional sewerage authority pursuant to the provisions of P.L.1946, c.138 (C.40:14A-1 et seq.), and which facilities serve more than one municipality.

The municipality eligible for benefits under the bill would be Union Beach in Monmouth County. The wastewater treatment facility in Union Beach is owned and operated by the Bayshore Regional Sewerage Authority and also serves Hazlet, Holmdel, Keyport, Matawan, Keansburg and portions of Marlboro.

COMMITTEE AMENDMENTS

The committee amended the bill, at the request of the sponsor, to delete the population criteria that describes Monmouth Beach in Monmouth County, thereby deleting the municipality from the bill.

FISCAL IMPACT

According to the Bayshore Regional Sewerage Authority, Union Beach will receive approximately \$24,000 annually under the bill. Union Beach generates approximately 400 million gallons of sewerage annually which is processed at the wastewater treatment plant operated by the authority. The host benefit amount is calculated at \$0.06 per 1,000 gallons processed annually.

SENATE SBA COMMITTEE

AMENDMENTS

ADOPTED
MAR 13 1995

to

Senate, No. 368

(Sponsored by Senator KYRILLOS)

REPLACE SECTION 1 TO READ:

1. Notwithstanding the provisions of any law, rule or regulation to the contrary, a municipality with a population greater than 6,150 persons but less than 6,600 persons¹, and a municipality with a population greater than 3,300 persons but less than 3350 persons¹, according to the latest federal decennial census, located in a county of the fifth class with a population exceeding 500,000 persons, according to the latest federal decennial census, and in which is located a wastewater treatment facility, sludge dewatering facility and sludge incineration facility, owned or operated by a regional sewerage authority pursuant to the provisions of P.L.1948, c.138 (C.40:14A-1 et seq.), and which facilities serve more than one municipality, shall be entitled to an annual host municipality benefit in an amount determined by multiplying \$0.08 times each 1,000 gallons of sewerage processed at the wastewater treatment plant per year that was generated by the municipality which hosts the facilities, according to the calculations as prepared by the consulting engineer to the regional sewerage authority. The total amount of each year's benefit shall be rounded to the nearest \$1.00.

STATEMENT

This amendment would delete the population criteria that describes Monmouth Beach in Monmouth County, thereby deleting this municipality from the bill.

REPLACE SECTION 2 TO READ:

2. a. An authority subject to the provisions of this act shall annually pay the appropriate municipality the full amount of the benefit provided for in this act, and ¹[each] ¹recipient municipality may anticipate this amount for the purposes of preparing its annual budget. All cash payments shall be appropriated by the municipality in accordance with the provisions of the "Local Budget Law," N.J.S.40A:4-1 et seq. The authority responsible for paying the benefit specified under this act may, subject to the prior agreement of the recipient municipality, provide such benefit to the municipality in the following manner:

¹³² (1) Notwithstanding the provisions of section 31 of P.L.1946, c. ~~183~~ (C.40:14A-31), as payment in lieu of taxes on the land on which the wastewater treatment plant, dewatering plant and sludge incineration facility are situated, and such payment shall be due and owing at the same time as the third quarterly payment of property taxes is due and owing pursuant to R.S.54:4-66;

(2) As an exemption of all or part of the fees and charges for the treatment of all wastewater generated within the boundaries of the municipality;

(3) As a lump sum cash payment or payments, according to a schedule established by the governing body of the recipient municipality¹;¹ or

¹[(d)] (4)¹ Any combination thereof.

b. The payment of a host community benefit under this section shall be included as a cost of operation and maintenance for which rents, rates, fees or other charges are collected by the authority pursuant to section 8 of P.L.1946, c.138 (C.40:14A-8).

REPLACE SYNOPSIS TO READ:

Provides for host municipality benefit for certain municipality hosting wastewater treatment plants, sludge dewatering plants, and sludge incinerators.

[FIRST REPRINT]

SENATE, No. 368

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Senator KYRILLOS

1 AN ACT concerning the payment of host community benefits to
2 certain municipalities and supplementing chapter 14A of Title
3 40 of the Revised Statutes.

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

7 1. Notwithstanding the provisions of any law, rule or
8 regulation to the contrary, a municipality with a population
9 greater than 6,150 persons but less than 6,600 persons¹, and a
10 municipality with a population greater than 3,300 persons but less
11 than 3350 persons¹, according to the latest federal decennial
12 census, located in a county of the fifth class with a population
13 exceeding 500,000 persons, according to the latest federal
14 decennial census, and in which is located a wastewater treatment
15 facility, sludge dewatering facility and sludge incineration
16 facility, owned or operated by a regional sewerage authority
17 pursuant to the provisions of P.L.1946, c.138 (C.40:14A-1 et
18 seq.), and which facilities serve more than one municipality, shall
19 be entitled to an annual host municipality benefit in an amount
20 determined by multiplying \$0.06 times each 1,000 gallons of
21 sewerage processed at the wastewater treatment plant per year
22 that was generated by the municipality which hosts the facilities,
23 according to the calculations as prepared by the consulting
24 engineer to the regional sewerage authority. The total amount of
25 each year's benefit shall be rounded to the nearest \$1.00.

26 2. a. An authority subject to the provisions of this act shall
27 annually pay the appropriate municipality the full amount of the
28 benefit provided for in this act, and ¹[each] a¹ recipient
29 municipality may anticipate this amount for the purposes of
30 preparing its annual budget. All cash payments shall be
31 appropriated by the municipality in accordance with the
32 provisions of the "Local Budget Law," N.J.S.40A:4-1 et seq. The
33 authority responsible for paying the benefit specified under this
34 act may, subject to the prior agreement of the recipient
35 municipality, provide such benefit to the municipality in the
36 following manner:

37 (1) Notwithstanding the provisions of section 31 of P.L.1946,
38 c.¹[183] 138¹ (C.40:14A-31), as payment in lieu of taxes on the
39 land on which the wastewater treatment plant, dewatering plant
40 and sludge incineration facility are situated, and such payment
41 shall be due and owing at the same time as the third quarterly
42 payment of property taxes is due and owing pursuant to
43 R.S.54:4-66;

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:
Senate SBA committee amendments adopted March 13, 1995.

1 (2) As an exemption of all or part of the fees and charges for
2 the treatment of all wastewater generated within the boundaries
3 of the municipality;

4 (3) As a lump sum cash payment or payments, according to a
5 schedule established by the governing body of the recipient
6 municipality^{1,1} or

7 ¹[(d)] (4)¹ Any combination thereof.

8 b. The payment of a host community benefit under this section
9 shall be included as a cost of operation and maintenance for
10 which rents, rates, fees or other charges are collected by the
11 authority pursuant to section 8 of P.L.1946, c.138 (C.40:14A-8).

12 3. The host municipality benefit provided for under this act
13 shall constitute a personal obligation of the appropriate
14 authority, and shall be enforced through civil action pursuant to
15 the New Jersey Court Rules.

16 4. This act shall take effect immediately.

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21 Provides for host municipality benefit for certain municipality
22 hosting wastewater treatment plants, sludge dewatering plants,
23 and sludge incinerators.

LEGISLATIVE FISCAL ESTIMATE TO

[FIRST REPRINT]

SENATE, No. 368

STATE OF NEW JERSEY

Senate Bill No. 368 (1R) of 1994 contains certain population and facility criteria that entitles the municipality of Union Beach, Monmouth County, to receive an annual host municipality benefit for hosting a wastewater treatment plant, a sewage sludge dewatering plant and a sludge incinerator owned or operated by a regional sewerage authority. The benefit would be calculated as \$0.06 per 1,000 gallons of sewerage treated by the affected wastewater treatment plant and could be paid as: (1) a payment in lieu of property taxes; (2) a full or partial exemption of wastewater treatment fees within the host municipality; (3) cash payments; or (4) any combination thereof.

The wastewater treatment facility in Union Beach is owned and operated by the Bayshore Regional Sewerage Authority, which also serves Hazlet, Holmdel, Keyport, Matawan, Keansburg and portions of Marlboro.

The Office of Legislative Services (OLS) estimates that Union Beach would receive approximately \$24,000 annually under the bill. This amount is based on the bill's calculation criteria when applied to the 400 million gallons of sewerage annually processed from Union Beach at the aforementioned facility, according to the Bayshore Regional Sewerage Authority.

The OLS also notes that the cost of providing the host municipality benefit under the bill may be eventually shared, through higher rates, by the municipalities served by the affected sewerage authority. Thus, as the host municipality becomes subject to such higher rates, its net host benefit amount may be lowered accordingly.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.