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P.L. 1999, CHAPTER 268, *approved November 8, 1999*

Assembly, No. 1566

1 AN ACT concerning the terms of members of certain municipal utilities  
2 authorities, and amending P.L.1957, c.183.

3

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

6

7 1. Section 5 of P.L.1957, c.183 (C.40:14B-5) is amended to read  
8 as follows:

9 5. The governing bodies of any **[2]** two or more municipalities, the  
10 areas of which together comprise an integral body of territory, may, by  
11 parallel ordinances duly adopted by each of such governing bodies  
12 within any single calendar year, create a public body corporate and  
13 politic under the name and style of "the ..... municipal utilities  
14 authority," with all or any significant part of the name of each such  
15 municipality or some identifying geographical phrase inserted. Said  
16 body shall consist of the members thereof, in an aggregate number as  
17 determined **[as hereinafter]** in this section **[provided]**, who shall be  
18 appointed by resolutions of the several governing bodies as  
19 **[hereinafter]** provided in this section **[provided,]** **[and it]** Said body  
20 shall constitute the municipal authority contemplated and provided for  
21 in **[this act]** P.L.1957, c.183 (C.40:14B-1 et seq.) and an agency and  
22 instrumentality of the said municipalities. The number of members of  
23 the municipal authority to be appointed **[at any time]** for **[full]** terms  
24 of office by the governing body of any such municipality shall be as  
25 may be stated in said ordinances which shall be not less than **[1]** one  
26 nor more than **[3]** three. After the taking effect of the said ordinances  
27 of all such municipalities and after the filing of certified copies thereof  
28 as provided in section 7 of **[this act provided]** P.L.1957, c.183  
29 (C.40:14B-7), the appropriate number of persons shall be appointed  
30 as members of the municipal authority by the governing body of each  
31 municipality. **[The members first appointed or to be first appointed**  
32 **shall serve for terms expiring on the first day of the fifth February next**  
33 **ensuing after the date of the first appointment of any member.]**

34 The members next appointed after the effective date of P.L. , c.  
35 (C. ) (pending before the Legislature as this bill) shall divide  
36 themselves by lot into classes. If there are five or more members,  
37 there shall be five classes. If there are fewer than five members, there  
38 shall be as many classes as there are members. To the extent possible,  
39 there shall be an equal number of members in each class, and each  
40 class shall contain no more than one member from each municipality.  
41 The term of members composing the first class shall be vacated at the

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

**Matter underlined thus is new matter.**

1 expiration of the fifth year; the term of members composing the second  
2 class shall be vacated at the expiration of the fourth year; the term of  
3 members composing the third class, if any, shall be vacated at the  
4 expiration of the third year; the term of members composing the fourth  
5 class, if any, shall be vacated at the expiration of the second year; and  
6 the term of members composing the fifth class, if any, shall be vacated  
7 at the expiration of the first year. The term of members of each class  
8 shall expire on February 1 of their respective year.

9 On or after January 1 in the year in which expire the terms of [the  
10 said members first appointed and in every fifth year thereafter] such  
11 next appointments, the appropriate number of persons shall be  
12 appointed as members of the municipal authority by the governing  
13 body of each municipality, to serve for terms commencing on February  
14 1 in such year and expiring on February 1 in the fifth year after such  
15 year. In the event of a vacancy in the membership of the municipal  
16 authority occurring during an unexpired term of office, a person shall  
17 be appointed as a member of the municipal authority to serve for such  
18 unexpired term by the governing body which made the original  
19 appointment for such unexpired term.

20 (cf: P.L.1957, c.183, s.5)

21

22 2. This act shall take effect immediately.

23

24

25

26

27 Provides for staggered terms of service for members of certain  
28 municipal utilities authorities.

# ASSEMBLY, No. 1566

## STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

**Sponsored by:**

**Assemblyman RICHARD A. MERKT**

**District 25 (Morris)**

**Assemblyman JOSEPH R.MALONE, III**

**District 30 (Burlington, Monmouth and Ocean)**

**Co-Sponsored by:**

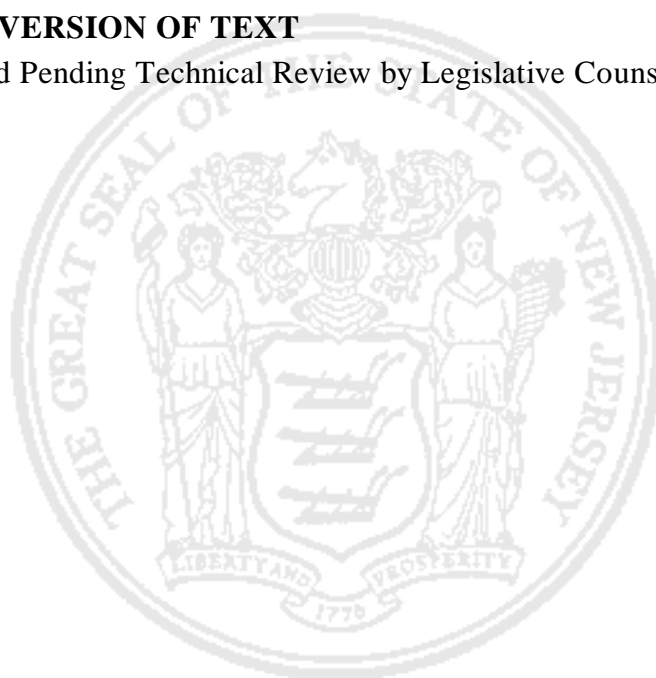
**Assemblyman Luongo**

**SYNOPSIS**

Provides for staggered terms of service for members of certain municipal utilities authorities.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 10/30/1998)**

A1566 MERKT, MALONE

1 AN ACT concerning the terms of members of certain municipal utilities  
2 authorities, and amending P.L.1957, c.183.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
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7 1. Section 5 of P.L.1957, c.183 (C.40:14B-5) is amended to read  
8 as follows:

9 5. The governing bodies of any **[2] two** or more municipalities, the  
10 areas of which together comprise an integral body of territory, may, by  
11 parallel ordinances duly adopted by each of such governing bodies  
12 within any single calendar year, create a public body corporate and  
13 politic under the name and style of "the ..... municipal utilities  
14 authority," with all or any significant part of the name of each such  
15 municipality or some identifying geographical phrase inserted. Said  
16 body shall consist of the members thereof, in an aggregate number as  
17 determined [as hereinafter] in this section [provided], who shall be  
18 appointed by resolutions of the several governing bodies as  
19 **[hereinafter] provided** in this section **[provided,]. [and it] Said body**  
20 shall constitute the municipal authority contemplated and provided for  
21 in **[this act] P.L.1957, c.183 (C.40:14B-1 et seq.)** and an agency and  
22 instrumentality of the said municipalities. The number of members of  
23 the municipal authority to be appointed **[at any time] for [full] terms**  
24 of office by the governing body of any such municipality shall be as  
25 may be stated in said ordinances which shall be not less than **[1] one**  
26 nor more than **[3] three**. After the taking effect of the said ordinances  
27 of all such municipalities and after the filing of certified copies thereof  
28 as provided in section 7 of **[this act provided] P.L.1957, c.183**  
29 **(C.40:14B-7)**, the appropriate number of persons shall be appointed  
30 as members of the municipal authority by the governing body of each  
31 municipality. **[The members first appointed or to be first appointed**  
32 **shall serve for terms expiring on the first day of the fifth February next**  
33 **ensuing after the date of the first appointment of any member.]**

34 The members next appointed after the effective date of P.L. , c.  
35 (C. ) (pending before the Legislature as this bill) shall divide  
36 themselves by lot into classes. If there are five or more members,  
37 there shall be five classes. If there are fewer than five members, there  
38 shall be as many classes as there are members. To the extent possible,  
39 there shall be an equal number of members in each class, and each  
40 class shall contain no more than one member from each municipality.  
41 The term of members composing the first class shall be vacated at the  
42 expiration of the fifth year; the term of members composing the second

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

Matter underlined thus is new matter.

1 class shall be vacated at the expiration of the fourth year; the term of  
2 members composing the third class, if any, shall be vacated at the  
3 expiration of the third year; the term of members composing the fourth  
4 class, if any, shall be vacated at the expiration of the second year; and  
5 the term of members composing the fifth class, if any, shall be vacated  
6 at the expiration of the first year. The term of members of each class  
7 shall expire on February 1 of their respective year.

8 On or after January 1 in the year in which expire the terms of [the  
9 said members first appointed and in every fifth year thereafter] such  
10 next appointments, the appropriate number of persons shall be  
11 appointed as members of the municipal authority by the governing  
12 body of each municipality, to serve for terms commencing on February  
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14 year. In the event of a vacancy in the membership of the municipal  
15 authority occurring during an unexpired term of office, a person shall  
16 be appointed as a member of the municipal authority to serve for such  
17 unexpired term by the governing body which made the original  
18 appointment for such unexpired term.

19 (cf: P.L.1957, c.183, s.5)

20  
21 2. This act shall take effect immediately.

#### 22 23 24 STATEMENT

25  
26 This bill amends section 5 of the "municipal and county utilities  
27 authorities law," P.L.1957, c.183 (C.40:14B-5) to provide for  
28 staggered terms of service for members of a municipal utilities  
29 authority which is created by the governing bodies of two or more  
30 municipalities, the areas of which comprise an integral body of  
31 territory and where the governing bodies of each of these municipalites  
32 have adopted parallel ordinances creating the authority in the same  
33 calendar year. Currently, all members of the authority are appointed  
34 to serve five-year terms which begin and end during the same year.  
35 Under this bill, the next appointees would divide themselves by lot into  
36 classes with, to the extent possible, each class having an equal number  
37 of members and no two members from the same municipality. The  
38 term of members composing the first, second, and if any, third, fourth,  
39 and fifth classes would be vacated on February 1 of the expiration of  
40 the fifth, fourth, third, second, and first years, respectively. When  
41 each of these terms expires, an appropriate number of people would  
42 be appointed to the authority to serve for a five-year term commencing  
43 on February 1 of that year. The term of current members of the  
44 authority is unaffected by the bill.

ASSEMBLY LOCAL GOVERNMENT AND HOUSING  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1566**

**STATE OF NEW JERSEY**

DATED: MARCH 10, 1999

The Assembly Local Government and Housing Committee reports favorably Assembly Bill No. 1566.

This bill amends section 5 of the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-5) to provide for staggered terms of service for members of a municipal utilities authority which is created by the governing bodies of two or more municipalities, the areas of which comprise an integral body of territory and where the governing bodies of each of these municipalities have adopted parallel ordinances creating the authority in the same calendar year. Currently, all members of the authority are appointed to serve five-year terms which begin and end during the same year. Under this bill, the next appointees would divide themselves by lot into classes with, to the extent possible, each class having an equal number of members and no two members from the same municipality. The term of members composing the first, second, and if any, third, fourth, and fifth classes would be vacated on February 1 of the expiration of the fifth, fourth, third, second, and first years, respectively. When each of these terms expires, an appropriate number of people would be appointed to the authority to serve for a five-year term commencing on February 1 of that year. The term of current members of the authority is unaffected by the bill.

This bill was prefiled for introduction in the 1998-1999 Legislative session pending technical review. As reported by the committee, the bill includes the changes required by technical review, which has been performed.



**SENATE, No. 244**

**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

**Sponsored by:**

**Senator ANTHONY R. BUCCO**

**District 25 (Morris)**

**SYNOPSIS**

Provides for staggered terms of service for members of certain municipal utilities authorities.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



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14 authority," with all or any significant part of the name of each such  
15 municipality or some identifying geographical phrase inserted. Said  
16 body shall consist of the members thereof, in an aggregate number as  
17 determined **[as hereinafter]** in this section **[provided]**, who shall be  
18 appointed by resolutions of the several governing bodies as  
19 **[hereinafter] provided** in this section **[provided, ]**. **[and it] Said body**  
20 shall constitute the municipal authority contemplated and provided for  
21 in **[this act] P.L. 1957, c.183 (C.40:14B-1 et seq.)** and an agency and  
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40 the fifth, fourth, third, second, and first years, respectively. When  
41 each of these terms expires, an appropriate number of people would  
42 be appointed to the authority to serve for a five-year term commencing  
43 on February 1 of that year. The term of current members of the  
44 authority is unaffected by the bill.

# SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

## STATEMENT TO

### SENATE, No. 244

# STATE OF NEW JERSEY

DATED: MAY 6, 1999

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 244.

Senate Bill No. 244 amends section 5 of the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-5) to provide for staggered terms of service for members of a municipal utilities authority which is created by the governing bodies of two or more municipalities, the areas of which comprise an integral body of territory and where the governing bodies of each of these municipalities have adopted parallel ordinances creating the authority in the same calendar year. Currently, all members of the authority are appointed to serve five-year terms which begin and end during the same year. Under this bill, the next appointees would divide themselves by lot into classes with, to the extent possible, each class having an equal number of members and no two members from the same municipality. The term of members composing the first, second, and if any, third, fourth, and fifth classes would be vacated on February 1 of the expiration of the fifth, fourth, third, second, and first years, respectively. When each of these terms expires, an appropriate number of people would be appointed to the authority to serve for a five-year term commencing on February 1 of that year. The term of current members of the authority is unaffected by the bill.

This bill was prefiled for introduction in the 1998 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

*Office of the Governor*  
**NEWS RELEASE**

PO BOX 004  
TRENTON, NJ 08625

CONTACT: Gene Herman  
609-777-2600

RELEASE: November 8, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

**A-3278**, sponsored by Assembly Members John C. Gibson (R-Cape May/Atlantic/Cumberland) and Gary W. Stuhltrager (R-Salem/Cumberland/Gloucester) and Senators John J. Matheussen (R-Camden/Gloucester) and Martha W. Bark (R-Atlantic/Burlington/Camden), appropriates \$2,563,910 to the Department of Environmental Protection from the Stormwater Management and Combined Sewer Overflow Abatement Fund to provide grants to six soil conservation districts for the development of watershed-based stormwater management plans. The bill provides \$200,502 to the Cape Atlantic Soil Conservation District, \$333,681 to the Cumberland Soil Conservation District and \$540,755 to each the Gloucester Soil Conservation District, the Camden Soil Conservation District and the Burlington Soil Conservation District. The bill also provides \$407,462 to the Freehold Soil Conservation District.

**A-1566**, sponsored by Assembly Members Richard A. Merkt (R-Morris) and Joseph R. Malone, III (R-Burlington/Monmouth/Ocean), and Senator Anthony R. Bucco (R-Morris), amends the Municipal and County Utilities Law to provide for staggered terms of service for members of joint municipal utilities authorities. These authorities are created by the governing bodies of two or more adjoining municipalities. Under previous law, all members of such authorities were appointed to serve five-year terms, which began and ended at the same time.