

[First Reprint]

ASSEMBLY, No. 3628

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED SEPTEMBER 15, 2014

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman SEAN T. KEAN

District 30 (Monmouth and Ocean)

Co-Sponsored by:

Senators Sarlo and Kyrillos

SYNOPSIS

“Water Infrastructure Protection Act.”

CURRENT VERSION OF TEXT

As reported by the Assembly State and Local Government Committee on December 11, 2014, with amendments.



(Sponsorship Updated As Of: 12/19/2014)

1 AN ACT concerning certain public water and wastewater assets,
2 supplementing Title 58 of the Revised Statutes, and amending
3 R.S.40:62-3.

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

7
8 1. (New section) Sections 1 through 9 of this act shall be
9 known and may be cited as the “Water Infrastructure Protection
10 Act.”

11
12 2. (New section) The Legislature finds and declares that:

13 a. The maintenance ¹and operation¹ of water and wastewater
14 treatment and conveyance systems is vital to ensuring the protection
15 of ¹water quality and¹ clean drinking water in New Jersey;

16 b. There are public water and wastewater systems in the State
17 that present serious risks to the integrity of drinking water and the
18 environment because of issues such as aging ¹[combined sanitary
19 and storm sewer overflow] infrastructure¹ systems, ¹[the threat of
20 sodium intrusion,]¹ the deterioration of the physical assets of the
21 systems, or damage to infrastructure so severe that it is beyond
22 governmental capacity to restore;

23 c. ¹[The] Under the appropriate circumstances, the¹ transfer of
24 these threatened water and wastewater assets to a ¹capable¹ private
25 ¹or public¹ entity with the financial resources and expertise to
26 improve management, operation, and continued maintenance of the
27 assets ¹[would protect] could help ensure the protection of¹
28 drinking water; and

29 d. It is in the public interest that public entities have the option
30 to transfer, lease, or sell water or wastewater assets if there exists
31 emergent conditions that threaten drinking water or the
32 environment.

33
34 3. (New section) As used in this act,

35 “Board” means the Board of Public Utilities.

36 ¹“Capable private or public entity” means any private or public
37 water system owner who, at the time of submitting a proposal to
38 long-term lease or purchase public water or wastewater assets,
39 currently (1) owns a system serving no less than the number of
40 residential and commercial accounts as the system which the entity
41 is proposing to lease or purchase, and (2) is not a significant
42 noncomplier, as defined pursuant to section 3 of P.L.1977, c.7
43 (C.58:10A-3), is not currently the subject of a formal enforcement
44 action initiated by the New Jersey Department of Environmental

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 ASL committee amendments adopted December 11, 2014.

1 Protection to address a material violation by the entity which has
2 not been corrected over a reasonable period of time given the
3 specific situation, or is not substantially out of compliance with an
4 administrative consent order, settlement agreement, stipulation of
5 settlement or judicial consent order entered into with the
6 department.

7 “Department” means the Department of Environmental
8 Protection.”¹

9 “Director” means the Director of the Division of Local
10 Government Services in the Department of Community Affairs.

11 “Governing body” means a “governing body” as defined in
12 section 3 of the "New Jersey Wastewater Treatment Public-Private
13 Contracting Act," P.L.1995, c.216 (C.58:27-19 through C.58:27-
14 27).

15 “Licensed engineer” means a professional engineer licensed
16 pursuant to P.L.1938, c.342 (C.45:8-27 et seq.).

17 ¹“Long-term lease” means a lease of longer than 30 years under
18 which the municipal owner seeks to transfer ownership of the
19 system at the end of the lease term.¹

20 ¹**“Municipal or county utilities authority” means a “municipal**
21 **authority” as defined in section 3 of the "municipal and county**
22 **utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.).¹**

23 “Owner” means any municipality ¹**【or municipal, county, or**
24 **regional utilities authority】**, except a municipality that is a city of
25 the first class with a population of 270,000 or more according to the
26 latest federal decennial census,¹ that owns water or wastewater
27 assets. ¹Municipalities constituting a joint meeting, and the joint
28 meeting itself shall not be considered an owner for the purposes of
29 this definition.¹

30 ¹**“Regional utilities authorities” means any “regional authority”**
31 **as defined in subsection a. of section 9 of P.L.2011, c.167**
32 **(C.40:56A-4.1).¹**

33 “Registered apprenticeship program” means an apprenticeship
34 program registered with and approved by the United States
35 Department of Labor and which provides to each trainee combined
36 classroom and on-the-job training under the direct and close
37 supervision of a highly skilled worker in an occupation recognized
38 as an apprenticeable trade, and which meets the program
39 performance standards of enrollment and graduation under 29
40 C.F.R. s.29.6.

41 “System” means the plants, structures, and other real and
42 personal property of an owner that is, or is to be, acquired,
43 constructed, or operated for the purpose of processing water or
44 wastewater, including sewage, for distribution or treatment.

45 “Water or wastewater assets” means any system along with any
46 other related buildings, equipment, or other infrastructure.

1 4. (New section) If an owner determines that emergent
 2 conditions exist, the owner may ¹long-term¹ lease or sell its water
 3 or wastewater assets to a ¹capable¹ private ¹or public¹ entity
 4 pursuant to the provisions of sections 5 through 9 of P.L. ,
 5 c. (C.) (pending before the Legislature as this bill). An
 6 owner may so ¹long-term¹ lease or sell its water or wastewater
 7 assets without any referendum except as may be required pursuant
 8 to subsection ¹**[f.] g.**¹ of section 5 of P.L. , c. (C.)
 9 (pending before the Legislature as this bill).

10
 11 5. (New section) a. ¹**[If the owner is a municipality, the]** The¹
 12 determination that emergent conditions exist shall be made by
 13 certification of the mayor, ¹**[or other chief executive officer]** the
 14 mayor's designee¹ of the municipality, and a licensed engineer.
 15 ¹**[If the owner is a municipal, county, or regional utilities authority,**
 16 the determination that emergent conditions exist shall be made by
 17 certification of the chair and chief operating officer of the authority,
 18 and a licensed engineer.]¹

19 b. Emergent conditions shall exist if at least one of the
 20 following conditions is met:

21 (1) ¹**[The system has a combined sanitary and storm sewer**
 22 **overflow system;**

23 (2) ¹**[The system is located in an area designated by the**
 24 Department of Environmental Protection as ¹**[within] an Area of**
 25 Critical¹ Water Supply ¹**[Critical Area] Concern**¹ I or II ¹, or any
 26 future designation or newly added area of critical water supply
 27 concern¹;

28 ¹**[(3) The ground water has the potential for sodium intrusion**
 29 that may impact the water supply system according to the New
 30 Jersey Statewide Water Supply Plan adopted pursuant to section 13
 31 of P.L.1981, c.262 (C.58:1A-13) or the potential for any other
 32 intrusion that may negatively impact the system;

33 (4) ¹**[(2)]** The¹ owner of the¹ system ¹**[has received an**
 34 environmental violation, has an existing unfulfilled] is a significant
 35 noncomplier, as defined pursuant to section 3 of P.L.1977, c.7
 36 (C.58:10A-3), has been the subject of a formal enforcement action
 37 initiated by the department, or is substantially out of compliance
 38 with an¹ administrative consent order ¹, settlement agreement,
 39 stipulation of settlement, or judicial consent order entered into¹
 40 with the ¹**[Department of Environmental Protection, or has**
 41 previously entered into an administrative consent order with the
 42 Department of Environmental Protection with respect to the
 43 operation of the system] department¹; ¹or¹

44 ¹**[(5)] (3)**¹ There is a present deficiency ¹or violation of
 45 maximum contaminant levels established pursuant to the "Safe
 46 Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.),¹

1 concerning the availability or potability of water, or concerning the
2 provision of water at adequate volume or pressure, ¹and the owner
3 lacks the financial or structural capability to immediately and
4 adequately repair or otherwise alleviate the deficiency] or
5 distribution or treatment of wastewater¹; ¹or

6 (6) (4)¹ There is ¹a demonstrated lack of historical investment,
7 repair, or sustainable maintenance as determined by the department,
8 or¹ material damage to the infrastructure of the system ¹and the
9 owner lacks the financial or structural capability to immediately and
10 adequately repair or otherwise alleviate the damage] ; or

11 (5) The system owner lacks the financial, technical, or
12 managerial capacity to adequately address any of the foregoing on a
13 sustainable basis or own and operate the system in a way that
14 supports economic activity in the municipality on a sustainable
15 basis¹.

16 c. ¹Should the owner determine that one or more emergent
17 conditions contained in subsection b. of this section exists and that
18 it is necessary to take steps to effectuate the sale or long-term lease
19 of its water or wastewater assets to a capable private or public
20 entity pursuant to this act to address these emergent conditions and
21 to operate and maintain the system, the owner shall through the
22 utilization of applicable public procurement laws of the State of
23 New Jersey retain the services of an independent financial advisor
24 to review, analyze and report on the value of the system and the
25 short and long term impacts to rate-payers of the cash-flow
26 structure of the proposed transaction and to provide an estimate as
27 to the financial requirements necessary to address the emergent
28 conditions and to operate and maintain the system. Upon
29 completion of the analysis and review, the independent financial
30 advisor shall transmit its report to the owner. Within 10 days of the
31 approval of the report by the owner, the owner shall transmit copies
32 to the board, the director, and the department and shall make the
33 report available for public review.

34 d.¹ After ¹an emergent conditions certification is made] the
35 independent financial advisor has completed its analysis of the
36 financial aspects of the proposed transaction and has presented its
37 report to the owner¹, a public hearing on the ¹proposed emergent
38 condition¹ certification shall be held. The owner shall provide
39 notice of the public hearing no less than ¹10] ¹30¹ days prior to the
40 date of the hearing. The notice shall prominently state ¹the findings
41 upon which the certification of emergent conditions is based, a
42 summary of the findings by the independent financial advisor and¹
43 that the certification is in anticipation of a ¹proposed long-term¹
44 lease or sale of water or wastewater assets to a ¹capable¹ private ¹or
45 public¹ entity. ¹If the owner is a municipality or municipal
46 utilities authority, notice] Notice¹ of the public hearing shall be

1 published on the official Internet website of the municipality and at
2 least once in one or more newspapers circulating in the
3 municipality. ¹ **【If the owner is a county utilities authority, notice】**
4 Notice¹ of the public hearing shall be published on the official
5 Internet website of the county and at least once in one or more
6 newspapers circulating in the county. ¹ **【If the owner is a regional**
7 **utilities authority, notice of the public hearing shall be published on**
8 **the official Internet website of the authority and at least once in one**
9 **or more newspapers circulating in the region.】**¹ If an applicable
10 official website does not exist, notice of the public hearing shall be
11 published on the official Internet website of the Department of
12 Community Affairs.

13 ¹ **【d.】 e.**¹ After the public hearing ¹ and after giving due
14 consideration to the findings of the independent financial advisor¹,
15 the governing body of the owner shall, by resolution ¹ adopted by at
16 least two-thirds of its authorized membership¹, ¹ **【cause the**
17 **emergent conditions certification to be submitted to the Department**
18 **of Environmental Protection for approval. The Department of**
19 **Environmental Protection shall approve or reject a certification**
20 **within 30 days of receipt thereof. If no disposition is made within**
21 **30 days, the certification shall be deemed approved】** certify that one
22 or more emergent conditions exist and that owner intends to sell or
23 long-term lease its water or wastewater assets to a capable private
24 or public entity to address these emergent conditions and to operate
25 and maintain the system Within five days of the adoption of the
26 resolution, the governing body of the owner shall transmit a true
27 copy of the resolution, to the department, the board, and the
28 director. Within 30 days of receipt of the resolution by the
29 department, the department shall approve or reject the owner's
30 emergent conditions certification as contained in the resolution¹.

31 ¹ **【e.】 f.**¹ Upon receipt of the approval of the emergent
32 conditions certification by the Department of Environmental
33 Protection, the owner shall publish notice of the approval ¹ if the
34 owner chooses to proceed with the sale or long-term lease of its
35 water or wastewater assets to a capable private or public entity¹.
36 The notice shall prominently state that the certification is in
37 anticipation of a ¹ long-term¹ lease or sale of water or wastewater
38 assets to a ¹ capable¹ private ¹ or public¹ entity. ¹ **【If the owner is a**
39 **municipality or municipal utilities authority, notice】** Notice¹ of the
40 approval shall be published on the official Internet website of the
41 municipality and at least once in one or more newspapers
42 circulating in the municipality, and shall prominently state that a
43 petition may be filed within ¹ **【20】 45**¹ days after the publication of
44 such notice to require a referendum before a resolution authorizing
45 the ¹ long-term¹ lease or sale of water or wastewater assets may take
46 effect. ¹ **【If the owner is a county utilities authority, notice of the**

1 approval shall be published on the official Internet website of the
2 county and at least once in one or more newspapers circulating in
3 the county. If the owner is a regional utilities authority, notice of
4 the approval shall be published on the official Internet website of
5 the authority and at least once in one or more newspapers
6 circulating in the region.】¹ If an applicable official website does
7 not exist, notice of the approval shall be published on the official
8 Internet website of the Department of Community Affairs.

9 ¹【f. If the owner is a municipality or municipal utilities
10 authority, a】 g. A¹ petition may be filed with the municipal clerk,
11 no later than ¹【20】 45¹ days after the notice of the approval of the
12 emergent conditions certification is published, protesting the lease
13 or sale of water or wastewater assets without a public referendum.
14 If the petition is signed by a number of legal voters of the
15 municipality equal to at least 15% of the total votes cast in the
16 municipality at the last election at which members of the General
17 Assembly were elected, a resolution to lease or sell water or
18 wastewater assets shall not take effect unless the lease or sale of
19 such assets is approved pursuant to R.S.40:62-4 and R.S.40:62-5. If
20 a petition is not filed pursuant to this subsection, a resolution to
21 lease or sell water or wastewater assets shall not be subject to a
22 public referendum.

23
24 6. (New section) a. A request for qualifications ¹from a
25 capable private or public entity wishing to be considered for the
26 long-term lease or sale of the owner's system¹ shall be advertised
27 ¹【pending approval of】 after¹ the emergent conditions certification
28 pursuant to subsection ¹【d.】 e.¹ of section 5 of P.L. , c. (C.)
29 (pending before the Legislature as this bill), but no less than 30
30 days prior to the date on which responses to the request are due.
31 ¹【If the owner is a municipality or municipal utilities authority,
32 the】 The¹ advertisement of the request for qualifications shall be
33 published on the official Internet website of the municipality and at
34 least once in one or more newspapers circulating in the
35 municipality. ¹【If the owner is a county utilities authority, the
36 advertisement of the request for qualifications shall be published on
37 the official Internet website of the county and at least once in one or
38 more newspapers circulating in the county. If the owner is a
39 regional utilities authority, the advertisement of the request for
40 qualifications shall be published on the official Internet website of
41 the authority and at least once in one or more newspapers
42 circulating in the region.】¹ An owner shall also publish the
43 advertisement of the request for qualifications at least once in one
44 or more newspapers with Statewide circulation. If an applicable
45 official website does not exist, the advertisement of the request for
46 qualifications shall be published on the official Internet website of
47 the Department of Community Affairs.

1 b. After an emergent conditions certification is ¹[approved]
2 made¹ pursuant to subsection ¹[d.] e.¹ of section 5 of P.L. ,
3 c. (C.) (pending before the Legislature as this bill), the
4 owner shall determine the qualified respondents. The owner shall
5 issue a request for proposals to each qualified respondent no less
6 than 14 days prior to the date established for submission of the
7 proposals. The request for proposals shall include relevant
8 technical submissions, documents, and criteria including but not
9 limited to a description of the facilities and the debt related thereto
10 and the evaluation criteria to be used in the selection of the
11 designated respondent. ¹The proposals shall include and shall be
12 evaluated by, at a minimum, the following:

13 (1) the documented deficiencies of the owner's system upon
14 which the emergent conditions certification is based and a
15 description of the corrective measures to be undertaken by the
16 respondent to address and correct the identified emergent
17 conditions;

18 (2) a description of the financial, managerial, and technical
19 capabilities of the respondent to operate and maintain the system in
20 compliance with all applicable State and federal laws and
21 regulations, as well as a description of all the respondent's
22 outstanding and pending violations of the "Pollution Prevention
23 Act," P.L.1991, c.235 (C.13:1D-35 et seq.); P.L.1942, c.308
24 (C.58:11-9.1 et seq.); "The Realty Improvement Sewerage and
25 Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23 et seq.); and the
26 "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.);

27 (3) an analysis of the relevant expenditures associated with such
28 activities and the projected impact on customer rates;

29 (4) an analysis of any Internal Revenue Code or other tax code
30 issues that may arise from the long-term lease or sale of a publicly
31 funded water or wastewater asset, as well as any potential short-
32 term or long-term costs arising there from;

33 (5) a long-term capital improvement or asset management plan;
34 and

35 (6) any other pertinent information required of or deemed
36 appropriate by the owner.¹

37 c. Upon a review of the proposals submitted by qualified
38 respondents, the governing body of an owner shall, by resolution
39 ¹adopted by at least two-thirds of its authorized membership¹,
40 designate one qualified respondent, whose proposal the governing
41 body finds to be the most advantageous to the public, taking into
42 consideration the evaluation criteria set forth in the request for
43 proposals ¹and as specified under subsection b. of this section¹.
44 The resolution shall include ¹a detailed summary of¹ the governing
45 body's findings that the proposal of the designated respondent is
46 most advantageous to the public. ¹The summary shall be published

1 in accordance with the notification requirements of section 5 of
2 P.L. , c. (C.) (pending before the Legislature as this bill).¹
3

4 7. (New section) a. After the designated respondent is
5 selected, negotiations for a contract for the lease or sale of the water
6 or wastewater assets may commence between the owner and the
7 designated respondent.

8 b. ¹(1) Every proposed contract shall include a clause stating
9 that to the extent it does not violate any existing collective
10 bargaining agreements between the capable private or public entity
11 and its employees, the capable private or public entity shall give
12 first consideration in hiring to any public employees displaced by
13 the long-term lease or sale of the water or waste water assets.

14 ⁽²⁾¹ After an agreement on a proposed contract is reached
15 between the owner and the designated respondent, the governing
16 body of the owner shall, by resolution ¹adopted by at least two-
17 thirds of its authorized membership¹, cause the proposed contract to
18 be submitted to the board for approval and cause the proposed use
19 of proceeds of the ¹long-term¹ lease or sale to be submitted to the
20 director for approval.

21 c. (1) The proposed contract submitted to the board shall
22 include the rent or sale price, any appraisals supporting the rent or
23 sale price, documentation regarding the defeasance of debt, and any
24 other information requested by the board. The board shall approve
25 or reject the proposed contract within ¹~~30~~ 90¹ days of receipt
26 thereof. If no disposition is made within ¹~~30~~ 90¹ days, the
27 proposed contract shall be deemed approved.

28 (2) For the purposes of rate making and recovery, the board
29 shall accept the negotiated sale price between the owner and the
30 designated respondent as the new rate base effective as of the date
31 of the approval of the ¹long-term¹ lease or sale, as may be the case,
32 provided the price is deemed reasonable.

33 The rent or sale price shall be deemed reasonable if it meets the
34 following conditions:

35 (a) The rent or sale price is sufficient to defease the debt of the
36 owner; and either

37 (b) (i) The rent or sale price is within the range of any appraisals
38 obtained with respect to the ¹long-term¹ lease or sale of the water or
39 wastewater assets; or

40 (ii) If there is little or no established rate base for the water or
41 wastewater assets, the rent or sale price is reasonably comparable to
42 a proxy rate base equivalent to the rate base of the designated
43 respondent.

44 (3) In valuing the water or wastewater assets, appraisers shall
45 comply with the Uniform Standards of Professional Appraisal
46 Practice promulgated by the Appraisal Standards Board of the
47 Appraisal Foundation.

1 (4) In valuing the water or wastewater assets and for the
2 purposes of rate making, the original source of funding for any part
3 of the water or wastewater assets shall not be relevant.

4 (5) Reasonable and prudent transaction, closing, and transition
5 costs incurred by the designated respondent shall be recoverable in
6 rates.

7 (6) The proposed use of proceeds submitted to the director shall
8 include the rent or sale price, the total ¹amount required to defease¹
9 debt ¹【payment amount】, any costs associated with compliance
10 with the Internal Revenue Code or other tax code that may arise
11 from the long-term lease or sale of a publicly funded water or
12 wastewater asset¹, the remaining proceeds after the ¹defeasance of¹
13 debt ¹【payment, the amount dedicated to】 and Internal Revenue
14 Service compliance costs, the amount dedicated to the following, in
15 order of priority: compliance with the provisions of the “Pollution
16 Prevention Act,” P.L.1991, c.235 (C.13:1D-35 et seq.); P.L.1942,
17 c.308 (C.58:11-9.1 et seq.); “The Realty Improvement Sewerage
18 and Facilities Act (1954),” P.L.1954, c.199 (C.58:11-23 et seq.);
19 and the “Safe Drinking Water Act,” P.L.1977, c.224 (C.58:12A-1 et
20 seq.), any outstanding fees or fines owed by the entity to any
21 federal, State, county or local governmental units, capital
22 improvements,¹ community ¹【and capital】¹ improvements, and
23 ¹【the amount dedicated for】¹ general purposes of the owner. The
24 amount dedicated to ¹【community and】¹ capital improvements
25 ¹shall comply with a previously adopted long-term capital
26 improvement plan or asset management plan, and¹ must represent at
27 least 50 percent of the remaining proceeds once the debt is
28 defeased. The director shall approve or reject the proposed use of
29 proceeds within 30 days of receipt thereof. If no disposition is
30 made within 30 days, the proposed use of proceeds shall be deemed
31 approved.

32
33 8. (New section) After the proposed contract and proposed use
34 of proceeds have been approved pursuant to subsection c. of section
35 7 of P.L. , c. (C.) (pending before the Legislature as this
36 bill), the governing body of the owner may, by resolution ¹adopted¹
37 by at least two-thirds of its authorized membership¹, enter into a
38 contract for the ¹long-term¹ lease or sale of the water or wastewater
39 assets with the designated respondent.

40
41 9. (New section) Any contractor or subcontractor hired by the
42 designated respondent, in the performance of a contract entered into
43 pursuant to section 8 of P.L. , c. (C.) (pending before the
44 Legislature as this bill), shall ¹;

45 a. (1) be paid, or pay any worker employed by the contractor or
46 subcontractor, not less than the wage rate for their craft or trade as
47 determined by the Commissioner of Labor and Workforce

1 Development pursuant to the provisions of the “New Jersey
2 Prevailing Wage Act,” P.L.1963, c.150 (C.34:11-56.25 et seq.) and
3 shall comply with the requirements of section 2 of P.L.2007, c.343
4 (C.34:13B-2.1);

5 b.¹ only employ a worker from an apprenticeable trade who is
6 either an apprentice participating in a registered apprenticeship
7 program or who has completed a registered apprenticeship program,
8 unless the contractor or subcontractor certifies that each such
9 worker shall be paid no less than the journeyman rate established
10 for the apprenticeable trade performed pursuant to P.L.1963, c.150
11 (C.34:11-56.25 et seq.) ¹and;

12 c. all contractors and subcontractors shall comply with the
13 provisions of “The Public Works Contractor Registration Act,”
14 P.L.1999, c.238 (C.34:11-56.48 et. seq.)¹.

15

16 10. R.S.40:62-3 is amended to read as follows:

17 40:62-3. Any municipality owning a sewer plant, water plant,
18 heat, light or power plant, system of transportation, or other public
19 utility plant or system, may ¹long-term¹ lease or sell such plant or
20 system. Such a ¹long-term¹ lease or sale to another municipality, a
21 sanitary sewerage authority, a sewerage authority or any other
22 authority, commission or public body shall be authorized by
23 ordinance and may be made upon such terms as said ordinance shall
24 provide and the provisions of R.S.40:62-4 and R.S.40:62-5 shall not
25 apply thereto. Such a ¹long-term¹ lease or sale to any person except
26 another municipality, a sanitary sewerage authority, a sewerage
27 authority or any other authority, commission or public body shall,
28 except as otherwise provided by law, be made only upon
29 compliance with the provisions of R.S.40:62-4 and R.S.40:62-5 and
30 after the same is authorized by the legal voters of the municipality
31 in accordance with said sections , or upon compliance with the
32 provisions of section 2 of P.L.1981, c.16 (C.40:62-3.1) or the
33 “Water Infrastructure Protection Act,” sections 1 through 9 of
34 P.L. , c. (C.) (pending before the Legislature as this bill).
35 (cf: P.L.1981, c.16, s.1)

36

37 11. This act shall take effect immediately.