

SENATE, No. 648

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Requires certain public officials to complete course of study developed by Commissioner of Community Affairs on operation of public water and wastewater systems.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** requiring certain public officials to complete a course of
2 study on the operation of public water and wastewater systems,
3 supplementing chapter 27D of Title 52 of the Revised Statutes,
4 and amending various parts of the statutory law.

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

8
9 1. (New section) a. The Commissioner of Community Affairs
10 shall prepare and offer, not later than the first day of the seventh
11 month next following the effective date of P.L. , c. (C.)
12 (pending before the Legislature as this bill), a basic course to be
13 completed by any elected or appointed person having direct
14 budgetary authority over public water and wastewater systems,
15 concerning the management of the finances, including the adoption
16 of the annual budget, and the infrastructure of public water and
17 wastewater systems. The Commissioner shall require the course to
18 be completed by every person first appointed or elected to a county
19 or municipal office having direct budgetary authority over the
20 finances of a public water or wastewater system, after the effective
21 date of P.L. , c. (C.) (pending before the Legislature as this
22 bill), and any person first appointed as a member of a commission
23 or an authority having direct budgetary authority over the finances
24 of a public water or wastewater system, after the effective date of
25 P.L. , c. (C.) (pending before the Legislature as this bill).
26 Any person who is serving in any of those capacities on the first
27 date on which that course is offered shall be required to complete
28 that course within 18 months of the date upon which the course is
29 first offered.

30 b. The basic course to be prepared and offered pursuant to this
31 section shall consist of no more than five hours of scheduled
32 instruction and shall be structured so that a person may satisfy this
33 requirement within one calendar day. The commissioner shall
34 consult with the New Jersey Association of Environmental
35 Authorities in establishing standards for the curriculum and the
36 administration of the course of study.

37 For the purposes of this section, “public water and wastewater
38 system” shall mean a public water or wastewater system created
39 pursuant to the following laws of this State:

40 the “sewerage authorities law,” P.L.1946, c.138 (C.40:14A-1 et
41 seq.);

42 the “municipal and county utilities authorities law,” P.L.1957,
43 c.183 (C.40:14B-1 et seq.);

44 the “Municipal and County Sewerage Act,” P.L.1991, c.53
45 (C.40A:26A-1 et seq.);

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.

1 the "County and Municipal Water Supply Act," P.L.1989, c.109
2 (C.40A:31-1 et seq.);
3 the "county improvement authorities law," P.L.1960, c.183
4 (C.40:37A-44 et seq.);
5 the "New Jersey Pollution Control Financing Law," P.L.1973,
6 c.376 (C.40:37C-1 et seq.);
7 R.S.58:14-1 et seq.;
8 R.S.40:62-109 et seq.;
9 the "New Jersey Water Supply Authority Act," P.L.1981, c.293
10 (C.58:1B-1 et seq.);
11 the North Jersey water supply district and the South Jersey water
12 supply district law, P.L.1916, c.70 (C.58:5-1);
13 the municipal water district law, R.S.40:62-96 et seq.; and
14 with respect to joint meetings, P.L.1960, c.3 (C.40:48B-2.1 et
15 seq.) and sections 15 and 16 of the "Uniform Shared Services and
16 Consolidation Act," P.L.2007, c.63 (C.40A:65-15 and C.40A:65-
17 16).

18
19 2. Section 4 of P.L.1946, c.4 (C.40:14A-4) is amended to read
20 as follows:

21 4. (a) The governing body of any county may, by resolution
22 duly adopted, create a public body corporate and politic under the
23 name and style of "the sewerage authority," with all or any
24 significant part of the name of such county inserted. Said body
25 shall consist of the five members thereof, who shall be appointed by
26 resolution of the governing body as hereinafter in this section
27 provided, together with the additional members thereof, if any,
28 appointed as hereinafter in subsection (i) of this section provided,
29 and it shall constitute the sewerage authority contemplated and
30 provided for in this act and an agency and instrumentality of said
31 county. After the taking effect of the resolution for the creation of
32 said body and the filing of a certified copy thereof as in subsection
33 (d) of this section provided, five persons shall be appointed as the
34 members of the sewerage authority. The members first appointed
35 shall, by the resolution of appointment, be designated to serve for
36 terms respectively expiring on the first days of the first, second,
37 third, fourth and fifth Februaries next ensuing after the dates of
38 their appointments. On or after January 1 in each year after such
39 first appointments, one person shall be appointed as a member of
40 the sewerage authority to serve for a term commencing on February
41 1 in such year and expiring on February 1 in the fifth year after such
42 year. In the event of a vacancy in the membership of the sewerage
43 authority occurring during an unexpired term of office, a person
44 shall be appointed as a member of the sewerage authority to serve
45 for such unexpired term.

46 (b) The governing body of any municipality may, by ordinance
47 duly adopted, create a public body corporate and politic under the
48 name and style of "the sewerage authority," with all or any

1 significant part of the name of such municipality inserted. A
2 sewerage authority created pursuant to this section by a
3 municipality other than a city of the first class shall consist of five
4 members and a sewerage authority created pursuant to this section
5 by a municipality which is a city of the first class shall consist of
6 five or seven members, as determined by the governing body.
7 Members of the sewerage authority shall be appointed by resolution
8 of the governing body as hereinafter in this section provided, and
9 the authority shall constitute the sewerage authority contemplated
10 and provided for in this act and an agency and instrumentality of
11 said municipality. After the taking effect of such ordinance and the
12 filing of a certified copy thereof as in subsection (d) of this section
13 provided, the members of the sewerage authority shall be appointed.
14 The members first appointed shall, by the resolution of
15 appointment, be designated to serve for terms respectively expiring
16 as follows: the terms of the first four members shall expire in turn
17 on each of the first days of the first, second, third and fourth
18 Februaries next ensuing after the dates of their appointments, and
19 the remaining members shall be designated to serve for terms
20 expiring on the first day of the fifth February next ensuing after the
21 date of their appointment. On or after January 1 in each year after
22 such first appointments, one person shall be appointed or
23 reappointed as a member of the sewerage authority to succeed each
24 member whose term is expiring, and shall serve for a term
25 commencing on February 1 in such year and expiring on February 1
26 in the fifth year after such year. In the event of a vacancy in the
27 membership of the sewerage authority occurring during an
28 unexpired term of office, a person shall be appointed as a member
29 of the sewerage authority to serve for such unexpired term.

30 The governing body of a municipality which is a city of the first
31 class may increase the membership of its sewerage authority to
32 seven members from five members. The two additional members
33 shall be appointed to serve five-year terms, commencing on the
34 February 1 next following their appointment and expiring on
35 February 1 in the fifth year after their appointment.

36 (c) The governing bodies of any two or more municipalities or
37 any two or more counties, the areas of which together comprise an
38 integral body of territory, may, by parallel ordinances, or in the case
39 of counties, by parallel resolutions, duly adopted by each of such
40 governing bodies within any single calendar year, create a public
41 body corporate and politic under the name and style of "the
42 sewerage authority," with all or any significant part of the name of
43 each such municipality or county or some identifying geographical
44 phrase inserted. Said body shall consist of the members thereof, in
45 an aggregate number determined as hereinafter in this subsection
46 provided, who shall be appointed by resolutions of the several
47 governing bodies as hereinafter in this section provided, and it shall
48 constitute the sewerage authority contemplated and provided for in

1 this act and an agency and instrumentality of the said municipalities
2 or counties. The number of members of the sewerage authority to be
3 appointed at any time for full terms of office by the governing body
4 of any such municipality or county shall be as may be stated in said
5 ordinances or resolutions, which shall be not less than one nor more
6 than three. After the taking effect of the said ordinances or
7 resolutions of all such municipalities or counties and after the filing
8 of certified copies thereof as in subsection (d) of this section
9 provided, the appropriate number of persons shall be appointed as
10 members of the sewerage authority by the governing body of each
11 municipality or county. In the case of municipalities or counties
12 which by ordinance or resolution are entitled to appoint only one
13 member of the authority, the total number of members, if five or
14 more, shall be divided into five classes as nearly equal as possible,
15 except that if there are less than five members, each member shall
16 constitute a class. The members initially appointed shall be
17 appointed for such terms that the terms of one class shall expire on
18 the first day of each of the first, second, third, fourth and fifth
19 Februaries next ensuing the date of appointment. In the event the
20 several municipalities or counties cannot agree on the terms of the
21 respective representatives, such terms shall be determined by lot.
22 On or after January 1 in each year after such appointments, the
23 expiring terms shall be filled by the appointment for terms
24 commencing February 1 in such year and expiring on the first day
25 of the fifth February next ensuing.

26 Upon the expiration of the terms of office of members, in office
27 on July 1, 1970, of sewerage authorities created by two or more
28 municipalities or counties, where only one member is appointed by
29 any participating municipality or county, their immediate
30 successors, except for appointments to fill vacancies, shall be
31 appointed for designated terms of one, two, three, four or five years
32 in the same manner as in this subsection (c) provided as to initial
33 appointees.

34 In municipalities or counties entitled to appoint three members,
35 the appointing authority shall designate one of the initial appointees
36 to serve for a term of three years, one for four years and one for five
37 years. In municipalities or counties entitled to appoint two
38 members, the appointing authority shall designate one of the initial
39 appointees to serve for a term of five years and one for four years.
40 On or after January 1 in the year in which expire the terms of the
41 said members first appointed and in every fifth year thereafter, the
42 appropriate number of persons shall be appointed as members of the
43 sewerage authority by the governing body of each municipality or
44 county, to serve for terms commencing on February 1 in such year
45 and expiring on February 1 in the fifth year after such year. In the
46 event of a vacancy in the membership of the sewerage authority
47 occurring during the unexpired term of office, a person shall be
48 appointed as a member of the sewerage authority to serve for such

1 unexpired term by the governing body which made the original
2 appointment for such unexpired term.

3 Upon the expiration of the terms of office of members, in office
4 on July 1, 1967, of sewerage authorities created by two or more
5 municipalities or counties, where more than one member is
6 appointed by any participating municipality or county, their
7 immediate successors, except for appointments to fill vacancies,
8 shall be appointed for designated terms of three, four or five years
9 in the same manner as in this subsection (c) provided as to initial
10 appointees.

11 (d) A copy of each resolution or ordinance for the creation of a
12 sewerage authority adopted pursuant to this section, duly certified
13 by the appropriate officer of the local unit, shall be filed in the
14 office of the Secretary of State. Upon proof of such filing of a
15 certified copy of the resolution or ordinance or of certified copies of
16 the parallel ordinances for the creation of a sewerage authority as
17 aforesaid, the sewerage authority therein referred to shall, in any
18 suit, action or proceeding involving the validity or enforcement of,
19 or relating to, any contract or obligation or act of the sewerage
20 authority, be conclusively deemed to have been lawfully and
21 properly created and established and authorized to transact business
22 and exercise its powers under this act. A copy of any such certified
23 resolution or ordinance, duly certified by or on behalf of the
24 Secretary of State, shall be admissible in evidence in any suit,
25 action or proceeding.

26 (e) A copy of each resolution appointing any member of a
27 sewerage authority adopted pursuant to this section, duly certified
28 by the appropriate officer of the local unit, shall be filed in the
29 office of the Secretary of State. A copy of such certified resolution,
30 duly certified by or on behalf of the Secretary of State, shall be
31 admissible in evidence in any suit, action or proceeding and, except
32 in a suit, action or proceeding directly questioning such
33 appointment, shall be conclusive evidence of the due and proper
34 appointment of the member or members named therein.

35 (f) The governing body of a county which may create or join in
36 the creation of any sewerage authority pursuant to this section shall
37 not thereafter create or join in the creation of any other sewerage
38 authority. No governing body of any municipality constituting the
39 whole or any part of a district shall create or join in the creation of
40 any sewerage authority except upon the written consent of the
41 sewerage authority and in accordance with the terms and conditions
42 of such consent, and in the event such consent be given and a
43 sewerage authority be created pursuant thereto, the terms and
44 conditions of such consent shall thereafter be in all respects binding
45 upon such municipality and the sewerage authority so created, and
46 any system of sewers or sewage disposal plants constructed or
47 maintained in conformity with the terms and conditions of such
48 consent by the sewerage authority so created shall be deemed not to

1 be competitive with the sewerage systems of the sewerage authority
2 giving such consent. In the event that prior to the creation of a
3 sewerage authority of a county the governing body of any
4 municipality located in said county shall have created or joined in
5 the creation of a sewerage authority, the area within the territorial
6 limits of such municipality shall not be part of the district of the
7 sewerage authority of said county.

8 (g) Within 10 days after the filing in the office of the Secretary
9 of State of a certified copy of a resolution for the creation of a
10 sewerage authority adopted by the governing body of any county
11 pursuant to this section, a copy of such resolution, duly certified by
12 the appropriate officer of the county, shall be filed in the office of
13 the clerk of each municipality within the county. In the event that
14 the governing body of any such municipality shall, within 60 days
15 after such filing in the office of the Secretary of State, adopt a
16 resolution determining that such municipality shall not be a part of
17 the district of such sewerage authority and file a copy thereof, duly
18 certified by its clerk, in the office of the Secretary of State, the area
19 within the territorial limits of such municipality shall not thereafter
20 be part of such district, but at any time after the adoption of such
21 resolution, the governing body of such municipality may, by
22 ordinance duly adopted, determine that such area shall again be a
23 part of such district, and if thereafter a copy of such ordinance, duly
24 certified by the appropriate officer of such municipality, together
25 with a certified copy of a resolution of such sewerage authority
26 approving such ordinance, shall be filed in the office of the
27 Secretary of State, then from and after such filing the area within
28 the territorial limits of such municipality shall forever be part of
29 such district.

30 (h) The governing body of any local unit which has created a
31 sewerage authority pursuant to subsection (a) or subsection (b) of
32 this section may, in the case of a county by resolution duly adopted
33 or in the case of a municipality by ordinance duly adopted, dissolve
34 such sewerage authority on the conditions set forth in this
35 subsection. The governing bodies of two or more local units which
36 have created a sewerage authority pursuant to subsection (c) of this
37 section may, by parallel ordinances duly adopted by each of such
38 governing bodies within any single calendar year, dissolve such
39 sewerage authority on the conditions set forth in this subsection.
40 Such a sewerage authority may be dissolved on condition that (1)
41 either the members of such authority have not been appointed or the
42 sewerage authority, by resolution duly adopted, consents to such
43 dissolution, and (2) the sewerage authority has no debts or
44 obligations outstanding. Upon the dissolution of any sewerage
45 authority in the manner provided in this subsection, the governing
46 body or bodies dissolving such sewerage authority shall be deemed
47 never to have created or joined in the creation of a sewerage
48 authority. A copy of each resolution or ordinance for the

1 dissolution of a sewerage authority adopted pursuant to this
2 subsection, duly certified by the appropriate officer of the local
3 unit, shall be filed in the office of the Secretary of State. Upon
4 proof of such filing of a certified copy of the resolution or
5 ordinance or of certified copies of the parallel ordinances for the
6 dissolution of a sewerage authority as aforesaid and upon proof that
7 such sewerage authority had no debts or obligations outstanding at
8 the time of the adoption of such resolution, ordinance or ordinances,
9 the sewerage authority therein referred to shall be conclusively
10 deemed to have been lawfully and properly dissolved and the
11 property of the sewerage authority shall be vested in the local unit
12 or units. A copy of any such certified resolution or ordinance, duly
13 certified by or on behalf of the Secretary of State, shall be
14 admissible in evidence in any suit, action or proceeding.

15 (i) Whenever the sewerage authority of any county shall certify
16 to the governing body of any county that it has entered into a
17 contract pursuant to section 23 of this act with one or more
18 municipalities situate within any other county, one additional
19 member of the sewerage authority for each such other county shall
20 be appointed by resolution of the governing body of such other
21 county as in this section provided. The additional member so
22 appointed for any such other county, and his successors, shall be a
23 resident of one of said municipalities situate within such other
24 county. The additional member first appointed or to be first
25 appointed for any such other county shall serve for a term expiring
26 on the first day of the fifth February next ensuing after the date of
27 such appointment, and on or after January 1 in the year in which
28 expires the term of the said additional member first appointed and
29 in every fifth year thereafter, one person shall be appointed by said
30 governing body as a member of the sewerage authority as successor
31 to said additional member, to serve for a term commencing on
32 February 1 in such year and expiring on February 1 in the fifth year
33 after such year. If after such appointment of an additional member
34 for any such other county the sewerage authority shall certify to
35 said governing body of such other county that it is no longer a party
36 to a contract entered into pursuant to section 23 of this act with any
37 municipality situate within such other county, the term of office of
38 such additional member shall thereupon cease and expire and no
39 additional member for such other county shall thereafter be
40 appointed.

41 (j) If a municipality, the governing body of which has created a
42 sewerage authority pursuant to subsection (b) of this section, has
43 been or shall be consolidated with another municipality, the
44 governing body of the new consolidated municipality may, by
45 ordinance duly adopted, provide that the members of the sewerage
46 authority shall thereafter be appointed by the governing body of
47 such new consolidated municipality, which shall make appointment
48 of members of the sewerage authority by resolution as hereinafter in

1 this subsection provided. On or after the taking effect of such
2 ordinance, one person shall be appointed as a member of the
3 sewerage authority for a term commencing on February 1 in each
4 year, if any, after the date of consolidation, in which has or shall
5 have expired the term of a member of the sewerage authority
6 theretofore appointed by the governing body of the municipality
7 which has been or shall be so consolidated, and expiring on
8 February 1 in the fifth year after such year. Thereafter, on or after
9 January 1 in each year, one person shall be appointed as a member
10 of the sewerage authority to serve for a term commencing on
11 February 1 in such year and expiring February 1 in the fifth year
12 after such year. In the event of a vacancy in the membership of the
13 sewerage authority occurring during an unexpired term of office, a
14 person shall be appointed as a member of the sewerage authority to
15 serve for such unexpired term. Each member of the sewerage
16 authority appointed by the governing body of a municipality which
17 has been or shall be so consolidated shall continue in office until his
18 successor has been appointed as in this subsection provided and has
19 qualified.

20 (k) If a municipality, the governing body of which has created a
21 sewerage authority pursuant to subsection (b) of this section, has
22 been or shall be consolidated with another municipality, the
23 governing body of the new consolidated municipality, subject to the
24 rights of the holders, if any, of bonds issued by the sewerage
25 authority, and upon receipt of the sewerage authority's written
26 consent thereto, may provide, by ordinance duly adopted, that the
27 area within the territorial boundaries of the new consolidated
28 municipality shall constitute the district of the sewerage authority,
29 and upon the taking effect of such ordinance, such area shall
30 constitute the district of the sewerage authority. Until the taking
31 effect of such ordinance, the district of the sewerage authority shall
32 be the area within the territorial boundaries, as they existed at the
33 date of the consolidation, of the municipality the governing body of
34 which created the sewerage authority.

35 (l) Whenever, with the approval of any sewerage authority
36 created by the governing bodies of two or more municipalities, any
37 other municipality not constituting part of the district shall convey
38 to the sewerage authority all or any part of a system of main, lateral
39 or other sewers or other sewerage facilities located within the
40 district and theretofore owned and operated by such other
41 municipality, then, if so provided in the instruments of such
42 conveyance, one additional member of the sewerage authority for
43 such other municipality shall be appointed by resolution of its
44 governing body as in this section provided. The additional member
45 so appointed for such municipality, and his successors, shall be
46 residents of such municipality. The additional member first
47 appointed or to be first appointed for such municipality shall serve
48 for a term expiring on the first day of the fifth February next

1 ensuing after the date of such appointment, and on or after January
2 1 in the year in which expires the term of the said additional
3 member first appointed and in every fifth year thereafter, one
4 person shall be appointed by said governing body as a member of
5 the sewerage authority as successor to said additional member, to
6 serve for a term commencing on February 1 in such year and
7 expiring on February 1 in the fifth year after such year. If at any
8 time after such conveyance of sewers or sewerage facilities by a
9 municipality its governing body shall adopt a resolution
10 determining not thereafter to be represented in the membership of
11 the sewerage authority and shall file a copy thereof duly certified by
12 its clerk in the office of the sewerage authority, the term of office of
13 any such additional member theretofore appointed for such
14 municipality shall thereupon cease and expire and no additional
15 member for such municipality shall thereafter be appointed.

16 (m) (i) The governing body of any municipality which is
17 contiguous to the district of a sewerage authority created by the
18 governing bodies of two or more other municipalities may at any
19 time, by ordinance duly adopted, propose that the whole or any part
20 of the area herein referred to as "service area" within the territorial
21 limits of such municipality shall be a part of said contiguous
22 district. Such ordinance shall (1) state the number of members of
23 the sewerage authority, not less than one nor more than three,
24 thereafter to be appointed for full terms of office by the governing
25 body of such municipality, and (2) determine that, after the filing of
26 a certified copy thereof and of a resolution of the sewerage
27 authority in accordance with this subsection, such service area shall
28 be a part of said contiguous district. If thereafter a copy of such
29 ordinance duly certified by the appropriate officer of such
30 municipality, together with a certified copy of a resolution of said
31 sewerage authority approving such ordinance, shall be filed in the
32 office of the Secretary of State, then from and after such filing the
33 service area shall forever be part of said contiguous district and said
34 sewerage authority shall consist of the members thereof acting or
35 appointed as in this section provided and constitute an agency and
36 instrumentality of such municipality, as well as such other
37 municipalities. The governing body of the said municipality so
38 becoming part of said contiguous district shall thereupon appoint
39 members of the sewerage authority in the number stated in such
40 ordinance, for periods and in the manner provided for the first
41 appointment of members of a sewerage authority under subsection
42 (c) of this section.

43 (ii) If the service area of such municipality shall then be part of
44 the district of any other sewerage authority or municipal authority,
45 such other authority shall, by resolution adopted not more than one
46 year prior to the adoption of such ordinance, consent to the
47 inclusion of the service area in the district of said contiguous
48 district, and the service area shall become part of said contiguous

1 district as aforesaid and shall no longer be part of the district of
2 such other authority for sewerage purposes. If only part of the area
3 within the territorial limits of such municipality shall constitute the
4 service area to become part of said contiguous district, the service
5 area shall be that so designated or shown on a map thereof bearing
6 legend or reference to this section and filed in the office of the clerk
7 of such municipality and in the office of the secretary of each
8 authority referred to in this section, and such map shall be
9 incorporated by a reference thereto in such ordinance and resolution
10 as or for a description of the service area. For all the purposes of
11 this act, such sewerage authority shall be deemed to have been
12 created by the governing body of such municipality jointly with the
13 other municipalities (the territorial areas of which constitute the
14 district of such contiguous authority), and such municipality shall
15 have all powers, duties, rights and obligations provided for by this
16 act or any other law for or with respect to such sewerage authority
17 or any other sewerage authority or municipal authority,
18 notwithstanding that only a part of the area within the territorial
19 limits of such municipality shall become part of said contiguous
20 district.

21 (n) The governing body of a county or municipality may
22 provide, in the ordinance or resolution creating the sewerage
23 authority, for not more than two alternate members. Alternate
24 members shall be designated by the governing body as "Alternate
25 No. 1" and "Alternate No. 2" and shall serve during the absence or
26 disqualification of any regular member or members. The governing
27 body of the county or municipality shall provide by ordinance or
28 resolution for the order in which the alternates shall serve. The
29 term of each alternate member shall be five years commencing on
30 February 1 of the year of appointment; provided, however, that in
31 the event two alternate members are appointed their initial terms
32 shall be four and five years, respectively. The terms of the first
33 alternate members appointed pursuant to this amendatory act shall
34 commence on the dates of their appointments and shall expire on
35 the fourth or fifth January 31 next ensuing after the dates of their
36 appointments, as the case may be. Alternate members may
37 participate in discussions of the proceedings but may not vote,
38 except in the absence or disqualification of a regular member. A
39 vote shall not be delayed in order that a regular member may vote
40 instead of an alternate member.

41 (o) Whenever any sewerage authority has entered into a contract
42 for the treatment or disposal of sewage originating in the district,
43 pursuant to section 23 of P.L.1946, c.138 (C.40:14A-23), with any
44 contiguous sewerage authority, then, with the approval of the
45 contiguous sewerage authority, the sewerage authority may appoint,
46 by resolution duly adopted, two additional members to the
47 contiguous sewerage authority, as provided in this subsection. The
48 additional members shall be either residents of the district of the

1 sewerage authority or members or the executive director of the
2 sewerage authority. The additional members shall serve five year
3 terms, except that the additional members first appointed shall serve
4 for terms respectively expiring on the first days of the fourth and
5 fifth Februaries next ensuing after the dates of their appointments.
6 On or after January 1 in the years in which the terms of the
7 additional members expire, one person shall be appointed by the
8 sewerage authority as a member of the contiguous sewerage
9 authority as successor to the additional member, to serve for a term
10 commencing on February 1 of that year. Vacancies shall be filled
11 in the manner of the original appointments but for the unexpired
12 terms only. If a sewerage authority has entered into a contract with
13 a contiguous sewerage authority for the treatment or disposal of
14 sewage, and thereafter adopts a resolution determining not to be
15 represented in the membership of the contiguous sewerage authority
16 and files a copy thereof, duly certified by its secretary, in the office
17 of the contiguous sewerage authority, the terms of office of any
18 additional members shall cease and no additional members shall be
19 appointed thereafter.

20 On or after the first date on which a course in management of
21 public water and wastewater systems developed by the
22 Commissioner of Community Affairs pursuant to the provisions of
23 section 1 of P.L. , c. (C.) (pending before the
24 Legislature as this bill) is offered, a person shall not be seated as a
25 first-term member or alternate member of a sewerage authority
26 unless the person agrees to take that course, which the person shall
27 successfully complete within 18 months of assuming membership,
28 in order to retain membership on the authority. Any person who is
29 serving as a member or alternate member of a sewerage authority
30 on the first date on which that course is offered shall be required to
31 complete that course within 18 months of the date upon which the
32 course is first offered, in order to retain membership on the
33 authority.

34 A hearing or proceeding held, or decision or recommendation
35 made, by a member or alternate member of a sewerage authority
36 shall not be invalidated if a member or alternate member has
37 participated in the hearing or proceeding, or in the decision making
38 or recommendation, and that member or alternate member is
39 subsequently found not to have completed that course.
40 (cf: P.L.1994, c.85, s.1)

41
42 3. Section 4 of P.L.1957, c.183 (C.40:14B-4) is amended to
43 read as follows:

44 4. a. Any governing body may, in the case of a county by
45 resolution or ordinance duly adopted, or in the case of a
46 municipality by ordinance duly adopted, create a public body
47 corporate and politic under the name and style of "the
48 municipal utilities authority," or of "the county utilities

1 authority," with the name of said county or municipality inserted.
2 Said body shall consist of the five members thereof, who, in the
3 case of a county utilities authority, shall be appointed by the county
4 governing body, or by the county executive pursuant to section 37
5 of P.L.1972, c.154 (C.40:41A-37), as appropriate. In the case of a
6 municipal utilities authority, the governing body of a municipality
7 which is not organized under the town form of government pursuant
8 to the provisions of N.J.S.40A:62-5, or the mayor of a municipality
9 organized under the town form of government pursuant to the
10 provisions of N.J.S.40A:62-5 shall make the appointment. The
11 appointments shall constitute the county or municipal authority
12 contemplated and provided for in this act and an agency and
13 instrumentality of said county or municipality. After the taking
14 effect of the resolution or ordinance for the creation of said body
15 and the filing of a certified copy thereof as in section 7 of this act
16 provided, five persons shall be appointed as the members of the
17 county or municipal authority. The members first appointed shall,
18 by the resolution of appointment, be designated to serve for terms
19 respectively expiring on the first days of the first, second, third,
20 fourth and fifth Februaries next ensuing after the date of their
21 appointment. On or after January 1 in each year after such first
22 appointments, one person shall be appointed as a member of the
23 county or municipal authority to serve for a term commencing on
24 February 1 in such year and expiring on February 1 in the fifth year
25 after such year. In the event of a vacancy in the membership of the
26 county or municipal authority occurring during an unexpired term
27 of office, a person shall be appointed as a member of the county or
28 municipal authority to serve for such unexpired term.

29 b. (1) Any county governing body may provide by resolution or
30 ordinance as appropriate that the county utilities authority created
31 by it shall consist of seven members. The two additional members
32 first appointed pursuant to the resolution or ordinance shall be
33 designated to serve for terms respectively expiring on the first day
34 of the second and third Februaries next ensuing after the date of
35 their appointment. On or after January 1 in the year in which
36 expires the term of the additional member first appointed and in
37 every fifth year thereafter, one person shall be appointed as a
38 member of the county utilities authority by the county governing
39 body as a successor to such additional member, or reappointment of
40 the additional member, to serve for a term commencing on February
41 1 of such year and expiring on February 1 in the fifth year after
42 such year.

43 (2) Any county governing body may provide by resolution or
44 ordinance as appropriate that the county utilities authority created
45 by it shall consist of nine members. The four additional members
46 first appointed pursuant to said resolution or ordinance shall be
47 designated to serve for terms respectively expiring on the first day
48 of the second, third, fourth and fifth Februaries next ensuing after

1 the date of their appointment. On or after January 1 in the year in
2 which expires the term of said additional member first appointed
3 and in every fifth year thereafter, one person shall be appointed as a
4 member of the county utilities authority by said county governing
5 body as a successor to such additional member, to serve for a term
6 commencing on February 1 of such year and expiring on February 1
7 in the fifth year after such year.

8 c. Whenever the municipal authority of any county shall certify
9 to the governing body of any county that it has entered into a
10 contract pursuant to section 49 of this act (C.40:14B-49) with one
11 or more municipalities situate within any other county one
12 additional member of the municipal authority for each such other
13 county shall be appointed by the governing body of such other
14 county as in this section provided. The additional member so
15 appointed for any such other county, and his successors shall be a
16 resident of one of said municipalities situate within such other
17 county. The additional member first appointed or to be first
18 appointed for such other county shall serve for a term expiring on
19 the first day of the fifth February next ensuing after the date of such
20 appointment, and on or after January 1 in the year in which expires
21 the term of the said additional member first appointed, and in every
22 fifth year thereafter, one person shall be appointed by said
23 governing body as a member of the municipal authority as
24 successor to said additional member, to serve for a term
25 commencing on February 1 in such year and expiring on February 1
26 in the fifth year after such year. If after such appointment of an
27 additional member for such other county the municipal authority
28 shall certify to said governing body of such other county that it is
29 no longer a party to a contract entered into pursuant to section 49 of
30 this act (C.40:14B-49) with any municipality situate within such
31 other county, the term of office of such additional member shall
32 thereupon cease and expire and no additional member for such other
33 county shall thereafter be appointed.

34 d. In any county wherein a county sewer authority is
35 reorganized as a municipal authority pursuant to section 6 of this
36 act (C.40:14B-6), its governing body shall, by resolution or
37 ordinance as appropriate, reappoint the existing members of the
38 authority to terms corresponding to terms of members first
39 appointed to a municipal authority pursuant to subsection a. of this
40 section; provided, however, that, if said county sewer authority has
41 seven members, then the existing members shall be reappointed to
42 the reorganized municipal authority pursuant to subsections a. and
43 b. of this section.

44 e. The governing body of a county or municipality may provide
45 in the ordinance or resolution creating the utilities authority for not
46 more than two alternate members. In the case of a county utilities
47 authority the county governing body, or the county executive
48 pursuant to section 37 of P.L.1972, c.154 (C.40:41A-37), shall

1 make the appointment. In the case of a municipal utilities authority,
2 the governing body of a municipality which is not organized under
3 the town form of government pursuant to the provisions of
4 N.J.S.40A:62-5, or the mayor of a municipality organized under the
5 town form of government pursuant to the provisions of
6 N.J.S.40A:62-5, shall make the appointment. Alternate members
7 shall be designated by the governing body, or mayor, as
8 appropriate, as "Alternate No. 1" and "Alternate No. 2" and shall
9 serve during the absence or disqualification of any regular member
10 or members. The governing body of the county or municipality
11 shall provide by ordinance or resolution for the order in which the
12 alternates shall serve. The term of each alternate member shall be
13 five years commencing on February 1 of the year of appointment;
14 provided, however, that in the event two alternate members are
15 appointed their initial terms shall be four and five years
16 respectively. The terms of the first alternate members appointed
17 pursuant to this amendatory act shall commence on the day of their
18 appointment and shall expire on the fourth or fifth January 31 next
19 ensuing after the date of their appointments, as the case may be.
20 Alternate members may participate in discussions of the
21 proceedings but may not vote except in the absence or
22 disqualification of a regular member. A vote shall not be delayed in
23 order that a regular member may vote instead of an alternate
24 member.

25 On or after the first date on which a course in management of
26 public water and wastewater systems developed by the
27 Commissioner of Community Affairs pursuant to the provisions of
28 section 1 of P.L. , c. (C.) (pending before the
29 Legislature as this bill) is offered, a person shall not be seated as a
30 first-term member or alternate member of a municipal or county
31 utilities authority unless the person agrees to take that course, which
32 the person shall successfully complete within 18 months of
33 assuming membership, in order to retain membership on the
34 authority. Any person who is serving as a member or alternate
35 member of a municipal or county utilities authority on the first date
36 on which that course is offered shall be required to complete that
37 course within 18 months of the date upon which the course is first
38 offered, in order to retain membership on the authority.

39 A hearing or proceeding held, or decision or recommendation
40 made, by a member or alternate member of a municipal or county
41 utilities authority shall not be invalidated if a member or alternate
42 member has participated in the hearing or proceeding, or in the
43 decision making or recommendation, and that member or alternate
44 member is subsequently found not to have completed that course.
45 (cf: P.L.1991, c.10, s.1)

46

47 4. N.J.S.40A:31-4 is amended to read as follows:

1 A local unit may, either separately or in combination with one or
2 more other local units, a private water company subject to
3 regulation by the Board of Public Utilities as a public utility, or the
4 State, acquire, construct or operate a water supply facility upon a
5 determination by the governing body of the local unit or each
6 participating local unit that the public health, safety or welfare can
7 best be assured by the acquisition, construction or operation of
8 water supply facilities by the local unit or units. The determination
9 shall be by ordinance or resolution, or parallel ordinances or
10 resolutions, as the case may be, of the governing body of the local
11 unit or each of the participating local units.

12 No water supply facilities may be acquired, constructed or
13 operated pursuant to this act until all necessary permits and
14 approvals have been received from the appropriate State agency.

15 On or after the first date on which a course in management of
16 public water and wastewater systems developed by the
17 Commissioner of Community Affairs pursuant to the provisions of
18 section 1 of P.L. , c. (C.) (pending before the
19 Legislature as this bill) is offered, an elected or appointed county or
20 municipal official having an oversight role or responsibility for the
21 construction or operation of a water supply facility pursuant to the
22 provisions of P.L.1989, c.109 (C.40A:31-1 et seq.) shall not
23 exercise that oversight role or responsibility unless the person
24 agrees to take that course, which the person shall successfully
25 complete within 18 months of assuming elected or appointed office
26 in order to retain that oversight or responsibility. Any elected or
27 appointed county or municipal official having an oversight role or
28 responsibility for the construction or operation of a water supply
29 facility on the first date on which that course is offered shall be
30 required to complete that course within 18 months of the date upon
31 which the course is first offered in order to retain that oversight or
32 responsibility.

33 A hearing or proceeding held, or decision or recommendation
34 made, by an elected or appointed county or municipal official shall
35 not be invalidated if that official has participated in the hearing or
36 proceeding, or in the decision making or recommendation, and that
37 official is subsequently found not to have completed that course.
38 (cf: N.J.S.40A:31-4)

39

40 5. Section 5 of P.L.1960, c.183 (C.40:37A-48) is amended to
41 read as follows:

42 5. a. After expiration of the period of 45 days following the
43 first publication as provided in section 3 hereof of a notice
44 regarding creation of an authority, 5 persons shall be appointed as
45 the members of the authority. The members first appointed shall, by
46 the resolution of appointment, be designated to serve for terms
47 respectively expiring on the first days of the first, second, third,
48 fourth and fifth Februarys next ensuing after the date of their

1 appointment. On or after January 1 in each year after such first
2 appointments, one person shall be appointed as a member of the
3 authority for a term commencing on or after February 1 in such year
4 and expiring on February 1 in the fifth year after such year. Each
5 member shall hold office for the term of appointment and until his
6 successor shall have been appointed and qualified. Any vacancy in
7 the membership of the authority during an unexpired term shall be
8 filled by appointment of a person as member for the unexpired term.
9 A copy of any resolution appointing any such members, certified
10 by the clerk of the governing body, may be filed in the office of the
11 Secretary of State. A copy of any such certified resolution, duly
12 certified by or on behalf of the Secretary of State, shall be
13 admissible in evidence in any action or proceeding and shall be
14 conclusive evidence of due and proper adoption and filing thereof
15 as aforesaid and, except in an action or proceeding seeking only
16 exclusion of the appointee from office, shall be conclusive
17 evidence of the due and proper appointment of the members named
18 therein.

19 b. Notwithstanding the provisions of subsection a. of this section
20 and section 3 of P.L.1960, c. 183 (C. 40:37A-46), whenever any
21 county governed by the "Optional County Charter Law," P.L.1972,
22 c. 154 (C. 40:41A-1 et seq.) shall proceed to reorganize its county
23 improvement authority pursuant to the reorganization powers
24 granted under section 30 of that act (C. 40:41A-30), the ordinance
25 adopted for that purpose shall prescribe the number of members of
26 the authority, their respective terms of office, and the dates upon
27 which their respective terms of office shall expire.

28 On or after the first date on which a course in management of
29 public water and wastewater systems developed by the
30 Commissioner of Community Affairs pursuant to the provisions of
31 section 1 of P.L. , c. (C.) (pending before the
32 Legislature as this bill) is offered, a person shall not be seated as a
33 first-term member or alternate member of a county improvement
34 authority unless the person agrees to take that course, which the
35 person shall successfully complete within 18 months of assuming
36 membership, in order to retain membership on the authority. Any
37 person who is serving as a member or alternate member of a county
38 improvement authority on the first date on which that basic course
39 is offered shall be required to complete that course within 18
40 months of the date upon which the course is first offered, in order to
41 retain membership on the authority.

42 A hearing or proceeding held, or decision or recommendation
43 made, by a member or alternate member of a county improvement
44 authority shall not be invalidated if a member or alternate member
45 has participated in the hearing or proceeding, or in the decision
46 making or recommendation, and that member or alternate member
47 is subsequently found not to have completed that course.

48 (cf: P.L.1982, c.113, s.4)

1 6. Section 4 of P.L.1973, c.376 (C.40:37C-4) is amended to
2 read as follows:

3 4. a. Any county may create an authority under the provisions
4 of this act which shall be a public body corporate and politic and a
5 political subdivision of the State for the purpose of acquiring,
6 constructing, reconstructing, repairing, altering, improving,
7 extending, owning, leasing, financing, selling, maintaining,
8 operating and disposing of pollution control facilities within such
9 county; provided that, with respect to any pollution control facility
10 which is not engaged in resource recovery, the Department of
11 Environmental Protection certifies that the proposed undertaking of
12 the authority is the proper method of solving the problem under
13 consideration; and provided further that, with respect to any
14 pollution control facility which is engaged in resource recovery,
15 the facility conforms to the Statewide solid waste management plan
16 and the applicable district solid waste management plan and has an
17 approved registration statement and engineering design pursuant to
18 section 5 of P.L.1970, c. 39 (C. 13:1E-5).

19 b. The authority shall be created by resolution and shall be
20 known as the " Pollution Control Financing Authority of ,"
21 inserting all or any significant part of the name of the county
22 creating the authority. The authority shall constitute an agency and
23 instrumentality of the county creating it.

24 c. An authority shall consist of five members appointed by
25 resolution of the governing body of the county which created such
26 authority.

27 Members shall serve for terms of 5 years, provided that the
28 members first appointed shall be designated by the resolution of
29 appointment to serve for terms expiring on the first days of the first,
30 second, third, fourth and fifth Februarys next ensuing after such
31 appointment. Each member shall hold office for the term of his
32 appointment and until his successor shall have been appointed and
33 qualified. Any vacancy shall be filled in the same manner as the
34 original appointment but for the unexpired term only.

35 d. The governing body of any county which has created an
36 authority may dissolve the authority by resolution on condition that
37 the authority has no debts or obligations outstanding or that
38 provision has been made for the retirement of such debts or
39 obligations. Upon any such dissolution, all property, funds and
40 assets of the authority shall be vested in the county which created
41 the authority.

42 e. A certified copy of each resolution creating or dissolving an
43 authority and each resolution appointing members thereto shall be
44 filed in the office of the Secretary of State. A copy of any such
45 certified resolution, certified by or on behalf of the Secretary of
46 State, shall be conclusive evidence of the due and proper creation
47 or dissolution of the authority or the due and proper appointment of
48 the member or members named therein.

1 f. The powers of an authority shall be vested in the members
2 thereof from time to time and three members shall constitute a
3 quorum. Action may be taken and motions and resolutions adopted
4 by an agency at any meeting thereof by the affirmative vote of at
5 least three members of the authority.

6 No vacancy in the membership of an authority shall impair the
7 right of a quorum of the members thereof to exercise all the powers
8 and perform all the duties of the authority.

9 g. At the first meeting of any authority and thereafter on or after
10 February 1 in each year, the members shall elect from among their
11 number a chairman and vice chairman who shall hold office until
12 February 1 next ensuing and until their respective successors have
13 been appointed and qualified. Every authority also may appoint,
14 without regard to the provisions of Title 11 of the Revised Statutes,
15 a secretary, treasurer and such other officers, agents and employees
16 as it may require.

17 h. The members of an authority shall serve without
18 compensation, but the authority shall reimburse its members for
19 actual expenses necessarily incurred in the discharge of their
20 official duties.

21 i. No member, officer or employee of an authority, nor member
22 of their family, shall have or acquire any interest, direct or indirect
23 in any pollution control facilities undertaken or planned by the
24 authority or in any contract or proposed contract for materials or
25 services to be furnished to or used by the authority, but neither the
26 holding of any office or employment in the government of any
27 county or municipality or under any law of the State shall be
28 deemed a disqualification for membership in or employment by an
29 authority, except as may be specifically provided by law, and
30 members of the governing body of a county may be appointed by
31 such governing body and may serve as members of the authority.
32 A member may be removed only by the governing body by which
33 he was appointed for inefficiency or neglect of duty or misconduct
34 in office or conviction of a crime, and after he shall have been
35 given a copy of the charges against him and, not sooner than 10
36 days thereafter, had the opportunity in person or by counsel to be
37 heard thereon by such governing body.

38 On or after the first date on which a course in management of
39 public water and wastewater systems developed by the
40 Commissioner of Community Affairs pursuant to the provisions of
41 section 1 of P.L. _____, c. _____ (C. _____) (pending before the
42 Legislature as this bill) is offered, a person shall not be seated as a
43 first-term member or alternate member of a pollution control
44 financing authority unless the person agrees to take that course,
45 which the person shall successfully complete within 18 months of
46 assuming membership, in order to retain membership on the
47 authority. Any person who is serving as a member or alternate
48 member of a pollution control financing authority on the first date

1 on which that basic course is offered shall be required to complete
2 that course within 18 months of the date upon which the course is
3 first offered, in order to retain membership on the authority.

4 A hearing or proceeding held, or decision or recommendation
5 made, by a member or alternate member of a pollution control
6 financing authority shall not be invalidated if a member or alternate
7 member has participated in the hearing or proceeding, or in the
8 decision making or recommendation, and that member or alternate
9 member is subsequently found not to have completed that course.

10 (cf: P.L.1983, c.298, s.5)

11
12 7. N.J.S.40A:26A-4 is amended to read as follows:

13 40A:26A-4. A local unit may, either separately or in
14 combination with one or more other local units acquire, construct or
15 operate a sewerage facility upon a determination by the governing
16 body of the local unit or each participating local unit that the public
17 health, safety or welfare can best be assured by the acquisition,
18 construction or operation of sewerage facilities by the local unit or
19 units. The determination shall be by ordinance or resolution, or
20 parallel ordinances or resolutions, as the case may be, of the
21 governing body of the local unit or each of the participating local
22 units.

23 No sewerage facilities may be acquired, constructed or operated
24 pursuant to this act until all necessary permits and approvals have
25 been received from the appropriate State agencies.

26 On or after the first date on which a course in management of
27 public water and wastewater systems developed by the
28 Commissioner of Community Affairs pursuant to the provisions of
29 section 1 of P.L. , c. (C.) (pending before the
30 Legislature as this bill) is offered, an elected or appointed official of
31 a local unit having an oversight role or responsibility for the
32 construction or operation of a sewerage facility shall not exercise
33 that oversight role or responsibility unless the person agrees to take
34 that course, which the person shall successfully complete within 18
35 months of assuming elected or appointed office in order to retain
36 that oversight or responsibility. Any elected or appointed official of
37 a local unit having an oversight role or responsibility for the
38 construction or operation of a sewerage facility on the first date on
39 which that basic course is offered shall be required to complete that
40 course within 18 months of the date upon which the course is first
41 offered in order to retain that oversight or responsibility.

42 A hearing or proceeding held, or decision or recommendation
43 made, by an elected or appointed official of a local unit shall not be
44 invalidated if that person has participated in the hearing or
45 proceeding, or in the decision making or recommendation, and that
46 person is subsequently found not to have completed that course.

47 (cf: N.J.S.40A:26A-4)

1 8. Section 4 of P.L.1951, c.280 (C.40A:62-105.4) is amended
2 to read as follows:

3 4. At the first meeting of the board of water commissioners
4 elected in any newly created district the members of the board shall
5 divide themselves by lot into three classes; the term of the two
6 members composing the first class shall be vacated at the expiration
7 of the first year; the term of the two members composing the
8 second class shall be vacated at the expiration of the second year,
9 and the term of the one member composing the third class shall be
10 vacated at the expiration of the third year, so that after the first
11 election two members of the board of water commissioners shall be
12 elected annually, except every third year when but one member
13 shall be elected, all of whom shall hold office for three years and
14 until their successors are elected.

15 On or after the first date on which a course in management of
16 public water and wastewater systems developed by the
17 Commissioner of Community Affairs pursuant to the provisions of
18 section 1 of P.L. , c. (C.) (pending before the
19 Legislature as this bill) is offered, a person shall not be seated as a
20 first-term member of a board of water commissioners unless the
21 person agrees to take that course, which the person shall
22 successfully complete within 18 months of assuming membership,
23 in order to retain membership on the board. Any person who is
24 serving as a member on the first date on which that basic course is
25 offered shall be required to complete that course within 18 months
26 of the date upon which the course is first offered, in order to retain
27 membership on the board.

28 A hearing or proceeding held, or decision or recommendation
29 made, by a member shall not be invalidated if that member has
30 participated in the hearing or proceeding, or in the decision making
31 or recommendation, and that member is subsequently found not to
32 have completed that course.

33 (cf: P.L.1951, c.280, s.4)
34

35 9. Section 7 of P.L.1960, c.3 (C.40:48B-2.1) is amended to
36 read as follows:

37 7. a. The joint meeting shall be a public body corporate and
38 politic constituting a political subdivision of the State exercising
39 public and essential governmental functions to provide for the
40 public health and welfare. The joint meeting shall have the
41 following powers and authority, which may be exercised by the
42 management committee to the extent provided in the joint contract:

43 (1) To sue and be sued;

44 (2) To acquire and hold real and personal property by deed, gift,
45 grant, lease, purchase, condemnation or otherwise;

46 (3) To enter into any and all contracts or agreements and to
47 execute any and all instruments;

1 (4) To do and perform any and all acts or things necessary,
2 convenient or desirable for the purposes of the joint meeting or to
3 carry out any powers expressly given in this act;

4 (5) To sell real and personal property owned by the joint
5 meeting at public sale;

6 (6) To operate all services, lands, public improvements, works,
7 facilities or undertakings for the purposes and objects of the joint
8 meeting;

9 (7) To enter into a contract or contracts providing for or relating
10 to the use of its services, lands, public improvements, works,
11 facilities or undertakings, or any part thereof, by local units who are
12 not members of the joint meeting, and other persons, upon payment
13 of charges therefor as fixed by the management committee;

14 (8) To receive such State or Federal aids or grants as may be
15 available for the purposes of the joint meeting and to make and
16 perform such agreements and contracts as may be necessary or
17 convenient in connection with the application for, procurement,
18 acceptance or disposition of such State or Federal aids or grants;
19 and

20 (9) To acquire, maintain, use and operate lands, public
21 improvements, works or facilities in any municipality in the State,
22 except where the governing body of such municipality, by
23 resolution adopted within 60 days after receipt of written notice of
24 intention to so acquire, maintain, use or operate, shall find that the
25 same would adversely affect the governmental operations and
26 functions and the exercise of the police powers of such
27 municipality.

28 b. If the governing body of a municipality in which a joint
29 meeting has applied for the location and erection of sewage
30 treatment or solid waste disposal facilities refuses permission
31 therefor or fails to take final action upon the application within 60
32 days of its filing, the joint meeting may, at any time within 30 days
33 following the date of such refusal or the date of expiration of said
34 period of 60 days, apply to the Department of Environmental
35 Protection, which is authorized, after hearing the joint meeting and
36 the municipality interested, to grant the application for the erection
37 of the sewage treatment or disposal or solid waste treatment or
38 disposal facilities, notwithstanding the aforesaid refusal or failure to
39 act of the governing body, upon being satisfied that the
40 topographical and other physical conditions existing in the local
41 units comprising the joint meeting are such as to make the erection
42 of such facilities within its boundaries impracticable as an
43 improvement for the benefit of the whole applying joint meeting.

44 On or after the first date on which a course in management of
45 public water and wastewater systems developed by the
46 Commissioner of Community Affairs pursuant to the provisions of
47 section 1 of P.L. _____, c. _____ (C. _____) (pending before the
48 Legislature as this bill) is offered, a person shall not be seated as a

1 first-term member of a management committee unless the person
2 agrees to take that course, which the person shall successfully
3 complete within 18 months of assuming membership, in order to
4 retain membership on the board. Any person who is serving as a
5 member on the first date on which that basic course is offered shall
6 be required to complete that course within 18 months of the date
7 upon which the course is first offered, in order to retain membership
8 on the board.

9 A hearing or proceeding held, or decision or recommendation
10 made, by a member shall not be invalidated if that member has
11 participated in the hearing or proceeding, or in the decision making
12 or recommendation, and that member is subsequently found not to
13 have completed that course.

14 (cf: P.L.1973, c.208, s.13)

15
16 10. R.S.58:14-3 is amended to read as follows:

17 58:14-3. The board shall consist of nine members who shall be
18 appointed by the Governor in the following manner. Each county in
19 the district shall be represented on the board by two members, of
20 different political parties, both of whom shall reside in the district
21 and in the county they represent. At least one of the two members
22 from each county must reside in a contracting municipality as
23 defined in R.S.58:14-34.11 or in a leasing municipality. Not more
24 than five of the nine members of the board shall be from the same
25 political party. The ninth member shall be an at-large member
26 appointed by the Governor, with the advice and consent of the
27 Senate, and shall serve during the term of office of the Governor.
28 As used in this section, "at-large member" means a resident of the
29 Passaic Valley Sewerage District as defined in R.S.58:14-1. Upon
30 the expiration of the term of office of a commissioner, his successor
31 shall be appointed by the Governor, by and with the advice and
32 consent of the Senate, for a term of five years, except that the term
33 of the at-large member shall be concurrent with the term of office of
34 the Governor. The Governor may remove any commissioner from
35 office for cause. Each commissioner shall hold his office until his
36 successor has been appointed, and any vacancy in the membership
37 of the commission because of death, resignation or removal, shall
38 be filled for the unexpired term in the manner provided for on
39 original appointment. In making any appointment hereunder, either
40 for a full term or to fill a vacancy, regard shall be had to ability and
41 fitness, and also locality, so that each section of the district may be
42 represented as far as practicable.

43 On or after the first date on which a course in management of
44 public water and wastewater systems developed by the
45 Commissioner of Community Affairs pursuant to the provisions of
46 section 1 of P.L. , c. (C.) (pending before the
47 Legislature as this bill) is offered, a person shall not be seated as a
48 first-term member of the board of commissioners unless the person

1 agrees to take that course, which the person shall successfully
2 complete within 18 months of assuming membership, in order to
3 retain membership on the board. Any person who is serving as a
4 member on the first date on which that basic course is offered shall
5 be required to complete that course within 18 months of the date
6 upon which the course is first offered, in order to retain
7 membership.

8 A hearing or proceeding held, or decision or recommendation
9 made, by a member shall not be invalidated if that member has
10 participated in the hearing or proceeding, or in the decision making
11 or recommendation, and that member is subsequently found not to
12 have completed that course.

13 (cf: P.L.1991, c.145, s.1)

14

15 11. Section 4 of P.L.1981, c.293 (C.58:1B-4) is amended to read
16 as follows:

17 4. a. There is established in but not of the Department of
18 Environmental Protection a public body corporate and politic, with
19 corporate succession, to be known as the "New Jersey Water Supply
20 Authority." The authority is hereby constituted as an
21 instrumentality of the State exercising public and essential
22 governmental functions.

23 b. The authority shall consist of the Commissioner of
24 Environmental Protection, who shall be a member ex officio with
25 full voting rights, and six public members appointed by the
26 Governor with the advice and consent of the Senate for terms of 3
27 years; provided that of the members of the authority first appointed
28 by the Governor, two shall serve for terms of 1 year, two shall
29 serve for terms of 2 years, and two shall serve for terms of 3 years,
30 of whom two shall be recognized experts in the fields of water
31 resource management and distribution, and public finance,
32 respectively. The remaining public members appointed by the
33 Governor shall represent the following: the agricultural
34 community, industrial water users, residential water users and
35 private watershed associations. Each member shall hold office for
36 the term of his appointment and until his successor shall have been
37 appointed and qualified. A member shall be eligible for
38 reappointment. Any vacancy in the membership occurring other
39 than by expiration of term shall be filled in the same manner as the
40 original appointment but for the unexpired term only.

41 On or after the first date on which a course in management of
42 public water and wastewater systems developed by the
43 Commissioner of Community Affairs pursuant to the provisions of
44 section 1 of P.L. , c. (C.) (pending before the
45 Legislature as this bill) is offered, a person shall not be seated as a
46 first-term public member of the authority unless the person agrees
47 to take that course, which the person shall successfully complete
48 within 18 months of assuming membership, in order to retain

1 membership on the authority. Any person who is serving as a
2 member on the first date on which that basic course is offered shall
3 be required to complete that course within 18 months of the date
4 upon which the course is first offered, in order to retain
5 membership.

6 A hearing or proceeding held, or decision or recommendation
7 made, by a member shall not be invalidated if that member has
8 participated in the hearing or proceeding, or in the decision making
9 or recommendation, and that member is subsequently found not to
10 have completed that course.

11 c. Each appointed member may be removed from office by the
12 Governor, for cause, after a public hearing, and may be suspended
13 by the Governor pending the completion of the hearing. Each
14 member before entering upon his duties shall take and subscribe an
15 oath to perform the duties of his office faithfully, impartially and
16 justly to the best of his ability. A record of these oaths shall be
17 filed in the office of the Secretary of State.

18 d. The chairman, who shall be the chief executive officer of the
19 authority, shall be the Commissioner of Environmental Protection,
20 and the members of the authority shall elect one of their number as
21 vice chairman thereof. The authority shall elect a secretary and a
22 treasurer who need not be members, and the same person may be
23 elected to serve both as secretary and treasurer. The powers of the
24 authority shall be vested in the members thereof in office from time
25 to time and four members of the authority shall constitute a quorum
26 at any meeting thereof. Action may be taken and motions and
27 resolutions adopted by the authority at any meeting thereof by the
28 affirmative vote of at least four members of the authority. No
29 vacancy in the membership of the authority shall impair the right of
30 a quorum of the members to exercise all the powers and perform all
31 the duties of the authority.

32 e. No resolution or other action of the authority providing for
33 the issuance of bonds or the refunding of bonds shall be adopted or
34 otherwise made effective by the authority without the prior
35 approval, in writing, of the Governor and of the State Treasurer or
36 the Comptroller of the Treasury. A true copy of the minutes of
37 every meeting of the authority shall be prepared and forthwith
38 delivered to the Governor. No action taken at such meeting by the
39 authority shall have effect until 10 days, exclusive of Saturdays,
40 Sundays and public holidays, after the copy of the minutes has been
41 so delivered. If, in this 10-day period, the Governor returns the
42 copy of the minutes with a veto of any action taken by the authority
43 at that meeting, the action shall be of no effect.

44 f. Each member and the treasurer of the authority shall execute
45 a bond to be conditioned upon the faithful performance of the duties
46 of the member or treasurer, as the case may be, in a form and
47 amount as may be prescribed by the Comptroller of the Treasury.
48 The bonds shall be filed in the office of the Secretary of State. At

1 all times thereafter the members and treasurer of the authority shall
2 maintain these bonds in full force. The costs of the bonds shall be
3 borne by the authority.

4 g. The members of the authority shall serve without
5 compensation, but the authority shall reimburse its members for
6 actual expenses necessarily incurred in the discharge of their duties.
7 No officer or employee of the State shall be deemed to have
8 forfeited or shall forfeit his office or employment or any benefits or
9 emoluments thereof by reason of his acceptance of the office of ex
10 officio member of the authority.

11 h. The Commissioner of Environmental Protection may
12 designate an officer or employee of the department to represent him
13 at meetings of the authority, and the designee may lawfully vote
14 and otherwise act on behalf of the commissioner. The designation
15 shall be in writing delivered to the authority and shall continue in
16 effect until revoked or amended by writing delivered to the
17 authority.

18 i. The authority may be dissolved by act of the Legislature on
19 condition that the authority has no debts or obligations outstanding
20 or that provision has been made for the payment or retirement of
21 debts or obligations. Upon a dissolution of the authority all
22 property, funds and assets thereof shall be vested in the State.
23 (cf: P.L.1981, c.293, s.4)

24
25 12. R.S.58:5-3 is amended to read as follows:

26 58:5-3. The governor shall, by and with the advice and consent
27 of the senate, appoint a commission consisting of seven members
28 who shall be residents of the water supply district which they
29 represent and not more than four of whom shall be of the same
30 political party. The commissioners first appointed shall hold office,
31 one for one year, one for two years, one for three years and two for
32 four years. The two commissioners first appointed pursuant to
33 P.L.2001, c.374 shall hold office for four years. Upon the
34 expiration of the term of office of any commissioner, his successor
35 shall be appointed by the governor, by and with the advice and
36 consent of the senate, for a term of four years. Each commissioner
37 shall hold his office until his successor has been appointed, and any
38 vacancy in the membership of the commission shall be filled for the
39 unexpired term in the manner provided for an original appointment.
40 If the senate is not in session at the time of making any such
41 appointment, the governor may make an ad interim appointment for
42 a time extending only until such time as the senate shall convene.

43 On or after the first date on which a course in management of
44 public water and wastewater systems developed by the
45 Commissioner of Community Affairs pursuant to the provisions of
46 section 1 of P.L. , c. (C.) (pending before the
47 Legislature as this bill) is offered, a person shall not be seated as a
48 first-term commissioner unless the person agrees to take that

1 course, which the person shall successfully complete within 18
2 months of assuming membership, in order to retain membership on
3 the authority. Any person who is serving as a commissioner on the
4 first date on which that course is offered shall be required to
5 complete that course within 18 months of the date upon which the
6 course is first offered, in order to retain membership on the
7 commission.

8 A hearing or proceeding held, or decision or recommendation
9 made, by a commissioner shall not be invalidated if that
10 commissioner has participated in the hearing or proceeding, or in
11 the decision making or recommendation, and that commissioner is
12 subsequently found not to have completed that course.

13 (cf: P.L.2001, c.374, s.1)

14
15 13. R.S.40:62-110 is amended to read as follows:

16 40:62-110. Every commission appointed in pursuance of
17 **[section] R.S.40:62-109 [of this Title]** shall consist of not more
18 than five persons, residents of the municipalities making the
19 application for their appointment and joining therein. The
20 commission shall organize as soon as practicable by electing one of
21 its number as president, shall appoint a secretary and a treasurer,
22 who need not be members of the commission, and adopt a seal and
23 a name whereby it may sue and be sued.

24 The secretary shall keep correct minutes of the meetings and
25 transactions of the commission, and perform such other duties as
26 may be required of him. The treasurer shall give bond for the
27 faithful performance of his duties in such amount as the commission
28 shall prescribe. The offices of secretary and treasurer may be held
29 by the same person. The members of the commission shall receive
30 for their services compensation to be fixed by agreement with
31 municipalities having at least two-thirds of the population of all of
32 the municipalities making the application for their appointment and
33 joining therein, or, in case of failure to agree, by the Superior Court.
34 The secretary and the treasurer shall each receive such
35 compensation as the commission may determine.

36 On or after the first date on which a course in management of
37 public water and wastewater systems developed by the
38 Commissioner of Community Affairs pursuant to the provisions of
39 section 1 of P.L. , c. (C.) (pending before the
40 Legislature as this bill) is offered, a person shall not be seated as a
41 first-term commissioner unless the person agrees to take that
42 course, which the person shall successfully complete within 18
43 months of assuming membership, in order to retain membership on
44 the authority. Any person who is serving as a commissioner on the
45 first date on which that course is offered shall be required to
46 complete that course within 18 months of the date upon which the
47 course is first offered, in order to retain membership on the
48 commission.

1 A hearing or proceeding held, or decision or recommendation
2 made, by a commissioner shall not be invalidated if that
3 commissioner has participated in the hearing or proceeding, or in
4 the decision making or recommendation, and that commissioner is
5 subsequently found not to have completed that course.

6 (cf: P.L.1953, c.37, s.215)

7
8 14. Section 1 of P.L.1989, c.145 (C.40:62-110.1) is amended to
9 read as follows:

10 1. In any county of the second class with a population of at
11 least 440,000, but not more than 450,000, according to the 1980
12 federal decennial census, in which at least three municipalities, two
13 of which each have populations of 50,000 or more, but less than
14 100,000, and one of which has a population of 100,000 or more
15 according to the 1980 federal decennial census, have joined
16 together to create, under R.S.40:62-109, or elect or appoint under
17 R.S.40:62-129, a waterworks or water commission, the provisions
18 of this section shall control the number and method of appointment
19 of the waterworks or water commission members, their terms of
20 office and their salaries, notwithstanding the provisions of
21 R.S.40:62-108 et seq. to the contrary. Any agreements entered into
22 pursuant to R.S.40:62-129 shall be amended to conform with the
23 provisions of this section.

24 a. The commission shall consist of seven members. A
25 municipality with a population of 100,000 or more shall have three
26 members on the commission and a municipality with a population
27 of 50,000 or more, but less than 100,000, shall have two members
28 on the commission. Members shall be appointed by the mayor in
29 any municipality organized under P.L.1950, c.210 (C.40:69A-1 et
30 seq.) and by the governing body, by a majority vote, in any
31 municipality organized under R.S.40:79-1 et seq. A member of the
32 commission shall be required to reside in the appointing
33 municipality at the time of appointment; however, if the
34 commission member moves outside the appointing municipality
35 during the member's term of office, the member may continue to
36 serve on the commission to the end of the member's term. A mayor,
37 a manager or a member of the governing body of the appointing
38 municipality may serve as a member of the commission unless this
39 service is prohibited by the conflict of interest laws of this State.

40 On or after the first date on which a course in management of
41 water systems developed by the Commissioner of Community
42 Affairs pursuant to the provisions of section 1 of P.L. _____, c.
43 (C. _____) (pending before the Legislature as this bill) is offered, a
44 person shall not be seated as a first-term commissioner unless the
45 person agrees to take that course, which the person shall
46 successfully complete within 18 months of assuming membership,
47 in order to retain membership on the authority. Any person who is
48 serving as a commissioner on the first date on which that course is

1 offered shall be required to complete that course within 18 months
2 of the date upon which the course is first offered, in order to retain
3 membership on the commission.

4 A hearing or proceeding held, or decision or recommendation
5 made, by a commissioner shall not be invalidated if that
6 commissioner has participated in the hearing or proceeding, or in
7 the decision making or recommendation, and that commissioner is
8 subsequently found not to have completed that course.

9 b. Each commission member shall be appointed for a four-year
10 term. All additional members who may be appointed to a
11 commission under this section shall be appointed before January 1,
12 1989, and their first term shall expire not later than December 31,
13 1992. All terms of office of commission members already
14 appointed and serving on the effective date of this amendatory and
15 supplementary act shall not be affected by the provisions of this act.

16 c. The salaries of the president and the members of the
17 commission shall be as follows: The president shall receive a
18 salary at the rate of \$8,500.00 annually as compensation for service
19 on the commission; and any other member of the commission shall
20 receive a salary at the rate of \$7,500.00 annually as compensation
21 for service on the commission.

22 (cf: P.L.1989, c.145, s.1)

23
24 15. Section 20 of P.L.2007, c.63 (C.40A:65-20) is amended to
25 read as follows:

26 20. a. The joint contract shall provide for the constitution and
27 appointment of a management committee to consist of at least three
28 members, of which one shall be appointed by the governing body of
29 each of the local units executing the joint contract. The members
30 shall be residents of the appointing local unit, except that a member
31 who is the chief financial officer, business administrator, municipal
32 administrator, or municipal manager of the local unit making the
33 appointment need not be a resident of the appointing local unit.
34 The appointees may or may not be members of the appointing
35 governing body. Each member of the management committee shall
36 hold office for the term of one year and until the member's
37 successor has been appointed and qualified. In the event that there
38 is an even number of local units that are parties to the joint contract,
39 the management committee shall consist of one member appointed
40 by each of the governing bodies and one member selected by the
41 two other appointed members.

42 b. The management committee shall elect annually from among
43 its members a chair to preside over its meetings. The management
44 committee may appoint such other officers and employees,
45 including counsel, who need not be members of the management
46 committee or members of the governing bodies or employees or
47 residents of the local units, as it may deem necessary. The
48 employees appointed by the management committee shall hold

1 office for such term not exceeding four years as may be provided by
2 the joint contract. The management committee shall adopt rules
3 and regulations to provide for the conduct of its meetings and the
4 duties and powers of the chairman and such other officers and
5 employees as may be appointed. All actions of the management
6 committee shall be by vote of the majority of the entire membership
7 of the committee, except for those matters for which the contract
8 requires a greater number, and shall be binding on all local units
9 who have executed the joint contract. The management committee
10 shall exercise all of the powers of the joint meeting subject to the
11 provisions of the joint contract.

12 The joint contract may provide for the delegation of the
13 administration of any or all of the services, lands, public
14 improvements, works, facilities or undertakings of the joint meeting
15 to the governing body of any one of the several contracting local
16 units, in which event such governing body shall have and exercise
17 all of the powers and authority of the management committee with
18 respect to such delegated functions.

19 In the case of a joint meeting created for a public water supply
20 system, on or after the first date on which a course in management
21 of public water and wastewater systems developed by the
22 Commissioner of Community Affairs pursuant to the provisions of
23 section 1 of P.L. , c. (C.) (pending before the
24 Legislature as this bill) is offered, a person shall not be seated as a
25 first-term member of the management committee unless the person
26 agrees to take that course, which the person shall successfully
27 complete within 18 months of assuming membership, in order to
28 retain membership on the management committee. Any person who
29 is serving as a member on the first date on which that course is
30 offered shall be required to complete that course within 18 months
31 of the date upon which the course is first offered, in order to retain
32 membership.

33 A hearing or proceeding held, or decision or recommendation
34 made, by a member of the management committee shall not be
35 invalidated if that member has participated in the hearing or
36 proceeding, or in the decision making or recommendation, and that
37 member is subsequently found not to have completed that course.
38 (cf: P.L.2007, c.63, s.20)

39

40 16. This act shall take effect immediately.

41

42

43

STATEMENT

44

45 This bill would require the Commissioner of Community Affairs
46 to prepare and offer, not later than the first day of the seventh
47 month next following the effective date of the bill, a basic course to
48 be completed by any elected or appointed person having direct

1 budgetary authority over public water and wastewater systems,
2 concerning the management of the finances, including the adoption
3 of the annual budget, and the infrastructure, of public water and
4 wastewater systems. The Commissioner shall require the course to
5 be completed by every person first appointed or elected to a county
6 or municipal office having direct budgetary authority over the
7 finances of a public water or wastewater system, after the effective
8 date of the bill, and any person first appointed as a member of a
9 commission or an authority having direct budgetary authority over
10 the finances of a public water or wastewater system, after the
11 effective date of the bill. Any person who is serving in any of
12 those capacities on the first date on which that course is offered
13 shall be required to complete that course within 18 months of the
14 date upon which the course is first offered.

15 For the purposes of the bill, “public water and wastewater
16 system” means a public water or wastewater system created
17 pursuant to the following State laws:

18 the “sewerage authorities law,” P.L.1946, c.138 (C.40:14A-1 et
19 seq.);

20 the “municipal and county utilities authorities law,” P.L.1957,
21 c.183 (C.40:14B-1 et seq.);

22 the “Municipal and County Sewerage Act,” P.L.1991, c.53
23 (C.40A:26A-1 et seq.);

24 the “County and Municipal Water Supply Act,” P.L.1989, c.109
25 (C.40A:31-1 et seq.);

26 the “county improvement authorities law,” P.L.1960, c.183
27 (C.40:37A-44 et seq.);

28 the “New Jersey Pollution Control Financing Law,” P.L.1973,
29 c.376 (C.40:37C-1 et seq.);

30 R.S.58:14-1 et seq.;

31 R.S.40:62-109 et seq.;

32 the "New Jersey Water Supply Authority Act," P.L.1981, c.293
33 (C.58:1B-1 et seq.);

34 the North Jersey water supply district and the South Jersey water
35 supply district law, P.L.1916, c.70 (C.58:5-1);

36 the municipal water district law, R.S.40:62-96 et seq.; and

37 with respect to joint meetings, P.L.1960, c.3 (C.40:48B-2.1 et
38 seq.) and sections 15 and 16 of the “Uniform Shared Services and
39 Consolidation Act,” P.L.2007, c.63 (C.40A:65-15 and C.40A:65-
40 16).

41 The provisions of the bill were part of the recommendations of
42 the Joint Legislative Task Force on Drinking Water Infrastructure.