

SENATE, No. 3782

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 20, 2021

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Permits counties to operate airports as county utilities; provides that bonds for county and municipal airport purposes be issued in accordance with provisions of “Local Bond Law.”

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the financing of airports operated by counties
2 and municipalities and amending various sections of the Revised
3 Statutes.

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

7
8 1. R.S.40:8-3 is amended to read as follows:

9 40:8-3. a. The governing body of any county may acquire, by
10 lease or purchase, and establish, construct, own, control, lease,
11 equip, improve, maintain, operate, and regulate airports or landing
12 fields for the use of airplanes and other aircraft within the limits of
13 such counties, and may use for such purpose or purposes any
14 property, owned or controlled by such county, suitable therefor,
15 provided that the provision or performance of goods or services in
16 connection with the operation, management, or administration of an
17 airport shall be done pursuant to the "Local Public Contracts Law,"
18 P.L.1971, c.198 (C.40A:11-1 et seq.) and any supplements thereto.

19 b. A county may maintain, operate, and manage an airport or
20 landing field as a public utility of the county and, for that purpose,
21 shall keep the accounts of the airport separate and distinct from any
22 other accounts of the county.

23 (cf: P.L.1999, c.440, s.42)
24

25 2. R.S.40:8-5 is amended to read as follows:

26 40:8-5. Private property needed by any municipality for an
27 airport or landing field shall be acquired by purchase if the
28 municipality is able to agree with the owners on the terms thereof,
29 and otherwise by condemnation, in the manner provided by the law
30 under which the municipality is authorized to acquire real property
31 for public purposes other than street purposes, or, if there be no
32 such law, in the manner provided for and subject to the provisions
33 of **chapter 1 of the title Eminent Domain (s. 20:1-1 et seq.)** the
34 "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.).
35 The purchase price or award for real property acquired for an
36 airport or landing field may be paid for by appropriation of moneys
37 available therefor or wholly or partly from the proceeds of the sale
38 of bonds of the municipality, as the governing body of such
39 municipality shall determine. Such bonds shall be authorized and
40 issued in accordance with the provisions of **article 1 of chapter 1**
41 **of this title (s. 40:1-1 et seq.)** the "Local Bond Law,"
42 (N.J.S.40A:2-1 et seq.).

43 (cf: R.S.40:8-5)
44

45 3. R.S.40:28-4 is amended to read as follows:

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 **【In addition to the powers conferred by the provisions of article**
2 1 of chapter 1 of this title (s.40:1-1 et seq.), relative to the issuance
3 of bonds, any county of the first, second, third or fifth class**】** 40:28-
4 4. a. A county of any class may issue bonds for the purpose of
5 acquiring real estate and thereafter equipping, maintaining, and
6 operating **【the same】** that real estate for airport purposes.
7 b. All bonds **【so】** issued for airport purposes shall mature and
8 be payable **【in annual installments commencing not more than two**
9 years from their date, and no installment shall be more than fifty per
10 cent in excess of the amount of the smallest prior installment, and
11 the bonds shall mature within the period declared in the ordinance
12 or resolution authorizing them, which in no case shall exceed
13 twenty years**】** in accordance with the provisions of the "Local Bond
14 Law," (N.J.S.40A:2-1 et seq.).
15 (cf: R.S.40:28-4)

17 4. This act shall take effect immediately.

STATEMENT

22 This bill authorizes the governing body of any county that
23 acquires, establishes, and operates an airport to maintain, operate,
24 and manage the airport as a public utility of the county and, for that
25 purpose, the county is to keep the accounts of the airport utility
26 separate and distinct from any other accounts of the county.

27 The bill clarifies that a county of any class may issue bonds for
28 the purpose of acquiring real estate and thereafter equipping,
29 maintaining, and operating that real estate for airport purposes. The
30 bill also clarifies that counties and municipalities are to follow the
31 provisions of the “Local Bond Law” when issuing bonds for airport
32 purposes.