

SENATE, No. 4241

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED DECEMBER 6, 2021

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Authorizes sewerage authority to distribute live recordings of certain public hearings in lieu of transcript requirement.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** related to the format and provision of sewerage authority
2 public hearing records and amending P.L.1946, c.138.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 8 of P.L.1946, c.138 (C.40:14A-8) is amended to read
8 as follows:

9 8. (a) Every sewerage authority is hereby authorized to charge
10 and collect rents, rates, fees or other charges (in this act sometimes
11 referred to as "service charges") for direct or indirect connection
12 with, or the use or services of, the sewerage system. Such service
13 charges may be charged to and collected from any person contracting
14 for such connection or use or services or from the owner or occupant,
15 or both of them, of any real property which directly or indirectly is
16 or has been connected with the system or from or on which originates
17 or has originated sewage or other wastes which directly or indirectly
18 have entered or may enter the sewerage system, and the owner of any
19 such real property shall be liable for and shall pay such service
20 charges to the sewerage authority at the time when and the place
21 where such service charges are due and payable.

22 (b) Rents, rates, fees and charges, which may be payable
23 periodically, being in the nature of use or service charges, shall as
24 nearly as the sewerage authority shall deem practicable and equitable
25 be uniform throughout the district for the same type, class and
26 amount of use or service of the sewerage system, except as permitted
27 by section 1 of P.L.1994, c.78 (C.40:14A-8.2), and may be based or
28 computed either on the consumption of water on or in connection
29 with the real property, making due allowance for commercial use of
30 water, or on the number and kind of water outlets on or in connection
31 with the real property, or on the number and kind of plumbing or
32 sewerage fixtures or facilities on or in connection with the real
33 property, or on the number of persons residing or working on or
34 otherwise connected or identified with the real property, or on the
35 capacity of the improvements on or connected with the real property,
36 or on any other factors determining the type, class and amount of use
37 or service of the sewerage system, or on any combination of any such
38 factors, and may give weight to the characteristics of the sewage and
39 other wastes and any other special matter affecting the cost of
40 treatment and disposal thereof, including chlorine demand,
41 biochemical oxygen demand, concentration of solids and chemical
42 composition. In addition to any such periodic service charges, a
43 separate charge in the nature of a connection fee or tapping fee, in
44 respect of each connection of any property with the sewerage system,
45 may be imposed upon the owner or occupant of the property so

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 connected. Such connection charges shall be uniform within each
2 class of users, except as provided by section 2 of P.L.2005, c.29
3 (C.40:14A-8.30) and except as provided by section 2 of P.L.2005,
4 c.173 (C.40:14A-8.4), and the amount thereof shall not exceed the
5 actual cost of the physical connection, if made by the authority, plus
6 an amount computed in the following manner to represent a fair
7 payment toward the cost of the system:

8 (1) The amount representing all debt service, including but not
9 limited to sinking funds, reserve funds, the principal and interest on
10 bonds, and the amount of any loans and interest thereon, paid by the
11 sewerage authority to defray the capital cost of developing the system
12 as of the end of the immediately preceding fiscal year of the authority
13 shall be added to all capital expenditures made by the authority not
14 funded by a bond ordinance or debt for the development of the system
15 as of the end of the immediately preceding fiscal year of the
16 authority.

17 (2) Any gifts, contributions or subsidies to the authority received
18 from, and not reimbursed or reimbursable to any federal, State,
19 county or municipal government or agency or any private person, and
20 that portion of amounts paid to the authority by a public entity under
21 a service agreement or service contract which is not repaid to the
22 public entity by the authority, shall then be subtracted.

23 (3) The remainder shall be divided by the total number of service
24 units served by the authority at the end of the immediately preceding
25 fiscal year of the authority, and the results shall then be apportioned
26 to each new connector according to the number of service units
27 attributed to that connector, to produce the connector's contribution
28 to the cost of the system. In attributing service units to each
29 connector, the estimated average daily flow of sewage for the
30 connector shall be divided by the average daily flow of sewage for
31 the average single family residence in the authority's district to
32 produce the number of service units to be attributed.

33 The connection fee shall be recomputed at the end of each fiscal year
34 of the authority, after a public hearing is held in the manner
35 prescribed in subsection (c) of this section. The revised connection
36 fee may be imposed upon those who subsequently connect in that
37 fiscal year to the system. The combination of such connection fee or
38 tapping fee and the aforesaid periodic service charges shall meet the
39 requirements of subsection (c) hereof.

40 (c) The sewerage authority shall prescribe and from time to time
41 when necessary revise a schedule of service charges, which shall
42 comply with the terms of any contract of the sewerage authority and
43 in any event shall be such that the revenues of the sewerage authority
44 will at all times be adequate to pay all expenses of operation and
45 maintenance of the sewerage system, including reserves, insurance,
46 extensions, and replacements, and to pay punctually the principal of
47 and interest on any bonds and to maintain such reserves or sinking
48 funds therefor as may be required by the terms of any contract of the

1 sewerage authority or as may be deemed necessary or desirable by
2 the sewerage authority. Said schedule shall thus be prescribed and
3 from time to time revised by the sewerage authority after public
4 hearing thereon which shall be held by the sewerage authority at least
5 20 days after notice of the proposed adjustment is mailed to the clerk
6 of each municipality serviced by the authority and publication of
7 notice of the proposed adjustment of the service charges and of the
8 time and place of the public hearing in at least two newspapers of
9 general circulation in the area serviced by the authority. The
10 sewerage authority shall provide evidence at the hearing showing that
11 the proposed adjustment of the service charges is necessary and
12 reasonable, and shall provide the opportunity for cross-examination
13 of persons offering such evidence, and a transcript of the hearing
14 shall be made and a copy thereof shall be available upon request to
15 any interested party at a reasonable fee; or in lieu of providing a
16 transcript of the hearing, the sewerage authority may provide any
17 interested party with a live recording of the hearing without cost to
18 the interested party. The sewerage authority shall ensure that a live
19 recording provided pursuant to this section meets any applicable
20 requirements of the federal "Americans with Disabilities Act of
21 1990," 42 U.S.C. s.12101 et seq. The sewerage authority may
22 provide the live recording to an interested party in an audiovisual
23 format with video and audio, or in a format without live video. The
24 authorization to provide a live recording under this subsection shall
25 not limit any duty of the sewerage authority to provide a government
26 record as required pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.),
27 known as the open public records act. The sewerage authority shall
28 likewise fix and determine the time or times when and the place or
29 places where such service charges shall be due and payable and may
30 require that such service charges shall be paid in advance for periods
31 of not more than one year. A copy of such schedule of service
32 charges in effect shall at all times be kept on file at the principal
33 office of the sewerage authority and shall at all reasonable times be
34 open to public inspection.

35 (d) Any county sewerage authority may establish sewerage
36 regions in portions of the district. Rents, rates, fees and charges
37 which may be payable periodically, being in the nature of use or
38 service charges, shall as nearly as the sewerage authority shall deem
39 practicable and equitable, be uniform throughout the district for the
40 same type, class and amount of use or service of the sewerage
41 systems, except as permitted by section 1 of P.L.1994, c.78
42 (C.40:14A-8.2), and shall meet all other requirements of subsection
43 (b) hereof.
44 (cf: P.L.2005, c.173, s.1)

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46 2. This act shall take effect immediately.

STATEMENT

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3 This bill authorizes a sewerage authority to distribute live
4 recordings of public hearings in lieu of certain transcript
5 requirements. Under current law, when considering an adjustment to
6 service charges, sewerage authorities in New Jersey are required to
7 hold a public hearing with the purpose of presenting evidence that
8 the adjustment is necessary and to allow individuals to question the
9 need for adjustment. Current law requires this public hearing to be
10 transcribed and transcript made available, upon request, to interested
11 parties at a reasonable cost. This bill allows a sewerage authority to
12 provide a live recording of a public hearing in full, to an interested
13 party in lieu of providing a written transcript. A live recording can
14 consist of video and audio of the proceeding, or audio only. The
15 authority could not charge the interested party for a live recording.
16 This bill requires sewerage authority to meet any applicable
17 requirements of the federal “Americans with Disabilities Act” and
18 P.L.1963, c.73 (C.47:1A-1 et seq.), known commonly as the open
19 public records act.