ASSEMBLY, No. 1715

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1996

By Assemblyman BODINE and Assemblywoman ALLEN

AN ACT concerning certain host municipality benefits and supplementing P.L.1946, c.138 (C.40:14A-1 et seq.).

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

1. Notwithstanding the provisions of any law, rule or regulation to the contrary, a municipality with a population greater than 10,000 persons but less than 11,000 persons, according to the latest federal decennial census, located in a county of the second class with a population exceeding 360,000 but less than 400,000 persons, according to the latest federal decennial census, and in which is located a wastewater treatment facility, sludge dewatering facility, sludge drying facility, or any combination thereof, owned or operated by a sewerage authority pursuant to the provisions of P.L.1946, c.138 (C.40:14A-1 et seq.), and which facility or facilities serve more than one municipality on a Delaware River tributary, shall be entitled to an annual host municipality benefit in an amount determined by: (1) multiplying $0.04 times each 1,000 gallons of wastewater processed at the wastewater treatment facility per year that was generated by the municipalities served by the authority collection system; and (2) multiplying $1.75 times each 1,000 gallons of wastewater or sludge, as the case may be, transported from other municipalities or generators thereof. The total amount of each annual benefit shall be rounded to the nearest $1.00.

2. a. An authority subject to the provisions of this act shall annually pay the municipality hosting the facility or facilities the full amount of the benefit provided for in this act and the recipient municipality may anticipate this amount for the purposes of preparing its annual budget. All cash payments shall be appropriated by the municipality in accordance with the provisions of the "Local Budget Law," N.J.S.40A:4-1 et seq. The authority responsible for paying the benefit specified under this act may, subject to the prior agreement of the recipient municipality, provide that benefit to the municipality in the following manner:

(1) Notwithstanding the provisions of section 31 of P.L.1946,

c.138 (C.40:14A-31), as payment in lieu of taxes on the land on which the facility or facilities are situated, and such payment shall be due and owing at the same time as the third quarterly payment of property taxes is due and owing pursuant to R.S.54:4-66;

(2) As an exemption from all or part of the fees and charges for the treatment of all wastewater generated within the boundaries of the municipality;

(3) As a lump sum cash payment or payments, according to a schedule established by the governing body of the recipient municipality; or

(4) Any combination thereof.

b. The payment of a host municipality benefit under this section shall be included as a cost of operation and maintenance for which rents, rates, fees or other charges are collected by the authority pursuant to section 8 of P.L.1946, c.138 (C.40:14A-8).

3. The host municipality benefit provided for under this act shall constitute a personal obligation of the appropriate authority, and shall be enforced through civil action pursuant to the Rules Governing the Courts of the State of New Jersey.

4. This act shall take effect immediately.

STATEMENT

This bill would provide for a host municipality benefit to be paid, by a sewerage authority, to any municipality with a population between 10,000 and 11,000 persons, in a county of the second class with a population between 360,000 and 400,000 persons. The benefit would be calculated on the basis of wastewater processed from municipalities within the authority's service area and wastewater or sludge from other municipalities or generators thereof. Finally, the bill contains options concerning the manner in which the host municipality benefit is to be provided.

Provides for host municipality benefits from certain sewerage authorities.