

ASSEMBLY, No. 2791

STATE OF NEW JERSEY

INTRODUCED MARCH 13, 1997

By Assemblymen AUGUSTINE and BAGGER

1 **AN ACT** concerning certain county utilities authorities and amending
2 P.L.1972, c.154.

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

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7 1. Section 30 of P.L.1972, c.154 (C.40:41A-30) is amended to
8 read as follows:

9 30. The grant of powers under this act is intended to be as broad
10 as is consistent with the Constitution of New Jersey and with general
11 law relating to local government. The grant of powers shall be
12 construed as liberally as possible in regard to the county's right to
13 reorganize its own form of government, to reorganize its structure and
14 to alter or abolish its agencies, subject to the general mandate of
15 performing services, whether they be performed by the agency
16 previously established or by a new agency or another department of
17 county government. All county offices, boards, commissions and
18 authorities authorized or established by statute, other than an authority
19 organized under the "municipal and county utilities authorities law."
20 P.L.1957, c.183 (C.40:14B-1 et seq.), those boards and offices which
21 are subject to the provisions of subsection b. of section 125 of
22 P.L.1972, c.154 (C.40:41A-125b.), and other than educational
23 institutions authorized or established pursuant to Title 18A of the New
24 Jersey Statutes, shall be considered to be county agencies for the
25 purposes of this section.

26 Based on the need to develop effective services to meet problems
27 which cross municipal boundaries and which cannot be met effectively
28 on an individual basis by the municipalities or the State, this act shall
29 be construed as intending to give the county power to establish
30 innovative programs and to perform such regional services as any
31 municipality or the State may determine, in its own best interest, to
32 have the county perform on a contractual basis.

33 (cf: P.L.1981, c.48, s.2)

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 2. This act shall take effect immediately and shall apply to any
2 action to reorganize or to alter or abolish a county utilities authority
3 organized under the "municipal and county utilities authorities law,"
4 P.L.1957, c.183 (C.40:14B-1 et seq.), adopted or approved pursuant
5 to section 30 of P.L.1972, c.154 (C.40:41A-30), on or after March 3,
6 1997.

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STATEMENT

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This bill would prohibit the board of freeholders of a county organized under the "Optional County Charter Law," P.L.1972, c.154 (C. 40:41A-1 et seq.), from purging the members of a county utilities authority through its power to "reorganize" an authority pursuant to section 30 of P.L.1972, c.154 (C.40:41A-30). The "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), contains sufficient procedures for dissolving an authority or removing authority members for inefficiency, neglect of duty or misconduct in office that a freeholder board should not need to resort to a vague "reorganization" power that has a great potential for political abuse.

The bill would apply to any action to reorganize or to alter or abolish a county utilities authority organized under the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), adopted or approved pursuant to section 30 of P.L.1972, c.154 (C.40:41A-30), on or after March 3, 1997, so that such action would be null and void.

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31 Requires use of authorities law to reorganize county utility authority.