

SENATE, No. 435

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

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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 reported by the Senate Environment and Energy Committee with technical review.



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
8 read 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
14 contracting for such connection or use or services or from the owner
15 or occupant, or both of them, of any real property which directly or
16 indirectly is or has been connected with the system or from or on
17 which originates or has originated sewage or other wastes which
18 directly or indirectly have entered or may enter the sewerage
19 system, and the owner of any such real property shall be liable for
20 and shall pay such service charges to the sewerage authority at the
21 time when and the place where such service charges are due and
22 payable.

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

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

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

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

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

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

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

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

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

46 (cf: P.L.2005, c.173, s.1)

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48 2. This act shall take effect immediately.