

40A:4-45.26 and 40A:4-45.27

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40A:4-45.26 and 40A:4-45.27

("Caps" law--county and municipal--exempt costs of complying with solid waste management orders)

LAWS OF: 1985

CHAPTER: 164

Bill No: S2557

Sponsor(s): Costa, O'Connor and Rand

Date Introduced: December 17, 1984

Committee: Assembly: County Government

Senate: -----

Amended during passage: Yes Amendments denoted by asterisks according to Governor's recommendations

Date of Passage: Assembly: January 8, 1985 Re-enacted 4-29-85

Senate: December 17, 1984 Re-enacted 2-28-85

Date of Approval: May 6, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate No

Fiscal Note: No

Veto Message: Yes

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

164 85
5-6-85

[OFFICIAL COPY REPRINT]
SENATE, No. 2557

STATE OF NEW JERSEY

INTRODUCED DECEMBER 17, 1984

By Senators COSTA, O'CONNOR and RAND

(Without Reference)

AN ACT concerning expenditure limitations of counties and municipalities in certain cases and supplementing P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.).

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

1 1. Any additional expenditures made by a county or municipality
2 as a result of complying with an order issued by the Department
3 of Environmental Protection or the Board of Public Utilities **on*
4 *or after January 1, 1984** redirecting the solid waste flow of the
5 county or municipality is considered, for the purposes of P. L. 1976,
6 c. 68 (C. 40A:4-45.1 et seq.), as an expenditure mandated by
7 State law.

1 **2. Any costs of solid waste disposal appropriated by any mu-*
2 *nicipality as an exception to its expenditure limits pursuant to*
3 *subsection j. of section 3 of P. L. 1976, c. 68 (C. 40A:4-45.3(j)), in*
4 *the year immediately preceding the year in which section 1 of this*
5 *act first applies, may thereafter be included in the municipality's*
6 *final appropriations for purposes of calculating its spending limits.**

1 ***[2.]* *3.*** This act shall take effect immediately.

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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate amendments adopted in accordance with Governor's recommendations February 28, 1985.**

SENATE, No. 2557

STATE OF NEW JERSEY

INTRODUCED DECEMBER 17, 1984

By Senators COSTA, O'CONNOR and RAND

(Without Reference)

AN ACT concerning expenditure limitations of counties and municipalities in certain cases and supplementing P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.).

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

1 1. Any additional expenditures made by a county or municipality
2 as a result of complying with an order issued by the Department
3 of Environmental Protection or the Board of Public Utilities re-
4 directing the solid waste flow of the county or municipality is con-
5 sidered, for the purposes of P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.),
6 as an expenditure mandated by State law.

1 2. This act shall take effect immediately.

STATEMENT

This bill provides for an exemption from the municipal and county "cap" law for expenditures made by a county or municipality as a result of complying with an order issued by the Department of Environmental Protection or the Board of Public Utilities re-directing the solid waste flow of the county or municipality.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

February 23, 1985

SENATE BILL NO. 2557

To the Senate:

Pursuant to Article V, Section 1, Paragraph 14 of the Constitution, I herewith return Senate Bill No. 2557 with my objections and recommendations for amendment.

This bill would provide that any additional expenditures made by a county or municipality as a result of complying with an order issued by the Department of Environmental Protection (DEP) or the Board of Public Utilities (BPU) redirecting its solid waste flow shall be considered, for the purposes of the Local Cap Law, expenditures mandated by State law.

I am advised that this bill, as it has reached my desk, would not fully accomplish the purpose its sponsor had intended upon introduction. When solid waste is redirected from a public landfill to a private landfill certain disposal costs previously exempt from the cap become subject to the cap. Only any additional expenditure, and not the total amount, resulting from a redirection order would be exempt from the cap. Thus, this bill only partially addresses the adverse fiscal impact upon some municipalities affected by a redirection order. Therefore, I recommend an amendment to this bill ensuring that costs of solid waste disposal that qualified for the cap exemption pursuant to N.J.S.A. 40A:4-45.3(j) in the year immediately preceding a DEP or BPU order be included in the municipality's final appropriations for calculating its spending limits.

I am also advised that this legislation is sought as a response to orders that DEP and BPU have recently made, or will be making in the future. I feel, however, that it is advisable to limit the application of this exception to those situations where an order had occurred in the recent past, or will occur in the future.

Therefore, I herewith return Senate Bill No. 2557 and recommend that it be amended as follows:

Page 1, Section 1, line 3: After "Utilities" insert "on or after January 1, 1984"

Page 1, Section 1, after line 6: Insert new section "2." as follows:

"2. Any costs of solid waste disposal appropriated by any municipality as an exception to its expenditure limits pursuant to subsection j of section 3 of P.L. 1976, c. 68 (C. 40A:4-45.3(j)), in the year immediately preceding the year

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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in which section 1 of this act first applies, may thereafter be included in the municipality's final appropriations for purposes of calculating its spending limits."

Page 1, Section 2, line 1: Delete "2."; insert "3."

Respectfully,
/s/ Thomas H. Kean
GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards
Chief Counsel