

13:1E-99.2

LEGISLATIVE HISTORY CHECKLIST

NJSA: 13:1E-99.2 (Clean Communities Account--
littering)

LAWS OF: 1989 **CHAPTER:** 108

BILL NO: S3403

SPONSOR(S): Hurley

Date Introduced: March 20, 1989

Committee: **Assembly:** -----

Senate: Energy and Environment

Amended during passage: Yes Amendments during passage denoted
by asterisks.

Date of Passage: **Assembly:** May 15, 1989

Senate: May 8, 1989

Date of Approval: June 29, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clipping-- attached:

"Clean community grant streamliner . . . 6-30-89 Star Ledger.

(OVER)

See newspaper clipping file "N.J.- Refuse disposat-1989" in New Jersey Clipping file.

Star Ledger Report:

"Dumping on Jersey," 4-30-89 Star Ledger.

"Clean-up debate, 5-1-89 Star Ledger.

"Paradox in the law add to the frustrating little fight," 5-2-89 Star Ledger.

"Midnight dumpers foul the land," 5-3-89 Star Ledger.

"Officials believe best way to fight litter is to change public attitudes," 5-4-89 Star Ledger.

"Hurtin' a litter bit," 5-5-89 Star Ledger.

RDV

[FIRST REPRINT]

SENATE, No. 3403

STATE OF NEW JERSEY

INTRODUCED MARCH 20, 1989

By Senator HURLEY

1 AN ACT concerning litter control, and amending and
supplementing P.L.1985, c.533.

3

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

1. Section 7 of P.L.1985, c.533 (C.13:1E-99.2.) is amended to
7 read as follows:

7. The Clean Communities Account is established as a
9 nonlapsing, revolving fund in the Department of the Treasury to
carry out the purposes of this [amendatory and supplementary]
11 act. The Clean Communities Account shall be administered by
the Department of Environmental Protection and credited, in
13 addition to any appropriations made thereto, with all taxes and
penalties levied or imposed pursuant to sections 6 and 10 of
15 P.L.1985, c.533 (C.13:1E-99.1 and 13:1E-99.5), and any sums
received as voluntary contributions from private sources.
17 Interest received on moneys in the account shall be credited to
the account. Moneys in the Clean Communities Account shall,
19 commencing July 1, 1987,] be [allocated and used] appropriated
annually for the following purposes and no others:

a. 5% of the estimated annual balance of the account shall be
21 used for a [litter patrol] program [to employ youth from the State
23 to pick up and remove litter from] of litter pickup and removal,
of public education and information relating to litter abatement
25 and of enforcement of litter-related laws and ordinances in State
owned places and areas that are accessible to the public;

b. 50% of the estimated annual balance of the account shall be
27 [used for the annual expenses of providing grants] distributed as
29 State aid to eligible municipalities with total housing units of 200
or more for [litter pickup and removal] programs [which employ
31 youth, among others] of litter pickup and removal, of public
education and information relating to litter abatement and of
33 enforcement of litter-related laws and ordinances. The amount of

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SEN committee amendments adopted April 27, 1989.

1 [these grants] State aid due each municipality shall be solely
2 calculated based on the proportion which the housing units of a
3 qualifying municipality bear to the total housing units in the
4 State. Total housing units shall be determined using the most
5 recent federal decennial population estimates for New Jersey and
6 its municipalities, filed in the office of the Secretary of State;

7 c. 30% of the estimated annual balance of the account shall be
8 [used for the annual expenses of providing grants] distributed as
9 State aid to eligible municipalities with total housing units of 200
10 or more for [litter pickup and removal] programs [which employ
11 youth, among others] of litter pickup and removal, of public
12 education and information relating to litter abatement and of
13 enforcement of litter-related laws and ordinances. The amount
14 of [these grants] State aid due each municipality shall be solely
15 calculated based on the proportion which the municipal road
16 mileage of a qualifying municipality bears to the total municipal
17 road mileage within the State. For the purposes of this
18 subsection, "municipal road mileage" means that road mileage
19 under the jurisdiction of municipalities, as determined by the
20 Department of Transportation;

21 d. 10% of the estimated annual balance of the account shall be
22 [used for the annual expenses of providing grants] distributed as
23 State aid to eligible counties for [litter pickup and removal]
24 programs of litter pickup and removal, of public education and
25 information relating to litter abatement and of enforcement of
26 litter-related laws and ordinances. The amount of [these grants]
27 State aid due each county shall be solely calculated based on the
28 proportion which the county road mileage of an eligible county
29 bears to the total county road mileage within the State. For the
30 purposes of this subsection, "county road mileage" means that
31 road mileage under the jurisdiction of counties, as determined by
32 the Department of Transportation;

33 e. The Department of Environmental Protection shall develop
34 model municipal and county litter control programs. ¹A model
35 county or municipal litter control program shall provide that
36 funds distributed from the Clean Communities Account to a
37 county or municipality will be used to supplement existing litter
38 pickup and removal activities, and that that portion of the litter
39 picked up with State aid made available pursuant to this

1 subsection which is recyclable shall be recycled.¹ To be eligible
2 for [a grant] State aid under this section, a municipality or county
3 must certify to the Department of Environmental Protection the
4 adoption of one of the programs. [Certification] Upon
5 certification by the municipality or county of the enactment of
6 an ordinance or resolution or regional plan establishing one of the
7 model programs [allows the immediate distribution of funds] , the
8 department shall distribute the State aid based upon the
9 percentage distribution specified in this section subject to the
10 appropriation made therefor. Failure by a municipality or county
11 to certify to the department the adoption by resolution,
12 ordinance, or regional plan, the required model program by a date
13 to be determined by the department shall result in that
14 municipality's or county's State aid being added to the total
15 amount to be allocated among all eligible recipients during that
16 year. Every county, and each municipality receiving \$30,000.00
17 or more in [grant funds] State aid, shall submit an annual report
18 to the Department of Environmental Protection on the
19 implementation of the model program and the expenditure of
20 funds. Failure to submit a report or [a satisfactory] submission of
21 an unsatisfactory report will result in a denial of future funds and
22 an obligation to return the funds received. A municipality
23 receiving less than \$30,000.00 in [grant funds] State aid shall not
24 be required to make an annual report, but shall maintain records
25 of the use of the funds. [The Department of Environmental
26 Protection shall not approve a municipal or county litter program
27 unless (1) the plan provides new employment; (2) the plan
28 demonstrates it is in addition to or supplements existing litter
29 pickup and removal activities in the municipality or county, as
30 the case may be; and (3) the municipality or county certifies that
31 that portion of the litter picked up with a grant made pursuant to
32 this subsection which is recyclable shall be recycled.]

33 No eligible municipality shall receive less than \$4,000.00 in
34 [grant funds] State aid as apportioned pursuant to subsections b.
35 and c. of this section. A municipality or county may use up to 5%
36 of its [grant] State aid for administrative expenses;

37 f. 5% of the estimated annual balance of the account shall be
38 used by the department for State administrative expenses and a
39 public information and education program concerning

1 antilittering activities ¹and other aspects of responsible solid
waste handling behavior¹.

3 ¹g. The department shall annually submit a report to the
Governor and the Legislature detailing the administration of and
5 disbursements made from the Clean Communities Account during
the previous calender year.¹

7 (cf: P.L.1986, c.187, s.2)

2. (New section) No contract shall be required as a
9 prerequisite to the distribution of State aid to eligible
municipalities and counties for model programs pursuant to
11 section 7 of P.L.1985, c.533 (C.13:1E-99.2.). Certification by a
municipality or county to the Department of Environmental
13 Protection of the adoption of one of the model programs shall be
the only precondition for this distribution. All State aid funds for
15 each fiscal year for which these funds are to be distributed shall
be distributed by May 31 of the following year.

17 3. Section 8 of P.L.1985, c.533 (C.13:1E-99.3) is amended to
read as follows:

19 8. a. A person who throws, drops, discards or otherwise places
any litter of any nature upon public or private property other
21 than in a litter receptacle commits a petty disorderly persons
offense. The Superior Court and every municipal court shall have
23 jurisdiction to enforce this section. The State or any
municipality may institute proceedings under this section. If a
25 money judgment is rendered against a defendant, the payment
made to the court shall be remitted to the chief financial officer
27 of the municipality wherein the violation occurred, to be used by
the municipality to help finance litter control activities in
29 addition to or supplementing existing litter pickup and removal
activities in the municipality.

31 b. If a person violates subsection a. of this section the court
[may], in addition to [the] any penalty [provided] imposed under
33 that subsection, may direct the person to perform community
service, including litter pickup and removal from any public
35 property, or any private property with permission of the owner,
upon which the person deposited litter, for a term of not less than
37 20 hours nor more than 40 hours.

c. A person who is convicted of an offense under subsection a.
39 of this section within one year of the date of a previous

1 conviction thereunder may be sentenced to imprisonment for a
2 definite term not to exceed 60 days, may in addition be sentenced
3 to pay a fine not to exceed \$1,000 and may be directed to
4 perform community service, including litter pickup and removal
5 from any public property or from any private property if
6 permission of the owner has been granted, for a term of not less
7 than 40 nor more than 80 hours.

(cf: P.L.1985, c.533, s.8)

9 4. This act shall take effect immediately but section 3 shall
10 remain inoperative until the first day of the third month
11 following enactment.

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ENVIRONMENT

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Solid Waste

17 Modifies disbursement of funds in the Clean Communities
Account and increases penalties for littering.

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following enactment.

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STATEMENT

7 This bill expands the permitted uses of funds from the Clean
Communities Account to permit the use of such funds for
9 educational and enforcement programs in addition to the use for
abating litter.

11 The procedure for the distribution of funds is clarified so that
the certification of the establishment of one of the model
13 programs developed by the Department of Environmental
Protection by a local government unit is the sole requirement for
15 the distribution of Clean Communities Account funds, and all
funds are to be distributed by May 31 of the following year. This
17 is intended to insure that the moneys may be used in the summer
months when more time is spent outdoors, more windows are kept
19 open, and more litter is generated, especially in shore
municipalities and counties.

21 The bill also increases the penalties for the petty disorderly
persons offense of littering for repeat offenders.

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ENVIRONMENT

Solid Waste

27

29 Modifies disbursement of funds in the Clean Communities
Account and increases penalties for littering.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 3403

with committee amendments

STATE OF NEW JERSEY

DATED: APRIL 27, 1989

The Senate Energy and Environment Committee favorably reports Senate Bill No. 3403 with Senate committee amendments.

As amended by the Committee, Senate Bill No. 3403 would change the administration of the Clean Communities Account, which is funded by a tax on litter generating products, and which was established to make funding available for State and local anti-littering programs. This bill would provide that the funds allocated for municipalities and counties would be distributed as State aid, as opposed to grants (which require individual contracts between DEP and the municipality or county). This bill provides that contracts would not be required as a condition of receiving this State aid. To qualify for State aid from the Clean Communities Account, a county or municipality would be required to adopt one of the model litter programs established by DEP.

This bill also provides that moneys to be distributed from the Clean Communities Account must be distributed by May 31 of each year. Additionally, this bill also provides that if a person is convicted of two littering offenses within one year, he would be liable to a fine of up to \$1,000.00, a prison term of up to 60 days, and between 40 and 80 hours of community service in the form of picking up litter. Further, the bill directs the Department of Environmental Protection to submit an annual report to the Governor and the Legislature detailing the administration of the Clean Communities Account.