

40A: 2-22 and 40A:4-45.10a

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40A:2-22 and 40A:4-45.10a

(Sanitary landfills--
closure--permit county and
municipal bonds to finance)

LAWS OF: 1985

CHAPTER: 153

Bill No: S2832

Sponsor(s): Dalton

Date Introduced: March 7, 1985

Committee: Assembly: -----

Senate: -----

Amended during passage: No

Date of Passage: Assembly: March 7, 1985

Senate: March 7, 1985

Date of Approval: April 25, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

Sponsor's statement:

This bill would authorize counties and municipalities to issue bonds to finance the closure costs of those sanitary landfill facilities which they utilize, own, or operate, and would also exempt these closure costs from the local "cap" law (P.L.1976,c.68,c.40A:4-45.1 et seq.).

SENATE, No. 2832

STATE OF NEW JERSEY

INTRODUCED MARCH 7, 1985

By Senator DALTON

(Without Reference)

AN ACT concerning the financing of the closure of sanitary landfills, providing for the issuance of certain bonds under the "Local Bond Law," P. L. 1960, c. 169, amending N. J. S. 40A:2-22, supplementing P. L. 1976, c. 68 and P. L. 1981, c. 306, and making an appropriation.

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

1 1. (New section) The Legislature finds that the ever-increasing
2 costs of environmentally sound solid waste disposal necessarily
3 impose economic burdens on local governments and residential
4 taxpayers and put a strain on municipalities to meet their budgetary
5 requirements without periodic increases in local property taxes;
6 that the proper disposal of solid waste and the implementation of
7 an environmentally sound solid waste management strategy are
8 governmental functions which directly impact on the public interest;
9 that the considerable escrow and closing costs required to insure the
10 environmentally sound closure of sanitary landfill facilities have
11 contributed to these escalating disposal costs or tipping fees; and
12 that it is in the public interest that the local governments shall be
13 authorized to meet these increasing costs for landfill closure through
14 utilization of long term debt, the payment of which will apportion
15 these costs more equitably over a longer period of time and will
16 therefore avoid the need for imposing economic burdens on resi-
17 dential taxpayers through substantial increases in local property
18 taxes to pay these costs immediately.

1 2. N. J. S. 40A:2-22 is amended to read as follows:

2 40A:2-22. The governing body of the local unit shall determine

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 *this is new matter.*

3 the period of usefulness of any purpose according to its reasonable
4 life computed from the date of the bonds, which period shall not be
5 greater than the following:

6 a. Buildings and structures.

7 1. Bridges, including retaining walls and approaches, or
8 permanent structures of brick, stone, concrete or metal, or
9 similar durable construction, 30 years.

10 2. Buildings, including the original furnishings and equip-
11 ment therefor:

12 Class A: A building, of which all walls, floors, partitions,
13 stairs and roof are wholly of incombustible material, except
14 the window frames, doors, top flooring and wooden handrails
15 on the stairs, 40 years;

16 Class B: A building, the outer walls of which are wholly
17 of incombustible material, except the window frames and
18 doors, 30 years;

19 Class C: A building which does not meet the requirements
20 of Class A or Class B, 20 years.

21 3. Buildings or structures acquired substantially recon-
22 structed or additions thereto, one-half the period fixed in this
23 subsection for such buildings or structures.

24 4. Additional furnishings, five years.

25 b. Marine improvements.

26 1. Harbor improvements, docks or marine terminals, 40
27 years.

28 2. Dikes, bulkheads, jetties or similar devices of stone,
29 concrete or metal, 15 years; of wood or partly of wood, 10
30 years.

31 c. Additional equipment and machinery.

32 1. Additional or replacement equipment and machinery, 15
33 years.

34 2. Voting machines, 15 years.

35 d. Real property.

36 1. Acquisition for any public purpose of lands or riparian
37 rights, or both, and the original dredging, grading, draining or
38 planting thereof, 40 years.

39 2. Improvement of airport, cemetery, golf course, park,
40 playground, 15 years.

41 3. Stadia of concrete or other incombustible materials, 20
42 years.

43 e. Streets or thoroughfares.

44 1. Elimination of grade crossings, 35 years.

45 2. Streets or roads.

46 Class A: Rigid pavement. A pavement of not less than
 47 eight inches of cement concrete or a six-inch cement concrete
 48 base with not less than three-inch bituminous concrete
 49 surface course, or equivalent wearing surface, 20 years.

50 Flexible pavement. A pavement not less than 10 inches in
 51 depth consisting of five-inch macadam base, three-inch
 52 modified penetration macadam and three-inch bituminous
 53 concrete surface course or other pavements of equivalent
 54 strength, in accordance with the findings of the American
 55 Association of State Highway Officials (AASHO) Road Test,
 56 20 years.

57 Class B: Mixed surface-treated road. An eight-inch
 58 surface of gravel, stone or other selected material under
 59 partial control mixed with cement or lime and fly ash, six
 60 inches in compacted thickness with bituminous surface treat-
 61 ment and cover, 10 years.

62 Bituminous penetration road. A five-inch gravel or stone
 63 base course and a three-inch course bound with a bituminous
 64 or equivalent binder, 10 years.

65 Class C: Mixed bituminous road. An eight-inch surface
 66 of gravel, stone, or other selected material under partial
 67 control mixed with bituminous material one inch or more in
 68 compacted thickness, five years.

69 Penetration macadam road. A road of sand, gravel or
 70 water bound macadam, or surfacing with penetration maca-
 71 dam, five years.

72 3. Sidewalks, curbs and gutters of stone, concrete or brick,
 73 10 years.

74 The period of usefulness in this subsection shall apply to
 75 construction and reconstruction of streets and thoroughfares.

76 f. Utilities and municipal systems.

77 1. Sewer system, whether sanitary or storm water, water
 78 supply or distribution system, 40 years.

79 2. Electric light, power or gas systems, garbage, refuse or
 80 ashes incinerator or disposal plant, 25 years.

81 3. Communication and signal systems, 10 years.

82 4. House connections to publicly-owned gas, water or sewer
 83 systems from the service main in the street to the curb or
 84 property lines where not part of original installation, five
 85 years.

86 g. Vehicles and apparatus.

87 1. Fire engines, apparatus and equipment, when purchased
 88 new, but not fire equipment purchased separately, 10 years.

89 2. Automotive vehicles, including original apparatus and
 90 equipment (other than passenger cars and stationwagons),
 91 when purchased new, five years.

92 3. Major repairs, reconditioning or overhaul of fire engines
 93 and apparatus, which may reasonably be expected to extend for
 94 at least five years the period of usefulness thereof, five years.

95 *h. The closure of a sanitary landfill facility utilized, owned or*
 96 *operated by a county or municipality, 15 years; provided that the*
 97 *closure has been approved by the Board of Public Utilities and the*
 98 *Department of Environmental Protection. For the purposes of this*
 99 *subsection "closure" means all activities associated with the*
 100 *design, purchase or construction of all measures required by the*
 101 *Department of Environmental Protection, pursuant to law, in*
 102 *order to prevent, minimize or monitor pollution or health hazards*
 103 *resulting from sanitary landfill facilities subsequent to the termina-*
 104 *tion of operations at any portion thereof, including, but not neces-*
 105 *sarily limited to, the costs of the placement of earthen or vegetative*
 106 *cover, and the installation of methane gas vents or monitors and*
 107 *leachate monitoring wells or collection systems at the site of any*
 108 *sanitary landfill facility.*

109 [h.] *i. Any purpose, except vehicles, not included in the foregoing,*
 110 *for which obligations may be issued, 15 years.*

1 3. (New section) Any additional expenditures made by a county
 2 or municipality to meet an increase in the rates or charges for solid
 3 waste disposal at a sanitary landfill facility resulting from an order
 4 issued by the Board of Public Utilities to finance the closure of the
 5 facility, whenever the closure is approved by the Department of
 6 Environmental Protection, shall, for the purposes of P. L. 1976,
 7 c. 68 (C. 40A:4-45.1 et seq.), be considered an expenditure man-
 8 dated by State law.

1 4. This act shall take effect immediately.

STATEMENT

This bill would authorize counties and municipalities to issue bonds to finance the closure costs of those sanitary landfill facilities which they utilize, own or operate, and would also exempt these closure costs from the local "cap" law (P. L. 1976, c. 68; C. 40A:4-45.1 et seq.).