

48:3-17.6

LEGISLATIVE HISTORY CHECKLIST

NJSA: 48:3-17.6

(Solid waste disposal facilities-  
procedures under eminent domain)

LAWS OF: 1984

CHAPTER: 214

Bill No: S1507

Sponsor(s): Caufield

Date Introduced: April 30, 1984

Committee: Assembly: -----

Senate: Energy and Environment

Amended during passage: Yes

Substituted for A2782 (not attached  
since identical to S1507)  
Amendments during passage denoted  
by asterisks

Date of Passage: Assembly: December 6, 1984

Senate: November 29, 1984

Date of Approval: December 17, 1984

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

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CHAPTER 214 LAWS OF N. J. 1984

APPROVED 12/17/84

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SENATE, No. 1507

# STATE OF NEW JERSEY

INTRODUCED APRIL 30, 1984

By Senator CAUFIELD

Referred to Committee on Energy and Environment

AN ACT concerning eminent domain and amending P. L. 1962, c. 198.

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

1 1. Section 48 of P. L. 1962, c. 198 (C. 48:3-17.6) is amended to  
2 read as follows:

3 48. Any of the following types of public utilities now or here-  
4 after organized and existing under and by virtue of any law of  
5 this State: electric light, heat and power; canal; gas; pipeline;  
6 railroad; underground railroad; sewerage; *solid waste disposal as*  
7 *defined in section 3 of \***[P. L. 1970, c. 39 (C. 13:1E-3)]**\** \*P. L. 1970,  
8 *c. 40 (C. 48:13A-3)\**; water power; street railway or traction;  
9 telegraph or telephone; or water, in addition to and not in substitu-  
10 tion of whatever other right, power and authority it may have and  
11 possess, may, subject to the restrictions as provided hereinafter,  
12 take or acquire under the provisions of **[chapter 1 of Title 20,**  
13 **Eminent Domain]** *P. L. 1971, c. 361 (C. 20:3-1 et seq.)*, such prop-  
14 erty or other interest therein which may be reasonably necessary  
15 for the purposes enumerated for each such utility in the succeeding  
16 sections hereto. *In the case of solid waste disposal facilities, the*  
17 *condemnation proceeding may not commence unless \***[and until]**\**  
18 *the Department of Environmental Protection finds\**, pursuant to  
19 *the provisions of section 17 of P. L. 1975, c. 326 (C. 13:1E-26)\* that*  
20 *the site to be taken is a suitable site for \***[the]**\* \*a\* solid waste*  
21 *\***[actively]**\* \*disposal facility\*, and that \***[the activity poses no]**\**  
22 *\*it will not pose an\* undue risk to the environment or public*  
23 *health\***[, pursuant to section 17 of P. L. 1975, c. 326 (C.***  
24 *13:1E-26)\**].

1 2. 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 committee amendments adopted November 19, 1984.

SENATE, No. 1507

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STATE OF NEW JERSEY

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4 after organized and existing under and by virtue of any law of  
5 this State: electric light, heat and power; canal; gas; pipeline;  
6 railroad; underground railroad; sewerage; *solid waste disposal as*  
7 *defined in section 3 of P. L. 1970, c. 39 (C. 13:1E-3);* water power;  
8 street railway or traction; telegraph or telephone; or water, in  
9 addition to and not in substitution of whatever other right, power  
10 and authority it may have and possess, may, subject to the restric-  
11 tions as provided hereinafter, take or acquire under the provisions  
12 of **[chapter 1 of Title 20, Eminent Domain]** *P. L. 1971, c. 361 (C.*  
13 *20:3-1 et seq.),* such property or other interest therein which may  
14 be reasonably necessary for the purposes enumerated for each  
15 such utility in the succeeding sections hereto. *In the case of solid*  
16 *waste disposal facilities, the condemnation proceeding may not*  
17 *commence unless and until the Department of Environmental Pro-*  
18 *tection finds that the site to be taken is a suitable site for the solid*  
19 *waste activity, and that the activity poses no undue risk to the*  
20 *environment or public health, pursuant to section 17 of P. L. 1975,*  
21 *c. 326 (C. 13:1E-26).*

1 2. 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.**

## STATEMENT

This bill clarifies the legislative intent that solid waste disposal facilities, like other public utilities, have the right to proceed under the "Eminent Domain Act of 1971," P. L. 1971, c. 361 (C. 20:3-1 et seq.), for such property as reasonably may be necessary to carry out their responsibilities as public utilities, subject to the approval of the Department of Environmental Protection and the Board of Public Utilities.

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SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

**SENATE, No. 1507**

**STATE OF NEW JERSEY**

DATED: NOVEMBER 19, 1984

This bill clarifies existing law to provide that solid waste disposal facilities, like other public utilities, have the right to acquire property pursuant to the provisions of the "Eminent Domain Act of 1971," P. L. 1971, c. 361 (C. 20:3-1 et seq.). Any solid waste disposal facility acquiring land under an eminent domain proceeding would be required to obtain the approval of the Board of Public Utilities, and the Department of Environmental Protection.

The committee made purely technical amendments to the bill.



# OFFICE OF THE GOVERNOR

## NEWS RELEASE

CN-001

Contact: CARL GOLDEN  
609-292-8956

TRENTON, N.J. 08625

Release: WED., DEC. 19, 1984

Governor Thomas H. Kean has signed legislation which grants a temporary exemption from new unemployment eligibility requirements to migrant agricultural workers.

The bill, A-2612, was sponsored by Assemblyman Thomas P. Foy, D-Burlington, leaves in place for some farm workers the old unemployment eligibility requirements of 20 base work weeks with earnings of at least \$30 per week, or of total annual earnings of \$2,200. Under the terms of the Unemployment Insurance Reform Act the requirements were raised to at least \$51 per week for 20 base weeks or \$4,100 annually.

The new requirements went into effect October 1. This bill extends the old requirements for farm workers through the end of 1984.

The Governor also signed S-1507, sponsored by State Senator John P. Caufield, D-Essex, which adds solid waste disposal to the list of utilities which may take or acquire property under the provisions of the Eminent Domain Act of 1971.

The bill requires that for land to be taken by eminent domain proceedings for use as a solid waste disposal facility, the condemnation proceeding may not begin until the Department of Environmental Protection has ruled that the site is suitable and that there will be undue risk to the environment or to public health.

- ~~SECRET~~ -