

13:1E-94

LEGISLATIVE HISTORY CHECKLIST

NJSA: 13:1E-94

(Recycling Act - clarify definition of "municipality")
CHAPTER: 436

LAWS OF: 1983

Bill No: A3328

Sponsor(s): Ogden and others

Date Introduced: March 14, 1983

Committee: Assembly: -----

Senate: Energy and Environment

Amended during passage: NO Substituted for S3242 (not attached since identical to A3328)

Date of Passage: Assembly: May 5, 1983

Senate: December 12, 1983

Date of Approval: January 6, 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~~ YES

Following were printed:

Reports: NO

Hearings: NO

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ASSEMBLY, No. 3328

STATE OF NEW JERSEY

INTRODUCED MARCH 14, 1983

By Assemblywoman OGDEN, Assemblymen McENROE, ALBOHN,
SHUSTED, ROCCO, MEYER, HAINES and HOLLENBECK

AN ACT to amend the "Recycling Act," approved September 9, 1981,
(P. L. 1981, c. 278).

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

1 1. Section 3 of P. L. 1981, c. 278 (C. 13:1E-94) is amended to
2 read as follows:

3 3. As used in this act:

4 a. "Division" means the Division of Taxation in the Department
5 of the Treasury;

6 b. "Director" means the Director of the Division of Taxation in
7 the Department of the Treasury;

8 c. "*Municipality*" means *any city, borough, town, township or*
9 *village situated within the boundaries of this State;*

10 **[c.]** d. "Recycling" means any process by which materials which
11 would otherwise become solid waste are collected, separated or
12 processed and returned to the economic mainstream in the form of
13 raw materials or products;

14 **[d.]** e. "Tax period" means every calendar month or any other
15 period as may be prescribed by rule and regulation adopted by the
16 director, on the basis of which the owner or operator of a sanitary
17 landfill facility is required to report to the director pursuant to this
18 act;

19 **[e.]** f. "Taxpayer" means the owner or operator of a sanitary
20 landfill facility subject to the tax provisions of this act.

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 would clarify the meaning of the term "municipality" as used in the "Recycling Act" so that it would only apply to one of the 567 municipalities situated in New Jersey.

As the volume of solid waste multiplies, the resource capacity of the State to safely dispose of it is severely strained. New Jersey has provided for a Statewide systematic approach to the problem through the enactment and implementation of the "Solid Waste Management Act," P. L. 1970, c. 39 (C. 13:1E-1 et seq.), but is faced with an additional burden of disposing of solid waste imported from other states.

In 1978, in *City of Philadelphia v. New Jersey*, 98 S. Ct. 2531, 437 U. S. 617, 57 L. Ed. 2d. 475 (1978), the United States Supreme Court held that P. L. 1973, c. 363, which prohibited the importation of most solid waste which originated or was collected outside the territorial limits of the State, violated the Commerce Clause of the United States Constitution. However, the requirement that New Jersey must accept for disposal solid waste generated out-of-state does not carry with it the concomitant obligation to reward out-of-state generators who reduce the waste flow to New Jersey landfill sites through recycling with New Jersey tax dollars.

This bill, therefore, would make out-of-state municipalities ineligible for New Jersey Recycling Act grants.

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~~A 3328~~ (1983)

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3328

STATE OF NEW JERSEY

DATED: JUNE 30, 1983

This bill would clarify the meaning of "municipality" as used in the "Recycling Act," P. L. 1981, c. 278 (C. 13:1E-92 et seq.), so that it would include only a city, borough, town, township, or village situated within the boundaries of New Jersey.

This bill would make out-of-state municipalities ineligible for New Jersey Recycling Act grants, which are made with funds generated by a fee imposed in the "Recycling Act" on the disposal of solid waste.

BILLS

PAGE TWO

TUESDAY, JANUARY 10, 1984

A-3191, sponsored by Assemblyman John P. Doyle, D-Ocean, which makes explicit that the definition of "multiple dwelling" under the Hotel and Multiple Dwelling Law shall include certain complexes of ten or more detached structures on one parcel of land or on contiguous parcels under common ownership.

A-3566, sponsored by Assemblyman Christopher J. Jackman, D-Hudson, which eliminates all references to mandatory retirement ages in the State Police Retirement System.

S-3158, sponsored by State Senator Carmen A. Orechio, D-Essex, which waives the training requirements for persons with ten or more years of experience in any position allowed to opt over to be sheriffs officers.

A-3328, sponsored by Assemblywoman Maureen B. Ogden, R-Essex, which clarifies the meaning of "municipality" as used in the Recycling Act to apply only to municipalities situated within the boundaries of New Jersey.

A-4057, sponsored by Assemblyman Alan J. Karcher, D-Middlesex, which permits secondary mortgage loan companies to make open-ended loans.

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