

13:1E-92 to 13:1E-99

LEGISLATIVE HISTORY CHECKLIST

NJSA 13:1E-92 to 13:1E-99 ("Recycling Act"--establish program Statewide)

LAWS 1981 CHAPTER 278

Bill No. A2283

Sponsor(s) Dalton and others

Date Introduced Dec. 8, 1980

Committee: Assembly Revenue, Finance and Appropriations

Senate Energy and Environment

Amended during passage Yes Not Amendments during passage
denoted by asterisks

Date of Passage: Assembly May 4, 1981

Senate June 25, 1981

Date of approval Sept. 9, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing Yes ~~No~~

Following were printed:

Reports Yes ~~No~~

Hearings ~~Yes~~ No

Recommendation for legislation made in:

974.90 New Jersey. Advisory Committee on Recycling.
P777 Recycling in the 1980's: the report on
1980m recycling in New Jersey, September, 1980.
Newark, 1980.

(over)

6/22/81

974.90 New Jersey. Advisory Committee on Recycling.
P777 State of New Jersey draft plan on
1980c recycling. June, 1980. Newark, 1980.

974.90 New Jersey. Advisory Council on Solid Waste Management.
P777 Report by the Council on its public hearing on
1978c source separation and recycling...November, 1978.
Trenton, 1978.

Note: Public hearings, held 7-21, 7-22, 7-23, 7-24, and 7-25-80
were not transcribed.

ASSEMBLY, No. 2283

STATE OF NEW JERSEY

INTRODUCED DECEMBER 8, 1980

By Assemblymen DALTON, RILEY, STEWART and HERMAN

Referred to Committee on Revenue, Finance and Appropriations

A SUPPLEMENT to the "Solid Waste Management Act," approved May 6, 1970 (P. L. 1970, c. 39; C. 13:1E-1 et seq.), as said short title was amended by P. L. 1975, c. 326.

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

1 1. This act shall be known and may be cited as the "Recycling
2 Act".

1 2. The Legislature finds that New Jersey must continue to seek
2 solutions to its energy, environmental and economic problems;
3 that solutions to these problems require proper solid waste and
4 resource recovery management; that the generation of municipal
5 solid waste is increasing while landfill capacity is decreasing; that
6 the siting of environmentally secure landfills is an area of serious
7 concern and limited choice; and that the disposal of solid waste
8 materials is wasteful of valuable resources.

9 The Legislature further finds that the recycling of waste mater-
10 ials decreases waste flow to landfill sites, recovers valuable re-
11 sources, conserves energy in the manufacturing process, and offers
12 a supply of domestic raw materials for the State's industries;
13 that a comprehensive recycling plan and program is necessary to
14 achieve the maximum practical recovery of reusable materials
15 from solid waste in this State; and that such a plan will reduce
16 the amount of waste to landfills, conserve energy and resources,
17 and recover materials for industrial uses.

18 The Legislature, therefore, declares it to be in the energy,
19 environmental, and economic interest of the State of New Jersey to
20 implement a comprehensive Statewide recycling plan.

1 3. There is levied upon the owner or operator of every sanitary
2 landfill facility a recycling tax of \$0.12 per cubic yard of all
3 solid waste accepted for disposal at the facility. In the event that
4 any solid waste is measured upon acceptance for disposal by other
5 than cubic yards, the tax shall be levied on the equivalents thereof
6 as shall be determined by the department.

1 4. The tax imposed by this supplementary act shall be governed
2 in all respects by the "state tax uniform procedure law," subtitle
3 9 of Title 54 of the Revised Statutes.

1 5. a. The State Recycling Fund (hereinafter referred to as the
2 "fund") is established as a nonlapsing, revolving fund. The fund
3 shall be administered jointly by the Department of Energy and the
4 Department of Environmental Protection, and shall be credited
5 with all tax revenue collected pursuant to this supplementary act.
6 Interest received on moneys in the fund shall be credited to the
7 fund.

8 b. Moneys in the fund shall be used for the following purposes
9 and no others:

10 (1) Low interest loans and a loan guarantee program for re-
11 cycling businesses and industries. At least 25% of these loans shall
12 be allocated to businesses and industries located in urban munici-
13 palities;

14 b. Recycling grants for municipalities which have community
15 recycling programs;

16 c. State, county, and municipal planning and program funding,
17 including technical assistance;

18 d. Public information and education programs;

19 e. To offset losses in State tax revenue which result from any
20 granting of tax credits to businesses which purchase recycling
21 equipment; and,

22 f. Administrative costs.

1 6. The Commissioners of the Departments of Energy and En-
2 vironmental Protection shall adopt, pursuant to the "Adminis-
3 trative Procedure Act", P. L. 1968, c. 410 (C. 52:14B-1 et seq.),
4 such rules and regulations as are necessary to effectuate this
5 supplementary act.

1 7. a. The provisions of any law to the contrary notwithstanding,
2 the owner or operator of any sanitary landfill facility may collect
3 the tax imposed pursuant to this supplementary act as an automatic
4 surcharge on any tariff rate filed with and recorded by the Board
5 of Public Utilities for the solid waste disposal operations of the
6 facility.

7 b. The provisions of any law to the contrary notwithstanding,
8 the owner or operator of any solid waste collection operation may
9 collect any increased disposal costs resulting from the tax imposed
10 pursuant to this supplementary act as an automatic surcharge on
11 any tariff rate filed with and recorded by the Board of Public
12 Utilities for the collection operation.

1 8. Any additional expenditures for the collection or disposal
2 of solid waste made by any county or municipality as a result of
3 the tax imposed pursuant to this supplementary act shall, for the
4 purposes of P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.), be considered
5 an expenditure mandated by State law.

1 9. This act shall take effect immediately.

STATEMENT

This bill establishes a Statewide recycling program which includes low interest loans to business and industry, recycling grants to local governments, and public information and education programs. This program will be managed by the Department of Energy and the Department of Environmental Protection, and funded by a tax of \$0.12 per cubic yard of all solid waste disposed of at any sanitary landfill facility in this State. This tax would raise approximately \$6,000,000.00 per year.

This bill was recommended by the State Advisory Council on Recycling.

ASSEMBLY COMMITTEE
STATEMENT TO
ASSEMBLY, No. 2283
with Assembly committee amendment

STATE OF NEW JERSEY

DATED: APRIL 27, 1981

This bill establishes a Statewide recycling program which includes low interest loans to business and industry, recycling grants to local governments, and public information and education programs. This program will be managed by the Department of Energy and the Department of Environmental Protection, and funded by a tax of \$0.12 per cubic yard of all solid waste disposed of at any sanitary landfill facility in this State. This tax would raise approximately \$6,000,000.00 per year.

This bill was recommended by the State Advisory Council on Recycling.

Specifically, the committee amended the bill to: (1) direct the Division of Taxation to collect the tax on solid waste disposal imposed by section 4; (2) provide that the rate of this tax decrease from \$0.12 to \$0.06 per cubic yard as of January 1, 1986, and that the tax terminate as of December 31, 1986; (3) require that the annual balance of the fund be allocated as follows: not less than 45% for recycling grants to municipalities, not less than 20% for low interest loans and loan guarantees for recycling businesses and industries, not less than 10% for State recycling program planning and program funding, not more than 10% for county and municipal recycling program planning and program funding, and not less than 15% for a public information and education program concerning recycling and anti-litter activities; (4) direct the Departments of Energy and Environmental Protection to propose appropriate rules and recommendations to implement this act within 90 days of its enactment; (5) direct the Board of Public Utilities to issue an appropriate order concerning the effect of the increase in solid waste disposal rates (resulting from the tax and the "pass-through" provision) upon solid waste collection rates; (6) provide that any expenditure of revenues received by municipalities for recycling programs pursuant to this act be exempt from the "caps" on local spending; (7) direct the Departments of Energy and Environ-

mental Protection to prepare and transmit to the Governor and the Legislature, by October 1, 1984, a report concerning the implementation of this act; and (8) incorporate technical revisions recommended by the Departments of Energy, Environmental Protection, and Treasury, and by the State Advisory Council on Recycling.

ASSEMBLY COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 2283

STATE OF NEW JERSEY

ADOPTED APRIL 27, 1981

Amend page 1, section 2, after line 20, insert new section 3 as follows:

"3. As used in this act:

a. 'Division' means the Division of Taxation in the Department of the Treasury;

b. 'Director' means the Director of the Division of Taxation in the Department of the Treasury;

c. 'Recycling' means any process by which materials which would otherwise become solid waste are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products;

d. 'Tax period' means every calendar month or any other period as may be prescribed by rule and regulation adopted by the director, on the basis of which the owner or operator of a sanitary landfill facility is required to report to the director pursuant to this act;

e. 'Taxpayer' means the owner or operator of a sanitary landfill facility subject to the tax provisions of this act;"

Amend page 1, section 3, line 1, omit "3.", insert "4. a.".

Amend page 1, section 3, line 3, after "facility", insert "on or after January 1, 1982; except that any solid waste accepted for disposal on or after January 1, 1986 shall be taxed at the rate of \$0.06 per cubic yard".

Amend page 1, section 3, line 6, omit "department", insert "director".

Amend page 1, section 3, after line 6, insert new subsections b., c., d., e., f. and g. as follows:

"b. (1) Every owner or operator of a sanitary landfill facility shall, on or before the twentieth day of the month following the close of each tax period, render a return under oath to the director on such form as may be prescribed by the director indicating the number of cubic yards of solid waste accepted for disposal and at said time owner or operator shall pay the full amount of tax due.

(2) Every owner or operator of a sanitary landfill which accepts solid waste for disposal and which is subject to the tax under subsection a. of this section shall, within 20 days after the first acceptance

of this waste, register with the director on forms prescribed by him.

c. If a return required by this act is not filed, or if a return when filed is incorrect or insufficient in the opinion of the director, the amount of tax due shall be determined by the director from such information as may be available. Notice of such determination shall be given to the taxpayer liable for the payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within 30 days after receiving notice of such determination, shall apply to the director for a hearing, or unless the director on his own motion shall redetermine the same. After such hearing the director shall give notice of his determination to the person to whom the tax is assessed.

d. Any taxpayer who shall fail to file his return when due or to pay any tax when the same becomes due, as herein provided, shall be subject to such penalties and interest as provided in the 'State Tax Uniform Procedure Law,' Subtitle 9 of Title 54 of the Revised Statutes. If the Division of Taxation determines that the failure to comply with any provision of this section was excusable under the circumstances, it may remit such part or all of the penalty as shall be appropriate under such circumstances.

e. (1) Any person failing to file a return, failing to pay the tax, or filing or causing to be filed, or making or causing to be made, or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this act, or rules or regulations adopted hereunder which is willfully false, or failing to keep any records required by this act or rules and regulations adopted hereunder, shall, in addition to any other penalties herein or elsewhere prescribed, be guilty of a crime of the fourth degree.

(2) The certificate of the director to the effect that a tax has not been paid, that a return has not been filed, that information has not been supplied or that inaccurate information has been supplied pursuant to the provisions of this act or rules or regulations adopted hereunder shall be presumptive evidence thereof.

f. In addition to the other powers granted to the director in this section, he is hereby authorized and empowered:

(1) To delegate to any officer or employee of his division such of his powers and duties as he may deem necessary to carry out efficiently the provisions of this section, and the person or persons to whom such power has been delegated shall possess and may exercise all of said powers and perform all of the duties delegated by the director;

(2) To prescribe and distribute all necessary forms for the implementation of this section.

g. The tax imposed by this section shall be governed in all respects by the provisions of the 'State Tax Uniform Procedure Law,' Subtitle 9 of Title 54 of the Revised Statutes, except only to the extent that a specific provision of this section may be in conflict therewith."

Amend page 2, section 4, lines 1-3, omit entirely.

Amend page 2, section 5, line 5, after "collected", insert "by the division"; after "to", insert "section 4 of"; correct spelling of "supplementary" to "supplementary".

Amend page 2, section 5, line 6, after "fund", insert "and sums received as repayment of principal and interest on outstanding loans made from the fund".

Amend page 2, section 5, line 8, after "be", insert "allocated and".

Amend page 2, section 5, lines 10-22, omit entirely and insert:

"(1) Not less than 45% of the estimated annual balance of the fund shall be used for the annual expenses of a 5-year program of recycling grants to municipalities. The amount of these grants shall be calculated, for the purposes of the first grant to a particular municipality, on the basis of the total number of tons of materials annually recycled from residential and commercial sources within that municipality. Thereafter, subsequent grants to a municipality shall be calculated on the basis of the increase in the total number of tons of such materials from the total in the preceding year. No recycling grant to any municipality shall be used for constructing or operating any facility for the baling of waste paper or for the shearing, baling or shredding of ferrous or nonferrous materials;

(2) Not less than 20% of the estimated annual balance of the fund shall be used to provide low interest loans and to establish a sufficient reserve for a loan guarantee program for recycling businesses and industries;

(3) Not less than 10% of the estimated annual balance of the fund shall be used for State recycling program planning and program funding, including the administrative expenses thereof;

(4) Not more than 10% of the estimated annual balance of the fund shall be used for county and municipal recycling program planning and program funding, including the administrative expenses thereof: and

(5) Not less than 15% of the estimated annual balance of the fund shall be used for a public information and education program concerning recycling and anti-litter activities."

Amend page 2, section 6, line 1, after "6.", insert "a."

Amend page 2, section 6, line 5, after "act.", insert "These rules and regulations shall be proposed within 90 days of the effective date of

this section, and thereafter adopted as provided in the 'Administrative Procedure Act.'

b. The director shall adopt, pursuant to the 'Administrative Procedure Act,' such rules and regulations as are necessary to effectuate this supplementary act."

Amend page 2, section 7, line 3, omit "an automatic", insert "a".

Amend page 2, section 7, lines 4-5, omit "rate filed with and recorded by the Board of Public Utilities", insert "established pursuant to law".

Amend page 2, section 7, lines 7-12, omit entirely and insert:

"b. The Board of Public Utilities shall, within 60 days of the effective date of this supplementary act, issue an appropriate order increasing current tariffs established pursuant to law for solid waste collection operations by an amount equal to the total increase in the relevant solid waste disposal tariff pursuant to subsection a. of this section."

Amend page 3, section 8, line 3, after "act", insert "and any expenditure of revenues received by a municipality pursuant to section 5 hereof".

Amend page 3, section 8, after line 5, insert new section 9 as follows:

"9. The Department of Energy and Environmental Protection shall prepare a report concerning the implementation of this act, including any recommendations for amendments hereto deemed appropriate by the departments. This report shall be transmitted to the Governor and the Legislature by October 1, 1984."

Amend page 3, section 9, line 1, omit entirely and insert:

"10. This act shall take effect on January 1, 1982, except that section 6 hereof shall take effect immediately. Section 4 of this act shall expire on December 31, 1986."

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 2283

STATE OF NEW JERSEY

INTRODUCED DECEMBER 8, 1980

By Assemblymen DALTON, RILEY, STEWART and HERMAN

Referred to Committee on Revenue, Finance and Appropriations

A SUPPLEMENT to the "Solid Waste Management Act," approved May 6, 1970 (P. L. 1970, c. 39; C. 13:1E-1 et seq.), as said short title was amended by P. L. 1975, c. 326.

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

1 1. This act shall be known and may be cited as the "Recycling
2 Act".

1 2. The Legislature finds that New Jersey must continue to seek
2 solutions to its energy, environmental and economic problems;
3 that solutions to these problems require proper solid waste and
4 resource recovery management; that the generation of municipal
5 solid waste is increasing while landfill capacity is decreasing; that
6 the siting of environmentally secure landfills is an area of serious
7 concern and limited choice; and that the disposal of solid waste
8 materials is wasteful of valuable resources.

9 The Legislature further finds that the recycling of waste mater-
10 ials decreases waste flow to landfill sites, recovers valuable re-
11 sources, conserves energy in the manufacturing process, and offers
12 a supply of domestic raw materials for the State's industries;
13 that a comprehensive recycling plan and program is necessary to
14 achieve the maximum practical recovery of reusable materials
15 from solid waste in this State; and that such a plan will reduce
16 the amount of waste to landfills, conserve energy and resources,
17 and recover materials for industrial uses.

18 The Legislature, therefore, declares it to be in the energy,
19 environmental, and economic interest of the State of New Jersey to
20 implement a comprehensive Statewide recycling plan.

1 *3. *As used in this act:*

2 a. "Division" means the Division of Taxation in the Department
3 of the Treasury;

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

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

6 c. "Recycling" means any process by which materials which
7 would otherwise become solid waste are collected, separated or
8 processed and returned to the economic mainstream in the form
9 of raw materials or products;

10 d. "Tax period" means every calendar month or any other period
11 as may be prescribed by rule and regulation adopted by the direc-
12 tor, on the basis of which the owner or operator of a sanitary
13 landfill facility is required to report to the director pursuant to
14 this act;

15 e. "Taxpayer" means the owner or operator of a sanitary land-
16 fill facility subject to the tax provisions of this act.*

1 ***[3.]*** *4. a.* There is levied upon the owner or operator of
2 every sanitary landfill facility a recycling tax of \$0.12 per cubic
3 yard of all solid waste accepted for disposal at the facility *on or
4 after January 1, 1982; except that any solid waste accepted for
5 disposal on or after January 1, 1986 shall be taxed at the rate of
6 \$0.06 per cubic yard*. In the event that any solid waste is measured
7 upon acceptance for disposal by other than cubic yards, the tax
8 shall be levied on the equivalents thereof as shall be determined
9 by the ***[department]*** *director*.

10 *b. (1) Every owner or operator of a sanitary landfill facility
11 shall, on or before the twentieth day of the month following the
12 close of each tax period, render a return under oath to the director
13 on such form as may be prescribed by the director indicating the
14 number of cubic yards of solid waste accepted for disposal and
15 at said time owner or operator shall pay the full amount of tax due.

16 (2) Every owner or operator of a sanitary landfill which accepts
17 solid waste for disposal and which is subject to the tax under sub-
18 section a. of this section shall, within 20 days after the first accept-
19 ance of this waste, register with the director on forms prescribed
20 by him.

21 c. If a return required by this act is not filed, or if a return when
22 filed is incorrect or insufficient in the opinion of the director, the
23 amount of tax due shall be determined by the director from such
24 information as may be available. Notice of such determination
25 shall be given to the taxpayer liable for the payment of the tax,
26 Such determination shall finally and irrevocably fix the tax unless
27 the person against whom it is assessed, within 30 days after receiv-
28 ing notice of such determination, shall apply to the director for a
29 hearing, or unless the director on his own motion shall redetermine
30 the same. After such hearing the director shall give notice of his
31 determination to the person to whom the tax is assessed.

32 *d. Any taxpayer who shall fail to file his return when due or to*
 33 *pay any tax when the same becomes due, as herein provided, shall*
 34 *be subject to such penalties and interest as provided in the "State*
 35 *Tax Uniform Procedure Law," Subtitle 9 of Title 54 of the Revised*
 36 *Statutes. If the Division of Taxation determines that the failure*
 37 *to comply with any provision of this section was excusable under*
 38 *the circumstances, it may remit such part or all of the penalty as*
 39 *shall be appropriate under such circumstances.*

40 *e. (1) Any person failing to file a return, failing to pay the tax,*
 41 *or filing or causing to be filed, or making or causing to be made,*
 42 *or giving or causing to be given any return, certificate, affidavit,*
 43 *representation, information, testimony or statement required or*
 44 *authorized by this act, or rules or regulations adopted hereunder*
 45 *which is willfully false, or failing to keep any records required*
 46 *by this act or rules and regulations adopted hereunder, shall, in*
 47 *addition to any other penalties herein or elsewhere prescribed, be*
 48 *guilty of a crime of the fourth degree.*

49 *(2) The certificate of the director to the effect that a tax has not*
 50 *been paid, that a return has not been filed, that information has*
 51 *not been supplied or that inaccurate information has been supplied*
 52 *pursuant to the provisions of this act or rules or regulations*
 53 *adopted hereunder shall be presumptive evidence thereof.*

54 *f. In addition to the other powers granted to the director in this*
 55 *section, he is hereby authorized and empowered:*

56 *(1) To delegate to any officer or employee of his division such of*
 57 *his powers and duties as he may deem necessary to carry out*
 58 *efficiently the provisions of this section, and the person or persons*
 59 *to whom such power has been delegated shall possess and may*
 60 *exercise all of said powers and perform all of the duties delegated*
 61 *by the director;*

62 *(2) To prescribe and distribute all necessary forms for the*
 63 *implementation of this section.*

64 *g. The tax imposed by this section shall be governed in all*
 65 *respects by the provisions of the "State Tax Uniform Procedure*
 66 *Law," Subtitle 9 of Title 54 of the Revised Statutes, except only*
 67 *to the extent that a specific provision of this section may be in*
 68 *conflict therewith.**

1 **[4. The tax imposed by this supplementary act shall be governed*
 2 *in all respects by the "state tax uniform procedure law," subtitle*
 3 *9 of Title 54 of the Revised Statutes.]**

1 *5. a. The State Recycling Fund (hereinafter referred to as the*
 2 *"fund") is established as a nonlapsing, revolving fund. The fund*
 3 *shall be administered jointly by the Department of Energy and the*

4 Department of Environmental Protection, and shall be credited
5 with all tax revenue collected **by the division** pursuant to **sec-*
6 *tion 4 of** this ***[supplementary]*** **supplementary** act. Interest
7 received on moneys in the fund **and sums received as repayment*
7A *of principal and interest on outstanding loans made from the fund**
7B shall be credited to the fund.

8 b. Moneys in the fund shall be **allocated and** used for the fol-
9 lowing purposes and no others:

10 ***[(1)** Low interest loans and a loan guarantee program for re-
11 cycling businesses and industries. At least 25% of these loans shall
12 be allocated to businesses and industries located in urban munici-
13 palities;

14 b. Recycling grants for municipalities which have community
15 recycling programs;

16 c. State, county, and municipal planning and program funding,
17 including technical assistance;

18 d. Public information and education programs;

19 e. To offset losses in State tax revenue which result from any
20 granting of tax credits to businesses which purchase recycling
21 equipment; and,

22 f. Administrative costs.]*

23 **(1) Not less than 45% of the estimated annual balance of the*
24 *fund shall be used for the annual expenses of a 5-year program for*
25 *recycling grants to municipalities. The amount of these grants*
26 *shall be calculated, for the purposes of the first grant to a particular*
27 *municipality, on the basis of the total number of tons of materials*
28 *annually recycled from residential and commercial sources within*
29 *that municipality. Thereafter, subsequent grants to a municipality*
30 *shall be calculated on the basis of the increase in the total number*
31 *of tons of such materials from the total in the preceding year. No*
32 *recycling grant to any municipality shall be used for constructing*
33 *or operating any facility for the baling of waste paper or for the*
34 *shearing, baling or shredding of ferrous or nonferrous materials;*

35 *(2) Not less than 20% of the estimated annual balance of the*
36 *fund shall be used to provide low interest loans and to establish a*
37 *sufficient reserve for a loan guarantee program for recycling busi-*
38 *nesses and industries;*

39 *(3) Not less than 10% of the estimated annual balance of the*
40 *fund shall be used for State recycling program planning and pro-*
41 *gram funding, including the administrative expenses thereof;*

42 *(4) Not more than 10% of the estimated annual balance of the*
43 *fund shall be used for county and municipal recycling program*

44 *planning and program funding, including the administrative ex-*
 45 *penses thereof; and*

46 *(5) Not less than 15% of the estimated annual balance of the*
 47 *fund shall be used for a public information and education program*
 48 *concerning recycling and anti-litter activities.**

1 6. **a.* The Commissioners of the Departments of Energy and*
 2 *Environmental Protection shall adopt, pursuant to the "Adminis-*
 3 *trative Procedure Act", P. L. 1968, c. 410 (C. 52:14B-1 et seq.),*
 4 *such rules and regulations as are necessary to effectuate this*
 5 *supplementary act. *These rules and regulations shall be proposed*
 6 *within 90 days of the effective date of this section, and thereafter*
 7 *adopted as provided in the "Administrative Procedure Act."*

8 *b. The director shall adopt, pursuant to the "Administrative*
 9 *Procedure Act," such rules and regulations as are necessary to*
 10 *effectuate this supplementary act.**

1 7. a. *The provisions of any law to the contrary notwithstanding,*
 2 *the owner or operator of any sanitary landfill facility may collect*
 3 *the tax imposed pursuant to this supplementary act as *~~[an auto-~~*
 4 *matic]* *a** surcharge on any tariff ~~*[rate filed with and recorded~~*
 5 *by the Board of Public Utilities]* *established pursuant to law***
 6 *for the solid waste disposal operations of the facility.*

7 ~~*[b.~~ *The provisions of any law to the contrary notwithstanding,*
 8 *the owner or operator of any solid waste collection operation may*
 9 *collect any increased disposal costs resulting from the tax imposed*
 10 *pursuant to this supplementary act as an automatic surcharge on*
 11 *any tariff rate filed with and recorded by the Board of Public*
 12 *Utilities for the collection operation.]**

13 **b. The Board of Public Utilities shall, within 60 days of the*
 14 *effective date of this supplementary act, issue an appropriate*
 15 *order increasing current tariffs established pursuant to law for*
 16 *solid waste collection operations by an amount equal to the total*
 17 *increase in the relevant solid waste disposal tariff pursuant to sub-*
 18 *section a. of this section.**

1 8. *Any additional expenditures for the collection or disposal*
 2 *of solid waste made by any county or municipality as a result of*
 3 *the tax imposed pursuant to this supplementary act *and any ex-**
 4 *penditure of revenues received by a municipality pursuant to sec-*
 5 *tion 5 hereof** shall, for the purposes of P. L. 1976, c. 68
 6 *(C. 40A:4-45.1 et seq.), be considered an expenditure mandated*
 7 *by State law.*

1 **9. The Department of Energy and Environmental Protection*
 2 *shall prepare a report concerning the implementation of this act,*
 3 *including any recommendations for amendments hereto deemed*

4 *appropriate by the departments. This report shall be transmitted*
5 *to the Governor and the Legislature by October 1, 1984.**

1 **[9. This act shall take effect immediately.]**

1 **10. This act shall take effect on January 1, 1982, except that*
2 *section 6 hereof shall take effect immediately. Section 4 of this*
3 *act shall expire on December 31, 1986.**

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2283

[OFFICIAL COPY REPRINT]

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 22, 1981

The Assembly Agriculture and Environment Committee Statement to Assembly Bill No. 2283 (OCR), dated April 27, 1981, accurately explains the provisions of this bill as referred to the Senate Energy and Environment Committee.

Senate committee amendments would: (1) impose a "cap" of \$25.00 per ton on second and subsequent recycling grants to a municipality; (2) divide the 45% allocation for municipal recycling grants into three 15% "pots" for waste paper, glass, and other recycled materials, respectively; (3) require that grantee municipalities demonstrate that materials are not being diverted from an existing commercial recycling program, and that at least two types of materials are or will be recycled in the second grant year; and (4) preclude the need for the Board of Public Utilities to undertake a rate base of return analysis when issuing an order concerning the impact of the tax imposed by this bill upon solid collection rates.

SENATE COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 2283

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED JUNE 22, 1981

Amend page 4, section 5, line 31, after "year", insert ", except that no such grant shall exceed \$25.00 per ton of materials recycled. For the purpose of calculating subsequent annual grants to municipalities pursuant to this subsection, not less than 15% of the estimated annual balance of the fund shall be allocated on the basis of the total number of tons of waste paper recycled in the preceding year, not less than 15% of the estimated annual balance of the fund shall be allocated on the basis of the total number of tons of glass recycled in the preceding year, and not less than 15% of the estimated annual balance of the fund shall be allocated on the basis of the total number of tons of other materials recycled in the preceding year.

To be eligible for a grant pursuant to this subsection, a municipality shall demonstrate that the materials recycled by the municipal recycling program were not diverted from a commercial recycling program already in existence on the effective date of the ordinance establishing the municipal recycling program.

To be eligible for a subsequent annual grant pursuant to this subsection, a municipality shall demonstrate that at least two types of materials are currently recycled, or will be recycled in the succeeding grant year by the municipal recycling program".

Amend page 4, section 5, line 34, omit "shredidng", insert "shredding".

Amend page 4, section 5, line 39, omit "less", insert "more".

Amend page 5, section 7, line 18, after "section.", insert "In issuing this order, the board shall be exempt from the provisions of section 31 of P. L. 1962, c. 198 (C. 48:2-21.2).".

[SENATE REPRINT]
ASSEMBLY, No. 2283
[OFFICIAL COPY REPRINT]

with Senate committee amendments adopted June 22, 1981

STATE OF NEW JERSEY

INTRODUCED DECEMBER 8, 1980

By Assemblymen DALTON, RILEY, STEWART and HERMAN

Referred to Committee on Revenue, Finance and Appropriations

A SUPPLEMENT to the "Solid Waste Management Act," approved May 6, 1970 (P. L. 1970, c. 39; C. 13:1E-1 et seq.), as said short title was amended by P. L. 1975, c. 326.

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

1 1. This act shall be known and may be cited as the "Recycling
2 Act".

1 2. The Legislature finds that New Jersey must continue to seek
2 solutions to its energy, environmental and economic problems;
3 that solutions to these problems require proper solid waste and
4 resource recovery management; that the generation of municipal
5 solid waste is increasing while landfill capacity is decreasing; that
6 the siting of environmentally secure landfills is an area of serious
7 concern and limited choice; and that the disposal of solid waste
8 materials is wasteful of valuable resources.

9 The Legislature further finds that the recycling of waste mater-
10 ials decreases waste flow to landfill sites, recovers valuable re-
11 sources, conserves energy in the manufacturing process, and offers
12 a supply of domestic raw materials for the State's industries;
13 that a comprehensive recycling plan and program is necessary to
14 achieve the maximum practical recovery of reusable materials
15 from solid waste in this State; and that such a plan will reduce
16 the amount of waste to landfills, conserve energy and resources,
17 and recover materials for industrial uses.

18 The Legislature, therefore, declares it to be in the energy,
19 environmental, and economic interest of the State of New Jersey to
20 implement a comprehensive Statewide recycling plan.

1 *3. *As used in this act:*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

2 a. "Division" means the Division of Taxation in the Department
3 of the Treasury;

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

6 c. "Recycling" means any process by which materials which
7 would otherwise become solid waste are collected, separated or
8 processed and returned to the economic mainstream in the form
9 of raw materials or products;

10 d. "Tax period" means every calendar month or any other period
11 as may be prescribed by rule and regulation adopted by the direc-
12 tor, on the basis of which the owner or operator of a sanitary
13 landfill facility is required to report to the director pursuant to
14 this act;

15 e. "Taxpayer" means the owner or operator of a sanitary land-
16 fill facility subject to the tax provisions of this act.*

1 ***[3.]*** *4. a.* There is levied upon the owner or operator of
2 every sanitary landfill facility a recycling tax of \$0.12 per cubic
3 yard of all solid waste accepted for disposal at the facility *on or
4 after January 1, 1982; except that any solid waste accepted for
5 disposal on or after January 1, 1986 shall be taxed at the rate of
6 \$0.06 per cubic yard*. In the event that any solid waste is measured
7 upon acceptance for disposal by other than cubic yards, the tax
8 shall be levied on the equivalents thereof as shall be determined
9 by the ***[department]*** *director*.

10 *b. (1) Every owner or operator of a sanitary landfill facility
11 shall, on or before the twentieth day of the month following the
12 close of each tax period, render a return under oath to the director
13 on such form as may be prescribed by the director indicating the
14 number of cubic yards of solid waste accepted for disposal and
15 at said time owner or operator shall pay the full amount of tax due.

16 (2) Every owner or operator of a sanitary landfill which accepts
17 solid waste for disposal and which is subject to the tax under sub-
18 section a. of this section shall, within 20 days after the first accept-
19 ance of this waste, register with the director on forms prescribed
20 by him.

21 c. If a return required by this act is not filed, or if a return when
22 filed is incorrect or insufficient in the opinion of the director, the
23 amount of tax due shall be determined by the director from such
24 information as may be available. Notice of such determination
25 shall be given to the taxpayer liable for the payment of the tax.
26 Such determination shall finally and irrevocably fix the tax unless
27 the person against whom it is assessed, within 30 days after receiv-

28 ing notice of such determination, shall apply to the director for a
29 hearing, or unless the director on his own motion shall redetermine
30 the same. After such hearing the director shall give notice of his
31 determination to the person to whom the tax is assessed.

32 d. Any taxpayer who shall fail to file his return when due or to
33 pay any tax when the same becomes due, as herein provided, shall
34 be subject to such penalties and interest as provided in the "State
35 Tax Uniform Procedure Law," Subtitle 9 of Title 54 of the Revised
36 Statutes. If the Division of Taxation determines that the failure
37 to comply with any provision of this section was excusable under
38 the circumstances, it may remit such part or all of the penalty as
39 shall be appropriate under such circumstances.

40 e. (1) Any person failing to file a return, failing to pay the tax,
41 or filing or causing to be filed, or making or causing to be made,
42 or giving or causing to be given any return, certificate, affidavit,
43 representation, information, testimony or statement required or
44 authorized by this act, or rules or regulations adopted hereunder
45 which is willfully false, or failing to keep any records required
46 by this act or rules and regulations adopted hereunder, shall, in
47 addition to any other penalties herein or elsewhere prescribed, be
48 guilty of a crime of the fourth degree.

49 (2) The certificate of the director to the effect that a tax has not
50 been paid, that a return has not been filed, that information has
51 not been supplied or that inaccurate information has been supplied
52 pursuant to the provisions of this act or rules or regulations
53 adopted hereunder shall be presumptive evidence thereof.

54 f. In addition to the other powers granted to the director in this
55 section, he is hereby authorized and empowered:

56 (1) To delegate to any officer or employee of his division such of
57 his powers and duties as he may deem necessary to carry out
58 efficiently the provisions of this section, and the person or persons
59 to whom such power has been delegated shall possess and may
60 exercise all of said powers and perform all of the duties delegated
61 by the director;

62 (2) To prescribe and distribute all necessary forms for the
63 implementation of this section.

64 g. The tax imposed by this section shall be governed in all
65 respects by the provisions of the "State Tax Uniform Procedure
66 Law," Subtitle 9 of Title 54 of the Revised Statutes, except only
67 to the extent that a specific provision of this section may be in
68 conflict therewith.*

1 ***[4.** The tax imposed by this supplementary act shall be governed
2 in all respects by the "state tax uniform procedure law," subtitle
3 9 of Title 54 of the Revised Statutes.]*

1 5. a. The State Recycling Fund (hereinafter referred to as the
2 "fund") is established as a nonlapsing, revolving fund. The fund
3 shall be administered jointly by the Department of Energy and the
4 Department of Environmental Protection, and shall be credited
5 with all tax revenue collected **by the division** pursuant to **sec-*
6 *tion 4 of** this **[supplementary]** **supplementary** act. Interest
7 received on moneys in the fund **and sums received as repayment*
7A *of principal and interest on outstanding loans made from the fund**
7B shall be credited to the fund.

8 b. Moneys in the fund shall be **allocated and** used for the fol-
9 lowing purposes and no others:

10 **[(1)** Low interest loans and a loan guarantee program for re-
11 cycling businesses and industries. At least 25% of these loans shall
12 be allocated to businesses and industries located in urban munici-
13 palities;

14 b. Recycling grants for municipalities which have community
15 recycling programs;

16 c. State, county, and municipal planning and program funding,
17 including technical assistance;

18 d. Public information and education programs;

19 e. To offset losses in State tax revenue which result from any
20 granting of tax credits to businesses which purchase recycling
21 equipment; and,

22 f. Administrative costs.]*

23 **(1) Not less than 45% of the estimated annual balance of the*
24 *fund shall be used for the annual expenses of a 5-year program for*
25 *recycling grants to municipalities. The amount of these grants*
26 *shall be calculated, for the purposes of the first grant to a particular*
27 *municipality, on the basis of the total number of tons of materials*
28 *annually recycled from residential and commercial sources within*
29 *that municipality. Thereafter, subsequent grants to a municipality*
30 *shall be calculated on the basis of the increase in the total number*
31 *of tons of such materials from the total in the preceding year**,*
32 *except that no such grant shall exceed \$25.00 per ton of materials*
33 *recycled. For the purpose of calculating subsequent annual grants*
34 *to municipalities pursuant to this subsection, not less than 15% of*
35 *the estimated annual balance of the fund shall be allocated on the*
36 *basis of the total number of tons of waste paper recycled in the*
37 *preceding year, not less than 15% of the estimated annual balance*
38 *of the fund shall be allocated on the basis of the total number of*

39 tons of glass recycled in the preceding year, and not less than 15%
 40 of the estimated annual balance of the fund shall be allocated on
 41 the basis of the total number of tons of other materials recycled in
 42 the preceding year.

43 To be eligible for a grant pursuant to this subsection, a munici-
 44 pality shall demonstrate that the materials recycled by the munici-
 45 pal recycling program were not diverted from a commercial
 46 recycling program already in existence on the effective date of the
 47 ordinance establishing the municipal recycling program.

48 To be eligible for a subsequent annual grant pursuant to this sub-
 49 section, a municipality shall demonstrate that at least two types of
 50 materials are currently recycled, or will be recycled in the succeed-
 51 ing grant year by the municipal recycling program**. No recycling
 52 grant to any municipality shall be used for constructing or operat-
 53 ing any facility for the baling of waste paper or for the shearing,
 54 baling or ****[shredidng]**** ****shredding**** of ferrous or nonferrous
 55 materials;

56 (2) Not less than 20% of the estimated annual balance of the
 57 fund shall be used to provide low interest loans and to establish a
 58 sufficient reserve for a loan guarantee program for recycling busi-
 59 nesses and industries;

60 (3) Not ****[less]**** ****more**** than 10% of the estimated annual
 61 balance of the fund shall be used for State recycling program
 62 planning and program funding, including the administrative ex-
 63 penses thereof;

64 (4) Not more than 10% of the estimated annual balance of the
 65 fund shall be used for county and municipal recycling program
 66 planning and program funding, including the administrative ex-
 67 penses thereof; and

68 (5) Not less than 15% of the estimated annual balance of the
 69 fund shall be used for a public information and education program
 70 concerning recycling and anti-litter activities.*

1 6. *a.* The Commissioners of the Departments of Energy and
 2 Environmental Protection shall adopt, pursuant to the "Adminis-
 3 trative Procedure Act", P. L. 1968, c. 410 (C. 52:14B-1 et seq.),
 4 such rules and regulations as are necessary to effectuate this
 5 supplementary act. *These rules and regulations shall be proposed
 6 within 90 days of the effective date of this section, and thereafter
 7 adopted as provided in the "Administrative Procedure Act."

8 b. The director shall adopt, pursuant to the "Administrative
 9 Procedure Act," such rules and regulations as are necessary to
 10 effectuate this supplementary act.*

1 7. a. The provisions of any law to the contrary notwithstanding,
 2 the owner or operator of any sanitary landfill facility may collect
 3 the tax imposed pursuant to this supplementary act as **[an auto-*
 4 *matic]* *a** surcharge on any tariff **[rate filed with and recorded*
 5 *by the Board of Public Utilities]* *established pursuant to law**
 6 for the solid waste disposal operations of the facility.

7 **[b.* The provisions of any law to the contrary notwithstanding,
 8 the owner or operator of any solid waste collection operation may
 9 collect any increased disposal costs resulting from the tax imposed
 10 pursuant to this supplementary act as an automatic surcharge on
 11 any tariff rate filed with and recorded by the Board of Public
 12 Utilities for the collection operation.]*

13 **b. The Board of Public Utilities shall, within 60 days of the*
 14 *effective date of this supplementary act, issue an appropriate*
 15 *order increasing current tariffs established pursuant to law for*
 16 *solid waste collection operations by an amount equal to the total*
 17 *increase in the relevant solid waste disposal tariff pursuant to sub-*
 18 *section a. of this section.***In issuing this order, the board shall be*
 19 *exempt from the provisions of section 31 of P. L. 1962, c. 198 (C.*
 20 *48:2-21.2).***

1 8. Any additional expenditures for the collection or disposal
 2 of solid waste made by any county or municipality as a result of
 3 the tax imposed pursuant to this supplementary act **and any ex-*
 4 *penditure of revenues received by a municipality pursuant to sec-*
 5 *tion 5 hereof** shall, for the purposes of P. L. 1976, c. 68
 6 (C. 40A:4-45.1 et seq.), be considered an expenditure mandated
 7 by State law.

1 **9. The Department of Energy and Environmental Protection*
 2 *shall prepare a report concerning the implementation of this act,*
 3 *including any recommendations for amendments hereto deemed*
 4 *appropriate by the departments. This report shall be transmitted*
 5 *to the Governor and the Legislature by October 1, 1984.**

1 **[9. This act shall take effect immediately.]**

1 **10. This act shall take effect on January 1, 1982, except that*
 2 *section 6 hereof shall take effect immediately. Section 4 of this*
 3 *act shall expire on December 31, 1986.**

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 2283

STATE OF NEW JERSEY

INTRODUCED DECEMBER 8, 1980

By Assemblymen DALTON, RILEY, STEWART and HERMAN

Referred to Committee on Revenue, Finance and Appropriations

A SUPPLEMENT to the "Solid Waste Management Act," approved May 6, 1970 (P. L. 1970, c. 39; C. 13:1E-1 et seq.), as said short title was amended by P. L. 1975, c. 326.

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

1 1. This act shall be known and may be cited as the "Recycling
2 Act".

1 2. The Legislature finds that New Jersey must continue to seek
2 solutions to its energy, environmental and economic problems;
3 that solutions to these problems require proper solid waste and
4 resource recovery management; that the generation of municipal
5 solid waste is increasing while landfill capacity is decreasing; that
6 the siting of environmentally secure landfills is an area of serious
7 concern and limited choice; and that the disposal of solid waste
8 materials is wasteful of valuable resources.

9 The Legislature further finds that the recycling of waste mater-
10 ials decreases waste flow to landfill sites, recovers valuable re-
11 sources, conserves energy in the manufacturing process, and offers
12 a supply of domestic raw materials for the State's industries;
13 that a comprehensive recycling plan and program is necessary to
14 achieve the maximum practical recovery of reusable materials
15 from solid waste in this State; and that such a plan will reduce
16 the amount of waste to landfills, conserve energy and resources,
17 and recover materials for industrial uses.

18 The Legislature, therefore, declares it to be in the energy,
19 environmental, and economic interest of the State of New Jersey to
20 implement a comprehensive Statewide recycling plan.

1 *3. *As used in this act:*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

2 a. "Division" means the Division of Taxation in the Department
3 of the Treasury;

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

6 c. "Recycling" means any process by which materials which
7 would otherwise become solid waste are collected, separated or
8 processed and returned to the economic mainstream in the form
9 of raw materials or products;

10 d. "Tax period" means every calendar month or any other period
11 as may be prescribed by rule and regulation adopted by the direc-
12 tor, on the basis of which the owner or operator of a sanitary
13 landfill facility is required to report to the director pursuant to
14 this act;

15 e. "Taxpayer" means the owner or operator of a sanitary land-
16 fill facility subject to the tax provisions of this act.*

1 ***[3.]*** *4. a.* There is levied upon the owner or operator of
2 every sanitary landfill facility a recycling tax of \$0.12 per cubic
3 yard of all solid waste accepted for disposal at the facility *on or
4 after January 1, 1982; except that any solid waste accepted for
5 disposal on or after January 1, 1986 shall be taxed at the rate of
6 \$0.06 per cubic yard*. In the event that any solid waste is measured
7 upon acceptance for disposal by other than cubic yards, the tax
8 shall be levied on the equivalents thereof as shall be determined
9 by the ***[department]*** *director*.

10 *b. (1) Every owner or operator of a sanitary landfill facility
11 shall, on or before the twentieth day of the month following the
12 close of each tax period, render a return under oath to the director
13 on such form as may be prescribed by the director indicating the
14 number of cubic yards of solid waste accepted for disposal and
15 at said time owner or operator shall pay the full amount of tax due.

16 (2) Every owner or operator of a sanitary landfill which accepts
17 solid waste for disposal and which is subject to the tax under sub-
18 section a. of this section shall, within 20 days after the first accept-
19 ance of this waste, register with the director on forms prescribed
20 by him.

21 c. If a return required by this act is not filed, or if a return when
22 filed is incorrect or insufficient in the opinion of the director, the
23 amount of tax due shall be determined by the director from such
24 information as may be available. Notice of such determination
25 shall be given to the taxpayer liable for the payment of the tax.
26 Such determination shall finally and irrevocably fix the tax unless
27 the person against whom it is assessed, within 30 days after receiv-

28 *ing notice of such determination, shall apply to the director for a*
29 *hearing, or unless the director on his own motion shall redetermine*
30 *the same. After such hearing the director shall give notice of his*
31 *determination to the person to whom the tax is assessed.*

32 *d. Any taxpayer who shall fail to file his return when due or to*
33 *pay any tax when the same becomes due, as herein provided, shall*
34 *be subject to such penalties and interest as provided in the "State*
35 *Tax Uniform Procedure Law," Subtitle 9 of Title 54 of the Revised*
36 *Statutes. If the Division of Taxation determines that the failure*
37 *to comply with any provision of this section was excusable under*
38 *the circumstances, it may remit such part or all of the penalty as*
39 *shall be appropriate under such circumstances.*

40 *e. (1) Any person failing to file a return, failing to pay the tax,*
41 *or filing or causing to be filed, or making or causing to be made,*
42 *or giving or causing to be given any return, certificate, affidavit,*
43 *representation, information, testimony or statement required or*
44 *authorized by this act, or rules or regulations adopted hereunder*
45 *which is willfully false, or failing to keep any records required*
46 *by this act or rules and regulations adopted hereunder, shall, in*
47 *addition to any other penalties herein or elsewhere prescribed, be*
48 *guilty of a crime of the fourth degree.*

49 *(2) The certificate of the director to the effect that a tax has not*
50 *been paid, that a return has not been filed, that information has*
51 *not been supplied or that inaccurate information has been supplied*
52 *pursuant to the provisions of this act or rules or regulations*
53 *adopted hereunder shall be presumptive evidence thereof.*

54 *f. In addition to the other powers granted to the director in this*
55 *section, he is hereby authorized and empowered:*

56 *(1) To delegate to any officer or employee of his division such of*
57 *his powers and duties as he may deem necessary to carry out*
58 *efficiently the provisions of this section, and the person or persons*
59 *to whom such power has been delegated shall possess and may*
60 *exercise all of said powers and perform all of the duties delegated*
61 *by the director;*

62 *(2) To prescribe and distribute all necessary forms for the*
63 *implementation of this section.*

64 *g. The tax imposed by this section shall be governed in all*
65 *respects by the provisions of the "State Tax Uniform Procedure*
66 *Law," Subtitle 9 of Title 54 of the Revised Statutes, except only*
67 *to the extent that a specific provision of this section may be in*
68 *conflict therewith.**

1 ***[4.** The tax imposed by this supplementary act shall be governed
 2 in all respects by the "state tax uniform procedure law," subtitle
 3 9 of Title 54 of the Revised Statutes.]*

1 5. a. The State Recycling Fund (hereinafter referred to as the
 2 "fund") is established as a nonlapsing, revolving fund. The fund
 3 shall be administered jointly by the Department of Energy and the
 4 Department of Environmental Protection, and shall be credited
 5 with all tax revenue collected **by the division** pursuant to **sec-*
 6 *tion 4 of** this **[supplementary]** **supplementary** act. Interest
 7 received on moneys in the fund **and sums received as repayment*
 7A *of principal and interest on outstanding loans made from the fund**
 7B shall be credited to the fund.

8 b. Moneys in the fund shall be **allocated and** used for the fol-
 9 lowing purposes and no others:

10 ***(1)** Low interest loans and a loan guarantee program for re-
 11 cycling businesses and industries. At least 25% of these loans shall
 12 be allocated to businesses and industries located in urban munici-
 13 palities;

14 b. Recycling grants for municipalities which have community
 15 recycling programs;

16 c. State, county, and municipal planning and program funding,
 17 including technical assistance;

18 d. Public information and education programs;

19 e. To offset losses in State tax revenue which result from any
 20 granting of tax credits to businesses which purchase recycling
 21 equipment; and,

22 f. Administrative costs.]*

23 **(1) Not less than 45% of the estimated annual balance of the*
 24 *fund shall be used for the annual expenses of a 5-year program for*
 25 *recycling grants to municipalities. The amount of these grants*
 26 *shall be calculated, for the purposes of the first grant to a particular*
 27 *municipality, on the basis of the total number of tons of materials*
 28 *annually recycled from residential and commercial sources within*
 29 *that municipality. Thereafter, subsequent grants to a municipality*
 30 *shall be calculated on the basis of the increase in the total number*
 31 *of tons of such materials from the total in the preceding year**,*
 32 *except that no such grant shall exceed \$25.00 per ton of materials*
 33 *recycled. For the purpose of calculating subsequent annual grants*
 34 *to municipalities pursuant to this subsection, not less than 15% of*
 35 *the estimated annual balance of the fund shall be allocated on the*
 36 *basis of the total number of tons of waste paper recycled in the*
 37 *preceding year, not less than 15% of the estimated annual balance*
 38 *of the fund shall be allocated on the basis of the total number of*

39 tons of glass recycled in the preceding year, and not less than 15%
 40 of the estimated annual balance of the fund shall be allocated on
 41 the basis of the total number of tons of other materials recycled in
 42 the preceding year.

43 To be eligible for a grant pursuant to this subsection, a municipi-
 44 pality shall demonstrate that the materials recycled by the municipi-
 45 pal recycling program were not diverted from a commercial
 46 recycling program already in existence on the effective date of the
 47 ordinance establishing the municipal recycling program.

48 To be eligible for a subsequent annual grant pursuant to this sub-
 49 section, a municipality shall demonstrate that at least two types of
 50 materials are currently recycled, or will be recycled in the succeed-
 51 ing grant year by the municipal recycling program**. No recycling
 52 grant to any municipality shall be used for constructing or operat-
 53 ing any facility for the baling of waste paper or for the shearing,
 54 baling or ****[shredidng]**** ****shredding**** of ferrous or nonferrous
 55 materials;

56 (2) Not less than 20% of the estimated annual balance of the
 57 fund shall be used to provide low interest loans and to establish a
 58 sufficient reserve for a loan guarantee program for recycling busi-
 59 nesses and industries;

60 (3) Not ****[less]**** ****more**** than 10% of the estimated annual
 61 balance of the fund shall be used for State recycling program
 62 planning and program funding, including the administrative ex-
 63 penses thereof;

64 (4) Not more than 10% of the estimated annual balance of the
 65 fund shall be used for county and municipal recycling program
 66 planning and program funding, including the administrative ex-
 67 penses thereof; and

68 (5) Not less than 15% of the estimated annual balance of the
 69 fund shall be used for a public information and education program
 70 concerning recycling and anti-litter activities.*

1 6. *a.* The Commissioners of the Departments of Energy and
 2 Environmental Protection shall adopt, pursuant to the "Adminis-
 3 trative Procedure Act", P. L. 1968, c. 410 (C. 52:14B-1 et seq.),
 4 such rules and regulations as are necessary to effectuate this
 5 supplementary act. *These rules and regulations shall be proposed
 6 within 90 days of the effective date of this section, and thereafter
 7 adopted as provided in the "Administrative Procedure Act."*

8 b. The director shall adopt, pursuant to the "Administrative
 9 Procedure Act," such rules and regulations as are necessary to
 10 effectuate this supplementary act.*

1 7. a. The provisions of any law to the contrary notwithstanding,
 2 the owner or operator of any sanitary landfill facility may collect
 3 the tax imposed pursuant to this supplementary act as **[an auto-*
 4 *matic]* *a** surcharge on any tariff **[rate filed with and recorded*
 5 *by the Board of Public Utilities]* *established pursuant to law**
 6 for the solid waste disposal operations of the facility.

7 **[b. The provisions of any law to the contrary notwithstanding,*
 8 *the owner or operator of any solid waste collection operation may*
 9 *collect any increased disposal costs resulting from the tax imposed*
 10 *pursuant to this supplementary act as an automatic surcharge on*
 11 *any tariff rate filed with and recorded by the Board of Public*
 12 *Utilities for the collection operation.]***

13 **b. The Board of Public Utilities shall, within 60 days of the*
 14 *effective date of this supplementary act, issue an appropriate*
 15 *order increasing current tariffs established pursuant to law for*
 16 *solid waste collection operations by an amount equal to the total*
 17 *increase in the relevant solid waste disposal tariff pursuant to sub-*
 18 *section a. of this section.***In issuing this order, the board shall be*
 19 *exempt from the provisions of section 31 of P. L. 1962, c. 198 (C.*
 20 *48:2-21.2).****

1 8. Any additional expenditures for the collection or disposal
 2 of solid waste made by any county or municipality as a result of
 3 the tax imposed pursuant to this supplementary act **and any ex-*
 4 *penditure of revenues received by a municipality pursuant to sec-*
 5 *tion 5 hereof** shall, for the purposes of P. L. 1976, c. 68
 6 (C. 40A:4-45.1 et seq.), be considered an expenditure mandated
 7 by State law.

1 **9. The Department of Energy and Environmental Protection*
 2 *shall prepare a report concerning the implementation of this act,*
 3 *including any recommendations for amendments hereto deemed*
 4 *appropriate by the departments. This report shall be transmitted*
 5 *to the Governor and the Legislature by October 1, 1984.**

1 **[9. This act shall take effect immediately.]***

1 **10. This act shall take effect on January 1, 1982, except that*
 2 *section 6 hereof shall take effect immediately. Section 4 of this*
 3 *act shall expire on December 31, 1986.**

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

SEPTEMBER 9, 1981

KATHRYN FORSYTH

Governor Brendan Byrne today signed into law A-2283, sponsored by Assemblyman Daniel J. Dalton (D-Gloucester), establishing a State recycling fund of approximately \$6 million.

Byrne signed the bill in a public ceremony held at Glassboro State College.

The fund, designed to encourage the recycling of garbage, will be jointly administered by the Departments of Environmental Protection and Energy. Its annual revenues will be derived from taxes on the owners or operators of sanitary landfill facilities.

The money will be appropriated in the following way:

- 45-percent or more in recycling grants to municipalities;
- 20-percent or more in low interest loans to recycling businesses;
- 15-percent or more for public information and education programs;
- 10-percent or less for administrative planning and funding of the State program; and
- 10-percent or less for municipal recycling program planning and funding.

Between the implementation of the fund on January 1, 1982 and January 1, 1986, owners and operators will be taxed at a rate of 12 cents for each cubic yard of solid waste entering a facility for disposal. After January 1, 1986, the tax rate would drop to 6 cents per cubic yard.

Landfill operators or owners will be permitted to pass the added costs on to their customers. The bill is effective January 1, 1982, and within 60 days of that date, the Board of Public Utilities will be required to grant rate increases for landfill operators equal to the amount of tax levied on them by the State.

One-third of the state's landfill customers are out-of-state companies and residents, one-third are in-state businesses, and the others are home-owners and municipalities.

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