

48:13A-1 et seq.

August 3, 1970

LEGISLATIVE HISTORY OF R.S. 48:13A-1 et seq.  
(Public utility Commission to regulate  
collection and disposal of solid waste.)

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~~LEGISLATIVE HISTORY OF R.S. 48:13A-1 et seq.~~

L. 1970 - Chapter 40 - S. 746.  
April 9 - Introduced by Waldor (and 20 others).  
Not amended during passage.  
No statement.

This bill was listed as "approved" in:

974.905                      League of New Jersey Municipalities  
M95                              Legislative bulletin  
                                    No. 7      April 28, 1970      p.2

Investigation of criminal infiltration of garbage  
industry dates at least from 1959:

974.90                      N.J. Legislature. Senate Committee  
M966                              to Investigate Cost of Garbage  
1959                              Collection and Disposal.  
  
Public hearings, 1st - 8th January -  
April 1959. 5 vols.

974.90                      N.J. Attorney General (Furman)  
M966                              Bidding activities, 1952-58;  
1959c                              municipalities-scavenger contractors...

974.90                      N.J. Legislature. Senate Commission  
M966                              to Investigate the Cost of Garbage  
1960                              Collection and Disposal.  
  
Public hearings, 19th - 10th June -  
July 1960.

974.90                      Garbage Collection practices [report]....  
M966                              (enclosed)  
1959d

974.90 N.J. Legislature. Commission to Study  
M966 Problem of Solid Waste Disposal.  
1965  
Public hearing ... October 22, 1965.

974.90 N.J. Legislature. Special Commission  
M966 to Investigate Certain Problems  
1969a Relating to Solid Waste Disposal.  
Public hearings ... February - May 1969.

974.90 N.J. State Commission on Investigation.  
M966 A report relating to the garbage  
1969d industry of New Jersey. (*enclosed*)

974.90 Lacey, Frederick B.  
C929 Recommendations to the 1970...  
1970 Legislature...  
(~~p45-46 copy enclosed~~)

Earlier bills to regulate garbage industry introduced (1954-1970)

1959 - A680 (D'Aloia)  
Division of Refuse Collection Control in New Jersey.  
Department of Health.  
Died in Committee.

1960 - A 285 (D'Aloia)  
Similar to 1959 bill.  
Passed in Assembly.  
Reached 2d reading in Senate.

1960 - S80 (Weber and Cowgill)  
Regulated by Department of Health.  
Died in Committee.

- 1961 - A310 (McGowan and others)  
Regulated by Department of Health.  
Lost vote in Assembly.
- 1962 - A466 (Panaro, Farrington, Sweeney)  
Died in Committee.
- 1963 - A74 (Gross, Panaro)  
Died in Committee.
- 1964 - A474 (Maraziti and others)  
Died in Committee.
- 1965 - A169 (Brady)  
Died in Committee.
- 1966 - A183 (Brady)  
Amended in Assembly, 2d reading.  
Recommitted.
- 1967 - A678 (Gavan and others)  
Passed Assembly, amended.  
Reached 2d reading in Senate.
- 1968 - A469 (Gavan and Higgins)  
2d reading in Assembly.  
Recommitted.
- 1968 - A914 (Littell and Gavan)  
Died in Committee.

(4)

1969 - A323 (Littell and others)  
Died in Committee.

1969 - A394 (Gavan and others)  
Died in Committee.

The first bill to place the regulation under the Public  
Utilities Commission was:

1969 - A919 (copy enclosed)  
April 21 - Introduced by Moraites (and others).  
Amended in Assembly (~~copy enclosed~~).  
Died in Senate.

RSL/EH  
Enclosure

NEWSPAPER CLIPPINGS - VERTICAL FILE - NEW JERSEY  
REFUSE DISPOSAL

Garbage Laws Are Suggested by Study Panel	10-13-69	P.I.
Garbage - Will it Bury Us?	12-15-69	TET
State Health Department Control of Garbage Industry Asked	12-16-69	TET
Senators Push Bill on Garbage Control	12-17-69	Record
Garbage Industry: Oggard wants regulatory role for PUC	1-22-70	SL
Garbage Bill Nearing Vote	2-3-70	PI
✓ Garbage Industry: PUC May Get Power to Dump Mafia Influence <i>p. 8 today</i>	2-3-70	NSL
Scavenger Control Measures Due For Action in Legislature	2-3-70	NEN
Regulating Scavengers	2-4-70	NEN
Cahill May Pick Overseer for the Garbage Industry	2-5-70	NSL
Measure to Fight Criminals in Garbage Industry Offered	2-10-70	APP
✓ Lacey Aids Assembly in Rivalry Over Garbage Control <i>p. 18</i>	2-12-70	C-P
Cahill Decides on Trash Control	2-14-70	NSL
State Control of Trash Industry Seems Certain	2-15-70	NSL
Help on Garbage	3-17-70	NSL
Cahill Plans Dual-Controls for the Garbage Industry	3-20-70	NSL
Taking the Stink Out of Jersey	3-22-70	STA
Garbage Industry Controls, Environmental Plans Outlined	4-4-70	APP
Legislator to Consider Control of Garbage Industry	4-5-70	SSL

Swift Legislation to Curb Pollution	4-7-70	C-P
Cahill Urges Quick Action on Garbage Industry Bills	4-7-70	SL
Garbage Control Bills Delayed by Democratic Proposal	4-14-70	NSL
Garbage Industry: Senate Passes 2 Bills to Keep Crime Out	4-21-70	SL
Senate OKs Bills to Tighten State Garbage Control	4-21-70	C-P
Would Ban Refuse from Out of State	5-1-70	NEN
Assembly Passes Garbage Industry Regulation	5-5-70	TET
State Garbage Controls in the Bag	5-5-70	Record
Cahill Signs 2 Garbage Bills	5-6-70	NEN
Garbage Laws Signed	5-7-70	NEN
Mafia in Garbage Act	5-12-70	C-P

Only a select group of clippings are enclosed.

ASSEMBLY, No. 919

STATE OF NEW JERSEY

INTRODUCED APRIL 21, 1969

By Assemblymen MORAITES, WOODSON, DODD, LITTELL, GARBALDI, AIKINS, EWING and FERRARA

(Without Reference)

AN ACT concerning solid waste collection and solid waste disposal, authorizing the Public Utility Commission to regulate the collection and disposal of solid waste, supplementing Title 48 of the Revised Statutes, and amending section 48:2-13 of the Revised Statutes.

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

1 1. This act shall be known as, and may be cited as, the "Solid  
2 Waste Collection and Disposal Act of 1969."

1 2. The Legislature finds and declares that the collection and  
2 disposal of solid waste is a matter of grave concern to all citizens  
3 and is an activity thoroughly affected with the public interest; that  
4 the health, safety and welfare of the people of this State require  
5 efficient and reasonable solid waste collection and disposal service;  
6 that such service will more likely be achieved if the Public Utility  
7 Commission is charged with the duty of setting and enforcing  
8 standards and rates for solid waste collection and disposal service;  
9 and that the exercise of any power herein provided for shall be  
10 deemed to be in the public interest and for a public purpose.

1 3. This act shall be liberally construed to effectuate the purpose  
2 and intent thereof.

1 4. As used in this act, the following words and terms shall have  
2 the following meanings, unless the context indicates or requires  
3 another or different meaning or intent:

4 (a) Solid waste means garbage, refuse, trash and other waste  
5 matter, except it shall not include salvage, sewage, or human  
6 organic waste.

7 (b) Solid waste collection shall mean the activity related to pick-  
8 up, and carriage of solid waste from its source to a disposal site.

9 (c) Solid waste disposal shall mean the activity related to dis-

10 position of solid waste, including sanitary land fill, incineration,  
 11 composting, ocean discharge, salvage, or any other means of dis-  
 12 posal of solid waste.

13 (d) Person shall mean an individual, co-partnership, association,  
 14 corporation or joint stock company, their lessees, trustees or re-  
 15 ceivers appointed by any court.

1 5. Section 48:2-13 of the Revised Statutes is amended to read as  
 2 follows:

3 48:2-13. The board shall have general supervision and regula-  
 4 tion of and jurisdiction and control over all public utilities as  
 5 hereinafter in this section defined and their property, property  
 6 rights, equipment, facilities and franchises so far as may be neces-  
 7 sary for the purpose of carrying out the provisions of this Title.

8 The term "public utility" shall include every individual, co-  
 9 partnership, association, corporation or joint stock company, their  
 10 lessees, trustees or receivers appointed by any court whatsoever,  
 11 their successors, heirs or assigns, that now or hereafter may own,  
 12 operate, manage or control within this State any railroad, street  
 13 railway, traction railway, autobus, canal, express, subway, pipeline,  
 14 gas, electric light, heat, power, water, oil, sewer, *solid waste collec-*  
 15 *tion, solid waste disposal*, telephone or telegraph system, plant or  
 16 equipment for public use, under privileges granted or hereafter  
 17 to be granted by this State or by any political subdivision thereof.

18 Nothing contained in this Title shall extend the powers of the  
 19 board to include any supervision and regulation of, or jurisdiction  
 20 and control over any vehicles engaged in the transportation of  
 21 passengers for hire in the manner and form commonly called  
 22 taxicab service unless such service becomes or is held out to be  
 23 regular service between stated termini; hotel busses used exclu-  
 24 sively for the transportation of hotel patrons to or from local  
 25 railroad or other common carrier stations, including local airports,  
 26 or bus employed solely for transporting school children and  
 27 teachers, to and from school, or any autobus with a carrying capac-  
 28 ity of not more than 10 passengers now or hereafter operated under  
 29 municipal consent upon a route established wholly within the limits  
 30 of a single municipality, which route does not in whole or in part  
 31 parallel upon the same street the line of any street railway or  
 32 traction railway or any other autobus route.

1 6. The Board of Public Utility Commissioners shall, after hear-  
 2 ing, by order in writing, make appropriate rules, regulations and  
 3 administrative orders for the regulation of the solid waste collection  
 4 industry and the solid waste disposal industry.



1 7. The Board of Public Utility Commissioners may, after hear-  
2 ing, by order in writing, when it finds that the public interest  
3 requires, designate one or more specific areas composed of one or  
4 more municipalities, or parts thereof, as a franchise area to be  
5 served by one or more persons engaged in solid waste collection  
6 and by one or more persons engaged in solid waste disposal at  
7 rates and charges published in tariffs or contracts accepted for  
8 filing by the board.

1 8. No person shall engage, or be permitted to engage, in the  
2 business of solid waste collection or solid waste disposal until found  
3 by the board to be qualified by experience, training or education  
4 to engage in such business, is able to furnish proof of financial  
5 responsibility, and holds a certificate of public convenience and  
6 necessity issued by the Board of Public Utility Commissioners.  
7 No certificate shall be issued for solid waste disposal or solid waste  
8 collection until the plans and specifications of the proposed disposal  
9 system and proposed collection system shall have been approved  
10 by the State Department of Health as provided by law.

1 9. (a) The board, upon complaint or its own initiative, after hear-  
2 ing, may direct any person engaging in the solid waste collection  
3 business or the solid waste disposal business to furnish proof that  
4 the charges or rates to be received for such service do not exceed  
5 just and reasonable rates or charges for such service.

6 (b) Should the board find that the rates or charges are excessive  
7 then it may order the person charging such excessive rates or  
8 charges to make an adjustment in the contract to a sum which shall  
9 result in just and reasonable rates or charges.

1 10. (a) Every person engaged in the business of solid waste  
2 collection or solid waste disposal shall furnish and file with the  
3 board, in connection with each contract or agreement entered into  
4 by him for the provision of such service, a performance bond in such  
5 amount as may be required by the board in rules or regulations  
6 promulgated by the board.

7 (b) Should any person engaged in the solid waste collection  
8 business or the solid waste disposal business fail or refuse to com-  
9 plete, execute or perform any contract or agreement obligating  
10 such person to provide such service, the board may order any  
11 person engaged in the solid waste collection business or the solid  
12 waste disposal business to extend his collection or disposal service  
13 into any area where such service has been discontinued, and the  
14 board shall fix just and reasonable rates and charges for such  
15 service in the extended area.

1 11. The board, after hearing, may revoke or suspend the cer-  
2 tificate of public convenience and necessity issued to any person  
3 engaged in the solid waste collection business or the solid waste  
4 disposal business upon the finding that such person:

5 (a) has violated any provision of this act or any rule, regulation  
6 or administrative order promulgated hereunder; or

7 (b) has violated any provision of the State Sanitary Code or  
8 the New Jersey Air Pollution Control Code; or

9 (c) has violated any provision of any laws related to public  
10 health; or

11 (d) has refused or failed to comply with any lawful order of  
12 the board.

1 12. (a) No person shall monopolize, or attempt to monopolize,  
2 or combine or conspire with any other person to monopolize, trade  
3 or commerce in any relevant market, located in whole or in part in  
4 this State, for the solid waste collection business or the solid waste  
5 disposal business.

6 (b) Any person who shall be injured in his business or property  
7 by reason of a violation of the provisions of subsection (a) of this  
8 section may sue therefor and shall recover threefold the damages  
9 sustained by him, together with reasonable attorney's fees and the  
10 costs of the suit. The State and any of its political subdivisions  
11 and public agencies shall be deemed a person within the meaning  
12 of this act. Any action brought pursuant to this subsection shall  
13 be barred unless commenced within 4 years after the cause of action  
14 accrued.

1 13. The board may compel the attendance of witnesses and the  
2 production of tariffs, contracts, papers, books, accounts and all the  
3 documents necessary to enable the board to determine the real  
4 parties in interest in the business of solid waste disposal and solid  
5 waste collection.

1 14. (a) Any person or any officer or agent thereof who shall  
2 knowingly violate any of the provisions of this act or aid or advise  
3 in such violation, or who, as principal, manager, director, agent,  
4 servant or employee knowingly does any act comprising a part of  
5 such violation, is guilty of a misdemeanor and shall be punished  
6 by imprisonment for not more than 3 years or by a fine of not more  
7 than \$50,000.00, or both; and if a corporation by a fine of not more  
8 than \$100,000.00.

9 (b) Any person who shall violate any provision of this act or  
10 any rule, regulation or administrative order promulgated here-  
11 under, or who shall engage in the solid waste collection business

12 or solid waste disposal business without having been issued a cer-  
13 tificate of public convenience and necessity, shall be liable to a  
14 penalty of not more than \$100.00 for a first offense, not less than  
15 \$100.00 or more than \$200.00 for a second offense and not less than  
16 \$200.00 or more than \$400.00 for a third and every subsequent  
17 offense. The penalties herein provided shall be enforced by sum-  
18 mary proceedings instituted by the board in the name of the State  
19 in accordance with "The Penalty Enforcement Law" (N. J. S. A.  
20 2A :58-1 et seq.).

21 (c) Whenever it shall appear to the board that any person has  
22 violated, intends to violate, or will violate any provision of this  
23 act or any rule, regulation or administrative order duly promul-  
24 gated hereunder, the board may institute a civil action in the  
25 Superior Court for injunctive relief and for such other relief as  
26 may be appropriate in the circumstances, and the said court may  
27 proceed in any such action in a summary manner.

1 15. Nothing contained herein shall be construed to be in deroga-  
2 tion of any other right, duty, power or authority granted to the  
3 board by the provisions of Title 48 of the Revised Statutes.

1 16. This act shall take effect six months from the date of its  
2 approval, except that the Board of Public Utility Commissioners  
3 may take such steps as it deems necessary to assure the timely  
4 implementation hereof.