

October 27, 1971

R.S. 40:66A-31.1 to 31.15

LEGISLATIVE HISTORY OF R.S. 40:66A-31.1 to 40:66A-31.15
(County Garbage Disposal Financing Law)

For general background on New Jersey's problems with criminal infiltration of garbage industry, see: Legislative History of R.S. 48:13A-1 et seq. (L. 1970, Chapter 40).

Similar bills introduced (1967-70):

copy 2

- 1967 - S273
- 1967 - S275
- 1968 - S82
- 1969 - S113
- 1970 - S45

L. 1970, Chapter 242 - S547

- February 9 - Introduced by Beadleston & Hierarchy.
- March 16 - Passed Senate, amended (copy encl.)
- May 4 - Passed in Assembly.
- June 8 - Returned by Governor with recommended amendment (copy encl.).
- June 8 - Amended as recommended, re-enacted in Senate.
- September 17 - Re-enacted in Assembly.
- October 28 - Approved, Chapter 242.
- No statement.

Bill listed as opposed in:

- League of N.J. Municipalities.
- Legislative Bulletin. no. 5, p. 7, 3/11/70.

For background see:

- 974.90 N.J. County and Municipal Government
- M966 Study Commission.
- 1970m Third report: Joint services--a local response to areawide problems. 1970.

- Clippings located (V.F.--N.J.--Refuse disposal)
- "Senators pass bill on garbage" APP 6/9/70.
- "Gov. Cahill handed bill on sewage" APP 5/5/70.
- "Cahill asks amendments" NEN 6/9/70.
- "Bill on garbage" NSL 3/17/70.
- "Plan to fight criminals in garbage industry offered" APP 2/10/70.

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CHAPTER 242 LAWS OF N. J. 1970

APPROVED OCT. 28, 1970

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SENATE, No. 547

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 9, 1970

By Senator BEADLESTON

Referred to Committee on Air and Water Pollution and Public Health

AN ACT concerning the construction or acquisition of ****[garbage]****
****solid waste**** disposal facilities by counties separately or
jointly with municipalities located therein and supplementing the
"Incinerator Authorities Law," approved September 1, 1948
(P. L. 1948, c. 348, C. 40:66A-1 et seq.).

1 WHEREAS, It has been found and determined that many counties
2 in the State of New Jersey contain areas and municipalities
3 which do not have adequate regional or comprehensive
4 ****[garbage]**** ****solid waste**** disposal facilities or which have
5 such limited or local facilities which are presently inadequate
6 and insufficient to meet the needs of such counties and areas and
6A municipalities therein; and

7 WHEREAS, It is the objective of both the Federal Government and
8 the State Department of ****[Health]**** ****Environmental**
9 **Protection**** of New Jersey to initiate and encourage regional
9A ****[garbage]**** ****solid waste**** disposal facilities for the purpose
10 of the treatment and disposal of domestic and industrial solid
11 wastes; and

12 WHEREAS, It is essential for the health, safety and welfare of the
13 inhabitants of such counties and the areas and municipalities
14 therein that improved, enlarged or new ****[garbage]**** ****solid**
15 **waste**** disposal facilities be constructed or acquired in such
16 areas or municipalities not now being served by such facilities
17 or that existing facilities which may be inadequate be improved
18 and extended where required; and

19 WHEREAS, The cost of such construction of ****[garbage]**** ****solid**
20 **waste**** disposal facilities or the construction of additions,
21 extensions or improvements to existing facilities in many of such

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

22 areas or municipalities would, if financed by such areas, regions
 23 or municipalities on an individual basis, be prohibitive and
 23A exorbitant; and

24 WHEREAS, There is a pressing need for counties to aid the in-
 25 habitants of such areas, regions and municipalities therein by
 26 constructing or acquiring new or improved ****[garbage]****
 27 ****solid waste**** disposal facilities, or parts thereof, where
 28 required, or by constructing or acquiring additions, extensions
 29 and improvements to existing ****[garbage]**** ****solid waste****
 30 disposal facilities, or parts thereof, where required, and to finance
 31 the cost of any such acquisition or construction either alone or
 32 jointly with any municipality or municipalities, joint meetings
 33 or incinerator authorities therein by the issuance of bonds of
 34 such counties; now, therefore,

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 "County
 2 ****[Garbage]**** ****Solid Waste**** Disposal Financing Law."

1 2. It is hereby declared to be in the public interest and to be the
 2 policy of the State to foster and promote by all reasonable means
 3 the health and welfare of the citizens thereof by the proper collec-
 4 tion, treatment and disposal of ****[garbage]**** ****solid waste**** and
 5 other refuse matter on a regional or multi-unit basis.

1 3. As used in this act, unless a different meaning clearly appears
 2 from the context:

3 (1) The word "county" shall mean any of the several counties
 4 of the State operating under the authority granted by this act.

5 (2) The term "board of chosen freeholders" or the word
 6 "board" shall mean the board of chosen freeholders of any county
 7 operating under the powers granted by this act.

8 (3) The term "****[garbage]**** ****solid waste**** disposal facili-
 9 ties" shall mean the plants, structures and other real and personal
 10 property acquired, constructed or operated or to be acquired, con-
 11 structed or operated by a county, municipality or incinerator
 12 authority, including incinerators, sanitary landfills or other plants
 13 and property for the treatment and disposal of ****[garbage and**
 14 **refuse matter]**** ****solid waste**** and all other real and personal
 15 rights therein and appurtenances necessary or useful and con-
 16 venient for the collection, treatment or disposal in a sanitary
 17 manner of ****[garbage and refuse matter]**** ****solid waste**** (but
 17A not including sewage).

18 (4) The word "facilities" when used alone, shall mean both such
 19 incinerators and sanitary landfills, or either of them as the context
 20 shall require.

21 (5) The word "cost" as applied to ****[garbage]**** ***solid*
 22 *waste*** disposal facilities or extensions or additions thereto, shall
 23 include the cost of construction, reconstruction or improvement,
 24 the cost of all labor, materials, machinery and equipment, the
 25 cost of all lands, property, rights, easements and franchises
 26 acquired, financing charges, interest on bonds issued to finance
 27 such facilities prior to and during construction and for 1 year
 28 after completion of construction, cost of plans and specifications,
 29 surveys of estimates of costs and of revenues, cost of engineering
 30 and legal services, and all other expenses necessary or incident
 31 to determining the feasibility or practicability of such construc-
 32 tion, reconstruction or improvement, administrative expense and
 33 such other expense as may be necessary or incident to the
 34 construction or acquisition of such facilities, and the financing
 35 herein authorized. Any obligation or expense incurred by the
 36 county in connection with any of the foregoing items of cost prior
 37 to the issuance of bonds or notes as authorized herein may be
 38 regarded as part of such cost and reimbursed to the county out of
 38A the proceeds of bonds issued under the provisions of this act.

39 (6) The term "general obligation bonds" shall mean general
 40 obligations of the county which are payable from unlimited ad
 41 valorem taxes or from such taxes and additionally secured by a
 42 pledge of ****[garbage]**** ***solid waste*** disposal facilities service
 43 charges as may be established.

44 (7) The ****[word "garbage"]**** ***term "solid waste"*** shall
 45 mean any refuse matter, trash or garbage from residences,
 46 manufacturing and industrial plants, hotels, apartments or any
 47 other public or private building but shall not include water carried
 48 wastes or the kinds of wastes usually collected, carried away and
 49 disposed of by sewerage system.

50 (8) The word "commissioner" shall mean the State Commis-
 51 sioner of ****[Health]**** ***Environmental Protection***.

1 4. Any county in the State which may hereafter come under the
 2 provisions of this act as hereinafter provided is hereby authorized
 3 and empowered:

4 (1) To purchase, construct, improve, extend, enlarge or recon-
 5 struct garbage disposal facilities within such county either alone
 6 or jointly with any municipality, joint meeting or incinerator au-
 7 thority located within such county, and ***in accordance with ap-*

8 *plicable law, rules, regulations or orders,*** to operate, manage and
9 control all or part of such ****[garbage]**** ***solid waste*** disposal
10 facilities so purchased or constructed and all properties pertaining
11 thereto, and to furnish and supply the services of its ****[garbage]****
12 ***solid waste*** disposal facilities to any municipalities within such
13 county. No county shall furnish any of the facilities provided by
14 this article to any property already being furnished like facilities
15 by any municipality, joint meeting or incinerator authority, without
16 the express consent of such joint meeting or incinerator authority
16A or the governing body having general legislative authority in the
16B government of such municipality;

17 (2) To issue general obligation bonds of the county to pay all or
18 part of the cost of such purchase, construction, improvement, ex-
19 tension, enlargement or reconstruction of such facilities;

20 (3) To fix and collect rates, fees, rents and other charges for the
21 services and facilities furnished by any such county ****[garbage]****
22 ***solid waste*** disposal facilities.

23 (4) To receive and accept from the State, Federal Government
24 or any agency thereof grants for or in aid of the planning, pur-
25 chase, construction, extension, enlargement or reconstruction, or
26 financing of any of such facilities and to receive and accept con-
27 tributions from any source of either money, property, labor, or
28 other things of value to be held, used and applied only for the
29 purposes for which such grants and contributions may be made.

30 (5) To acquire in the name of the county by gift, purchase as
31 hereinafter provided, or by the exercise of the right of eminent
32 domain, such lands and rights and interests therein, ****[including**
33 *lands under water and riparian rights,]******* ***within the county,*
34 *other than that owned by any governmental unit or political sub-*
35 *division thereof without its express consent,*** and to acquire such
36 personal property, as it may deem necessary for the purchase,
37 construction, improvement, extension, enlargement or reconstruc-
38 tion, or for the efficient operation of any facilities purchased or
38A constructed under the provisions of this act and to hold and dispose
38B of all real and personal property under its control.

39 (6) To make and enter into all contracts and agreements neces-
40 sary or incidental to the performance of its duties and the execution
41 of its powers under this act and to employ such consulting and
42 other engineers, superintendents, managers, attorneys, financial
43 or other consultants or experts and such other employees and
44 agents as it may deem necessary in its judgment and to fix their
45 compensation;

46 (7) Subject to the provisions and restrictions as may be set
 47 forth in the ordinance hereinafter mentioned authorizing or secur-
 48 ing any bonds issued under the provisions of this act, to enter
 49 into contracts with the government of the United States or any
 50 agency or instrumentality thereof or with any other county or
 51 with any municipality, private corporation, copartnership, associa-
 52 tion, or individual providing for or relating to the collection, treat-
 53 ment and disposal of ****[garbage]**** ****solid waste****, which
 54 contracts may provide for the furnishing of ****[garbage]**** ****solid**
 55 **waste**** disposal facilities either by or to the county, or the joint
 55A construction or operation of ****[garbage]**** ****solid waste**** dis-
 55B posal facilities.

56 (8) To acquire by gift or purchase at a price to be mutually
 57 agreed upon, any of the facilities or portions thereof, provided
 58 for by this act, which shall, prior to such acquisition, have been
 59 owned by any private person, group, firm, partnership, association
 60 or corporation; provided, however, if the price for same cannot
 61 be agreed upon, the price shall be determined by an arbitration
 62 board consisting of three persons, one of whom shall be selected by
 63 the board of chosen freeholders, one shall be appointed by the
 64 private company or corporation, and the two persons so selected
 65 shall select a third member of said board; and provided, further,
 66 that in the event said board cannot agree as to the price to be
 67 paid by the said board of chosen freeholders, then the board of
 68 chosen freeholders shall exercise the right of eminent domain in
 69 the manner provided by law.

1 5. Whenever the board of chosen freeholders of any of the
 2 several counties of the State by resolution chooses to exercise the
 3 powers granted by this act it shall submit such resolution to the
 4 State Commissioner of ****[Health]**** ****Environmental Protec-**
 5 **tion****, and it shall make or cause to be made such surveys, investi-
 6 gations, studies, borings, maps, plans, drawings, and estimates of
 7 costs and of revenues as the commissioner may deem necessary
 8 relating to the type of disposal and treatment and estimate or cost
 9 of such ****[garbage]**** ****solid waste**** disposal facilities, the pur-
 10 chase of construction of which shall be deemed by the board to be
 11 desirable and also relating to the ****[garbage]**** ****solid waste****
 12 disposal facilities, if any, or part thereof the board deems necessary
 13 to purchase or construct, to protect the health, ****safety, and**
 13A **welfare**** of the inhabitants of the county.

14 The obtaining of such surveys, investigations, studies, borings,
 15 maps, plans, drawings and estimates is hereby declared to be a
 16 county purpose and the costs thereof may be paid out of the general

17 funds of the county, but shall be reimbursed to the county from the
18 proceeds of any bonds issued pursuant to this act, or the proceeds
19 of any grants for this purpose from the State, Federal Government
20 or any agency thereof.

21 The results of such surveys, investigations, studies, borings,
22 maps, plans, drawings and estimates required by the commissioner
23 shall be submitted to the commissioner for approval. No county
24 may proceed to exercise any of the powers granted by this act
25 without first having obtained the approval of the commissioner.

26 All public or private property damaged or destroyed in carrying
27 out the powers granted by this act shall be restored or repaired
28 and placed in its original condition as nearly as practicable or
29 adequate compensation made therefor out of the funds provided
30 by this act.

1 6. The board of chosen freeholders is hereby authorized to
2 provide by ordinance at one time or from time to time for the
3 issuance of general obligation bonds of the county for the purpose
4 of paying all or part of the cost of any ****[garbage]**** ****solid**
5 **waste**** disposal facilities constructed, acquired, improved, ex-
6 tended, enlarged or reconstructed pursuant to this act. The bonds
7 of each issue shall be issued pursuant to the provisions of the
8 Local Bond Law, constituting chapter 2 of Title 40A of the New
8A Jersey Statutes.

9 The proceeds of such bonds shall be used solely for the payment
10 of costs of the ****[garbage]**** ****solid waste**** disposal facilities
11 for the purchase, construction, reconstruction, enlargement or
12 improvement of which such bonds shall have been authorized.

13 The board of chosen freeholders may also pledge to the payment
14 of any or all of such bonds so issued all or any part of the revenues
15 derived by the county from the operation or rental of its
16 ****[garbage]**** ****solid waste**** disposal facilities.

1 7. A county may negotiate and enter into contracts, with munici-
2 palities within or adjoining its boundaries, joint meetings, inciner-
3 ator authorities and **on uniform terms** with **all** private
5 ****[garbage]**** ****solid waste**** disposal companies operating
6 ****[therein and adjoining the county and may]**** **in the county or*
7 *proposing to operate therein and in an adjoining county or counties,*
8 *or either thereof, and may** negotiate and enter into like contracts
9 with any other municipality or **on such uniform terms with** any
10 private ****[garbage]**** ****solid waste**** disposal company which
11 might advantageously use the ****[garbage]**** ****solid waste****
12 disposal facilities of the county, and may negotiate and enter into
13 like contracts with persons or corporations engaged in public or

14 private industry (herein called "industry" or "industries") within
15 its boundaries who or which shall be discharging ****[garbage]****
16 ****solid waste**** which cannot conveniently be disposed of through
17 the ****[garbage]**** ****solid waste**** disposal system of any
18 municipality or private ****[garbage]**** ****solid waste**** disposal
19 company.

1 8. After the commencement of operation of ****[garbage]****
2 ****solid waste**** disposal facilities, the county may prescribe and
3 change from time to time rates or rentals to be charged for the
4 use of the services of such facilities. Such rates or rentals being
5 in the nature of use or service charges or annual rental charges,
6 shall be uniform and equitable for the same type and class of use
7 or service of such facilities. Such rates or rentals and types and
8 classes of use and service may be based on such factors as the
9 board of chosen freeholders of the county shall deem proper and
10 equitable.

1 9. If a county, pursuant to agreement with a municipality or
2 municipalities therein, joint meetings or incinerator authorities,
3 shall construct or acquire ****[garbage]**** ****solid waste**** disposal
4 facilities which will benefit such municipality or municipalities, joint
5 meetings or incinerator authorities, such county may either (1) bear
6 the entire cost of the construction or acquisition of such facilities by
7 itself, or (2) share the cost of the construction or acquisition of such
8 improvements with the municipality or municipalities, joint meet-
9 ings or incinerator authorities. The county may issue its bonds
10 for all or part of the cost of the construction or acquisition of
11 such facilities. If the cost thereof is to be shared by such munici-
12 pality or municipalities, joint meetings or incinerator authorities,
13 the county may issue its bonds for its share of such cost and
14 such municipality or municipalities, joint meetings or incinerator
15 authorities, may issue their bonds for their share of such cost,
16 or the county may issue its bonds for all of the cost of such
17 facilities, and the share of such cost to be borne by such munici-
18 pality or municipalities, joint meetings or incinerator authorities
19 shall be repaid to the county by such municipality or municipali-
20 ties, joint meeting or incinerator authority in annual installments
21 over a period not exceeding 40 years as shall be agreed upon
22 between the county and such municipality or municipalities, joint
23 meeting or incinerator authority. The amount of said annual
24 installments shall include interest at such rate or rates as the
25 county and such municipality or municipalities, joint meeting or
26 incinerator authority shall agree upon, and the county and such
27 municipality or municipalities, joint meeting or incinerator au-

28 thority are hereby authorized to enter into agreements relating
29 to such facilities which agreements shall have such terms and
30 conditions as shall be deemed necessary and proper by such
31 county and such participating municipality or municipalities,
32 joint meeting or incinerator authority. Such agreements shall
33 be authorized by a resolution duly adopted by the board of chosen
34 freeholders of the county and by an ordinance duly adopted by the
35 governing body of such municipality, municipalities, joint meeting
36 or incinerator authority. Such annual payments received by a
37 county from such municipality, municipalities, joint meeting or
38 incinerator authority may also include an additional annual amount
39 as shall be agreed upon for the payment of the agreed share of
40 the cost of operation and maintenance and improvement or en-
41 largement of such facilities. Notwithstanding any provisions of
42 any other law or laws now existing or hereafter enacted, none of
43 such annual payments to be made by such municipality, munici-
44 palities, joint meeting or incinerator authority to such county
45 shall be included in any computation of gross or net indebtedness
46 required under any such other law or laws.

47 Notwithstanding any provisions of any other law or laws now
48 existing or hereafter enacted, the amount of any bonds issued by
49 a county to finance the share of any municipality, municipalities,
50 joint meeting or incinerator authority of the cost of the construc-
51 tion or acquisition of such facilities shall not be included in any
52 computation of gross or net indebtedness under any such other
53 law or laws as long as such county and such municipality, munici-
54 palities, joint meeting or incinerator authority have entered into
55 an agreement pursuant to this section under which the share of
56 such municipality, municipalities, joint meeting or incinerator
57 authority shall be repaid to such county as provided in this section.

1 10. Any municipality, joint meeting or incinerator authority
2 with which a county is authorized to contract under the terms and
3 provisions of this act shall have power, by ordinance duly adopted
4 by its governing body to authorize its proper officials to enter
5 into and execute for it a contract, for such periods of time and
6 under such terms as are deemed proper and necessary, with a
7 county, for the treatment and disposal of all or any specified part
8 of the ****[garbage]**** ***solid waste*** arising or collected in or
9 by such municipality, joint meeting or incinerator authority, by
10 the ****[garbage]**** ***solid waste*** disposal facilities of such
11 county and such contract shall be valid and binding upon the
12 municipality, joint meeting or incinerator authority notwith-
13 standing that no appropriation was made or provided to cover

13A the estimated cost of such contract, and the governing body
14 of the municipality, joint meeting or incinerator authority shall
15 have full power and authority to do and perform all acts and
16 things on the part of the municipality, joint meeting or incinerator
17 authority to be done and performed under the terms and provisions
18 of such contract. Any private ****[garbage]**** ****solid waste**** or
19 incinerator company or industry shall likewise have power to
20 enter into a contract with a county for the treatment and disposal
21 of the ****[garbage]**** ****solid waste**** or the waste collected or
22 discharged by it by the ****[garbage]**** ****solid waste**** disposal
23 facilities of a county.

1 11. Notwithstanding any restriction contained in any other law,
2 the State and all public officers, municipalities, counties, political
3 subdivisions and public bodies, and agencies thereof, all banks,
4 bankers, trust companies, savings banks and institutions, building
5 and loan associations, savings and banking business, all insurance
6 companies, insurance associations and other persons carrying on
7 an insurance business, and all executors, administrators, guardians,
8 trustees and other fiduciaries, may legally invest any sinking fund
9 moneys or other funds belonging to them or within their control
10 in any bonds of a county authorized pursuant to this act, and
11 such bonds are hereby made and shall be authorized security for
12 any and all public deposits. Any such bonds and the interest
13 thereon shall be exempt from taxation except for transfer and
14 inheritance taxes.

1 12. The chief fiscal officer of each municipality, joint meeting
2 or incinerator authority which shall have entered into a contract
3 pursuant to this act, shall cause to be paid to the county, at such
4 times to be agreed upon, the amount of money certified to the
5 municipality, joint meeting or incinerator authority by the county
6 pursuant to this act. The power and obligation of such munici-
7 pality, joint meeting or incinerator authority to provide for and
8 make all such payments shall be unlimited and the sums necessary
9 for such payment shall be included in each annual budget of such
10 municipality, joint meeting or incinerator authority and such mu-
11 nicipality, joint meeting or incinerator authority shall be irrev-
12 ocably and unconditionally obligated to levy ad valorem taxes on
13 all taxable property therein or service charges for users, as the
14 case may be, without limit as to rate or amount to the full extent
15 necessary to make all such payments in full as the same become
16 due. If any part of the amount certified to a municipality, joint
17 meeting or incinerator authority by a county, pursuant to this

18 act, shall remain unpaid for 30 days following the date fixed for
19 payment by the contract, the municipality, joint meeting or in-
20 cinerator authority thus in default shall be charged with and liable
21 for, and the chief fiscal officer thereof shall pay to such county
22 interest upon the amount unpaid at the rate of 8% per annum.

1 13. Each private ****[garbage]**** ***solid waste*** or incinerator
2 company or industry which shall have entered into a contract
3 with a county pursuant to this act, shall pay at such times as
4 shall be provided in such contract to the contracting county, the
5 sum of money certified to it by such county pursuant to this act,
6 on or before the date provided for such payment in such contract.
7 Any such sum of money so certified by a county shall be a lien
8 in favor of such county on and against the property of such
9 private ****[garbage]**** ***solid waste*** or incinerator company
10 or industry. If such sum of money or any part thereof is not
11 paid to the contracting county on or before such contract payment
12 date such county shall make and record, in the same manner as
13 conveyances of interest in real property are recorded, a certificate
14 setting forth the facts and giving notice of the existence and amount
15 of such lien remaining unsatisfied. So far as permitted by law,
16 such lien shall have priority over all other liens theretofore or
17 thereafter attaching except those of Federal, State and local taxes.

1 14. The object and design of this act being the protection and
2 preservation of public health, safety and welfare, this act shall
3 be liberally construed and the powers granted and the duties im-
4 posed by this act shall be construed to be independent and severable.
5 If any one or more sections, clauses, sentences or parts of this act
6 shall for any reason be questioned in any court, and shall be ad-
7 judged unconstitutional or invalid, such judgment shall not affect,
8 impair or invalidate the remaining provisions thereof, but shall
9 be confined in its operation to the specific provisions so held
10 unconstitutional or invalid.

1 15. In the event an incinerator authority has been established
2 in a county pursuant to the provisions of chapter 348 of the laws
3 of 1948 (C. 40:66A-1 et seq.), the "incinerator authorities law,"
4 no county shall establish any competitive ****[garbage]**** ***solid*
5 *waste*** disposal system within such county under the provisions
6 of this act without the consent of such existing authority.

7 ****[Except for the foregoing, insofar as the provisions of this**
8 **act are inconsistent with the provisions of any other act, general**
9 **or special, the provisions of this act shall be controlling.]****

1 16. This act shall take effect immediately.

SENATE, No. 547

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 9, 1970

By Senator BEADLESTON

Referred to Committee on Air and Water Pollution and Public Health

AN ACT concerning the construction or acquisition of garbage disposal facilities by counties separately or jointly with municipalities located therein and supplementing the "Incinerator Authorities Law," approved September 1, 1948 (P. L. 1948, c. 348, C. 40:66A-1 et seq.).

1 WHEREAS, It has been found and determined that many counties
2 in the State of New Jersey contain areas and municipalities
3 which do not have adequate regional or comprehensive garbage
4 disposal facilities or which have such limited or local facilities
5 which are presently inadequate and insufficient to meet the needs
6 of such counties and areas and municipalities therein; and

7 WHEREAS, It is the objective of both the Federal Government and
8 the State Department of Health of New Jersey to initiate and
9 encourage regional garbage disposal facilities for the purpose
10 of the treatment and disposal of domestic and industrial solid
11 wastes; and

12 WHEREAS, It is essential for the health, safety and welfare of the
13 inhabitants of such counties and the areas and municipalities
14 therein that improved, enlarged or new garbage disposal facili-
15 ties be constructed or acquired in such areas or municipalities
16 not now being served by such facilities or that existing facilities
17 which may be inadequate be improved and extended where re-
18 quired; and

19 WHEREAS, The cost of such construction of garbage disposal
20 facilities or the construction of additions, extensions or improve-
21 ments to existing facilities in many of such areas or municipali-
22 ties would, if financed by such areas, regions or municipalities
23 on an individual basis, be prohibitive and exorbitant; and

24 WHEREAS, There is a pressing need for counties to aid the in-
 25 habitants of such areas, regions and municipalities therein by
 26 constructing or acquiring new or improved garbage disposal
 27 facilities, or parts thereof, where required, or by constructing
 28 or acquiring additions, extensions and improvements to existing
 29 garbage disposal facilities, or parts thereof, where required,
 30 and to finance the cost of any such acquisition or construction
 31 either alone or jointly with any municipality or municipalities,
 32 joint meetings or incinerator authorities therein by the issuance
 33 of bonds of such counties; now, therefore,

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 "County
 2 Garbage Disposal Financing Law."

1 2. It is hereby declared to be in the public interest and to be the
 2 policy of the State to foster and promote by all reasonable means
 3 the health and welfare of the citizens thereof by the proper collec-
 4 tion, treatment and disposal of garbage and other refuse matter on
 5 a regional or multi-unit basis.

1 3. As used in this act, unless a different meaning clearly appears
 2 from the context:

3 (1) The word "county" shall mean any of the several counties
 4 of the State operating under the authority granted by this act.

5 (2) The term "board of chosen freeholders" or the word
 6 "board" shall mean the board of chosen freeholders of any county
 7 operating under the powers granted by this act.

8 (3) The term "garbage disposal facilities" shall mean the plants,
 9 structures and other real and personal property acquired, con-
 10 structed or operated or to be acquired, constructed or operated
 11 by a county, municipality or incinerator authority, including in-
 12 cinerators, sanitary landfills or other plants and property for the
 13 treatment and disposal of garbage and refuse matter and all other
 14 real and personal rights therein and appurtenances necessary or
 15 useful and convenient for the collection, treatment or disposal in
 16 a sanitary manner of garbage and refuse matter (but not including
 17 sewage).

18 (4) The word "facilities" when used alone, shall mean both such
 19 incinerators and sanitary landfills, or either of them as the context
 20 shall require.

21 (5) The word "cost" as applied to garbage disposal facilities or
 22 extensions or additions thereto, shall include the cost of construc-

23 tion, reconstruction or improvement, the cost of all labor, materials,
24 machinery and equipment, the cost of all lands, property, rights,
25 easements and franchises acquired, financing charges, interest on
26 bonds issued to finance such facilities prior to and during construc-
27 tion and for 1 year after completion of construction, cost of plans
28 and specifications, surveys of estimates of costs and of revenues,
29 cost of engineering and legal services, and all other expenses nec-
30 essary or incident to determining the feasibility or practicability
31 of such construction, reconstruction or improvement, administra-
32 tive expense and such other expense as may be necessary or
33 incident to the construction or acquisition of such facilities, and
34 the financing herein authorized. Any obligation or expense in-
35 curred by the county in connection with any of the foregoing items
36 of cost prior to the issuance of bonds or notes as authorized herein
37 may be regarded as part of such cost and reimbursed to the county
38 out of the proceeds of bonds issued under the provisions of this act.

39 (6) The term "general obligation bonds" shall mean general
40 obligations of the county which are payable from unlimited ad
41 valorem taxes or from such taxes and additionally secured by a
42 pledge of garbage disposal facilities service charges as may be
43 established.

44 (7) The word "garbage" shall mean any refuse matter, trash
45 or garbage from residences, manufacturing and industrial plants,
46 hotels, apartments or any other public or private building but shall
47 not include water carried wastes or the kinds of wastes usually
48 collected, carried away and disposed of by sewerage system.

49 (8) The word "commissioner" shall mean the State Commis-
50 sioner of Health.

1 4. Any county in the State which may hereafter come under the
2 provisions of this act as hereinafter provided is hereby authorized
3 and empowered:

4 (1) To purchase, construct, improve, extend, enlarge or recon-
5 struct garbage disposal facilities within such county either alone
6 or jointly with any municipality, joint meeting or incinerator au-
7 thority located within such county, and to operate, manage and
8 control all or part of such garbage disposal facilities so purchased
9 or constructed and all properties pertaining thereto, and to furnish
10 and supply the services of its garbage disposal facilities to any
11 municipalities within such county. No county shall furnish any of
12 the facilities provided by this article to any property already being
13 furnished like facilities by any municipality, joint meeting or in-
14 cinerator authority, without the express consent of such joint meet-

15 ing or incinerator authority or the governing body having general
16 legislative authority in the government of such municipality;

17 (2) To issue general obligation bonds of the county to pay all or
18 part of the cost of such purchase, construction, improvement, ex-
19 tension, enlargement or reconstruction of such facilities;

20 (3) To fix and collect rates, fees, rents and other charges for the
21 services and facilities furnished by any such county garbage dis-
22 posal facilities.

23 (4) To receive and accept from the State, Federal Government
24 or any agency thereof grants for or in aid of the planning, pur-
25 chase, construction, extension, enlargement or reconstruction, or
26 financing of any of such facilities and to receive and accept con-
27 tributions from any source of either money, property, labor, or
28 other things of value to be held, used and applied only for the
29 purposes for which such grants and contributions may be made.

30 (5) To acquire in the name of the county by gift, purchase as
31 hereinafter provided, or by the exercise of the right of eminent
32 domain, such lands and rights and interests therein, including lands
33 under water and riparian rights, and to acquire such personal
34 property, as it may deem necessary for the purchase, construction,
35 improvement, extension, enlargement or reconstruction, or for the
36 efficient operation of any facilities purchased or constructed under
37 the provisions of this act and to hold and dispose of all real and
38 personal property under its control.

39 (6) To make and enter into all contracts and agreements neces-
40 sary or incidental to the performance of its duties and the execution
41 of its powers under this act and to employ such consulting and
42 other engineers, superintendents, managers, attorneys, financial
43 or other consultants or experts and such other employees and
44 agents as it may deem necessary in its judgment and to fix their
45 compensation;

46 (7) Subject to the provisions and restrictions as may be set
47 forth in the ordinance hereinafter mentioned authorizing or secur-
48 ing any bonds issued under the provisions of this act, to enter
49 into contracts with the government of the United States or any
50 agency or instrumentality thereof or with any other county or
51 with any municipality, private corporation, copartnership, associa-
52 tion, or individual providing for or relating to the collection, treat-
53 ment and disposal of garbage, which contracts may provide for the
54 furnishing of garbage disposal facilities either by or to the county,
55 or the joint construction or operation of garbage disposal facilities.

56 (8) To acquire by gift or purchase at a price to be mutually
57 agreed upon, any of the facilities or portions thereof, provided

58 for by this act, which shall, prior to such acquisition, have been
59 owned by any private person, group, firm, partnership, association
60 or corporation; provided, however, if the price for same cannot
61 be agreed upon, the price shall be determined by an arbitration
62 board consisting of three persons, one of whom shall be selected by
63 the board of chosen freeholders, one shall be appointed by the
64 private company or corporation, and the two persons so selected
65 shall select a third member of said board; and provided, further,
66 that in the event said board cannot agree as to the price to be
67 paid by the said board of chosen freeholders, then the board of
68 chosen freeholders shall exercise the right of eminent domain in
69 the manner provided by law.

1 5. Whenever the board of chosen freeholders of any of the
2 several counties of the State by resolution chooses to exercise the
3 powers granted by this act it shall submit such resolution to the
4 State Commissioner of Health, and it shall make or cause to be
5 made such surveys, investigations, studies, borings, maps, plans,
6 drawings, and estimates of costs and of revenues as the com-
7 missioner may deem necessary relating to the type of disposal
8 and treatment and estimate or cost of such garbage disposal
9 facilities, the purchase of construction of which shall be deemed
10 by the board to be desirable and also relating to the garbage
11 disposal facilities, if any, or part thereof the board deems neces-
12 sary to purchase or construct, to protect the health of the in-
13 habitants of the county.

14 The obtaining of such surveys, investigations, studies, borings,
15 maps, plans, drawings and estimates is hereby declared to be a
16 county purpose and the costs thereof may be paid out of the general
17 funds of the county, but shall be reimbursed to the county from the
18 proceeds of any bonds issued pursuant to this act, or the proceeds
19 of any grants for this purpose from the State, Federal Government
20 or any agency thereof.

21 The results of such surveys, investigations, studies, borings,
22 maps, plans, drawings and estimates required by the commissioner
23 shall be submitted to the commissioner for approval. No county
24 may proceed to exercise any of the powers granted by this act
25 without first having obtained the approval of the commissioner.

26 All public or private property damaged or destroyed in carrying
27 out the powers granted by this act shall be restored or repaired
28 and placed in its original condition as nearly as practicable or
29 adequate compensation made therefor out of the funds provided
30 by this act.

1 6. The board of chosen freeholders is hereby authorized to
2 provide by ordinance at one time or from time to time for the
3 issuance of general obligation bonds of the county for the purpose
4 of paying all or part of the cost of any garbage disposal facilities
5 constructed, acquired, improved, extended, enlarged or recon-
6 structed pursuant to this act. The bonds of each issue shall be
7 issued pursuant to the provisions of the Local Bond Law, con-
8 stituting chapter 2 of Title 40A of the New Jersey Statutes.

9 The proceeds of such bonds shall be used solely for the payment
10 of costs of the garbage disposal facilities for the purchase, con-
11 struction, reconstruction, enlargement or improvement of which
12 such bonds shall have been authorized.

13 The board of chosen freeholders may also pledge to the payment
14 of any or all of such bonds so issued all or any part of the revenues
15 derived by the county from the operation or rental of its garbage
16 disposal facilities.

1 7. A county may negotiate and enter into contracts, with mu-
2 nicipalities within or adjoining its boundaries, joint meetings,
3 incinerator authorities and with private garbage disposal com-
4 panies operating therein and adjoining the county and may
5 negotiate and enter into like contracts with any other municipality
6 or any private garbage disposal company which might advanta-
7 geously use the garbage disposal facilities of the county, and may
8 negotiate and enter into like contracts with persons or corpora-
9 tions engaged in public or private industry (herein called "in-
10 dustry" or "industries") within its boundaries who or which
11 shall be discharging garbage which cannot conveniently be dis-
12 posed of through the garbage disposal system of any municipality
13 or private garbage disposal company.

1 8. After the commencement of operation of garbage disposal
2 facilities, the county may prescribe and change from time to time
3 rates or rentals to be charged for the use of the services of such
4 facilities. Such rates or rentals being in the nature of use or
5 service charges or annual rental charges, shall be uniform and
6 equitable for the same type and class of use or service of such
7 facilities. Such rates or rentals and types and classes of use and
8 service may be based on such factors as the board of chosen
9 freeholders of the county shall deem proper and equitable.

1 9. If a county, pursuant to agreement with a municipality or
2 municipalities therein, joint meetings or incinerator authorities,
3 shall construct or acquire garbage disposal facilities which will
4 benefit such municipality or municipalities, joint meetings or

5 incinerator authorities, such county may either (1) bear the entire
6 cost of the construction or acquisition of such facilities by itself,
7 or (2) share the cost of the construction or acquisition of such
8 improvements with the municipality or municipalities, joint meet-
9 ings or incinerator authorities. The county may issue its bonds
10 for all or part of the cost of the construction or acquisition of
11 such facilities. If the cost thereof is to be shared by such munici-
12 pality or municipalities, joint meetings or incinerator authorities,
13 the county may issue its bonds for its share of such cost and
14 such municipality or municipalities, joint meetings or incinerator
15 authorities, may issue their bonds for their share of such cost,
16 or the county may issue its bonds for all of the cost of such
17 facilities, and the share of such cost to be borne by such munici-
18 pality or municipalities, joint meetings or incinerator authorities
19 shall be repaid to the county by such municipality or municipali-
20 ties, joint meeting or incinerator authority in annual installments
21 over a period not exceeding 40 years as shall be agreed upon
22 between the county and such municipality or municipalities, joint
23 meeting or incinerator authority. The amount of said annual
24 installments shall include interest at such rate or rates as the
25 county and such municipality or municipalities, joint meeting or
26 incinerator authority shall agree upon, and the county and such
27 municipality or municipalities, joint meeting or incinerator au-
28 thority are hereby authorized to enter into agreements relating
29 to such facilities which agreements shall have such terms and
30 conditions as shall be deemed necessary and proper by such
31 county and such participating municipality or municipalities,
32 joint meeting or incinerator authority. Such agreements shall
33 be authorized by a resolution duly adopted by the board of chosen
34 freeholders of the county and by an ordinance duly adopted by the
35 governing body of such municipality, municipalities, joint meeting
36 or incinerator authority. Such annual payments received by a
37 county from such municipality, municipalities, joint meeting or
38 incinerator authority may also include an additional annual amount
39 as shall be agreed upon for the payment of the agreed share of
40 the cost of operation and maintenance and improvement or en-
41 largement of such facilities. Notwithstanding any provisions of
42 any other law or laws now existing or hereafter enacted, none of
43 such annual payments to be made by such municipality, munici-
44 palities, joint meeting or incinerator authority to such county
45 shall be included in any computation of gross or net indebtedness
46 required under any such other law or laws.

47 Notwithstanding any provisions of any other law or laws now
48 existing or hereafter enacted, the amount of any bonds issued by
49 a county to finance the share of any municipality, municipalities,
50 joint meeting or incinerator authority of the cost of the construc-
51 tion or acquisition of such facilities shall not be included in any
52 computation of gross or net indebtedness under any such other
53 law or laws as long as such county and such municipality, munici-
54 palities, joint meeting or incinerator authority have entered into
55 an agreement pursuant to this section under which the share of
56 such municipality, municipalities, joint meeting or incinerator
57 authority shall be repaid to such county as provided in this section.

1 10. Any municipality, joint meeting or incinerator authority
2 with which a county is authorized to contract under the terms and
3 provisions of this act shall have power, by ordinance duly adopted
4 by its governing body to authorize its proper officials to enter
5 into and execute for it a contract, for such periods of time and
6 under such terms as are deemed proper and necessary, with a
7 county, for the treatment and disposal of all or any specified part
8 of the garbage arising or collected in or by such municipality,
9 joint meeting or incinerator authority, by the garbage disposal
10 facilities of such county and such contract shall be valid and bind-
11 ing upon the municipality, joint meeting or incinerator authority
12 notwithstanding that no appropriation was made or provided to
13 cover the estimated cost of such contract, and the governing body
14 of the municipality, joint meeting or incinerator authority shall
15 have full power and authority to do and perform all acts and
16 things on the part of the municipality, joint meeting or incinerator
17 authority to be done and performed under the terms and provisions
18 of such contract. Any private garbage or incinerator company or
19 industry shall likewise have power to enter into a contract with
20 a county for the treatment and disposal of the garbage or the
21 waste collected or discharged by it by the garbage disposal facili-
22 ties of a county.

1 11. Notwithstanding any restriction contained in any other law,
2 the State and all public officers, municipalities, counties, political
3 subdivisions and public bodies, and agencies thereof, all banks,
4 bankers, trust companies, savings banks and institutions, building
5 and loan associations, savings and banking business, all insurance
6 companies, insurance associations and other persons carrying on
7 an insurance business, and all executors, administrators, guardians,
8 trustees and other fiduciaries, may legally invest any sinking fund
9 moneys or other funds belonging to them or within their control

10 in any bonds of a county authorized pursuant to this act, and
11 such bonds are hereby made and shall be authorized security for
12 any and all public deposits. Any such bonds and the interest
13 thereon shall be exempt from taxation except for transfer and
14 inheritance taxes.

1 12. The chief fiscal officer of each municipality, joint meeting
2 or incinerator authority which shall have entered into a contract
3 pursuant to this act, shall cause to be paid to the county, at such
4 times to be agreed upon, the amount of money certified to the
5 municipality, joint meeting or incinerator authority by the county
6 pursuant to this act. The power and obligation of such munici-
7 pality, joint meeting or incinerator authority to provide for and
8 make all such payments shall be unlimited and the sums necessary
9 for such payment shall be included in each annual budget of such
10 municipality, joint meeting or incinerator authority and such mu-
11 nicipality, joint meeting or incinerator authority shall be irrev-
12 ocably and unconditionally obligated to levy ad valorem taxes on
13 all taxable property therein or service charges for users, as the
14 case may be, without limit as to rate or amount to the full extent
15 necessary to make all such payments in full as the same become
16 due. If any part of the amount certified to a municipality, joint
17 meeting or incinerator authority by a county, pursuant to this
18 act, shall remain unpaid for 30 days following the date fixed for
19 payment by the contract, the municipality, joint meeting or in-
20 cinerator authority thus in default shall be charged with and liable
21 for, and the chief fiscal officer thereof shall pay to such county
22 interest upon the amount unpaid at the rate of 8% per annum.

1 13. Each private garbage or incinerator company or industry
2 which shall have entered into a contract with a county pursuant
3 to this act, shall pay at such times as shall be provided in such
4 contract to the contracting county, the sum of money certified to
5 it by such county pursuant to this act, on or before the date
6 provided for such payment in such contract. Any such sum of
7 money so certified by a county shall be a lien in favor of such
8 county on and against the property of such private garbage or
9 incinerator company or industry. If such sum of money or any
10 part thereof is not paid to the contracting county on or before
11 such contract payment date such county shall make and record,
12 in the same manner as conveyances of interest in real property are
13 recorded, a certificate setting forth the facts and giving notice of
14 the existence and amount of such lien remaining unsatisfied. So
15 far as permitted by law, such lien shall have priority over all other

16 liens theretofore or thereafter attaching except those of Federal,
17 State and local taxes.

1 14. The object and design of this act being the protection and
2 preservation of public health, safety and welfare, this act shall
3 be liberally construed and the powers granted and the duties im-
4 posed by this act shall be construed to be independent and severable.
5 If any one or more sections, clauses, sentences or parts of this act
6 shall for any reason be questioned in any court, and shall be ad-
7 judged unconstitutional or invalid, such judgment shall not affect,
8 impair or invalidate the remaining provisions thereof, but shall
9 be confined in its operation to the specific provisions so held
10 unconstitutional or invalid.

1 15. In the event an incinerator authority has been established
2 in a county pursuant to the provisions of chapter 348 of the laws
3 of 1948 (C. 40:66A-1 et seq.), the "incinerator authorities law,"
4 no county shall establish any competitive garbage disposal system
5 within such county under the provisions of this act without the
6 consent of such existing authority.

7 Except for the foregoing, insofar as the provisions of this act
8 are inconsistent with the provisions of any other act, general or
9 special, the provisions of this act shall be controlling.

1 16. This act shall take effect immediately.

SENATE AMENDMENTS TO
SENATE, No. 547

STATE OF NEW JERSEY

ADOPTED MARCH 16, 1970

Amend page 6, section 7, line 3, before "with", insert "on uniform terms"; after "with", insert "all".

Amend page 6, section 7, line 4, after "panies operating", omit remainder of line 4 and insert "in the county or proposing to operate therein and in an adjoining county or counties, or either thereof, and may".

Amend page 6, section 7, line 6, after "or", insert "on such uniform terms with".

SENATE AMENDMENTS TO
SENATE, No. 547
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED JUNE 8, 1970

Amend page 1, title, line 1, omit "garbage", insert "solid waste".

Amend page 1, preamble, line 3, omit "garbage", insert "solid waste".

Amend page 1, preamble, line 8, omit "Health", insert "Environmental Protection".

Amend page 1, preamble, line 9, omit "garbage", insert "solid waste".

Amend page 1, preamble, line 14, omit "garbage", insert "solid waste".

Amend page 1, preamble, line 19, omit "garbage", insert "solid waste".

Amend page 2, preamble, line 26, omit "garbage", insert "solid waste".

Amend page 2, preamble, line 29, omit "garbage", insert "solid waste".

Amend page 2, section 1, line 2, omit "Garbage", insert "Solid Waste".

Amend page 2, section 2, line 4, omit "garbage", insert "solid waste".

Amend page 2, section 3, line 8, omit "garbage", insert "solid waste".

Amend page 2, section 3, line 13, omit "garbage and refuse matter", insert "solid waste".

Amend page 2, section 3, line 16, omit "garbage and refuse matter", insert "solid waste".

Amend page 2, section 3, line 21, omit "garbage", insert "solid waste".

Amend page 3, section 3, line 42, omit "garbage", insert "solid waste".

Amend page 3, section 3, line 44, omit "word 'garbage'", insert "term 'solid waste'".

Amend page 3, section 3, line 50, omit “Health”, insert “Environmental Protection”.

Amend page 3, section 4, line 7, insert after “county, and”, insert “in accordance with applicable law, rules, regulations or orders,”.

Amend page 3, section 4, line 8, omit “garbage”, insert “solid waste”.

Amend page 3, section 4, line 10, omit “garbage”, insert “solid waste”.

Amend page 4, section 4, line 21, omit “garbage”, insert “solid waste”.

Amend page 4, section 4, lines 32 and 33, omit “including lands under water and riparian rights,”, insert “within the county, other than that owned by any governmental unit or political subdivision thereof without its express consent,”.

Amend page 4, section 4, line 53, omit “garbage”, insert “solid waste.”

Amend page 4, section 4, line 54, omit “garbage”, insert “solid waste.”

Amend page 4, section 4, line 55, omit “garbage”, insert “solid waste”.

Amend page 5, section 5, line 4, omit “Health”, insert “Environmental Protection”.

Amend page 5, section 5, line 8, omit “garbage”, insert “solid waste”.

Amend page 5, section 5, line 10, omit “garbage”, insert “solid waste.”

Amend page 5, section 5, line 12, after “health”, insert “safety, and welfare”.

Amend page 6, section 6, line 4, omit “garbage”, insert “solid waste”.

Amend page 6, section 6, line 10, omit “garbage”, insert “solid waste”.

Amend page 6, section 6, line 15, omit “garbage”, insert “solid waste”.

Amend page 6, section 7, line 3, omit “garbage”, insert “solid waste”.

Amend page 6, section 7, line 8, omit “garbage”, insert “solid waste”.

Amend page 6, section 7, line 9, omit “garbage”, insert “solid waste”.

Amend page 6, section 7, line 13, omit “garbage”, insert “solid waste”.

Amend page 6, section 7, line 14, omit “garbage”, insert “solid waste”.

Amend page 6, section 7, line 15, omit “garbage”, insert “solid waste”.

Amend page 6, section 8, line 1, omit “garbage”, insert “solid waste”.

Amend page 6, section 9, line 3, omit “garbage”, insert “solid waste”.

Amend page 8, section 10, line 8, omit “garbage”, insert “solid waste”.

Amend page 8, section 10, line 9, omit “garbage”, insert “solid waste”.

Amend page 8, section 10, line 18, omit “garbage”, insert “solid waste”.

Amend page 8, section 10, line 20, omit “garbage”, insert “solid waste”.

Amend page 8, section 10, line 21, omit “garbage”, insert “solid waste”.

Amend page 9, section 13, line 1, omit “garbage”, insert “solid waste”.

Amend page 9, section 13, line 8, omit “garbage”, insert “solid waste”.

Amend page 10, section 15, line 4, omit “garbage”, insert “solid waste”.

Amend page 10, section 15, omit lines 7 through 9.

FISCAL NOTE TO
SENATE, No. 547

STATE OF NEW JERSEY

DATED: MARCH 16, 1970

Senate Bill No. 547 is designed the "County Garbage Disposal Financing Law." It permits the acquisition or construction of garbage disposal facilities by counties separately or jointly with municipalities located therein.

Enactment of this legislation would require the employment of a senior public health engineer to review plans and make recommendations to the Commissioner of Health.

It is estimated by the Department of Health that enactment of Senate Bill No. 547 would require a State expenditure of \$9,905.00 in fiscal 1970-71 and \$10,750.00 in fiscal 1971-72.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

June 8, 1970

SENATE BILL NO. 547

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 547, for reconsideration.

Senate Bill No. 547 would authorize counties to finance construction or acquisition of solid waste ("garbage") disposal facilities within their boundaries. It refers throughout to certain functions of the State Department of Health and the Commissioner thereof. However, with the approval of Chapter 33, Laws of 1970 on April 22, 1970, the functions of the State Department of Health regarding solid waste disposal were transferred to the Department of Environmental Protection. Also, Chapter 39 of the Laws of 1970, approved May 6, 1970, placed certain additional functions relating to solid waste in the Department of Environmental Protection. Both the aforementioned laws use the term "solid waste", which included "garbage" as that term is used in Senate Bill No. 547. Certain amendments, therefore, are required to make Senate Bill No. 547 compatible with Chapters 33 and 39 of the Laws of 1970.

In addition, Section 4 (5) of Senate Bill No. 547 would authorize acquisition by eminent domain of "lands under water and riparian rights." This language is so broad that it might be construed to conflict with the provisions of titles 12 and 13 which specifically deal with this subject and even allow condemnation of governmentally owned lands. This would be a situation the Legislature probably did not intend, but which could present troublesome problems in view of the present provisions of Section 15 of this bill regarding inconsistent other acts. This language should be narrowed to make it clear that land owned by other governmental units is not included.

Technical amendments are necessary to include in Senate Bill No. 547 references to the appropriate State Department and Commissioner charged with the responsibility for supervision of solid waste disposal facilities. I am also taking the opportunity in this message to correct certain other technical defects.

Accordingly, I herewith return Senate Bill No. 547 without my approval and respectively recommend the following changes:

1. Page 1, in the Title, Line 1: Omit "garbage" insert "solid waste".
2. Page 1, in the Preamble, Line 3: Omit "garbage" insert "solid waste".

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Senate Bill No. 547

Page 2

3. Page 1, in the Preamble, Line 8: Omit "Health" insert "Environmental Protection".
4. Page 1, in the Preamble, Line 9: Omit "garbage" insert "solid waste".
5. Page 1, in the Preamble, Line 14: Omit "garbage" insert "solid waste".
6. Page 1, in the Preamble, Line 19: Omit "garbage" insert "solid waste".
7. Page 2, in the Preamble, Line 26: Omit "garbage" insert "solid waste".
8. Page 2, in the Preamble, Line 29: Omit "garbage" insert "solid waste".
9. Page 2, Section 1, Line 2: Omit "Garbage" insert "Solid Waste".
10. Page 2, Section 2, Line 4: Omit "garbage" insert "solid waste".
11. Page 2, Section 3, Line 8: Omit "garbage" insert "solid waste".
12. Page 2, Section 3, Line 13: Omit "garbage and refuse matter" insert "solid waste".
13. Page 2, Section 3, Line 16: Omit "garbage and refuse matter" insert "solid waste".
14. Page 2, Section 3, Line 21: Omit "garbage" insert "solid waste".
15. Page 3, Section 3, Line 42: Omit "garbage" insert "solid waste".
16. Page 3, Section 3, Line 44: Omit "word 'garbage'" insert "term 'solid waste'".
17. Page 3, Section 3, Line 50: Omit "Health" insert "Environmental Protection".
18. Page 3, Section 4, Line 7: Insert after "county, and" "in accordance with applicable law, rules, regulations or orders,".
19. Page 3, Section 4, Line 8: Omit "garbage" insert "solid waste".
20. Page 3, Section 4, Line 10: Omit "garbage" insert "solid waste".
21. Page 4, Section 4, Line 21: Omit "garbage" insert "solid waste".
22. Page 4, Section 4, Lines 32 through 33: Omit "including lands under water and riparian rights," insert "within the county, other than that owned by any governmental unit or political subdivision thereof without its express consent,".
23. Page 4, Section 4, Line 53: Omit "garbage" insert "solid waste".
24. Page 4, Section 4, Line 54: Omit "garbage" insert "solid waste".
25. Page 4, Section 4, Line 55: Omit "garbage" insert "solid waste".

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Senate Bill No. 547

Page 3

26. Page 5, Section 5, Line 4: Omit "health" insert "Environmental Protection".
27. Page 5, Section 5, Line 8: Omit "garbage" insert "solid waste".
28. Page 5, Section 5, Line 10: Omit "garbage" insert "solid waste".
29. Page 5, Section 5, Line 12: After "health" insert "safety, and welfare".
30. Page 6, Section 6, Line 4: Omit "garbage" insert "solid waste".
31. Page 6, Section 6, Line 10: Omit "garbage" insert "solid waste".
32. Page 6, Section 6, Line 15: Omit "garbage" insert "solid waste".
33. Page 6, Section 7, Line 3: Omit "garbage" insert "solid waste".
34. Page 6, Section 7, Line 6: Omit "garbage" insert "solid waste".
35. Page 6, Section 7, Line 7: Omit "garbage" insert "solid waste".
36. Page 6, Section 7, Line 11: Omit "garbage" insert "solid waste".
37. Page 6, Section 7, Line 12: Omit "garbage" insert "solid waste".
38. Page 6, Section 7, Line 13: Omit "garbage" insert "solid waste".
39. Page 6, Section 8, Line 1: Omit "garbage" insert "solid waste".
40. Page 6, Section 8, Line 3: Omit "garbage" insert "solid waste".
41. Page 8, Section 10, Line 8: Omit "garbage" insert "solid waste".
42. Page 8, Section 10, Line 9: Omit "garbage" insert "solid waste".
43. Page 8, Section 10, Line 18: Omit "garbage" insert "solid waste".
44. Page 8, Section 20, Line 20: Omit "garbage" insert "solid waste".
45. Page 8, Section 10, Line 21: Omit "garbage" insert "solid waste".
46. Page 9, Section 13, Line 1: Omit "garbage" insert "solid waste".
47. Page 9, Section 13, Line 8: Omit "garbage" insert "solid waste".

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Senate Bill No. 547

Page 4

48. Page 10, Section 15, Line 4: Omit "garbage" insert "solid waste".

49. Page 10, Section 15: Omit Lines 7 through 9.

Respectfully,

/s/ William T. Cahill

GOVERNOR

Attest:

/s/ Jean E. Mulford

Acting Secretary to the Governor