

40A:12A-51

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1999 **CHAPTER:** 198

NJSA: 40A:12A-51 (Landfill reclamation districts—fees)

BILL NO: S1373 Substituted for A2749)

SPONSOR(S): Lesniack

DATE INTRODUCED: September 24, 1998

COMMITTEE: **ASSEMBLY:** Solid and Hazardous Waste; Appropriations

SENATE: Environment; Budget and Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** May 24, 1999

SENATE: December 17, 1998

DATE OF APPROVAL: September 8, 1999

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: 1st Reprint
(Amendments during passage denoted by superscript numbers)

S1373

SPONSORS STATEMENT: (Begins on page 4 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#) [3-25-99 \(Solid & Hazardous\)](#)
[Yes](#) [5-3-99 \(Appropriations\)](#)

SENATE: [Yes](#) [11-16-98 \(Environment\)](#)
[Yes](#) [12-10-98 \(Budget\)](#)

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

A2749

SPONSORS STATEMENT: (Begins on page 4 of original bill) [Yes](#)

Bill and Sponsors Statement identical to S1373

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#) [3-25-99](#)
Identical to Assembly Waste Statement for S1373

[Yes](#) [5-3-99](#)
Identical to Assembly Appropriations Statement for S1373

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 1999, CHAPTER 198, *approved September 8, 1999*
Senate, No. 1373 (*First Reprint*)

1 **AN ACT** concerning landfill reclamation improvement districts and
2 amending P.L.1995, c.173.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 2 of P.L.1995, c.173 (C.40A:12A-51) is amended to
8 read as follows:

9 2. As used in P.L.1995, c.173 (C.40A:12A-50 et seq.) and this
10 amendatory and supplementary act, P.L.1996, c.73 (C.40A:12A-50a
11 et al.):

12 "Authority" means the New Jersey Economic Development
13 Authority established pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.)
14 or other instrumentality created by law with the power to incur debt
15 and issue bonds and other obligations.

16 "Bonds" mean bonds, notes or other obligations issued to finance
17 projects by the authority pursuant to P.L.1995, c.173 (C.40A:12A-50
18 et seq.) and this amendatory and supplementary act, P.L.1996, c.73
19 (C.40A:12A-50a et al.).

20 "Municipality" means the municipal governing body or, if a
21 redevelopment agency or redevelopment entity is established in the
22 municipality pursuant to P.L.1992, c.79 (C.40A:12A-1 et seq.) and the
23 municipality so provides, the redevelopment agency or entity so
24 established.

25 "Redeveloper" means any person that enters or proposes to enter,
26 pursuant to P.L.1995, c.173 (C.40A:12A-50 et seq.) and this
27 amendatory and supplementary act, P.L.1996, c.73 (C.40A:12A-50A
28 et al.) and the "Local Redevelopment and Housing Law," P.L.1992,
29 c.79 (C.40A:12A-1 et seq.), into a redevelopment agreement with a
30 municipality that has established a landfill reclamation improvement
31 district.

32 "Redevelopment agreement" means a contract between a
33 municipality and a redeveloper for any work or undertaking for the
34 clearance, development and redevelopment, and the construction or
35 rehabilitation of any commercial, industrial or public structures or
36 improvements, landfill closure, remediation, or redevelopment,
37 including, but not limited to, on-site and off-site infrastructure
38 improvements, or rehabilitation of an area in need of redevelopment,
39 or part thereof, under the provisions of P.L.1995, c.173
40 (C.40A:12A-50 et seq.) and this amendatory and supplementary 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.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SEN committee amendments adopted November 16, 1998.

1 P.L.1996, c.73 (C.40A:12A-50a et al.) and the "Local Redevelopment
2 and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.), that
3 provide a public benefit within a district undertaken pursuant to an
4 ordinance creating a landfill reclamation improvement district pursuant
5 to section 3 of P.L.1995, c.173 (C.40A:12A-52).

6 "Financial agreement" means an agreement that meets the
7 requirements of a financial agreement under P.L.1991, c.431
8 (C.40A:20-1 et seq.).

9 "Franchise assessment" means~~[(1)]~~ a gross receipts assessment
10 on: ~~(1)~~ the amount of the sale price of all tangible property sold by a
11 business in a district, valued in money, whether received in money or
12 otherwise, excluding the cost of transportation if such cost is
13 separately stated in the written contract and excluding any tax imposed
14 pursuant to the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1
15 et seq.); ~~(2)~~ ~~or a gross receipts assessment on~~ all rental receipts
16 from the rental of commercial property in a district; ~~or~~ (3) ~~both~~
17 (1) and (2) ~~receipts from parking in a district; (4) rents for every~~
18 occupancy of a room or rooms in a hotel in a district that are subject
19 to the sales and use tax pursuant to subsection (d) of section 3 of
20 P.L.1966, c.30 (C.54:32B-3); (5) admission charges to or for the use
21 of any place of amusement ¹excluding movie theaters¹ in a district
22 and the amount paid as the charge of a roof garden, cabaret or other
23 similar place in a district that are subject to the sales and use tax
24 pursuant to subsection (e) of section 3 of P.L.1966, c.30 (C.54:32B-
25 3); or (6) any combination of items (1) through (5) above, as
26 imposed pursuant to section 4 of P.L.1995, c.173 (C.40A:12A-53),
27 and this amendatory and supplementary act, P.L.1996, c.73
28 (C.40A:12A-50a et al.), but excluding any tax imposed pursuant to the
29 "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

30 "Landfill reclamation improvement district" or "district" means a
31 tract of land of at least 150 acres in size, which may consist of one or
32 more tax lots, of which not less than 100 acres were formerly or are
33 presently used as a landfill, which has been delineated a
34 "redevelopment area" or "area in need of redevelopment" pursuant to
35 the "Local Redevelopment and Housing Law," P.L.1992, c.79
36 (C.40A:12A-1 et seq.), and is an area which has been designated a
37 landfill reclamation improvement district by a municipality pursuant to
38 section 3 of P.L.1995, c.173 (C.40A:12A-52).

39 "Special assessment" means an assessment upon the lands or
40 improvements on such lands, or both, in the landfill reclamation
41 improvement district benefitted by improvements undertaken pursuant
42 to P.L.1995, c.173 (C.40A:12A-50 et seq.) and this amendatory and
43 supplementary act, P.L.1996, c.73 (C.40A:12A-50A et al.), assessed
44 pursuant to chapter 56 of Title 40 of the Revised Statutes,
45 R.S.40:56-1 et seq. except as otherwise provided in subsection b. of
46 section 8 of this amendatory and supplementary act, P.L.1996, c.73
47 (C.40A:12A-56).

48 (cf: P.L.1996, c.73, s.3)

1 2. This act shall take effect immediately.

2

3

4

5

6 Expands list of gross receipt items for which franchise assessment fees
7 may be levied or collected by municipality that has created a landfill
8 reclamation improvement district.

SENATE, No. 1373

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED SEPTEMBER 24, 1998

Sponsored by:

Senator RAYMOND J. LESNIAK

District 20 (Union)

SYNOPSIS

Expands list of gross receipt items for which franchise assessment fees may be levied or collected by municipality that has created a landfill reclamation improvement district.

CURRENT VERSION OF TEXT

As introduced.



S1373 LESNIAK

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37 including, but not limited to, on-site and off-site infrastructure
38 improvements, or rehabilitation of an area in need of redevelopment,
39 or part thereof, under the provisions of P.L.1995, c.173
40 (C.40A:12A-50 et seq.) and this amendatory and supplementary act,
41 P.L.1996, c.73 (C.40A:12A-50a et al.) and the "Local Redevelopment
42 and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.), that
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9 otherwise, excluding the cost of transportation if such cost is
10 separately stated in the written contract and excluding any tax imposed
11 pursuant to the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1
12 et seq.); (2) 【or a gross receipts assessment on】 all rental receipts
13 from the rental of commercial property in a district; 【or】 (3) 【both
14 (1) and (2)】 receipts from parking in a district; (4) rents for every
15 occupancy of a room or rooms in a hotel in a district that are subject
16 to the sales and use tax pursuant to subsection (d) of section 3 of
17 P.L.1966, c. 30 (C.54:32B-3); (5) admission charges to or for the use
18 of any place of amusement in a district and the amount paid as the
19 charge of a roof garden, cabaret or other similar place in a district that
20 are subject to the sales and use tax pursuant to subsection (e) of
21 section 3 of P.L.1966, c. 30 (C.54:32B-3); or (6) any combination of
22 items (1) through (5) above, as imposed pursuant to section 4 of
23 P.L.1995, c. 173 (C.40A:12A-53), and this amendatory and
24 supplementary act, P.L.1996, c.73 (C.40A:12A-50a et al.), but
25 excluding any tax imposed pursuant to the "Sales and Use Tax Act,"
26 P.L.1966, c.30 (C.54:32B-1 et seq.).

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31 "redevelopment area" or "area in need of redevelopment" pursuant to
32 the "Local Redevelopment and Housing Law," P.L.1992, c.79
33 (C.40A:12A-1 et seq.), and is an area which has been designated a
34 landfill reclamation improvement district by a municipality pursuant to
35 section 3 of P.L.1995, c.173 (C.40A:12A-52).

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38 improvement district benefitted by improvements undertaken pursuant
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40 supplementary act, P.L.1996, c.73 (C.40A:12A-50A et al.), assessed
41 pursuant to chapter 56 of Title 40 of the Revised Statutes,
42 R.S.40:56-1 et seq. except as otherwise provided in subsection b. of
43 section 8 of this amendatory and supplementary act, P.L.1996, c.73
44 (C.40A:12A-56).

45 (cf: P.L.1996, c.73, s.3)

1 2. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill amends the "Large Site Landfill Reclamation and
7 Improvement Law" by expanding the list of gross receipt items for
8 which franchise assessment fees may be levied or collected by a
9 municipality that has created a landfill reclamation improvement
10 district pursuant to the act. The expanded list, in addition to
11 permitting a municipality to impose a franchise assessment on the
12 gross receipts of the sale price of all tangible property sold by a
13 business in a district and on commercial rental receipts, now permits
14 a municipality to levy or collect a franchise assessment on parking,
15 hotel rooms located within a district, admission charges for sporting
16 events, amusements or other forms of entertainment, such as
17 theatrical, operatic or musical performances, and recreational
18 activities.

ASSEMBLY SOLID AND HAZARDOUS WASTE COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1373

STATE OF NEW JERSEY

DATED: MARCH 25, 1999

The Assembly Solid and Hazardous Waste Committee favorably reports Senate Bill No. 1373 (1R).

Senate Bill No. 1373 (1R) amends the "Large Site Landfill Reclamation and Improvement Law" by expanding the list of gross receipt items for which franchise assessment fees may be levied or collected by a municipality that has created a landfill reclamation improvement district pursuant to the act.

The Large Site Landfill Reclamation and Improvement Law, enacted in 1995, authorizes the establishment of one or more such districts by any municipality containing a 100-acre-or-larger tract of land, currently or formerly used as a landfill, that has been delineated a "redevelopment area". The law authorizes any such municipality to make agreements with the New Jersey Economic Development Authority to finance infrastructure improvements, parking or transportation facilities, anti-pollution projects, or other public improvements benefitting the district.

To fund its obligations with respect to the financing of those improvements, the law permits a municipality that has created a landfill reclamation improvement district to impose a franchise assessment on certain gross receipts. Currently, such assessments may be imposed only on receipts from the sale price of tangible property sold by a business in the district and on commercial rental receipts. Under the bill, the municipality is authorized to levy or collect a franchise assessment on parking, hotel rooms located within a district, and admission charges for sporting events, amusements or other forms of entertainment, such as theatrical, operatic or musical performances, and recreational activities, but excluding admission charges to movie theaters.

Senate Bill No. 1373 (1R) is identical to Assembly Bill No. 2749.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1373

STATE OF NEW JERSEY

DATED: MAY 3, 1999

The Assembly Appropriations Committee reports favorably Senate Bill No. 1373 (1R).

Senate Bill No. 1373 (1R) amends the "Large Site Landfill Reclamation and Improvement Law" by expanding the list of gross receipt items for which franchise assessment fees may be levied or collected by a municipality that has created a landfill reclamation improvement district pursuant to the act.

The "Large Site Landfill Reclamation and Improvement Law," enacted in 1995, authorizes the establishment of one or more landfill reclamation improvement districts by a municipality containing a 100-acre-or-larger tract of land, currently or formerly used as a landfill, that has been delineated a "redevelopment area". The law authorizes any such municipality to make agreements with the New Jersey Economic Development Authority to finance infrastructure improvements, parking or transportation facilities, anti-pollution projects, or other public improvements benefitting the district.

To fund its obligations with respect to the financing of those improvements, the law permits a municipality that has created a landfill reclamation improvement district to impose a franchise assessment on certain gross receipts. Currently, such assessments may be imposed only on receipts from the sale price of tangible property sold by a business in the district and on commercial rental receipts.

This bill authorizes the municipality to levy or collect a franchise assessment on parking in the district, hotel rooms located within a district, and admission charges for sporting events, amusements or other forms of entertainment in the district, such as theatrical, operatic or musical performances, and recreational activities, but excluding admission charges to movie theaters.

This bill, as reported by this committee, is identical to Assembly Bill No. 2749 as reported by this committee.

FISCAL IMPACT:

The bill has not been certified as requiring a fiscal note. The bill has no impact on State revenues or expenditures.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1373

with committee amendments.

STATE OF NEW JERSEY

DATED: NOVEMBER 16, 1998

The Senate Environment Committee favorably reports Senate Bill No. 1373 with committee amendments.

This bill amends the "Large Site Landfill Reclamation and Improvement Law" by expanding the list of gross receipt items for which franchise assessment fees may be levied or collected by a municipality that has created a landfill reclamation improvement district pursuant to the act. The expanded list, in addition to permitting a municipality to impose a franchise assessment on the gross receipts of the sale price of all tangible property sold by a business in a district and on commercial rental receipts, now permits a municipality to levy or collect a franchise assessment on parking, hotel rooms located within a district, admission charges for sporting events, amusements or other forms of entertainment, such as theatrical, operatic or musical performances, and recreational activities.

The committee amended the bill to exclude admission charges to movie theaters from the list of items that are subject to the franchise assessment.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1373

STATE OF NEW JERSEY

DATED: DECEMBER 10, 1998

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1373 (1R).

This bill amends the "Large Site Landfill Reclamation and Improvement Law" by expanding the list of gross receipt items for which franchise assessment fees may be levied or collected by a municipality that has created a landfill reclamation improvement district pursuant to the act.

The landfill reclamation and improvement law, enacted in 1995, authorizes the establishment of one or more such districts by any municipality containing a 100-acre-or-larger tract of land, currently or formerly used as a landfill, that has been delineated a "redevelopment area". The law authorizes any such municipality to make agreements with the New Jersey Economic Development Authority to finance infrastructure improvements, parking or transportation facilities, anti-pollution projects, or other public improvements benefitting the district.

To fund its obligations with respect to the financing of those improvements, the law permits a municipality that has created a district to impose a franchise assessment on certain gross receipts. Currently, such assessments may be imposed only on receipts from the sale price of tangible property sold by a business in the district and on commercial rental receipts. Under the bill, the municipality is authorized to levy or collect a franchise assessment on parking, hotel rooms located within a district, and admission charges for sporting events, amusements or other forms of entertainment, such as theatrical, operatic or musical performances, and recreational activities, but excluding admission charges to movie theaters.

FISCAL IMPACT:

This legislation has not been certified as requiring a fiscal note since it does not have an impact on State revenues or expenditures.

ASSEMBLY, No. 2749

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JANUARY 7, 1999

Sponsored by:

Assemblyman JOSEPH SULIGA

District 20 (Union)

Assemblyman RICHARD H. BAGGER

District 22 (Middlesex, Morris, Somerset and Union)

Co-Sponsored by:

Assemblymen Augustine and Cohen

SYNOPSIS

Expands list of gross receipt items for which franchise assessment fees may be levied or collected by municipality that has created a landfill reclamation improvement district.

CURRENT VERSION OF TEXT

As introduced.



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45 (cf: P.L.1996, c.73, s.3)

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7 Improvement Law" by expanding the list of gross receipt items for
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14 a municipality to levy or collect a franchise assessment on parking,
15 hotel rooms located within a district, admission charges for sporting
16 events, amusements or other forms of entertainment, such as
17 theatrical, operatic or musical performances, and recreational
18 activities, but not including movie theaters.

ASSEMBLY SOLID AND HAZARDOUS WASTE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2749

STATE OF NEW JERSEY

DATED: MARCH 25, 1999

The Assembly Solid and Hazardous Waste Committee favorably reports Assembly Bill No. 2749.

Assembly Bill No. 2749 amends the "Large Site Landfill Reclamation and Improvement Law" by expanding the list of gross receipt items for which franchise assessment fees may be levied or collected by a municipality that has created a landfill reclamation improvement district pursuant to the act.

The Large Site Landfill Reclamation and Improvement Law, enacted in 1995, authorizes the establishment of one or more such districts by any municipality containing a 100-acre-or-larger tract of land, currently or formerly used as a landfill, that has been delineated a "redevelopment area". The law authorizes any such municipality to make agreements with the New Jersey Economic Development Authority to finance infrastructure improvements, parking or transportation facilities, anti-pollution projects, or other public improvements benefitting the district.

To fund its obligations with respect to the financing of those improvements, the law permits a municipality that has created a landfill reclamation improvement district to impose a franchise assessment on certain gross receipts. Currently, such assessments may be imposed only on receipts from the sale price of tangible property sold by a business in the district and on commercial rental receipts. Under the bill, the municipality is authorized to levy or collect a franchise assessment on parking, hotel rooms located within a district, and admission charges for sporting events, amusements or other forms of entertainment, such as theatrical, operatic or musical performances, and recreational activities, but excluding admission charges to movie theaters.

Assembly Bill No. 2749 is identical to Senate Bill No. 1373 (1R).

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2749

STATE OF NEW JERSEY

DATED: MAY 3, 1999

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2749.

Assembly Bill No. 2749 amends the "Large Site Landfill Reclamation and Improvement Law" by expanding the list of gross receipt items for which franchise assessment fees may be levied or collected by a municipality that has created a landfill reclamation improvement district pursuant to the act.

The "Large Site Landfill Reclamation and Improvement Law," enacted in 1995, authorizes the establishment of one or more landfill reclamation improvement districts by a municipality containing a 100-acre-or-larger tract of land, currently or formerly used as a landfill, that has been delineated a "redevelopment area". The law authorizes any such municipality to make agreements with the New Jersey Economic Development Authority to finance infrastructure improvements, parking or transportation facilities, anti-pollution projects, or other public improvements benefitting the district.

To fund its obligations with respect to the financing of those improvements, the law permits a municipality that has created a landfill reclamation improvement district to impose a franchise assessment on certain gross receipts. Currently, such assessments may be imposed only on receipts from the sale price of tangible property sold by a business in the district and on commercial rental receipts.

This bill authorizes the municipality to levy or collect a franchise assessment on parking in the district, hotel rooms located within a district, and admission charges for sporting events, amusements or other forms of entertainment in the district, such as theatrical, operatic or musical performances, and recreational activities, but excluding admission charges to movie theaters.

The bill, as reported by this committee, is identical to Senate Bill No. 1373 (1R) as reported by this committee.

FISCAL IMPACT:

The bill has not been certified as requiring a fiscal note. The bill has no impact on State revenues or expenditures.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Gene Herman
609-777-2600

RELEASE: September 8, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

S-651, sponsored by Senator C. Louis Bassano (R-Essex/Union) and Assembly Member Gerald J. Luongo (R-Camden/Gloucester), provides that bidders on state public work contracts must demonstrate their qualifications 18 months prior to the opening of the bid. Under previous law, anyone who submitted a bid for state and school district public work contracts was required to document their qualifications seven months prior to the opening of a bid. The required documentation includes financial information, a description of the contractor's physical plant and equipment, and relevant work experience. The bill is intended to eliminate duplicative information.

S-1373, amends the Large Site Landfill Reclamation and Improvement Law by expanding the list of gross receipt items for which franchise assessment fees may be levied or collected by a municipality that has created a landfill reclamation improvement district. A franchise assessment is defined as a gross receipts assessment on sales of all tangible property sold by a business in the district, excluding any sales and use tax, or on all rental receipts from the rental of commercial property in the district. The bill expands the list of gross receipt items to include parking, hotel rooms located within a district, admission charges for sporting events, amusements or other forms of entertainment, such as theatrical, operatic or musical performances, and recreational activities.

All fees permitted by the original law and the bill are assessed by and at the discretion of the municipality on activities that occur within the landfill reclamation improvement district. The bill was sponsored by Senator Raymond J. Lesniak (D-Union) and Assembly Members Joseph Suliga (D-Union) and Richard H. Bagger (R-Middlesex/Morris/Somerset/Union).