

13:1E-80

LEGISLATIVE HISTORY CHECKLIST
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(Hazardous waste--remove
restrictions on host
municipalities use of fees)

NJSA: 13:1E-80

LAWS OF: 1992 CHAPTER: 27

BILL NO: A667

SPONSOR(S): Collins

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Energy & Hazardous Waste

SENATE: Community Affairs

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
by asterisks

DATE OF PASSAGE: ASSEMBLY: March 23, 1992

SENATE: May 21, 1992

DATE OF APPROVAL: June 29, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED: No

REPORTS: No

HEARINGS: No

KEG:pp

[FIRST REPRINT]
ASSEMBLY, No. 667

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Assemblymen COLLINS and STUHLTRAGER

1 AN ACT concerning major hazardous waste facilities, and
2 amending P.L.1981, c.279.

3

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

6 1. Section 32 of P.L.1981, c.279 (C.13:1E-80) is amended to
7 read as follows:

8 32. a. All major hazardous waste facilities shall, for the
9 purposes of local property taxation, be assessed and taxed in the
10 same manner as other real property.

11 In the event that a major hazardous waste facility is
12 constructed or operated on a site which is exempt from local
13 property taxation by virtue of the ownership thereof by any
14 public agency, the owner or operator of the facility shall, the
15 provisions of any law, rule, regulation, ordinance, resolution or
16 contract to the contrary notwithstanding, annually pay to the
17 affected municipality a sum equal to the amount which would
18 annually be due if the land on which the facility is located and
19 any improvements thereto were assessed and taxed as real
20 property subject to local property taxation. Such payments shall
21 be made to the chief fiscal officer of the affected municipality
22 by December 31 of each year.

23 b. Subsequent to the effective date of this act, the owner or
24 operator of every major hazardous waste facility shall, on or
25 before January 25 of each year, file with the chief fiscal officer
26 of the municipality wherein the facility is located a statement,
27 verified by oath, showing the gross receipts from all charges
28 imposed during the preceding calendar year upon any person for
29 the treatment, storage or disposal of hazardous waste at the
30 facility, and shall at the same time pay to the chief fiscal officer
31 a sum equal to 5% of those receipts.

32 c. [All moneys received by any municipality pursuant to this
33 section shall be appropriated and utilized for the following
34 purposes:

35 (1) Extra police or fire costs, whether for salaries, equipment,
36 or administrative expenses, which were necessitated by the
37 operation of the major hazardous waste facility;

38 (2) Any local inspection program costs incurred by the local
39 board of health or the county health department, as the case may
40 be, provided that the program is performed pursuant to the
41 provisions of this act and any rule or regulation promulgated
42 pursuant thereto;

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 Assembly A&H committee amendments adopted March 2, 1992.

1 (3) Road construction or repair costs necessitated by the
2 transportation of hazardous waste through the municipality to the
3 major hazardous waste facility; and

4 (4) Other expenses directly related to the impact of the major
5 hazardous waste facility on the municipality.

6 Any appropriation made for an expenditure covered under this
7 subsection shall, for the purposes of P.L.1976, c.68 (C.40A:4-5.1
8 et seq.), be considered as an expenditure mandated by State law.]
9 (Deleted by amendment (P.L. , c. (pending in the
10 Legislature as this bill).)

11 d. Any municipality in which a major hazardous waste facility
12 is located may petition the commission for approval to collect an
13 amount in excess of the amount prescribed in subsection b. of
14 this section. The commission, after affording the affected owner
15 or operator with notice of such petition and an opportunity to be
16 heard thereon, may grant the petition, but only if the commission
17 is satisfied that such grant is warranted [by the expenses imposed
18 upon the municipality] as a result of the operation of the major
19 hazardous waste facility.

20 e. [The commission may, upon the petition of the affected
21 owner or operator or upon its own motion, direct that the amount
22 to be paid pursuant to subsection b. of this section be reduced to
23 a lower percentage if, after affording the affected municipality
24 notice of such petition or commission intent to decrease such
25 amount and an opportunity to be heard thereon, the commission
26 finds that such lower amounts is sufficient to cover the expenses
27 imposed upon the municipality as a result of the operation of the
28 major hazardous waste facility.] ¹(Deleted by amendment
29 (P.L. , c. (pending in the Legislature as this bill).)] The
30 commission may, upon the petition of the owner or operator of a
31 solvent or oil recycling facility or upon its own motion, direct
32 that the amount to be paid by that owner or operator pursuant to
33 subsection b. of this section be reduced to a lower percentage if,
34 after affording the affected municipality notice of such petition
35 or commission intent to decrease such amount and an opportunity
36 to be heard thereon, the commission finds that such lower amount
37 is sufficient to cover the expenses imposed upon the municipality
38 as a result of the operation of the solvent or oil recycling
39 facility.¹

40 f. Any commission action taken pursuant to subsection d. [or
41 e.] ¹or e.¹ of this section shall be considered to be final agency
42 action thereon for the purposes of the "Administrative Procedure
43 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and shall be subject
44 only to judicial review as provided in the Rules of Court.
45 (cf: P.L.1987, c.74, s.9)

46 2. This act shall take effect immediately.

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51 Removes restrictions on use of municipal compensation payments
52 for siting of hazardous waste facility, and eliminates option to
53 lower such payments.

1 (3) Road construction or repair costs necessitated by the
2 transportation of hazardous waste through the municipality to the
3 major hazardous waste facility; and

4 (4) Other expenses directly related to the impact of the major
5 hazardous waste facility on the municipality.

6 Any appropriation made for an expenditure covered under this
7 subsection shall, for the purposes of P.L.1976, c.68 (C.40A:4-5.1
8 et seq.), be considered as an expenditure mandated by State law.]
9 (Deleted by amendment (P.L. , c. (pending in the
10 Legislature as this bill).)

11 d. Any municipality in which a major hazardous waste facility
12 is located may petition the commission for approval to collect an
13 amount in excess of the amount prescribed in subsection b. of
14 this section. The commission, after affording the affected owner
15 or operator with notice of such petition and an opportunity to be
16 heard thereon, may grant the petition, but only if the commission
17 is satisfied that such grant is warranted [by the expenses imposed
18 upon the municipality] as a result of the operation of the major
19 hazardous waste facility.

20 e. [The commission may, upon the petition of the affected
21 owner or operator or upon its own motion, direct that the amount
22 to be paid pursuant to subsection b. of this section be reduced to
23 a lower percentage if, after affording the affected municipality
24 notice of such petition or commission intent to decrease such
25 amount and an opportunity to be heard thereon, the commission
26 finds that such lower amounts is sufficient to cover the expenses
27 imposed upon the municipality as a result of the operation of the
28 major hazardous waste facility.] (Deleted by amendment (P.L.
29 , c. (pending in the Legislature as this bill).)

30 f. Any commission action taken pursuant to subsection d. [or
31 e.] of this section shall be considered to be final agency action
32 thereon for the purposes of the "Administrative Procedure Act,"
33 P.L.1968, c.410 (C.52:14B-1 et seq.), and shall be subject only to
34 judicial review as provided in the Rules of Court.
35 (cf: P.L.1987, c.74, s.9)

36 2. This act shall take effect immediately.

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39 STATEMENT

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41 This bill amends the "Major Hazardous Waste Facilities Siting
42 Act" so as to broaden the uses to which contributions required to
43 be made to paid by major hazardous waste facilities to host
44 municipalities may be put. The contributions involve a host
45 community charge of 5% of gross receipts from charges imposed
46 by a major hazardous waste facility on persons treating, storing
47 or disposing of hazardous wastes at the facility. Current law
48 prescribes that such contributions may be expended only for
49 enumerated municipal services or expenses that are directly
50 attributable to the impacts of a facility on a host community.
51 This bill deletes the enumerated purposes, and, in turn, allows the
52 contributions to be used for any purpose deemed appropriate by a
53 host municipality.

54 (1) delete the exemption of new recycling and resource

1 recovery facilities from gross receipts tax payments to host
2 municipalities;

3 (2) clarify that the limitations on municipal expenditures does
4 not apply to facility property tax payments; and

5 (3) delete subsection e. of C.13:1E-80, authorizing a
6 downward adjustment of gross receipts tax payments.

7 This bill was pre-filed for introduction in the 1990 session
8 pending technical review. As reported the bill includes the
9 changes required by technical review which has been performed.

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14 Removes restrictions on use of municipal compensation payments
15 for siting of hazardous waste facility.

ASSEMBLY ENERGY AND HAZARDOUS WASTE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 667

STATE OF NEW JERSEY

DATED: MARCH 2, 1992

The Assembly Energy and Hazardous Waste Committee favorably reports Assembly Bill No. 667, with Assembly committee amendments.

As amended, the bill amends the "Major Hazardous Waste Facilities Siting Act" so as to broaden the uses to which contributions required to be paid by major hazardous waste facilities to host municipalities may be put. The contributions involve a host community charge of 5% of gross receipts from charges imposed by a major hazardous waste facility on persons treating, storing or disposing of hazardous wastes at the facility. Current law provides that such contributions may be expended only for enumerated municipal services or expenses that are directly attributable to the impacts of a facility on a host community. By deleting the enumerated purposes in the law, this bill allows the contributions to be used for any purpose deemed appropriate by a host municipality.

The amended bill also limits the provision permitting an affected owner or operator to petition for a reduction in the contribution. Only owners or operators of oil or solvent recycling facilities would be able to receive such a reduction.

This bill was pre-filed for introduction in the 1992 session pending technical review. As reported the bill includes the changes required by technical review which has been performed.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 667

STATE OF NEW JERSEY

DATED: MAY 4, 1992

The Senate Community Affairs Committee favorably reports Assembly Bill No. 667(1R).

Assembly Bill No. 667(1R) amends the "Major Hazardous Waste Facilities Siting Act" so as to broaden the uses to which contributions required to be paid by major hazardous waste facilities to host municipalities may be put. The contributions involve a host community charge of 5% of gross receipts from charges imposed by a major hazardous waste facility on persons treating, storing or disposing of hazardous wastes at the facility. Current law provides that such contributions may be expended only for enumerated municipal services or expenses that are directly attributable to the impacts of a facility on a host community. By deleting the enumerated purposes in the law, this bill allows the contributions to be used for any purpose deemed appropriate by a host municipality.

The bill also limits the provision permitting an affected owner or operator to petition for a reduction in the contribution. Only owners or operators of oil or solvent recycling facilities would be able to receive such a reduction.