

40:66-8

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 40:66-8 to 40:66-12

(Municipal solid
waste--districts)

LAWS OF: 1991

CHAPTER: 54

Bill No: A3309

Sponsor(s): Salmon

Date Introduced: April 2, 1990

Committee: Assembly: Municipal Government

Senate: Land Use

Amended during passage: Yes Amendments denoted by asterisks.

Date of Passage: Assembly: October 18, 1990 re-enacted 2-4-91

Senate: December 6, 1990 re-enacted 3-4-91

Date of Approval: March 8, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: Yes

Message on signing: No

Following were printed:

Reports: No

Hearings: No

(over)

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Mentioned in veto:

974.90
M966
1987d

New Jersey. County & Municipal Government Study Commission.
Solid waste in New Jersey. November 1987. Trenton, 1987.

(see especially 55-57)

KBG/SLJ

[THIRD REPRINT]
ASSEMBLY, No. 3309

STATE OF NEW JERSEY

INTRODUCED APRIL 2, 1990

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By Assemblyman SALMON

1 AN ACT providing for the creation of solid waste collection
2 districts in municipalities and supplementing chapter 66 of
3 Title 40 of the Revised Statutes.

4

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

7 1. The governing body of any municipality ³which operated a
8 solid waste collection district as of December 31, 1989,³ may, by
9 ordinance ³and subject to the approval of the Local Finance
10 Board of the Department of Community Affairs³, set off and
11 create within its boundaries a district, covering all or a portion of
12 the area of the municipality, which district shall be known as a
13 solid waste collection district. The governing body may, by
14 ordinance ³and subject to the approval of the Local Finance
15 Board of the Department of Community Affairs³, alter the
16 boundaries of any solid waste collection district so created.

17 2. The governing body of any municipality ³which operated a
18 solid waste collection district as of December 31, 1989,³ may
19 provide by municipal contract or municipal service for the
20 collection ²[and removal] or disposal² of solid waste within a
21 solid waste collection district, ³subject to the approval of the
22 Local Finance Board of the Department of Community Affairs
23 and³ ²[but no contract entered into under this section shall be
24 made for a period exceeding five years] subject to the provisions
25 of the "Local Public Contracts Law," P.L.1971, c.198
26 (C.40A:11-1 et seq.)².

27 3. The governing body of any municipality ³which operated a
28 solid waste collection district as of December 31, 1989,³ shall, by
29 ordinance ³and subject to the approval of the Local Finance
30 Board of the Department of Community Affairs³, determine the
31 amount of money necessary for the support of the solid waste
32 collection district. The amount so determined shall be assessed on
33 the value of all taxable property within the district ¹[, other than
34 commercial or industrial property or multi-family housing in
35 excess of 10 dwelling units,]¹ and collected as taxes are collected
36 and be controlled and expended by the municipality for the
37 purposes herein specified. The ordinance shall specify that any

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 AMG committee amendments adopted October 11, 1990.

² Senate SLM committee amendments adopted December 3, 1990.

³ Assembly amendments adopted in accordance with Governor's
recommendations January 31, 1991.

1 assessment made pursuant to this section is to be used solely to
2 provide for the support of the solid waste collection district.
3 Any municipality which adopts an ordinance pursuant to this
4 section shall, within 10 days following the adoption of the
5 ordinance, forward a copy to the Division of Local Government
6 Services in the Department of Community Affairs.²

7 4. The governing body of any municipality ³which operated a
8 solid waste collection district as of December 31, 1989,³ may
9 order and cause to be raised within a solid waste collection
10 district sufficient money to provide for the payment of the cost
11 of ²[removing the]² solid waste ²[from] collection or disposal in²
12 the district. The sum ordered to be raised shall be levied and
13 collected at the same time and in the same manner as other
14 municipal taxes, except that any tax levied and collected to
15 provide for the payment of the cost of solid waste collection
16 ²[and removal] or disposal² shall appear as a separate item on the
17 municipal tax bill. The collector shall pay the same to the
18 municipal treasurer, to be applied only to the purposes for which
19 it is raised.

20 5. All moneys assessed and levied pursuant to this act shall be
21 a lien upon the land against which they are assessed in the same
22 manner that taxes are made a lien against land pursuant to Title
23 54 of the Revised Statutes, and the payment thereof shall be
24 enforced within the same time and in the same manner and by the
25 same proceedings as the payment of taxes is otherwise enforced
26 by the Division of Taxation under Title 54.

27 6. This act shall take effect immediately.

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LOCAL TAXATION

31

32 Allows municipalities to create solid waste collection districts.

enforced within the same time and in the same manner and by the same proceedings as the payment of taxes is otherwise enforced by the Division of Taxation under Title 54.

6. This act shall take effect immediately.

STATEMENT

This bill authorizes the governing body of any municipality, by ordinance, to create one solid waste collection district within the municipality's boundaries. The governing body of the municipality would exercise the powers associated with operating the district. The bill permits the governing body to determine the amount of money necessary for the support of the district and for the collection and disposal of solid waste in the district, and to raise that amount within the district in the same manner as other municipal taxes are raised. Commercial and industrial property and multiple-family housing in excess of 10 dwelling units would be exempt from taxation. Any tax levied and collected to provide for the payment of solid waste collection and removal would constitute a separate item on the municipal tax bill. The bill also permits the governing body to alter the boundaries of a solid waste collection district.

LOCAL TAXATION

Allows municipalities to create solid waste collection districts.

11-2-2011

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3309

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 11, 1990

The Assembly Municipal Government Committee reports favorably Assembly Bill No. 3309 with Assembly committee amendments.

This bill, as amended by the committee, authorizes the governing body of any municipality, by ordinance, to create one solid waste collection district within the municipality's boundaries. The governing body of the municipality would exercise the powers associated with operating the district. The bill permits the governing body to determine the amount of money necessary for the support of the district and for the collection and disposal of solid waste in the district, and to raise that amount within the district in the same manner as other municipal taxes are raised. Any tax levied and collected to provide for the payment of solid waste collection and removal would constitute a separate item on the municipal tax bill. The bill also permits the governing body to alter the boundaries of a solid waste collection district.

To avoid violating the uniformity clause of the New Jersey Constitution the committee amended the bill to remove language which exempted specific classes of property from the tax.

SENATE LAND USE MANAGEMENT
AND REGIONAL AFFAIRS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 3309

with Senate committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 3, 1990

The Senate Land Use Management and Regional Affairs Committee reports favorably Assembly Bill No. 3309 [1R], with committee amendments.

Assembly Bill No. 3309 [1R], as amended by the committee, authorizes the governing body of any municipality, by ordinance, to create a solid waste collection district within all or any portion of the boundaries of the municipality. Thereupon, the governing body of the municipality may provide by municipal contract or municipal service for the collection or disposal of solid waste within the district.

The governing body, by ordinance, would determine the amount of money necessary for the support of the solid waste collection district. The amount so determined would be assessed on the value of all taxable property within the district and collected as taxes are collected and expended by the municipality solely to provide for the support of the district. The governing body may raise sufficient moneys within the district to provide for the payment of the cost of solid waste collection or disposal in the district. The sum ordered to be raised would be levied and collected at the same time and in the same manner as other municipal taxes, except that any taxes collected to pay for the cost of solid waste collection or disposal must appear as a separate item on the municipal tax bill.

All taxes assessed and levied under this bill would be a lien upon the land against which they are assessed in the same manner that taxes are made a lien against land pursuant to Title 54 of the Revised Statutes, and the payment thereof would be enforced within the same time and in the same manner as the payment of taxes is otherwise enforced by the Division of Taxation under Title 54.

The committee amended the bill to require each municipality which adopts an ordinance requiring a determination of the amount of money necessary for the support of the solid waste collection district to forward a copy of that ordinance to the Division of Local Government Services in the Department of Community Affairs within 10 days of adopting the ordinance.

In addition, the committee amended the bill to make the language of the bill consistent with P.L.1989, c.244, which permitted municipalities contracting for solid waste collection services to implement solid waste charges on a per container basis.

Finally, the committee amended the bill to delete the authority for a municipality to enter into a five year contract for solid waste collection and would defer, instead, to the provisions of the "Local

Public Contracts Law." Under paragraph (3) of section 15 of P.L.1971, c.198 (C.40A:11-15), contracts for the collection and disposal of garbage and refuse may be for a term of five years. This amendment would serve to avoid confusion which could arise with two parallel laws allocated to two different Titles of State law.

As amended this bill is identical to Senate Bill No. 2437 Sca.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

January 31, 1991

ASSEMBLY BILL NO. 3309

(Second Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 3309 (Second Reprint) with my objections for reconsideration.

This bill would amend State law to enable all municipalities to form solid waste collection districts within their boundaries. This concept was a previously permitted activity that has been eliminated over the last four years by the Legislature based on recommendations of the County and Municipal Government Study Commission.

In its present form, A-3309 (Second Reprint) would re-authorize the districts, and in doing so would create a sizable loophole in the Local Government Budget Cap Law for costs associated with solid waste collection and disposal. Under this legislation, the creation of a solid waste collection district and transfer of the attendant costs to this district effectively eliminates solid waste collection and disposal costs from the intended effect of the Budget Cap Law.

Under the original municipal cap law, all expenses associated with both recycling and solid waste management were specifically exempted. Recent amendments to the Cap Law repealed this waiver, and brought solid waste and recycling costs back under the cap. These recent amendments reflected the strong belief that additional classes of municipal expenditures should be subjected to the fiscal restraints provided by the Budget Cap Law. While I am mindful of the challenge faced by municipalities to control solid waste disposal costs, there are a number of options, including expanded recycling efforts, that can be used to bring costs under control. I do not think that expanding exemptions to the cap law, directly or indirectly, is the answer to the problem of escalating solid waste costs.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

However, I am aware that this legislation may affect approximately 24 municipalities that have existing municipal solid waste districts. I believe that these municipal solid waste districts should be allowed to continue operating, subject to the approval of the Local Finance Board of the Department of Community Affairs. An additional check on costs of solid waste districts is provided by existing law which permits these districts to meet the requirements of the cap law by seeking, from the Local Finance Board, a one-time adjustment of their cap base to reflect their prevailing expenditure levels for services that were provided by their solid waste districts.

Therefore, I herewith return Assembly Bill No. 3309 (Second Reprint) and recommend that it be amended as follows:

Page 1, Section 1, Line 7: After "municipality" insert "which operated a solid waste collection district as of December 31, 1989,"

Page 1, Section 1, Line 7: After "ordinance" insert "and subject to the approval of the Local Finance Board of the Department of Community Affairs"

Page 1, Section 1, Line 11: After "ordinance" insert "and subject to the approval of the Local Finance Board of the Department of Community Affairs"

Page 1, Section 2, Line 13: After "municipality" insert "which operated a solid waste collection district as of December 31, 1989,"

Page 1, Section 2, Line 16: After "district," insert "subject to the approval of the Local Finance Board of the Department of Community Affairs and"

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STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Page 1, Section 3, Line 20:

After "municipality" insert "which operated a solid waste collection district as of December 31, 1989,"

Page 1, Section 3, Line 20:

After "ordinance" insert "and subject to the approval of the Local Finance Board of the Department of Community Affairs"

Page 1, Section 4, Line 34:

After "municipality" insert "which operated a solid waste collection district as of December 31, 1989"

Respectfully,

/s/ James J. Florio

GOVERNOR

[seal]

Attest:

/s/ Andrew Weber

Chief Counsel to the Governor