

13:1E-16 to 18

March 29, 1972

LEGISLATIVE HISTORY OF R.S.13:1E-16 to 18  
(Solid Waste Management - local boards of health powers)

Previous bills:

1965 - 1971 No previous bills

L.1971 - chapter 461 - A2338

April 1 - Introduced by Dorgan

May 10 - Passed in Assembly

Dec. 6 - Passed in Senate

Feb. 29, 1972 - Approved, chapter 461

Not amended during passage.

Statement (copy enclosed)

No hearings or reports were located

A2338 listed as approved (May 21, 1971) and opposed (June 14, 1971) in the following publication. No indication given of reason for change although a reason is given for opposition. Copy enclosed from the publication.

974.905 League of N.J. Municipalities  
m95 Legislative Bulletin

JH/EH  
Encl.

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ASSEMBLY, No. 2338

STATE OF NEW JERSEY

INTRODUCED APRIL 1, 1971

By Assemblyman DORGAN

Referred to Committee on Taxation

AN ACT to supplement the "Solid Waste Management Act (1970)," approved May 6, 1970, (P. L. 1970, c. 39).

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

1 1. Nothing in the act to which this act is a supplement shall be  
2 deemed or construed in any way to affect the powers of local boards  
3 of health in relation to health and environmental protection aspects  
4 of solid waste collection or solid waste disposal.

1 2. No ordinances or regulations of any governing body of a  
2 municipality or county or board of health more stringent than this  
3 act or any rules or regulations promulgated pursuant thereto, and  
4 relating to health and environmental protection aspects of solid  
5 waste collection or solid waste disposal, shall be superseded by this  
6 act. Nothing in this act or in any rules or regulations promulgated  
7 pursuant thereto shall preclude the rights of the governing body  
8 of any municipality or county or board of health to adopt health  
9 or environmental protection ordinances or regulations more strin-  
10 gent than this act or any rules or regulations promulgated pursuant  
11 thereto.

1 3. The department may in accordance with a fee schedule adopted  
2 as a rule or regulation establish and charge fees for any of the  
3 services it performs in connection with this act, which fees shall  
4 be annual or periodic as the department shall determine. The fees  
5 charged by the department pursuant to this section shall not be  
6 less than \$10.00 nor more than \$500.00 based on criteria contained  
7 in the fee schedule.

1 4. This act shall take effect immediately.

## STATEMENT

Although the "Solid Waste Management Act (1970)," enacted by chapter 39 of the laws of 1970 (c. 13:1E-1) indicated in section 9 that local boards of health had responsibility to enforce codes, rules and regulations adopted by the Department of Environmental Protection related to solid waste collection and disposal, this act clarifies the intent of the original legislation that local boards of health still retain important health functions in respect to the health aspects of solid waste collection and disposal.

It recognizes that chapter 33 of the laws of 1970 only transferred the functions, powers and duties of the State Commissioner of Health respecting this subject to the State Department of Environmental Protection. The functions, powers and duties of local boards of health were not transferred or affected.

A-2338 Dorgan. Provides that no section of "Solid Waste Management Act" (P. L. 1970, c. 39) shall affect the powers of local boards of health in relation to health and environmental protection aspects of solid waste collection or solid waste disposal; establishes a fee of not less than \$10 nor more than \$500 to be charged for any services it renders under (P. L. 1970, c. 39). (Taxation)

BILL: ASSEMBLY 2338

SENATE

YEAR 1971

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A-2338 Bergan. Provides that no portion of the state's solid waste disposal program, Act of 1970, c. 39) shall affect the powers of local bodies in relation to the environmental protection aspects of solid waste collection. Solid waste disposal facilities fee of not less than \$10 nor more than \$500 to be charged for the service it renders. (Read 2nd in Senate) Act needs amendment since the State now collects and administration is left with the municipalities.

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