

P.L. 2001, CHAPTER 348, *approved January 6, 2002*  
Senate Substitute for  
Senate, No. 1586

1 **AN ACT** concerning county budget cap exceptions and supplementing  
2 chapter 4 of Title 40A of the New Jersey Statutes.

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

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7 1. The Legislature finds and declares:

8 The proper management of solid waste is essential to the health,  
9 safety and welfare of the people of this State and it is in the public  
10 interest to assure safe, reliable, efficient and reasonably priced solid  
11 waste management services.

12 It is imperative that the State take appropriate action to authorize  
13 counties to implement measures which enable counties to continue to  
14 fund the implementation of comprehensive solid waste management  
15 plans in a manner which assures accountability to residents and  
16 businesses.

17 Due to the change in solid waste flow rules in 1997, many county  
18 solid waste operations were forced to reduce tipping fees in order to  
19 remain competitive with solid waste facilities located outside the State  
20 of New Jersey. These reductions in tipping fees have resulted in a loss  
21 of revenues to these county solid waste operations, with the potential  
22 to cause operational funding shortfalls.

23 Therefore, it is a matter of good public policy to address the issue  
24 of potential operational funding shortfalls by providing a means by  
25 which county governments can address the issue of funding shortfalls  
26 while maintaining stability in the county budget by permitting counties  
27 to fund the shortfalls through the county general fund with funds not  
28 subject to budget cap limits.

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30 2. Notwithstanding the provisions of section 4 of P.L.1976, c.68  
31 (C.40A:4-45.4) to the contrary, amounts appropriated in a county  
32 budget pursuant to N.J.S.40A:4-35 related to the operation of a  
33 county solid waste reclamation utility shall not be subject to limits on  
34 increases in the county tax levy in any budget year.

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36 3. This act shall take effect immediately and shall be retroactive to  
37 January 1, 2001.

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STATEMENT

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41 This substitute bill would permit a county to appropriate monies in  
42 order to subsidize the operation of a county solid waste reclamation  
43 utility without regard to the limits on increases in the county tax levy

1 in any budget year. Under current law, if a county wanted to subsidize  
2 its solid waste reclamation utility, it would have to take the money  
3 from other appropriations, thereby probably reducing services, to  
4 remain within the county budget and tax levy caps.

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9 Permits county contributions for management of self-liquidating solid  
10 waste utility to be outside budget cap limits.