

ASSEMBLY, No. 496

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen ROBERTS and STUHLTRAGER

1 AN ACT concerning certain host municipality benefits and amending
2 P.L.1985, c.38.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. Section 40 of P.L.1985, c.38 (C.48:13A-5.1) is amended to read
8 as follows:

9 40. a. The person holding the franchise for a resource recovery
10 facility pursuant to the provisions of section 6 of P.L.1970, c.40
11 (C.48:13A-5) shall, on or before January 25 of each year, file with the
12 chief fiscal officer of the municipality wherein the resource recovery
13 facility is located a statement, verified by oath, showing the total
14 number of tons of solid waste accepted for disposal at the resource
15 recovery facility during the preceding calendar year, and shall at the
16 time pay to the chief fiscal officer a sum equal to at least \$1.00 per ton
17 of all solid waste accepted for disposal at the resource recovery
18 facility. A municipality may negotiate with the person holding the
19 franchise for a resource recovery facility or the contracting unit, or
20 both as the case may be, for an amount exceeding the amount provided
21 for in this section.

22 b. If any municipality borders a municipality wherein a resource
23 recovery facility is located and the municipal boundary of the
24 contiguous municipality is within one-half mile of the incinerator
25 building of the resource recovery facility, the contiguous municipality
26 shall be entitled to an annual economic benefit to be agreed upon by
27 the governing body of the contiguous municipality and the person
28 holding the franchise for the resource recovery facility or the
29 contracting unit, or both, as the case may be. The governing body of
30 the contiguous municipality, and the person holding the franchise for
31 the resource recovery facility or the contracting unit, or both, as the
32 case may be, shall consider the level of truck traffic in the contiguous

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 municipality, the proximity of the incinerator building to inhabited
2 areas of the contiguous municipality and the type of land use in the
3 contiguous municipality surrounding the facility in negotiating the
4 annual economic benefit.

5 c. If more than one contiguous municipality is to receive an annual
6 economic benefit as provided in subsection b. of this section, the
7 person holding the franchise for the resource recovery facility shall
8 provide each affected municipality with the annual statement of
9 tonnage accepted at the facility required by subsection a. of this
10 section, and shall pay to the chief fiscal officer of the appropriate
11 municipality the amount due as provided in subsection b. of this
12 section.

13 d. The provisions of subsections b. and c. of this section shall not
14 apply to any contracting unit which has negotiated a contract for
15 resource recovery facilities or services with a vendor prior to January
16 25, 1986, and has held a public hearing on the contract pursuant to the
17 provisions of sections 26 and 27 of P.L.1985, c.38 (C.13:1E-161 and
18 13:1E-162).

19 (cf: P.L.1985, c.38, s.40)

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21 2. This act shall take effect immediately.

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24 STATEMENT

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26 This bill would provide that any municipality bordering on a
27 municipality wherein a resource recovery facility is located shall be
28 entitled to an annual economic benefit, provided that the municipal
29 boundary of the contiguous municipality is within one-half mile of the
30 incinerator building of the facility.

31 The amount of the annual economic benefit accorded a contiguous
32 municipality would be negotiated by its governing body and the person
33 holding the franchise for the facility and the contracting unit, or both,
34 as the case may be. The contiguous municipality's annual economic
35 benefit would be separate and distinct from the "host municipality"
36 benefit provided by existing law (i.e. subsection a. of the bill). The bill
37 would also exempt those contracting units which have already
38 negotiated contracts for resource recovery facilities and services, and
39 held public hearings thereon, from the contiguous municipality benefit
40 provisions of the bill.

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45 Provides annual economic benefit to municipality contiguous to host
46 municipality of resource recovery facility.