

ASSEMBLY, No. 1351

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman STUHLTRAGER

1 AN ACT concerning litter pickup and removal, and amending
2 P.L.1985, c.533.

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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. Section 7 of P.L.1985, c.533 (C.13:1E-99.2) is amended to read
8 as follows:

9 7. The Clean Communities Account is established as a nonlapsing,
10 revolving fund in the Department of the Treasury to carry out the
11 purposes of this act. The Clean Communities Account shall be
12 administered by the Department of Environmental Protection and
13 credited, in addition to any appropriations made thereto, with all taxes
14 and penalties levied or imposed pursuant to sections 6 and 10 of
15 P.L.1985, c.533 (C.13:1E-99.1 and 13:1E-99.5), and any sums
16 received as voluntary contributions from private sources. Interest
17 received on moneys in the account shall be credited to the account.
18 Unless otherwise expressly provided by the specific appropriation
19 thereof by the Legislature, all available moneys in the Clean
20 Communities Account shall be appropriated annually solely for the
21 following purposes and no others:

22 a. 5% of the estimated annual balance of the account shall be used
23 for a State program of litter pickup and removal, of public education
24 and information relating to litter abatement and of enforcement of
25 litter-related laws and ordinances in State owned places and areas that
26 are accessible to the public;

27 b. 50% of the estimated annual balance of the account shall be
28 distributed as State aid to eligible municipalities with total housing
29 units of 200 or more for programs of litter pickup and removal,
30 including establishing an "Adopt-A-Highway" program, of public
31 education and information relating to litter abatement and of
32 enforcement of litter-related laws and ordinances. The amount of State

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 aid due each municipality shall be solely calculated based on the
2 proportion which the housing units of a qualifying municipality bear to
3 the total housing units in the State. Total housing units shall be
4 determined using the most recent federal decennial population
5 estimates for New Jersey and its municipalities, filed in the office of
6 the Secretary of State;

7 c. 30% of the estimated annual balance of the account shall be
8 distributed as State aid to eligible municipalities with total housing
9 units of 200 or more for programs of litter pickup and removal,
10 including establishing an "Adopt-A-Highway" program, of public
11 education and information relating to litter abatement and of
12 enforcement of litter-related laws and ordinances. The amount of State
13 aid due each municipality shall be solely calculated based on the
14 proportion which the municipal road mileage of a qualifying
15 municipality bears to the total municipal road mileage within the State.
16 For the purposes of this subsection, "municipal road mileage" means
17 that road mileage under the jurisdiction of municipalities, as
18 determined by the Department of Transportation;

19 d. 10% of the estimated annual balance of the account shall be
20 distributed as State aid to eligible counties for programs of litter
21 pickup and removal, including but not limited to, establishing an
22 "Adopt-A-Highway" program, programs of public education and
23 information relating to litter abatement [and], programs of
24 enforcement of litter-related laws and ordinances and programs which
25 employ inmates sentenced to county correctional facilities classified as
26 minimum security inmates. The amount of State aid due each county
27 shall be solely calculated based on the proportion which the county
28 road mileage of an eligible county bears to the total county road
29 mileage within the State. For the purposes of this subsection, "county
30 road mileage" means that road mileage under the jurisdiction of
31 counties, as determined by the Department of Transportation;

32 e. The Department of Environmental Protection shall develop
33 model municipal and county litter control programs, including a county
34 correctional program, to be developed in conjunction with the
35 Department of Corrections, to employ inmates sentenced to county
36 correctional facilities classified as minimum security inmates to pick up
37 and remove litter from county parks, waterfronts and areas that are
38 accessible to the public. A model county or municipal litter control
39 program shall provide that funds distributed from the Clean
40 Communities Account to a county or municipality shall be used solely
41 to supplement existing litter pickup and removal activities, and that
42 that portion of the litter picked up with State aid made available
43 pursuant to this subsection which is recyclable shall be recycled.

44 (1) To be eligible for State aid under this section, a municipality or
45 county must certify to the Department of Environmental Protection the
46 adoption of one of the programs. Upon certification by the

1 municipality or county of the enactment of an ordinance or resolution
2 or regional plan establishing one of the model programs, the
3 department shall distribute the State aid based upon the percentage
4 distribution specified in this section subject to the appropriation made
5 therefor. Failure by a municipality or county to certify to the
6 department the adoption by resolution, ordinance, or regional plan, of
7 the required model program by a date to be determined by the
8 department shall result in that municipality's or county's State aid being
9 added to the total amount to be allocated among all eligible recipients
10 during that year.

11 (2) Every county and municipality shall submit an annual report to
12 the Department of Environmental Protection on the implementation of
13 the model program and the expenditure of funds. Failure to submit a
14 report or submission of an unsatisfactory report shall result in a denial
15 of future funds and an obligation to return the funds received.

16 (3) No eligible municipality shall receive less than \$4,000.00 in
17 State aid as apportioned pursuant to subsections b. and c. of this
18 section. A municipality or county may use up to 5% of its State aid for
19 administrative expenses;

20 f. 5% of the estimated annual balance of the account shall be used
21 by the department for State administrative expenses and a State public
22 information and education program concerning antilittering activities
23 and other aspects of responsible solid waste **[handling behavior]**
24 management;

25 g. The department shall annually submit a report to the Governor
26 and the Legislature detailing the administration of and disbursements
27 made from the Clean Communities Account during the previous
28 calendar year, including the uses and expenditure of moneys
29 appropriated to the department pursuant to subsections a. and f. of this
30 section.

31 (cf: P.L.1992, c.150, s.2)

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33 2. This act shall take effect immediately.

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STATEMENT

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38 This bill expands the permitted uses of funds available from the
39 Clean Communities Account established under P.L.1985, c.533 by
40 counties, for programs that employ inmates sentenced to county
41 correctional facilities who are classified as minimum security inmates,
42 to pick up and remove litter from county parks, waterfronts and areas
43 that are accessible to the public. The model county correctional
44 programs which may be adopted by counties in order to receive the
45 funds would be developed by the Department of Environmental
46 Protection (DEP) in conjunction with the Department of Corrections.

1 P.L.1985, c.533 imposed a tax on the sale of litter-generating
2 products to provide funds to finance a Statewide anti-litter program.
3 The manufacturers, wholesalers, and distributors of litter-generating
4 products are taxed at the rate of \$300 per \$1,000,000 in sales per year;
5 retailers, including restaurants, are taxed at the rate of \$225 per
6 \$1,000,000 in annual sales. The fifteen categories of litter-generating
7 products include alcoholic beverages, soft drinks, cigarettes, paper
8 products, food and groceries, among others. The act also provided
9 that the litter tax would expire on December 31, 1989.

10 However, as enacted, P.L.1985, c.533 did not establish an anti-litter
11 program, nor provide for the distribution of the revenues generated by
12 the litter tax. In response to this problem, implementing legislation to
13 establish an anti-litter program, and provide for the distribution of the
14 litter tax revenues deposited in the Clean Communities Account in the
15 Department of the Treasury commencing July 1, 1987, was enacted
16 into law as P.L.1986, c.187 (C.13:1E-99.8 et seq.).

17 P.L.1986, c.187 provided for the development of Statewide
18 standards for anti-litter programs. The act provided that the Clean
19 Communities Account is to be administered by the DEP, and that 90
20 percent of the estimated annual balance of the account must be used
21 for grants to counties and municipalities for local litter control
22 programs and activities. The act also extended the "sunset" provision
23 of the litter tax from December 31, 1989 to December 31, 1991.

24 P.L.1989, c.108 changed the administration of the Clean
25 Communities Account. The act provided that the funds allocated for
26 municipalities and counties would be distributed as State aid, as
27 opposed to grants (which required individual contracts between DEP
28 and the municipality or county). The act provided that contracts would
29 not be required as a condition of receiving this State aid. To qualify
30 for State aid from the Clean Communities Account, a county or
31 municipality would be required to adopt one of the model litter
32 programs established by DEP.

33 P.L.1989, c.108 also provided that moneys to be distributed from
34 the Clean Communities Account must be distributed by May 31 of
35 each year. Further, the act directed the DEP to submit an annual report
36 to the Governor and the Legislature detailing the administration of the
37 Clean Communities Account.

38 P.L.1992, c.150 extended the "sunset" provision of the tax upon
39 litter-generating products imposed pursuant to P.L.1985, c.533 an
40 additional four years, from December 31, 1991 to December 31, 1995.
41 The extension was made retroactive to December 30, 1991 in order to
42 provide for administrative continuity.

43 P.L.1992, c.150 also required the DEP to: (1) include a detailed
44 explanation of the uses and expenditure of the moneys appropriated to

1 the department from the Clean Communities Account within its annual
2 report to the Governor and the Legislature; (2) conduct periodic litter
3 surveys or random inspections in various parts of the State to ensure
4 the satisfactory implementation of the model county and municipal
5 litter control programs; and (3) submit its report to the Governor and
6 the Legislature on the success of the model county and municipal litter
7 control programs in reducing litter in New Jersey not later than May
8 31 of each year.

9 P.L.1992, c.150 also removed the exemption municipalities that
10 receive less than \$30,000 had from the requirement to submit an
11 annual report to the department, and allow counties and municipalities
12 to use moneys received to establish an "Adopt-A-Highway" program.

13 This bill would allow counties to use moneys in the Clean
14 Communities Account for litter control programs employing inmates
15 sentenced to county correctional facilities.

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21 Permits litter control programs employing inmates of county
22 correctional facilities to be eligible for Clean Communities Account
funds.