

[First Reprint]
ASSEMBLY, No. 1351

STATE OF NEW JERSEY

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.

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 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 ¹by the Department of Environmental Protection¹ for a State program
24 of litter pickup and removal, of public education and information
25 relating to litter abatement and of enforcement of litter-related laws
26 and ordinances in State owned places and areas that are accessible to
27 the public;

28 b. 50% of the estimated annual balance of the account shall be
29 distributed as State aid to eligible municipalities with total housing
30 units of 200 or more for programs of litter pickup and removal,
31 including establishing an "Adopt-A-Highway" program, of public

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAW committee amendments adopted February 5, 1996.

1 education and information relating to litter abatement and of
2 enforcement of litter-related laws and ordinances. The amount of State
3 aid due each municipality shall be solely calculated based on the
4 proportion which the housing units of a qualifying municipality bear
5 to the total housing units in the State. Total housing units shall be
6 determined using the most recent federal decennial population
7 estimates for New Jersey and its municipalities, filed in the office of
8 the Secretary of State;

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

21 d. 10% of the estimated annual balance of the account shall be
22 distributed as State aid to eligible counties for programs of litter
23 pickup and removal, including ~~, but not limited to,~~ establishing an
24 "Adopt-A-Highway" program, programs of public education and
25 information relating to litter abatement ~~[and],~~ programs of
26 enforcement of litter-related laws and ordinances and programs which
27 employ inmates sentenced to county correctional facilities classified as
28 minimum security inmates. ¹The county correctional program, to be
29 developed by the Department of Corrections, shall employ minimum
30 security inmates to pick up and remove litter from county parks,
31 waterfronts and areas that are accessible to the public.¹ The amount
32 of State aid due each county shall be solely calculated based on the
33 proportion which the county road mileage of an eligible county bears
34 to the total county road mileage within the State. For the purposes of
35 this subsection, "county road mileage" means that road mileage under
36 the jurisdiction of counties, as determined by the Department of
37 Transportation;

38 e. The Department of Environmental Protection shall develop
39 model municipal and county litter control programs¹ ~~[, including a~~
40 county correctional program, to be developed in conjunction with the
41 Department of Corrections, to employ inmates sentenced to county
42 correctional facilities classified as minimum security inmates to pick up
43 and remove litter from county parks, waterfronts and areas that are
44 accessible to the public]¹. A model county or municipal litter control
45 program shall provide that funds distributed from the Clean
46 Communities Account to a county or municipality shall be used solely

1 to supplement existing litter pickup and removal activities, and that
2 that portion of the litter picked up with State aid made available
3 pursuant to this subsection which is recyclable shall be recycled.

4 (1) To be eligible for State aid under this section, a municipality or
5 county must certify to the Department of Environmental Protection the
6 adoption of one of the programs. Upon certification by the
7 municipality or county of the enactment of an ordinance or resolution
8 or regional plan establishing one of the model programs, the
9 department shall distribute the State aid based upon the percentage
10 distribution specified in this section subject to the appropriation made
11 therefor.

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

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

21 f. 5% of the estimated annual balance of the account shall be
22 annually appropriated to and used by the ¹[department] Department of
23 Environmental Protection¹ for State administrative expenses and a
24 State public information and education program concerning
25 antilittering activities and other aspects of responsible solid waste
26 [handling behavior] management;

27 g. The ¹[department] Department of Environmental Protection¹
28 shall annually submit a report to the Governor and the Legislature
29 detailing the administration of and disbursements made from the Clean
30 Communities Account during the previous calendar year, including the
31 uses and expenditure of moneys appropriated to the department
32 pursuant to subsections a. and f. of this section.

33 ¹h.¹ The ¹[department] Department of Environmental Protection¹
34 may carry forward any unexpended balances in the Clean
35 Communities Account as of June 30 of each year.

36 (cf: P.L.1995, c.301, s.2)

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38 2. This act shall take effect immediately.
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43 Permits litter control programs employing inmates of county
44 correctional facilities to be eligible for Clean Communities Account
45 funds.