

ASSEMBLY, No. 1796

STATE OF NEW JERSEY

INTRODUCED MARCH 28, 1996

By Assemblywoman MURPHY and Assemblyman GIBSON

1 AN ACT concerning regulatory reform of the solid waste collection
2 industry, and amending, supplementing and repealing parts of the
3 statutory law.

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

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8 1. Section 14 of P.L.1991, c.381 (C.48:13A-7.14) is amended to
9 read as follows:

10 14. a. The Board of Public Utilities shall, [within 30 months of the
11 effective date of this amendatory and supplementary act] no later than
12 October 14, 1994, submit a preliminary report to the Governor and the
13 Legislature concerning the implementation of P.L.1991, c.381
14 (C.48:13A-7.1 et al.).

15 The board shall provide interested parties and the general public
16 with an opportunity to submit written comments on the contents of the
17 preliminary report in a manner to be determined by the board.

18 b. The board shall, [within 36 months of the effective date of this
19 amendatory and supplementary act] no later than April 14, 1995,
20 submit a final report to the Governor and the Legislature concerning
21 the implementation of P.L.1991, c.381 (C.48:13A-7.1 et al.).

22 The final report shall include, but need not be limited to:

23 (1) An evaluation of the success of solid waste collection rate
24 bands in promoting competition within the solid waste collection
25 industry while at the same time ensuring safe, adequate and proper
26 solid waste collection services at competitive rates;

27 (2) An evaluation of the success of solid waste collection rate
28 bands in eliminating predatory pricing and other anticompetitive
29 activities within the solid waste collection industry;

30 (3) An evaluation of the success of uniform specifications for
31 municipal solid waste collection contracts in promoting competition
32 within the solid waste collection industry while at the same time
33 ensuring safe, adequate and proper municipal solid waste collection
34 services at competitive rates;

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 (4) An assessment of the economic viability and competitiveness
2 of the solid waste collection industry and a recommendation, as
3 warranted by the circumstances, as to whether the termination of rate
4 regulation of the solid waste collection industry by the board will
5 promote meaningful competition and ensure efficient solid waste
6 collection services at competitive rates; and

7 (5) A summary of any written comments submitted by interested
8 parties or the general public on the contents of the preliminary report
9 required pursuant to subsection a. of this section.

10 (cf: P.L.1991, c.381, s.14)

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12 2. (New section) a. There is established, in but not of the
13 Department of Environmental Protection, the Solid Waste Collection
14 Reform Study Commission (hereinafter designated as the "study
15 commission").

16 The study commission shall consist of five members as follows: the
17 Commissioner of Environmental Protection or his designee, who shall
18 serve ex officio; two citizen members to be appointed by the
19 Governor, with the advice and consent of the Senate, one of whom
20 shall be employed by, and be a representative of, county government
21 and one of whom shall be employed in, and be a representative of, the
22 solid waste collection industry; and two members of the Legislature,
23 one of whom shall be a member of the Senate to be appointed by the
24 President of the Senate and one of whom shall be a member of the
25 General Assembly to be appointed by the Speaker of the General
26 Assembly.

27 b. Members of the study commission shall be appointed within 30
28 days of the effective date of P.L.1996, c. (pending in the Legislature
29 as this bill). The study commission shall organize as soon as
30 practicable after the appointment of all of its members. The Governor
31 shall designate one of the members as chairperson of the study
32 commission. Members of the study commission shall serve without
33 compensation but may be reimbursed for reasonable expenses
34 necessarily incurred in the performance of their duties.

35 c. The study commission shall, within 6 months of the effective
36 date of P.L.1996, c. (pending in the Legislature as this bill), submit
37 a report to the Governor and the Legislature containing
38 recommendations as to: (1) the extent the State should retain
39 supervision over the solid waste collection industry; and (2) the
40 authority the State should exercise with respect to the regulation of
41 rates or charges for solid waste collection services following the
42 expiration of the solid waste collection rate bands on October 14,
43 1996.

44 In developing its recommendations, the study commission shall
45 review the preliminary and final reports prepared pursuant to section
46 14 of P.L.1991, c.381 (C.48:13A-7.14) and any other reports or data

1 as it deems necessary.

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3 3. Section 52 of P.L.1991, c.381 is amended to read as follows:

4 52. This act shall take effect on [the 90th day after enactment,
5 except that section 15 shall take effect 48 months thereafter] April 14,
6 1992. Sections 5 through 10 and sections 12, 13 and 23 of [this act]
7 P.L.1991, c.381 (C.48:13A-7.5 through 48:13A-7.10 and 48:13A-
8 7.12, 48:13A-7.13 and 48:13A-7.23) shall expire on [the effective
9 date of section 15] October 14, 1996.

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11 4. Section 15 of P.L.1991, c.381 (C.48:13A-7.15) is repealed.

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13 5. This act shall take effect immediately.

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STATEMENT

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18 This bill would establish a five-member Solid Waste Collection
19 Reform Study Commission, in but not of the Department of
20 Environmental Protection (DEP), to reassess the impending
21 termination of public utility rate regulation of the solid waste
22 collection industry.

23 The Study Commission would consist of the Commissioner of
24 DEP or his designee, ex officio; two citizen members to be appointed
25 by the Governor, with the advice and consent of the Senate, one of
26 whom must be employed by and represent county government and one
27 of whom must be employed in and represent the solid waste collection
28 industry; and two members of the Legislature, one from each House.

29 The members of the Study Commission must be appointed within
30 30 days of the bill's effective date. The Governor would designate one
31 of the members as chairperson of the Study Commission. Members of
32 the Study Commission would serve without compensation but could
33 be reimbursed for reasonable expenses necessarily incurred in the
34 performance of their duties.

35 The Study Commission would be required to submit a report to the
36 Governor and the Legislature within 6 months of the bill's effective
37 date. This report would contain recommendations as to: (1) the extent
38 the State should retain supervision over the solid waste collection
39 industry; and (2) the authority the State should exercise with respect
40 to the regulation of rates or charges for solid waste collection services
41 following the expiration of the solid waste collection rate bands on
42 October 14, 1996.

43 In developing its recommendations, the Study Commission would
44 review the preliminary and final reports prepared by the DEP pursuant
45 to section 14 of P.L.1991, c.381 (C.48:13A-7.14) and any other
46 reports or data as it deems necessary.

1 Pending the completion of the Study Commission's report, this bill
2 would also: (1) repeal the statutory termination of public utility rate
3 regulation of solid waste collection services provided in section 15 of
4 P.L.1991, c.381 (C.48:13A-7.15); and (2) extend the expiration date
5 for the solid waste collection rate bands governing the rates or charges
6 that may be imposed by solid waste collectors for solid waste
7 collection services from April 14, 1996 to October 14, 1996.

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12 Establishes the "Solid Waste Collection Reform Study Commission."