

[SENATE REPRINT]
ASSEMBLY COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE No. 1478 and ASSEMBLY No. 1781
STATE OF NEW JERSEY

ADOPTED DECEMBER 11, 1986

Sponsored by Senator CONTILLO and Assemblyman ALBOHN

AN ACT concerning mandatory Statewide source separation and recycling of solid waste, supplementing P. L. 1970, c. 39 (C. 13:1E-1 et seq.), amending and supplementing other parts of the statutory law, and making appropriations.

1 *BE IT ENACTED by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 L. (New section) The Legislature finds that removing certain
2 materials from the municipal solid waste stream will decrease the
3 flow of solid waste to sanitary landfill facilities, aid in the con-
4 servation and recovery of valuable resources, conserve energy in
5 the manufacturing process, and increase the supply of reusable
6 raw materials for the State's industries; and that the recycling
7 of reusable waste materials will reduce substantially the required
8 capacity of proposed resource recovery facilities and contribute
9 to their overall combustion efficiency, thereby resulting in signifi-
10 cant cost-savings in the planning, construction, and operation of
11 these resource recovery facilities.

12 The Legislature further finds that the expeditious identification
13 of local, national and international markets and distribution net-
14 works for recyclable materials is a necessary prerequisite to the
15 orderly development of mandatory Statewide county and municipal
16 recycling programs; and that the State must institute and complete
17 studies of market stimulation for recyclable materials.

18 The Legislature further finds that the State may most appro-
19 priately demonstrate its long-term commitment to proper solid
20 waste management by establishing a mandatory Statewide source
21 separation and recycling program, and by increasing the purchase

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

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

—Senate committee amendments adopted February 19, 1987.

22 of recycled paper and paper products by the various agencies and
23 instrumentalities of the State Government.

24 The Legislature therefore declares that it is in the public interest
25 to mandate the source separation of marketable waste materials
26 on a Statewide basis so that reusable materials may be returned
27 to the economic mainstream in the form of raw materials or
28 products rather than be disposed of at the State's overburdened
29 landfills, and further declares that the recycling of marketable
30 materials by every municipality in this State, and the develop-
31 ment of public and private sector recycling activities on an orderly
32 and incremental basis, will further demonstrate the State's long-
33 term commitment to an effective and coherent solid waste manage-
34 ment strategy.

1 2. (New section) As used in "sections 1 through 24 of" this
2 "1987" amendatory and supplementary act:

3 "Beverage" means milk, alcoholic beverages, including beer or
4 other malt beverages, liquor, wine, vermouth and sparkling wine,
5 and nonalcoholic beverages, including fruit juice, mineral water
6 and soda water and similar nonalcoholic carbonated and noncar-
7 bonated drinks intended for human consumption;

8 "Beverage container" means an individual, separate, hermetically
9 sealed, or made airtight with a metal or plastic cap, bottle or can
10 composed of glass, metal, plastic or any combination thereof,
11 containing a beverage;

12 "County" means any county of this State of whatever class;

13 "Department" means the Department of Environmental Protec-
14 tion;

15 "Designated recyclable materials" means those recyclable mate-
16 rials, including metal, glass, paper, or plastic containers, food
17 waste, corrugated and other cardboard, newspaper, magazines, or
18 high-grade office paper designated in a district recycling plan to be
19 source separated in a municipality pursuant to section 3 of this
20 amendatory and supplementary act;

21 "Disposition" or "disposition of designated recyclable materials"
22 means the transportation, placement, reuse, sale, donation, transfer
23 or temporary storage for a period not exceeding six months of
24 designated recyclable materials for all possible uses except for
25 disposal as solid waste;

26 "District" means a solid waste management district as designated
27 by section 10 of P. L. 1973, c. 326 (C. 13:1E-19), except that, as
28 used in the provisions of this amendatory and supplementary act,
29 "district" shall not include the Hackensack Meadowlands District:

30 "District recycling plan" means the plan prepared and adopted
31 by the governing body of a county and approved by the department
32 to implement the State Recycling Plans goals pursuant to section 3
33 of this amendatory and supplementary act;

34 "Market" or "markets" means the disposition of designated
35 recyclable materials source separated in a municipality which
36 entails a disposition cost less than the cost of transporting the
37 recyclable materials to solid waste facilities and disposing of them
38 as municipal solid waste at the facility utilized by the municipality;

39 "Municipality" means any city, borough, town, township or
40 village situated within the boundaries of this State;

41 "Municipal solid waste stream" means all residential, commercial
42 and institutional solid waste generated within the boundaries of
43 any municipality;

44 "Paper" means and includes all newspaper, high-grade office
45 paper, fine paper, bond paper, offset paper, xerographic paper,
46 mimeo paper, duplicator paper, and related types of cellulosic
47 material containing not more than 10% by weight or volume of
48 non-cellulosic material such as laminates, binders, coatings, or
49 saturants;

50 "Paper product" means any paper items or commodities, in-
51 cluding but not limited to, paper napkins, towels, corrugated and
52 other cardboard, construction material, toilet tissue, paper and
53 related types of cellulosic products containing not more than 10%
54 by weight or volume of non-cellulosic material such as laminates,
55 binders, coatings, or saturants;

56 "Plastic container" means any hermetically sealed, or made
57 airtight with a metal or plastic cap, container with a minimum wall
58 thickness of not less than 0.010 inches, and composed of thermo-
59 plastic synthetic polymeric material;

60 "Post-consumer waste material" means any product generated
61 by a business or consumer which has served its intended end use,
62 and which has been separated from solid waste for the purposes
63 of collection, recycling and disposition and which does not include
64 secondary waste material or demolition waste;

65 "Recyclable material" means those materials which would other-
66 wise become municipal solid waste, and which may be collected,
67 separated or processed and returned to the economic mainstream
68 in the form of raw materials or products;

69 "Recycled paper" means any paper having a total weight con-
70 sisting of not less than 50% secondary waste paper material;

71 "Recycled paper product" means any paper product consisting
72 of not less than 50% secondary waste paper material;

73 "Recycling" means any process by which materials which would
 74 otherwise become solid waste are collected, separated or processed
 75 and returned to the economic mainstream in the form of raw
 76 materials or products;

77 "Recycling center" means any facility designed and operated
 78 solely for receiving, storing, processing and transferring source
 79 separated, nonputrescible or source separated commingled non-
 80 putrescible metal, glass, paper, plastic containers, and corrugated
 81 and other cardboard, or other recyclable materials approved by
 82 the department;

83 "Recycling services" means the services provided by persons
 84 engaging in the business of recycling, including the collection,
 85 processing, storage, purchase, sale or disposition, or any combina-
 86 tion thereof, of recyclable materials;

87 "Secondary waste material" means waste material generated
 88 after the completion of a manufacturing process;

89 "Secondary waste paper material" means paper waste generated
 90 after the completion of a paper making process, such as post-
 91 consumer waste material, envelope cuttings, bindery trimmings,
 92 printing waste, cutting and other converting waste, butt rolls and
 93 mill wrappers; except that secondary waste paper material shall
 94 not include fibrous waste generated during the manufacturing
 95 process, such as fibers recovered from waste water or trimmings of
 96 paper machine rolls, fibrous byproducts of harvesting, extractive
 97 or woodcutting processes, or forest residue such as bark;

98 "Source separated recyclable materials" means recyclable mate-
 99 rials, including but not limited to, paper, metal, glass, food waste,
 100 office paper and plastic which are kept separate and apart from
 101 residential, commercial and institutional solid waste by the gene-
 102 rator thereof for the purposes of collection, disposition and re-
 103 cycling.

1 3. (New section) a. Each county shall, within six months of
 2 the effective date of this amendatory and supplementary act and
 3 after consultation with each municipality within the county, pre-
 4 pare and adopt a district recycling plan to implement the State
 5 Recycling Plan goals. Each plan shall be adopted as an amendment
 6 to the district solid waste management plan required pursuant to
 7 the provisions of the "Solid Waste Management Act," P. L. 1970,
 8 c. 39 (C. 13:1E-1 et seq.).

9 b. Each district recycling plan required pursuant to this section
 10 shall include, but need not be limited to:

11 (1) Designation of a district recycling coordinator;

12 (2) Designation of the recyclable materials to be source separated in each municipality which shall include, in addition to
 13 leaves, at least three other recyclable materials separated from
 14 the municipal solid waste stream;

16 (3) Designation of the strategy for the collection, marketing
 17 and disposition of designated source separated recyclable materials in each municipality; and

19 (4) Designation of recovery targets in each municipality to
 20 achieve the maximum feasible recovery of recyclable materials
 21 from the municipal solid waste stream which shall include, at a
 22 minimum, the following schedule:

23 (a) The recycling of at least 15% of the prior year's total
 24 municipal solid waste stream by the end of the first full year
 25 succeeding the adoption and approval by the department of
 26 the district recycling plan; and

27 (b) The recycling of at least 25% of the "[prior]" "second
 28 preceding" year's total municipal solid waste stream by the
 29 end of the second full year succeeding the adoption and
 30 approval by the department of the district recycling plan.

31 For the purposes of this paragraph, "total municipal solid
 32 waste stream" means the sum of the municipal solid waste
 33 stream disposed of as solid waste, as measured in tons,
 34 plus the total number of tons of recyclable materials recycled.

35 * c. Each district recycling plan, in designating a strategy for the
 36 collection, marketing and disposition of designated recyclable
 37 materials in each municipality, shall accord priority consideration
 38 to persons engaging in the business of recycling or otherwise law-
 39 fully providing recycling services on behalf of a county or munici-
 40 pality on January 1, 1986, if that person continues to provide
 41 recycling services prior to the adoption of the plan and that person
 42 has not discontinued these services for a period of 90 days or more
 43 between January 1, 1986, and the date on which the plan is adopted.

44 d. Notwithstanding the provisions of the "Solid Waste Man-
 45 agement Act," P. L. 1970, c. 30 (C. 13:1E-1 et seq.), each district
 46 recycling plan may be modified after adoption pursuant to a pro-
 47 cedure set forth in the adopted plan as approved by the department.

1 * 4. (New section) a. Each county shall, within six months of the
 2 adoption and approval by the department of the district recycling
 3 plan required pursuant to section 3 of this amendatory and supple-
 4 mentary act, solicit proposals from, review the qualifications of,
 5 and enter into contracts or agreements on behalf of municipalities
 6 with persons providing recycling services or operating recycling
 7 centers for the collection, storage, processing, and disposition of

8 recyclable materials designated in the district recycling plan in
 9 those instances where these services are not otherwise provided
 10 by the municipality, interlocal service agreement or joint service
 11 program, or other private or public recycling program operator.

12 b. In the event that a county is unable to enter into contracts or
 13 otherwise execute agreements to market specific designated recy-
 14 clable materials in order to achieve the designated recovery targets
 15 set forth in the district recycling plan, the county may petition the
 16 department for a temporary exemption from the provisions of
 17 subsection a. of this section for these specified materials. The
 18 department is authorized to grant, deny or conditionally grant the
 19 exemption. If the exemption is denied, the department shall assist
 20 the county in identifying and securing markets for the recyclable
 21 materials designated in the district recycling plan. Any exemption
 22 granted by the department shall not exceed one year in duration,
 23 and shall be granted or renewed only upon a finding that the county
 24 has made a good faith effort to identify and secure markets for its
 25 recyclable materials. Each county shall continue to solicit those
 26 recycling services necessary to achieve the maximum feasible
 27 recovery targets in each municipality as set forth in the district
 28 recycling plan.

1 5. (New section) Any county which has prepared and adopted
 2 a district recycling plan as an amendment to the district solid
 3 waste management plan required pursuant to the provisions of
 4 the "Solid Waste Management Act," P. L. 1970, c. 39 (C. 13:1E-1
 5 et seq.), and the district recycling plan has been approved by
 6 the department prior to January 1, 1987, shall be exempt from
 7 the provisions of sections 3 and 4 of this amendatory and sup-
 8 plementary act. To be eligible for an exemption pursuant to this
 9 section, a county shall have established and implemented a county-
 10 wide mandatory source separation and recycling program for at
 11 least three recyclable materials, in addition to leaves, and shall
 12 have demonstrated that it has secured markets for these materials.

1 6. (New section) Each municipality in this State shall, within
 2 30 days of the effective date of this amendatory and supplemen-
 3 tary act, designate one or more persons as the municipal recycling
 4 coordinator. Each municipality shall establish and implement a
 5 municipal recycling program in accordance with the following
 6 requirements and schedule:

7 a. Within six months of the adoption by the county and ap-
 8 proval by the department of the district recycling plan required
 9 pursuant to section 3 of this amendatory and supplementary act,
 10 each municipality shall provide for a collection system for the

7
11 recycling of the recyclable materials designated in the district
12 recycling plan as may be necessary to achieve the designated
13 recovery targets set forth in the plan in those instances where a
14 recycling collection system is not otherwise provided for by the
15 generator or by the county, interlocal service agreement or joint
16 service program, or other private or public recycling program
17 operator.

* 18 b. The governing body of each municipality shall, if it has
19 not already done so, within 30 days of the effective date of any
20 contracts or agreements entered into by the county or other
21 local government unit to market one or more of the specific desig-
22 nated recyclable materials as required pursuant to section 4 of
23 this amendatory and supplementary act, adopt an ordinance which
24 requires persons generating municipal solid waste within its mu-
25 nicipal boundaries to source separate from the municipal solid
26 waste stream, in addition to leaves, the specified recyclable ma-
27 terials for which markets have been secured and, unless recycling
28 is otherwise provided for by the generator, place these specified
29 recyclable materials for collection in the manner provided by the
30 ordinance.

31 c. The governing body of each municipality shall, within 30 days
32 of the effective date of the ordinance adopted pursuant to sub-
33 section b. of this section and at least once every 36 months there-
34 after, conduct a review and make necessary revisions to the
35 master plan and development regulations adopted pursuant to
36 P. L. 1975, c. 291 (C. 40:35D-1 et seq.), which revisions shall
37 reflect changes in State, county and municipal policies and ob-
38 jectives concerning the collection, disposition and recycling of
39 designated recyclable materials.

40 The revised master plan shall include provisions for the col-
41 lection, disposition and recycling of recyclable materials desig-
42 nated in the municipal recycling ordinance adopted pursuant to
43 subsection b. of this section, and for the collection, disposition
44 and recycling of designated recyclable materials within any de-
45 velopment proposal for the construction of 50 or more units of
46 single-family residential housing or 25 or more units of multi-
47 family residential housing and any commercial or industrial de-
48 velopment proposal for the utilization of 1,000 square feet or
49 more of land.

50 d. The governing body of a municipality may exempt persons
51 occupying commercial and institutional premises within its mu-
52 nicipal boundaries from the source separation requirements of the

ordinance adopted pursuant to subsection b. of this section if those persons have otherwise provided for the recycling of the recyclable materials designated in the district recycling plan from solid waste generated at those premises. To be eligible for an exemption pursuant to this subsection, a commercial or institutional solid waste generator annually shall provide written documentation to the municipality of the total number of tons recycled.

e. The governing body of each municipality shall, on or before July 1, 1988 and on or before July 1 of each year thereafter, submit a recycling tonnage report to the New Jersey Office of Recycling in accordance with rules and regulations adopted by the department therefor.

f. The governing body of each municipality shall, within six months of the effective date of the ordinance adopted pursuant to subsection b. of this section and at least once every six months thereafter, notify all persons occupying residential, commercial, and institutional premises within its municipal boundaries of local recycling opportunities, and the source separation requirements of the ordinance. In order to fulfill the notification requirements of this subsection, the governing body of a municipality may, in its discretion, place an advertisement in a newspaper circulating in the municipality, post a notice in public places where public notices are customarily posted, include a notice with other official notifications periodically mailed to residential taxpayers, or any combination thereof, as the municipality deems necessary and appropriate.

7. (New section) Any additional expenditures for the collection, storage, processing or disposition of recyclable materials, or the procurement of recycling services made by *"or any expenditures of revenues received by,"* any county as a result of the provisions *"of P. L. 1981, c. 278 (C. 13:1E-92 et al.), as amended and supplemented, and the provisions of sections 1 through 30, inclusive, and sections 32 and 36" of P. L., c. . . . (C.)* (now pending before the Legislature as this bill) shall, for the purposes of P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.), be considered an *"[expenditure mandated by State law]" "an exception to the spending limitations imposed thereby"*.

8. (New section) Any additional expenditures for the collection, storage, processing or disposition of recyclable materials, or the procurement of recycling services made by *"or any expenditures of revenues received by,"* any municipality as a result of the provisions *"of P. L. 1981, c. 278 (C. 13:1E-92 et al.), as amended and*

6 supplemented, and the provisions of sections 1 through 30, in-
 7 clusive, and sections 32 and 36* of P. L., c. ... (C.)
 8 (now pending before the Legislature as this bill) shall, for the
 9 purposes of P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.), be considered
 10 "[expenditure mandated by State law]" "an exception to the
 11 spending limitations imposed thereby".

1 9. (New section) A municipality may require that every solid
 2 waste collector or solid waste transporter registered pursuant
 3 to sections 4 and 5 of P. L. 1970, c. 39 (C. 13:1E-4 and 13:1E-5)
 4 and holding a certificate of public convenience and necessity pur-
 5 suant to sections 7 and 10 of P. L. 1970, c. 40 (C. 48:13A-6 and
 6 48:13A-9) bid on a contract for the collection or disposition of
 7 recyclable materials, if required to do so by the district recycling
 8 plan of the county in which the collector or transporter engages
 9 in solid waste collection or transportation services.

1 10. (New section) a. No plastic or bi-metal beverage container
 2 shall be identified as a recyclable container unless the department
 3 determines that a convenient and economically feasible recycling
 4 system for that specific container is available.

5 b. The department shall adopt, upon consultation with the ap-
 6 propriate industries and pursuant to the provisions of the "Ad-
 7 ministrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1
 8 et seq.), any rules and regulations necessary to implement the
 9 provisions of this section.

1 11. (New section) a. Within 18 months of the effective date of
 2 this amendatory and supplementary act, the department shall
 3 make a written determination as to whether a convenient and eco-
 4 nomically feasible mechanism for the collection, recycling, and
 5 marketing of plastic or bi-metal beverage containers is available
 6 to counties and municipalities in this State. A determination by
 7 the department that such a mechanism is available shall be based
 8 upon a finding that the manufacturers of plastic or bi-metal bev-
 9 erage containers and the beverage manufacturing industries have
 10 achieved, by the end of the previous 12 months, the recycling, on
 11 a percentage basis, of plastic or bi-metal beverage containers at
 12 a rate at least equal to the recovery rates achieved for glass
 13 or aluminum beverage containers during that one-year period,
 14 whichever is less.

15 b. In the event that the department makes a written determina-
 16 tion that the manufacturers of plastic or bi-metal beverage con-
 17 tainers and the beverage manufacturing industries have not
 18 achieved the recycling of plastic or bi-metal beverage containers

19 at a recovery rate at least equal to that achieved for glass or
20 aluminum beverage containers as provided in subsection a. of
21 this section, the department shall transmit its findings to the
22 Governor and the Legislature, including appropriate recommenda-
23 tions for the proper disposition or recycling of these containers.

1 12. (New section) Within 18 months of the effective date of
2 this amendatory and supplementary act, the department shall
3 prepare a report on convenient and economically feasible methods
4 for the disposition of recycling of scrap automobile tires which
5 may be available to counties and municipalities. The department
6 shall investigate various methods for the recovery or reuse of
7 automobile tires from the municipal solid waste stream, including,
8 but not limited to, incineration, artificial reef construction, re-
9 treading, asphalt paving material manufacture, sludge composting
10 and energy recovery, and shall report to the Governor and the
11 Legislature thereon, including a recommendation that a deposit
12 be imposed on automobile tires, if warranted by the findings.

1 13. (New section) a. Within 12 months of the effective date
2 of this amendatory and supplementary act, all leaves collected
3 by a municipality pursuant to the provisions of section 14 of
4 this amendatory and supplementary act shall be transported
5 to a leaf composting facility. Each district recycling plan shall
6 identify the leaf composting facility or facilities to be utilized
7 by each municipality within the county. Any two or more counties
8 may negotiate an interdistrict agreement for the development
9 or use of a leaf composting facility. Notwithstanding the pro-
10 visions of section 18 of P. L. 1975, c. 326 (C. 13:1E-27) or any
11 other law, rule or regulation to the contrary, the Board of Public
12 Utilities shall not have jurisdiction over, or otherwise regulate
13 the tariffs or return of, a leaf composting facility approved by
14 the department.

15 b. No sanitary landfill facility in this State shall accept for final
16 disposal truckloads composed primarily of leaves at any time,
17 except that leaves source separated from solid waste may be
18 accepted by a sanitary landfill facility in those instances where
19 the facility has provided and maintains for that purpose separate
20 leaf composting facilities, and the composted leaves are utilized
21 as part of the final vegetative cover for the landfill, or for other
22 uses as a soil conditioning material.

1 14. (New section) Within 12 months of the effective date of this
2 amendatory and supplementary act, each municipality in this State
3 shall, by a duly adopted ordinance of its governing body, provide

4 for a collection system for leaves generated from residential
 5 premises, and require that persons occupying residential premises
 6 within its municipal boundaries shall, for the period from Sep-
 7 tember 1 to December 31 of each year, source separate leaves
 8 from solid waste generated at those premises and, unless leaves
 9 are stored or recycled for composting or mulching by the gen-
 10 erator, place the leaves for collection in the manner provided
 11 by the ordinance.

1 15. (New section) All State and local agencies responsible for
 2 the maintenance of public lands in this State shall, to the maximum
 3 extent practicable and feasible, give due consideration and pre-
 4 ference to the use of compost materials in all land maintenance
 5 activities which are to be paid for with public funds.

1 16. (New section) The provisions of P. L. 1971, c. 237 (C.
 2 52:34-21 et seq.) or any rules and regulations adopted pursuant
 3 thereto to the contrary notwithstanding, the Director of the Divi-
 4 sion of Purchase and Property in the Department of Treasury
 5 shall, upon consultation with the department, review and modify
 6 all bid and product specifications relating to the purchase of re-
 7 cycled paper or recycled paper products so that the specifications
 8 do not discriminate against, but encourage the maximum pur-
 9 chase of products made from recycled paper or recycled paper
 10 products. Preference shall be given to recycled paper or recycled
 11 paper products with the highest percentage of post-consumer
 12 waste material.

1 17. (New section) a. In purchasing any paper or paper products
 2 for use by the various agencies and departments of the State
 3 government or for any county, municipality or school district pur-
 4 suant to P. L. 1969, c. 104 (C. 52:25-16.1 et [seq.] "et al."), the Di-
 5 rector of the Division of Purchase and Property, whenever the price
 6 is competitive for the purpose intended, shall make contracts avail-
 7 able for those items which are manufactured or produced from
 8 recycled paper or recycled paper products. For the purposes of
 9 this section, "competitive" means a price within 10% of the price
 10 of items which are manufactured or produced from virgin paper
 11 products.

12 b. The Director of the Division of Purchase and Property, after
 13 formal advertisement and solicitation of proposals for recycled
 14 paper or recycled paper products, and having received no competi-
 15 tive proposals for recycled paper or recycled paper products, may
 16 award the contract for paper or paper products manufactured or
 17 produced from virgin paper products in the manner prescribed by

18 law. Any award or contract made for virgin paper products shall,
 19 not relieve the director of any future obligation to make avail-
 20 able contracts for recycled paper or recycled paper products as
 21 provided in subsection a. of this section.

1 18. (New section) The Director of the Division of Local Govern-
 2 ment Services in the Department of Community Affairs shall,
 3 pursuant to the "Local Public Contracts Law," P. L. 1971, c. 198
 4 (C. 40A:11-1 et seq.), permit counties, municipalities* [school
 5 districts]* and authorities *, and the State Board of Education
 6 shall, pursuant to the "Public School Contracts Law," N. J. S.
 7 18A:18A-1 et seq., permit any board of education,* to cooperatively
 8 purchase recycled paper or products made from recycled paper
 9 products procured by the Division of Purchase and Property.

1 19. (New section) a. The total dollar amount of recycled paper
 2 or recycled paper products purchased by the State shall be as
 3 follows:

4 Not less than 10% of the paper or paper products purchased on
 5 or after "[January]" "July" 1, 1987 shall be made from recycled
 6 paper or recycled paper products, not less than 30% by "[Jan-
 7 uary]" "July" 1, 1988, and not less than 45% by "[January]"
 7a "July" 1, 1989.

8 Priority procurement consideration shall be given to recycled
 9 paper or recycled paper products with the highest percentage of
 10 post-consumer waste material.

11 b. The Director of the Division of Purchase and Property, after
 12 formal advertisement and solicitation of proposals for recycled
 13 paper or recycled paper products, and having received no competi-
 14 tive proposals for recycled paper or recycled paper products, may
 15 award the contract for paper or paper products manufactured or
 16 produced from virgin paper products in the manner prescribed by
 17 law. Any award or contract made for virgin paper products shall
 18 not relieve the director of any future obligation to purchase
 19 recycled paper or recycled paper products as provided in sub-
 20 section a. of this section.

1 20. (New section) The provisions of R. S. 27:2-1 et seq. or any
 2 rules and regulations adopted pursuant thereto to the contrary
 3 notwithstanding, the Commissioner of Transportation shall, upon
 4 consultation with the department, review and modify all bid and
 5 paving material and sub base specifications relating to the pur-
 6 chase of recyclable asphalt pavement, crushed concrete sub base,
 7 foundry slag and paving materials utilizing recycled materials,
 8 including, but not limited to, crumb rubber from automobile tires,

9 ash, glass and glassy aggregates, to provide that the specifications
10 encourage the maximum purchase of recyclable asphalt pavement
11 and paving materials utilizing recycled materials.

1 21. (New section) The provisions of R. S. 27:2-1 et seq. or any
2 rules and regulations adopted pursuant thereto to the contrary
3 notwithstanding, the Commissioner of Transportation shall, upon
4 consultation with the department, review and modify if necessary
5 all bid specifications relating to the purchase of asphalt or recycled
6 asphalt pavement to provide that the specifications encourage the
7 use of fuel derived from waste oil as a furnace or boiler fuel by
8 manufacturers of asphalt or recycled asphalt pavement.

1 22. (New section) a. The provisions of P. L. 1970, c. 39 (C.
2 13:1E-1 et seq.) or any rules and regulations adopted pursuant
3 thereto to the contrary notwithstanding, on or after July 1,
4 1987, the department shall not issue a registration statement or
5 engineering design approval for any new or expanded solid waste
6 facility in any county unless the person or party proposing to con-
7 struct or operate the facility submits written documentation and
8 any other evidence the department may require demonstrating to
9 the department's satisfaction that the goals of the relevant dis-
10 trict recycling plan required by section 3 of this amendatory and
11 supplementary act have been incorporated into the plans for the
12 proposed facility.

13 b. The department may adopt, pursuant to the provisions of the
14 "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1
15 et seq.), any rules and regulations necessary to implement the
16 provisions of this section.

1 23. (New section) a. The provisions of section 6 of P. L. 1970,
2 c. 40 (C. 48:13A-5) to the contrary notwithstanding, on or after
3 July 1, 1987 the Board of Public Utilities shall not award a
4 franchise to any person or party proposing to construct or operate
5 a resource recovery facility unless the person or party proposing
6 to construct or operate the facility submits written documentation
7 and any other evidence the board may require demonstrating to
8 the satisfaction of the board that the goals of the relevant district
9 recycling plan required by section 3 of this amendatory and
10 supplementary act have been incorporated into the plans for the
11 proposed facility.

12 b. The board may adopt, pursuant to the provisions of the
13 "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1
14 et seq.), any rules and regulations necessary to implement the
15 provisions of this section.

1 24. Sections 1 through 24 inclusive of this "1987 amendatory and
2 supplementary" act shall be known and may be cited as the "New
3 Jersey Statewide Mandatory Source Separation and Recycling
4 Act."

1 25. Section 2 of P. L. 1973, c. 291 (C. 40:55D-2) is amended to
2 read as follows:

3 2. Purpose of the act. It is the intent and purpose of this act:

4 a. To encourage municipal action to guide the appropriate use
5 or development of all lands in this State, in a manner which will
6 promote the public health, safety, morals, and general welfare;

7 b. To secure safety from fire, flood, panic and other natural and
8 man-made disasters;

9 c. To provide adequate light, air and open space;

10 d. To ensure that the development of individual municipalities
11 does not conflict with the development and general welfare of
12 neighboring municipalities, the county and the State as a whole;

13 e. To promote the establishment of appropriate population den-
14 sities and concentrations that will contribute to the well-being of
15 persons, neighborhoods, communities and regions and preservation
16 of the environment;

17 f. To encourage the appropriate and efficient expenditure of
18 public funds by the coordination of public development with land
19 use policies;

20 g. To provide sufficient space in appropriate locations for a
21 variety of agricultural, residential, recreational, commercial and
22 industrial uses and open space, both public and private, accord-
23 ing to their respective environmental requirements in order to
24 meet the needs of all New Jersey citizens;

25 h. To encourage the location and design of transportation routes
26 which will promote the free flow of traffic while discouraging loca-
27 tion of such facilities and routes which result in congestion or
28 blight;

29 i. To promote a desirable visual environment through creative
30 development techniques and good civic design and arrangement;

31 j. To promote the conservation of historic sites and districts,
32 open space, energy resources and valuable natural resources in the
33 State and to prevent urban sprawl and degradation of the envi-
34 ronment through improper use of land;

35 k. To encourage planned unit developments which incorporate
36 the best features of design and relate the type, design and layout
37 of residential, commercial, industrial and recreational develop-
38 ment to the particular site;

39 l. To encourage senior citizen community housing construction;
 40 m. To encourage coordination of the various public and private
 41 procedures and activities shaping land development with a view
 42 of lessening the cost of such development and to the more efficient
 43 use of land; [and]

44 n. To promote utilization of renewable energy resources[.]; and
 45 o. *To promote the maximum practicable recovery and recycling*
 46 *of recyclable materials from municipal solid waste through the use*
 47 *of planning practices designed to incorporate the State Recycling*
 48 *Plan goals and to complement municipal recycling programs.*

1 26. Section 19 of P. L. 1973, c. 291 (C. 40:53D-28) is amended to
 2 read as follows:

3 19. Preparation; contents, modification.

4 a. The planning board may prepare and; after public hearing,
 5 adopt or amend a master plan or component parts thereof, to guide
 6 the use of lands within the municipality in a manner which protects
 7 public health and safety and promotes the general welfare.

8 b. The master plan shall generally comprise a report or state-
 9 ment and land use and development proposals, with maps, dia-
 10 grams and text, presenting, at least the following elements (1) and
 11 (2) and, where appropriate, the following elements (3) through
 12 [(11)] (12):

13 (1) A statement of objectives, principles, assumptions, policies
 14 and standards upon which the constituent proposals for the physi-
 15 cal, economic and social development of the municipality are based;

16 (2) A land use plan element (a) taking into account and stating
 17 its relationship to the statement provided for in paragraph (1)
 18 hereof, and other master plan elements provided for in paragraphs
 19 (3) through [(11)] (12) hereof and natural conditions, including,

20 but not necessarily limited to, topography, soil conditions, water
 21 supply, drainage, flood plain areas, marshes, and woodlands;

22 (b) showing the existing and proposed location, extent and in-
 23 tensity of development of land to be used in the future for varying

24 types of residential, commercial, industrial, agricultural, recrea-
 25 tional, educational and other public and private purposes or com-
 26 bination of purposes; and stating the relationship thereof to the

27 existing and any proposed zone plan and zoning ordinance; and

28 (c) showing the existing and proposed location of any airports
 29 and the boundaries of any airport hazard areas delineated pur-
 30 suant to the "Air Safety and Hazardous Zoning Act of 1983,"

31 P. L. 1983, c. 260 (C. 6:1-80 et seq.); and (d) including a state-
 32 ment of the standards of population density and development
 33 intensity recommended for the municipality;

34 (3) A housing plan element pursuant to section 10 of P. L. 1985,
35 c. 222 (C. 52:27D-310), including, but not limited to, residential
36 standards and proposals for the construction and improvement of
37 housing;

38 (4) A circulation plan element showing the location and types of
39 facilities for all modes of transportation required for the efficient
40 movement of people and goods into, about, and through the mu-
41 nicipality, taking into account the functional highway classification
42 system of the Federal Highway Administration and the types,
43 locations, conditions and availability of existing and proposed
44 transportation facilities, including air, water, road and rail;

45 (5) A utility service plan element analyzing the need for and
46 showing the future general location of water supply and distribu-
47 tion facilities, drainage and flood control facilities, sewerage and
48 waste treatment, solid waste disposal and provision for other
49 related utilities, and including any storm water management
50 plan required pursuant to the provisions of P. L. 1981, c. 32
51 (C. 40:55D-93 et seq.);

52 (6) A community facilities plan element showing the existing
53 and proposed location and type of educational or cultural facilities,
54 historic sites, libraries, hospitals, firehouses, police stations and
55 other related facilities, including their relation to the surrounding
56 areas;

57 (7) A recreation plan element showing a comprehensive system
58 of areas and public sites for recreation;

59 (8) A conservation plan element providing for the preservation,
60 conservation, and utilization of natural resources, including, to the
61 extent appropriate, energy, open space, water supply, forests, soil,
62 marshes, wetlands, harbors, rivers and other waters, fisheries,
63 endangered or threatened species wildlife and other resources, and
64 which systematically analyzes the impact of each other component
65 and element of the master plan on the present and future presenta-
66 tion, conservation and utilization of those resources;

67 (9) An economic plan element considering all aspects of eco-
68 nomic development and sustained economic vitality, including (a) a
69 comparison of the types of employment expected to be provided
70 by the economic development to be promoted with the characteris-
71 tics of the labor pool resident in the municipality and nearby areas
72 and (b) an analysis of the stability and diversity of the economic
73 development to be promoted;

74 (10) A historic preservation plan element (a) indicating the
75 location, significance, proposed utilization and means for preserva-
76 tion of historic sites and historic districts, and (b) identifying the

77 standards used to assess worthiness for historic site or district
78 designation; [and]

79 *[(11) A recycling plan element which incorporates the State
80 Recycling Plan goals, including provisions for the collection, dis-
81 position, and recycling of recyclable materials designated in the
82 municipal recycling ordinance, and for the collection, disposition
83 and recycling of recyclable materials within any development pro-
84 posal for the construction of 50 or more units of single-family
85 residential housing or 25 or more units of multi-family residential
86 housing and any commercial or industrial development proposal
87 for the utilization of 1,000 square feet or more of land; and]*

88 [(11)] *[(12)]* *(11)* Appendices or separate reports con-
89 taining the technical foundation for the master plan and its con-
90 stituent elements*[(1)]* *; and*

91 *(12) A recycling plan element which incorporates the State
92 Recycling Plan goals, including provisions for the collection, dis-
93 position and recycling of recyclable materials designated in the
94 municipal recycling ordinance, and for the collection, disposition
95 and recycling of recyclable materials within any development
96 proposal for the construction of 50 or more units of single-family
97 residential housing or 25 or more units of multi-family residential
98 housing and any commercial or industrial development proposal
99 for the utilization of 1,000 square feet or more of land.*

100 c. The master plan and its plan elements may be divided into
101 subplans and subplan elements projected according to periods
102 of time or staging sequences.

103 d. The master plan shall include a specific policy statement
104 indicating the relationship of the proposed development of the
105 municipality, as developed in the master plan to (1) the master
106 plans of contiguous municipalities, (2) the master plan of the
107 county in which the municipality is located, *[(3) the district
108 solid waste management plan required pursuant to the provisions
109 of the "Solid Waste Management Act," P. L. 1970, c. 39 (C.
110 13:1E-1 et seq.) of the county in which the municipality is located
111 and]* [(3)] *[(4)]* *(3)* the State Development and Redvelop-
112 ment Plan adopted pursuant to the "State Planning Act," sec-
113 tions 1 through 12 of P. L. 1983, c. 398 (C. 52:19A-196 et seq.)
114 *and (4) the district solid waste management plan required pur-
115 suant to the provisions of the "Solid Waste Management Act,"
116 P. L. 1970, c. 39 (C. 13:1E-1 et seq.) of the county in which the
117 municipality is located*.

1 27. Section 29 of P. L. 1973, c. 291 (C. 40:53D-38) is amended
2 to read as follows:

3 29. Contents of ordinance. An ordinance requiring approval by
4 the planning board of either subdivisions or site plans, or both,
5 shall include the following:

6 a. Provisions, not inconsistent with other provisions of this act,
7 for submission and processing of applications for development,
8 including standards for preliminary and final approval and pro-
9 visions for processing of final approval by stages or sections of
10 development;

11 b. Provisions ensuring:

12 (1) Consistency of the layout or arrangement of the subdivision
13 or land development with the requirements of the zoning ordinance;

14 (2) Streets in the subdivision or land development of sufficient
15 width and suitable grade and suitably located to accommodate
16 prospective traffic and to provide access for firefighting and emer-
17 gency equipment to buildings and coordinated so as to compose
18 a convenient system consistent with the official map, if any, and
19 the circulation element of the master plan, if any, and so oriented
20 as to permit, consistent with the reasonable utilization of land, the
21 buildings constructed thereon to maximize solar gain; provided
22 that no street of a width greater than 50 feet within the right-of-
23 way lines shall be required unless said street constitutes an exten-
24 sion of an existing street of the greater width, or already has been
25 shown on the master plan at the greater width, or already has
26 been shown in greater width on the official map;

27 (3) Adequate water supply, drainage, shade trees, sewerage
28 facilities and other utilities necessary for essential services to
29 residents and occupants;

30 (4) Suitable size, shape and location for any area reserved for
31 public use pursuant to section 32 of this act;

32 (5) Reservation pursuant to section 31 of this act of any open
33 space to be set aside for use and benefit of the residents of
34 planned development, resulting from the application of standards
35 of density or intensity of land use, contained in the zoning ordi-
36 nance, pursuant to subsection 52 a. of this act;

37 (6) Regulation of land designated as subject to flooding, pur-
38 suant to subsection 52 a., to avoid danger to life or property;

39 (7) Protection and conservation of soils from erosion by wind
40 or water or from excavation or grading; [and]

41 (8) Conformity with standards promulgated by the Commis-
42 sioner of Transportation, pursuant to the "Air Safety and Haz-
43 ardous Zoning Act of 1983," P. L. 1983, c. 260 (C. 6:1-80 et seq.),
44 for any airport hazard areas delineated under that act; and

45 (9) *Conformity with a municipal recycling ordinance required*
 46 *pursuant to section 6 of P. L. , c. (C.) (now*
 47 *pending before the Legislature as this bill).*

48 c. Provisions governing the standards for grading, improvement
 49 and construction of streets or drives and for any required walk-
 50 ways, curbs, gutters, streetlights, shade trees, fire hydrants and
 51 water, and drainage and sewerage facilities and other improve-
 52 ments as shall be found necessary, and provisions ensuring that
 53 such facilities shall be completed either prior to or subsequent to
 54 final approval of the subdivision or site plan by allowing the
 55 posting of performance bonds by the developer;

56 d. Provisions ensuring that when a municipal zoning ordinance
 57 is in effect, a subdivision or site plan shall conform to the applica-
 58 ble provisions of the zoning ordinance, and where there is no
 59 zoning ordinance, appropriate standards shall be specified in an
 60 ordinance, pursuant to this article; and

61 e. Provisions ensuring performance in substantial accordance
 62 with the final development plan: provided that the planning board
 63 may permit a deviation from the final plan, if caused by change of
 64 conditions beyond the control of the developer since the date of
 65 final approval, and the deviation would not substantially alter the
 66 character of the development or substantially impair the intent
 67 and purpose of the master plan and zoning ordinance.

1 28. Section 29.3 of P. L. 1973, c. 291 (C. 40:53D-41) is amended
 2 to read as follows:

3 29.3. Contents of site plan ordinance. An ordinance requiring
 4 site plan review and approval pursuant to this article shall include
 5 and shall be limited to, except as provided in sections 29 and 29.1
 6 of this act standards and requirements relating to:

7 a. Preservation of existing natural resources on the site;

8 b. Safe and efficient vehicular and pedestrian circulation, park-
 9 ing and loading;

10 c. Screening, landscaping and location of structures;

11 d. Exterior lighting needed for safety reasons in addition to
 12 any requirements for street lighting: [and]

13 e. Conservation of energy and use of renewable energy sources;
 14 and

15 f. *Recycling of designated recyclable materials.*

1 29. Section 76 of P. L. 1973, c. 291 (C. 40:53D-89) is amended
 2 to read as follows:

3 76. Periodic reexamination. The governing body shall, at least
 4 every six years, provide for a general reexamination of its master

5 plan and development regulations by the planning board*,* which
 6 shall prepare and adopt by resolution a report on the findings of
 7 such reexamination, a copy of which report and resolution shall be
 8 sent to the county planning board and the municipal "[clerks]"
 9 "clerk" of each adjoining municipality. The first such reexamination
 10 shall have been completed by August 1, 1982. The next reexamina-
 11 tion shall be completed by August 1, 1988. Thereafter, a reexami-
 12 nation shall be completed at least once every six years from the
 13 previous reexamination. The reexamination report shall state:

14 a. The major problems and objectives relating to land develop-
 15 ment in the municipality at the time of the adoption of the last
 16 reexamination report.

17 b. The extent to which such problems and objectives have been
 18 reduced or have increased subsequent to such date.

19 c. The extent to which there have been significant changes in the
 20 assumptions, policies and objectives forming the basis for the
 21 master plan or development regulations as last revised, with par-
 22 ticular regard to the density and distribution of population and
 23 land uses, housing conditions, circulation, conservation of natural
 24 resources, energy conservation, *collection, disposition, and recy-*
 25 *cling of designated recyclable materials*, and changes in State,
 26 county and municipal policies and objectives.

27 d. The specific changes recommended for the master plan or
 28 development regulations, if any, including underlying objectives,
 29 policies and standards, or whether a new plan or regulations
 30 should be prepared.

1 30. Section 2 of P. L. 1971, c. 198 (C. 40A:11-2) is amended to
 2 read as follows:

3 2. Definitions. As used herein the following words have the
 4 following definitions, unless the context otherwise indicates:

5 (1) "Contracting unit" means:

6 (a) Any county; or

7 (b) Any municipality; or

8 (c) Any board, commission, committee, authority or agency,
 9 which is not a State board, commission, committee, authority
 10 or agency, and which has administrative jurisdiction over any
 11 district other than a school district, project, or facility, in-
 12 cluded or operating in whole or in part, within the territorial
 13 boundaries of any county or municipality which exercises
 14 functions which are appropriate for the exercise by one or
 15 more units of local government, and which has statutory power
 16 to make purchases and enter into contracts or agreements for

17 the performance of any work or the furnishing or hiring of any
18 materials or supplies usually required, the cost or contract
19 price of which is to be paid with or out of public funds.

20 (2) "Governing body" means:

21 (a) The governing body of the county, when the purchase
22 is to be made or the contract or agreement is to be entered
23 into by, or in behalf of, a county: or

24 (b) The governing body of the municipality, when the pur-
25 chase is to be made or the contract or agreement is to be
26 entered into by, or on behalf of, a municipality: or

27 (c) Any board, commission, committee, authority or agency
28 of the character described in subsection (1) (c) of this section.

29 (3) "Contracting agent" means the governing body of a con-
30 tracting unit, or any board, commission, committee, officer, depart-
31 ment, branch or agency which has the power to prepare the ad-
32 vertisements, to advertise for and receive bids and, as permitted
33 by this act, to make awards for the contracting unit in connection
34 with purchases, contracts or agreements.

35 (4) "Purchase" is a transaction, for a valuable consideration,
36 creating or acquiring an interest in goods, services and property,
37 except real property or any interest therein.

38 (5) "Materials" includes goods and property subject to chapter
39 2 of Title 12A of the New Jersey Statutes, apparatus, or any other
40 tangible thing, except real property or any interest therein.

41 (6) "Professional services" means services rendered or per-
42 formed by a person authorized by law to practice a recognized
43 profession, whose practice is regulated by law, and the perfor-
44 mance of which services requires knowledge of an advanced type
45 in a field of learning acquired by a prolonged formal course of
46 specialized instruction and study as distinguished from general
47 academic instruction or apprenticeship and training. Professional
48 services may also mean services rendered in the performance of
49 work that is original and creative in character in a recognized
50 field of artistic endeavor.

51 (7) "Extraordinary unspecifiable services" means services
52 which are specialized and qualitative in nature requiring expertise,
53 extensive training and proven reputation in the field of endeavor.

54 (8) "Project" means any work, undertaking, program, activity,
55 development, redevelopment, construction or reconstruction of any
56 area or areas.

57 (9) "Work" includes services and any other activity of a tangi-
58 ble or intangible nature performed or assumed pursuant to a con-
59 tract or agreement with a contracting unit.

60 (10) "Homemaker—home health services" means at home per-
 61 sonal care and home management provided to an individual or
 62 members of his family who reside with him, or both, necessitated
 63 by the individual's illness or incapacity. "Homemaker—home
 64 health services" includes, but is not limited to, the services of a
 65 trained homemaker.

66 (11) "Recyclable material" means those materials which would
 67 otherwise become municipal solid waste, and which may be collected,
 68 separated or processed and returned to the economic mainstream
 69 in the form of raw materials or products.

70 (12) "Recycling" means any process by which materials which
 71 would otherwise become solid waste are collected, separated or
 72 processed and returned to the economic mainstream in the form of
 73 raw materials or products.

74 *(13) "Marketing" means the marketing of designated recy-
 75 clable materials source separated in a municipality which entails
 76 a marketing cost less than the cost of transporting the recyclable
 77 materials to solid waste facilities and disposing of the materials
 78 as municipal solid waste at the facility utilized by the municipality.

79 (14) "Municipal solid waste" means all residential, commercial
 80 and institutional solid waste generated within the boundaries of
 81 a municipality.*

1 31. * [Section 3 of P. L. 1971, c. 198 (C. 40A:11-3) is amended
 2 to read as follows:

3 3. a. Purchases, contracts or agreements not required to be ad-
 4 vertised. Any purchase, contract or agreement for the performance
 5 of any work or the furnishing or hiring of materials or supplies,
 6 the cost or price of which, together with any other sums expended
 7 or to be expended for the performance of any work or services in
 8 connection with the same immediate program, undertaking, activity
 9 or project or the furnishing of similar materials or supplies during
 10 the same fiscal year paid with or out of public funds, does not
 11 exceed in the fiscal year the total sum of \$7,500.00 or the amount
 12 determined pursuant to subsection [b.] c. of this section, may be
 13 made, negotiated or awarded by a contracting agent when so
 14 authorized by resolution of the governing body of the contracting
 15 unit without public advertising for bids. Such authorization may
 16 be granted for each purchase, contract or agreement or by a
 17 general delegation of the power to make, negotiate or award such
 18 purchases, contracts or agreements pursuant to this section.

19 b. Any purchase, or contract or agreement to purchase recyclable
 20 materials from any one individual, group or business as part of a
 21 recycling program undertaken by a contracting unit may be made,

22 negotiated, or awarded without public bidding by that unit, when
 23 so authorized by resolution of the governing body of the contract-
 24 ing unit, if the amount of the purchase, contract, or agreement does
 25 not exceed in the fiscal year the total sum of \$7,500.00 or the
 26 amount determined pursuant to subsection c. of his section.

27 **[Any]** Except as otherwise provided in section 15 of P. L. 1971,
 28 c. 198 (C. 40A:11-15), any purchase, contract or agreement made
 29 pursuant to this section may be awarded for a period of 12 con-
 30 secutive months, notwithstanding that such 12-month period does
 31 not coincide with the fiscal year. The Division of Local Govern-
 32 ment Services shall adopt and promulgate rules and regulations
 33 concerning the methods of accounting for all contracts that do not
 34 coincide with the fiscal year.

35 **[h.] c.** The Governor, in consultation with the Department of
 36 the Treasury, shall, no later than March 1 of each odd-numbered
 37 year, adjust the threshold amount set forth in subsection a. of this
 38 section, or subsequent to 1985 the threshold amount resulting from
 39 any adjustment under this subsection or section 17 of P. L. 1985,
 40 c. 469, in direct proportion to the rise or fall of the consumer price
 41 index for all urban consumers in the New York City and the
 42 Philadelphia areas as reported by the United States Department
 43 of Labor. The Governor shall, no later than June 1 of each odd-
 44 numbered year, notify each governing body of the adjustment.
 45 The adjustment shall become effective on July 1 of each odd-
 46 numbered year.]*

1 *Section 15 of P. L. 1971, c. 198 (C. 40A:11-15) is amended
 2 to read as follows:

3 15. Duration of certain contracts. All purchases, contracts or
 4 agreements for the performing of work or the furnishing of
 5 materials, supplies or services shall be made for a period not to
 6 exceed 12 consecutive months, except that contracts or agreements
 7 may be entered into for longer periods of time as follows:

8 (1) Supplying of;

9 (a) Fuel for heating purposes, for any term not exceeding
 10 in the aggregate, two years;

11 (b) Fuel or oil for use of airplanes, automobiles, motor
 12 vehicles or equipment for any term not exceeding in the
 13 aggregate, two years;

14 (c) Thermal energy produced by a cogeneration facility,
 15 for use for heating or air conditioning or both, for any term
 16 not exceeding 40 years, when the contract is approved by the
 17 Board of Public Utilities. For the purposes of this paragraph,

- 18 "cogeneration" means the simultaneous production in one
 19 facility of electric power and other forms of useful energy
 20 such as heating or process steam;
- 21 (2) (Deleted by amendment: P. L. 1977, c. 53.)
- 22 (3) The collection and disposal of garbage and refuse, and the
 23 barging and disposal of sewage sludge, for any term not exceeding
 24 in the aggregate, five years;
- 25 (4) The recycling of solid waste, including the collection of meth-
 26 ane gas from a sanitary landfill facility; for any term not exceed-
 27 ing 25 years, when such contract is in conformance with a solid
 28 waste management plan approved pursuant to P. L. 1970, c. 39 (C.
 29 13:1E-1 et seq.), and with the approval of the Division of Local
 30 Government Services and the Department of Environmental Pro-
 31 tection. The contracting unit shall award the contract to the high-
 32 est responsible bidder, notwithstanding that the contract price may
 33 be in excess of the amount of any necessarily related administra-
 34 tive expenses; except that if the contract requires the contracting
 35 unit to expend funds only, the contracting unit shall award the
 36 contract to the lowest responsible bidder. *The approval by the*
 37 *Division of Local Government Services of Public bidding require-*
 38 *ments shall not be required for those contracts exempted there-*
 39 *from pursuant to section 3 of P. L. 1971, c. 198 (C. 40A:11-5);*
- 40 (5) Data processing service, for any term of not more than
 41 three years;
- 42 (6) Insurance, for any term of not more than three years;
- 43 (7) Leasing or servicing of automobiles, motor vehicles, ma-
 44 chinery and equipment of every nature and kind, for a period not
 45 to exceed three years; provided, however, such contracts shall be
 46 entered into only subject to and in accordance with the rules and
 47 regulations promulgated by the Director of the Division of Local
 48 Government Services of the Department of Community Affairs;
- 49 (8) The supplying of any product or the rendering of any ser-
 50 vice by a telephone company which is subject to the jurisdiction of
 51 the Board of Public Utilities for a term not exceeding five years;
- 52 (9) Any single project for the construction, reconstruction or
 53 rehabilitation of any public building, structure or facility, or any
 54 public works project, including the retention of the services of
 55 any architect or engineer in connection therewith, for the length
 56 of time authorized and necessary for the completion of the actual
 57 construction;
- 58 (10) The providing of food services for any term not exceeding
 59 three years;

60 (11) On-site inspections undertaken by private agencies pur-
 61 suant to the "State Uniform Construction Code Act" (P. L.
 62 1973, c. 217; C. 52:27D-119 et seq.) for any term of not more
 63 than three years;

64 (12) The performance of work or services or the furnishing of
 65 materials or supplies for the purpose of conserving energy in
 66 buildings owned by, or operations conducted by, the contracting
 67 unit, the entire price of which to be established as a percentage of
 68 the resultant savings in energy costs, for a term not to exceed
 69 10 years; provided, however, that such contracts shall be entered
 70 into only subject to and in accordance with rules and regulations
 71 promulgated by the Department of Energy establishing a meth-
 72 odology for computing energy cost savings;

73 (13) The performance of work or services or the furnishing of
 74 materials or supplies for the purpose of elevator maintenance for
 75 any term not exceeding three years;

76 (14) Leasing or servicing of electronic communications equip-
 77 ment for a period not to exceed five years; provided, however, such
 78 contract shall be entered into only subject to and in accordance
 79 with the rules and regulations promulgated by the Director of the
 80 Division of Local Government Services of the Department of
 81 Community Affairs;

82 (15) Leasing of motor vehicles, machinery and other equipment
 83 primarily used to fight fires, for a term not to exceed seven years,
 84 when the contract includes an option to purchase, subject to and in
 85 accordance with rules and regulations promulgated by the Di-
 86 rector of the Division of Local Government Services of the De-
 87 partment of Community Affairs;

88 (16) The provision of water supply services or the designing,
 89 financing, construction, operation, or maintenance, or any combina-
 90 tion thereof, of a water supply facility, or any component part or
 91 parts thereof, including a water filtration system, for a period not
 92 to exceed 40 years, when the contract for these services is approved
 93 by the Division of Local Government Services in the Department
 94 of Community Affairs, the Board of Public Utilities, and the
 95 Department of Environmental Protection pursuant to P. L. 1983,
 96 c. 37 (C. 58:26-1 et seq.). For the purposes of this [paragraph]
 97 subsection, "water supply services" means any service provided
 98 by a water supply facility; "water filtration system" means any
 99 equipment, plants, structures, machinery, apparatus, or land, or
 100 any combination thereof, acquired, used, constructed, rehabilitated,
 101 or operated for the collection, impoundment, storage, improvement,

102 filtration, or other treatment of drinking water for the purposes
 103 of purifying and enhancing water quality and insuring its pota-
 104 bility prior to the distribution of the drinking water to the general
 105 public for human consumption, including plants and works, and
 106 other personal property and appurtenances necessary for their
 107 use or operation; and "water supply facility" means and refers
 108 to the real property and the plants, structures, interconnections
 109 between existing water supply facilities, machinery and equipment
 110 and other property, real, personal and mixed, acquired, constructed
 111 or operated, or to be acquired, constructed or operated, in whole
 112 or in part by or on behalf of a political subdivision of the State
 113 or any agency thereof, for the purpose of augmenting the natural
 114 water resources of the State and making available an increased
 115 supply of water for all uses, or of conserving existing water
 116 resources, and any and all appurtenances necessary, useful or con-
 117 venient for the collecting, impounding, storing, improving, treat-
 118 ing, filtering, conserving or transmitting of water and for the
 119 preservation and protection of these resources and facilities and
 120 providing for the conservation and development of future water
 121 supply resources;

122 (17) The provision of solid waste disposal services by a resource
 123 recovery facility, the furnishing of products of a resource recovery
 124 facility, the disposal of the solid waste delivered for disposal which
 125 cannot be processed by a resource recovery facility or the waste
 126 products resulting from the operation of a resource recovery facil-
 127 ity, including hazardous waste and recovered metals and other
 128 materials for reuse, or the design, financing, construction, opera-
 129 tion or maintenance of a resource recovery facility for a period
 130 not to exceed 40 years when the contract is approved by the Division
 131 of Local Government Services in the Department of Community
 132 Affairs, the Board of Public Utilities, and the Department of En-
 133 vironmental Protection; and when the facility is in conformance
 134 with a solid waste management plan approved pursuant to P. L.
 135 1970, c. 39 (C. 13:1E-1 et seq.). For the purposes of this subsec-
 136 tion, "resource recovery facility" means a solid waste facility con-
 137 structed and operated for the incineration of solid waste for energy
 138 production and the recovery of metals and other materials for
 139 reuse; or a mechanized composting facility, or any other solid
 140 waste facility constructed or operated for the collection, separa-
 141 tion, recycling, and recovery of metals, glass, paper, and other
 142 materials for reuse or for energy production;

143 (18) The sale of electricity or thermal energy, or both, produced
 144 by a resource recovery facility for a period not to exceed 40 years
 145 when the contract is approved by the Board of Public Utilities; and
 146 when the facility is in conformance with a solid waste management
 147 plan approved pursuant to P. L. 1970, c. 39 (C. 13:1E-1 et seq.).
 148 For the purposes of this subsection, "resource recovery facility"
 149 means a solid waste facility constructed and operated for the in-
 150 cineration of solid waste for energy production and the recovery
 151 of metals and other materials for reuse; or a mechanized compost-
 152 ing facility, or any other solid waste facility constructed or oper-
 153 ated for the collection, separation, recycling, and recovery of
 154 metals, glass, paper, and other materials for reuse or for energy
 155 production;

156 (19) The provision of wastewater treatment services or the de-
 157 signing, financing, construction, operation, or maintenance, or any
 158 combination thereof, of a wastewater treatment system, or any
 159 component part or parts thereof, for a period not to exceed 40
 160 years, when the contract for these services is approved by the
 161 Division of Local Government Services in the Department of Com-
 162 munity Affairs and the Department of Environmental Protection
 163 pursuant to P. L. 1983, c. 72 (C. 58:27-1 et seq.). For the purposes
 164 of this [paragraph] subsection, "wastewater treatment services"
 165 means any service provided by a wastewater treatment system,
 166 and "wastewater treatment system" means equipment, plants,
 167 structures, machinery, apparatus, or land, or any combination
 168 thereof, acquired, used, constructed, or operated for the storage,
 169 collection, reduction, recycling, reclamation, disposal, separation,
 170 or other treatment of wastewater or [sewer] sewage sludge, or
 171 for the final disposal of residues resulting from the treatment of
 172 wastewater, including, but not limited to, pumping and ventilating
 173 stations, facilities, plants and works, connections, outfall sewers,
 174 interceptors, trunk lines, and other personal property and appur-
 175 tenances necessary for their operation;

176 (20) The supplying of materials or services for the purpose of
 177 lighting public streets, for a term not to exceed five years, pro-
 178 vided that the rates, fares, tariffs or charges for the supplying of
 179 electricity for that purpose are approved by the Board of Public
 180 Utilities.

181 All multi-year leases and contracts entered into pursuant to this
 182 section, except contracts for the leasing or servicing of equipment
 183 supplied by a telephone company which is subject to the jurisdic-
 184 tion of the Board of Public Utilities, contracts involving the sup-
 185 plying of electricity for the purpose of lighting public streets and

186 contracts for thermal energy authorized pursuant to subsection
 187 (1) above, construction contracts authorized pursuant to subsec-
 188 tion (9) above, contracts and agreements for the provision of work
 189 or the supplying of equipment to promote energy conservation
 190 authorized pursuant to subsection (12) above, contracts for water
 191 supply services or for a water supply facility, or any component
 192 part or parts thereof authorized pursuant to subsection (16) above,
 193 contracts for resource recovery services or a resource recovery
 194 facility authorized pursuant to subsection (17) above, contracts
 195 for the sale of energy produced by a resource recovery facility
 196 authorized pursuant to subsection (18) above, contracts for waste-
 197 water treatment services or for a wastewater treatment system
 198 or any component part or parts thereof authorized pursuant to
 199 subsection (19) above, shall contain a clause making them subject
 200 to the availability and appropriation annually of sufficient funds
 201 as may be required to meet the extended obligation, or contain
 202 an annual cancellation clause.

203 The Division of Local Government Services shall adopt and pro-
 204 mulgate rules and regulations concerning the methods of account-
 205 ing for all contracts that do not coincide with the fiscal year."

1 32. "[Section 36 of P. L. 1971, c. 198 (C. 40A:11-36) is amended
 2 to read as follows:

3 36. Sale or other disposition of personal property. [Any] a.
 4 *Except as otherwise provided in subsection b. of this section, any*
 5 contracting unit by resolution of its governing body may authorize
 6 the sale of its personal property not needed for public use.

7 (1) If the estimated fair value of the property to be sold exceeds
 8 \$2,500.00 in any one sale and it is neither livestock nor perishable
 9 goods, it shall be sold at public sale to the highest bidder.

10 (2) The contracting unit need not advertise for bids when it
 11 makes any such sale to the United States, the State of New Jersey,
 12 another contracting unit or to any body politic to which it con-
 13 tributes tax raised funds.

14 (3) Notice of the date, time and place of the public sale together
 15 with a description of the items to be sold and the conditions of
 16 sale shall be published in a newspaper circulating in the con-
 17 tracting unit. Such sale shall be held not less than seven nor more
 18 than 14 days after the latest publication of the notice thereof.

19 (4) If no bids are received the property may then be sold at
 20 private sale without further publication or notice thereof, but in
 21 no event at less than the estimated fair value; or the contracting
 22 unit may if it so elect reoffer the property at public sale. As
 23 used herein, "estimated fair value" means the market value of the

24 property between a willing seller and a willing buyer less the cost
25 to the municipality to continue storage or maintenance of any
26 personal property not needed for public use to be sold pursuant
27 to this section.

28 (3) A contracting unit may reject all bids if it determines such
29 rejection to be in the public interest. In any case in which the con-
30 tracting unit has rejected all bids, it may readvertise such personal
31 property for a subsequent public sale. If it elects to reject all bids
32 at a second public sale, pursuant to this section, it may then sell
33 such personal property without further publication or notice
34 thereof at private sale, provided that in no event shall the nego-
35 tiated price at private sale be less than the highest price of any
36 bid rejected at the preceding two public sales and provided further
37 that in no event shall the terms or conditions of sale be changed or
38 amended.

39 *b. Any contracting unit may, by resolution of its governing body,*
40 *authorize the sale or disposition of recyclable materials recovered*
41 *through a recycling program undertaken by the contracting unit.*
42 *The sale of these recyclable materials, by contract or agreement,*
43 *may be entered into or negotiated without public bidding by that*
44 *contracting unit.]**

1 *Section 3 of P. L. 1971, c. 19S (C. 40A:11-5) is amended to read
2 as follows:

3 3. Exceptions. Any purchase, contract or agreement of the
4 character described in section 4 of this act may be made, negotiated
5 or awarded by the governing body without public advertising for
6 bids and bidding therefor if

7 (1) The subject matter thereof consists of

8 (a) (i) Professional services. The governing body shall in each
9 instance state supporting reasons for its action in the resolution
10 awarding each contract and shall forthwith cause to be printed
11 once, in a newspaper authorized by law to publish its legal adver-
12 tisements, a brief notice stating the nature, duration, service and
13 amount of the contract, and that the resolution and contract are
14 on file and available for public inspection in the office of the clerk
15 of the county or municipality, or, in the case of a contracting unit
16 created by more than one county or municipality, of the counties
17 or municipalities creating such contracting unit; or (ii) Extra-
18 ordinary unspecifiable services. The application of this exception
19 shall be construed narrowly in favor of open competitive bidding,
20 where possible, and the Division of Local Government Services is
21 authorized to adopt and promulgate rules and regulations limiting
22 the use of this exception in accordance with the intention herein

23 expressed. The governing body shall in each instance state [sub-
 24 porting] *supporting* reasons for its action in the resolution award-
 25 ing each contract and shall forthwith cause to be printed, in the
 26 manner set forth in subsection (1) (a) (i) of this section, a brief
 27 notice of the award of such contract;

28 (b) The doing of any work by employees of the contracting unit;

29 (c) The printing of legal briefs, records and appendices to be
 30 used in any legal proceeding in which the contracting party may be
 31 a party[:];

32 (d) The furnishing of a tax map or maps for the contracting
 33 party;

34 (e) The purchase of perishable foods as a subsistence supply;

35 (f) The supplying of any product or the rendering of any service
 36 by a public utility, which is subject to the jurisdiction of the Board
 37 of Public Utilities, in accordance with tariffs and schedules of
 38 charges made, charged or exacted, filed with said board;

39 (g) The acquisition, subject to prior approval of the Attorney
 40 General, of special equipment for confidential investigation;

41 (h) The printing of bonds and documents necessary to the issu-
 42 ance and sale thereof by a contracting unit;

43 (i) Equipment repair service if in the nature of an extra-
 44 ordinary unspecifiable service and necessary parts furnished in
 45 connection with such service, which exception shall be in accor-
 46 dance with the requirements for extraordinary unspecifiable
 47 services;

48 (j) The publishing of legal notices in newspapers as required
 49 by law;

50 (k) The acquisition of artifacts or other items of unique intrin-
 51 sic, artistic or historical character;

52 (l) Election expenses;

53 (m) Insurance, including the purchase of insurance coverage and
 54 consultant services, which exception shall be in accordance with the
 55 requirements for extraordinary unspecifiable services;

56 (n) The doing of any work by handicapped persons employed
 57 by a sheltered workshop;

58 (o) The [provisions] *provision* of any service or the furnishing
 59 of materials including those of a commercial nature, attendant
 60 upon the operation of a restaurant by any nonprofit, duly incor-
 61 porated; historical society at or on any historical preservation
 62 site;

63 (p) Homemaker—home health services performed by voluntary,
 64 nonprofit agencies;

65 (q) The purchase of materials and services for a law library
 66 established pursuant to R. S. 40:33-14, including books, periodicals,
 67 newspapers, documents, pamphlets, photographs, reproductions,
 68 microforms, pictorial or graphic works, copyright and patent
 69 materials, maps, charts, globes, sound recordings, slides, films,
 70 filmscripts, video and magnetic tapes, and other audiovisual,
 71 printed, or published material of a similar nature; necessary
 72 binding or rebinding of law library materials; and specialized
 73 library services; [or]

74 (r) On-site inspections undertaken by private agencies pursuant
 75 to the "State Uniform Construction Code Act" (P. L. 1973, c. 217;
 76 C. 52:27D-119 et seq.) and the regulations adopted pursuant
 77 thereto; or

78 (s) *The marketing of recyclable materials recovered through a*
 79 *recycling program.*

80 (2) It is to be made or entered into with the United States of
 81 America, the State of New Jersey, county or municipality or any
 82 board, body, officer, agency or authority thereof and any other
 83 state or subdivision thereof.

84 (3) The contracting agent has advertised for bids pursuant to
 85 section 4 on two occasions and (a) has received no bids on both
 86 occasions in response to its advertisement, or (b) the governing
 87 body has rejected such bids on two occasions because the contract-
 88 ing agent has determined that they are not reasonable as to price,
 89 on the basis of cost estimates prepared for or by the contracting
 90 agent prior to the advertising therefor, or have not been inde-
 91 pendently arrived at in open competition, or (c) on one occasion
 92 no bids were received pursuant to (a) and on one occasion all
 93 bids were rejected pursuant to (b), in whatever sequence; any such
 94 contract or agreement may then be negotiated and may be awarded
 95 upon adoption of a resolution by a two-thirds affirmative vote of
 96 the authorized membership of the governing body authorizing such
 97 contract or agreement; provided, however, that:

98 (i) A reasonable effort is first made by the contracting agent
 99 to determine that the same or equivalent materials or supplies,
 100 at a cost which is lower than the negotiated price, are not
 101 available from an agency or authority of the United States,
 102 the State of New Jersey or of the county in which the contract-
 103 ing unit is located, or any municipality in close proximity to
 104 the contracting unit;

105 (ii) The terms, conditions, restrictions and specifications
 106 set forth in the negotiated contract or agreement are not

107 substantially different from those which were the subject of
108 competitive bidding pursuant to section 4 of this act; and

109 (iii) Any minor amendment or modification of any of the
110 terms, conditions, restrictions and specifications, which were
111 the subject of competitive bidding pursuant to section 4 of this
112 act, shall be stated in the resolution awarding such contract
113 or agreement;

114 provided [] further, however, that if on the second occasion the bids
115 received are rejected as unreasonable as to price, the contracting
116 agent shall notify each responsible bidder [] submitting bids on
117 the second occasion of its intention to negotiate, and afford each
118 such bidder a reasonable opportunity to negotiate, but the govern-
119 ing body shall not award such contract or agreement unless the
120 negotiated price is lower than the lowest rejected bid price sub-
121 mitted on the second occasion by a responsible bidder, is the lowest
122 negotiated price offered by any responsible supplier, and is a
123 reasonable price for such work, materials, supplies or services.

124 Whenever a contracting unit shall determine that a bid was not
125 arrived at independently in open competition pursuant to sub-
126 section (3) of this section it shall thereupon notify the county
127 prosecutor of the county in which the contracting unit is located
128 and the Attorney General of the facts upon which its determination
129 is based, and when appropriate, it may institute appropriate pro-
130 ceedings in any State or federal court of competent jurisdiction for
131 a violation of any State or federal antitrust law or laws relating to
132 the unlawful restraint of trade."

1 33. Section 2 of P. L. 1981, c. 273 (C. 13:1E-93) is amended to
2 read as follows:

3 2. The Legislature finds that New Jersey must continue to seek
4 solutions to its energy, environmental and economic problems;
5 that solutions to these problems require proper solid waste and
6 resource recovery management; that the generation of municipal
7 solid waste is increasing while landfill capacity is decreasing; that
8 the siting of environmentally secure landfills is an area of serious
9 concern and limited choice; *that the planning and construction of*
10 *waste-to-energy resource recovery facilities requires substantial*
11 *capital expenditures and a guaranteed flow of processible and*
12 *combustible waste; and that the disposal of [solid] reusable waste*
13 *materials is wasteful of valuable resources.*

14 The Legislature further finds that the recycling of waste mate-
15 rials decreases waste flow to landfill sites, *substantially reduces the*
16 *required capacity and cost of proposed waste-to-energy resource*

17 *recovery facilities while contributing to their overall combustion*
 18 *efficiency through the removal of noncombustible and nonproces-*
 19 *sible materials at the source. recovers valuable resources, con-*
 20 *serves energy in the manufacturing process, and offers a supply*
 21 *of domestic raw materials for the State's industries; that a com-*
 22 *prehensive recycling plan and program is necessary to achieve the*
 23 *maximum practicable recovery of reusable materials from solid*
 24 *waste in this State; and that such a plan will reduce the amount*
 25 *of waste to landfills, result in significant cost savings in the plan-*
 26 *ning and construction of waste-to-energy resource recovery facili-*
 27 *ties, conserve energy and resources, and recover materials for*
 28 *industrial uses.*

29 The Legislature finds that an uncluttered landscape is among the
 30 most priceless heritages which New Jersey can bequeath to poster-
 31 ity; that it is the duty of government to promote and encourage
 32 a clean and safe environment; that the proliferation and accumula-
 33 tion of carelessly discarded litter may pose a threat to the public
 34 health and safety; that the litter problem is especially serious in a
 35 State as densely populated and heavily traveled as New Jersey;
 36 and that unseemly litter has an adverse economic effect on New
 37 Jersey by making the State less attractive to tourists and new in-
 38 dustry and residents.

39 The Legislature, therefore, declares it to be in the energy,
 40 environmental and economic interests of the State of New Jersey
 41 to implement a comprehensive Statewide recycling plan and to
 42 establish a clean communities account to develop resources to be
 43 used in a litter abatement and removal pickup plan as provided for
 44 by law.

1 34. Section 3 of P. L. 1981, c. 278 (C. 13:1E-94) is amended to
 2 read as follows:

3 3. As used in this act:

4 a. "Department" means the State Department of Environmental
 5 Protection;

6 b. "Division" means the Division of Taxation in the Department
 7 of the Treasury;

8 c. "Director" means the Director of the Division of Taxation in
 9 the Department of the Treasury;

10 d. "Litter" means any used or unconsumed substance or waste
 11 material which has been discarded*, whether made of aluminum,
 12 glass, plastic, rubber, paper, or other natural or synthetic material,
 13 or any combination thereof*, including, but not limited to, any
 14 bottle, jar or can, or any top, cap or detachable tab of any bottle,
 15 jar or can, any unlighted cigarette, cigar, match or any flaming or
 16 glowing material or any garbage, trash, refuse, debris, rubbish.

17 grass clippings or other lawn or garden waste, "[newspaper]"
 18 "newspapers", magazines, glass, metal, plastic or paper containers
 19 or other packaging or construction material", but does not include
 20 the waste of the primary processes of mining or other extraction
 21 processes, logging, sawmilling, farming or manufacturing;

22 a. "Litter-generating products" means the following specific
 23 goods which are produced, distributed, or purchased in disposable
 24 containers, packages or wrappings; or which are not usually sold
 25 in packages, containers, or wrappings but which are commonly dis-
 26 carded in public places"; or which are of an unsightly or unsani-
 27 tary nature", commonly thrown, dropped, discarded, placed, or
 28 deposited by a person on public property, or on private property
 29 not owned by him:

- 30 (1) Beer and other malt beverages;
- 31 (2) Cigarettes and tobacco products;
- 32 (3) Cleaning agents and toiletries;
- 33 (4) Distilled spirits;
- 34 (5) Food for human or pet consumption;
- 35 (6) Glass containers sold as such;
- 36 (7) Groceries;
- 37 (8) Metal containers sold as such;
- 38 (9) Motor vehicle tires;
- 39 (10) Newsprint and magazine paper stock;
- 40 (11) Drugstore sundry products, but not including prescription
- 41 drugs or nonprescription drugs;
- 42 (12) Paper products and household paper;
- 43 (13) Plastic or fiber containers made of synthetic material and
- 44 sold as such, but not including any container which is routinely
- 45 reused, has a useful life of more than one year and is ordinarily
- 46 sold empty at retail;
- 47 (14) Soft drinks and carbonated waters: and
- 48 (15) Wine;

49 f. "Litter receptacle" means a container suitable for the deposit-
 50 ing of litter:

51 g. "Municipality" means any city, borough, town, township or
 52 village situated within the boundaries of this State;

53 h. "Public place" means any area that is used or held out for
 54 use by the public", whether owned or operated by public or private
 55 interests:

56 i. "Recycling" means any process by which materials which
 57 would otherwise become solid waste are collected, separated or
 58 processed and returned to the economic mainstream in the form
 59 of raw materials or products:

j. "Sold within the State" or "sales within the State" means all sales of retailers engaged in business within the State and, in the case of manufacturers, wholesalers and distributors, all sales of products for use and consumption within the State. It shall be presumed that all sales of manufacturers, wholesalers and distributors sold within the State are for use and consumption within the State unless the taxpayer shows that the products are shipped out of State for out-of-State use;

k. "Tax period" means every calendar month or any other period as may be prescribed by rule and regulation adopted by the director, on the basis of which the owner or operator of a [sanitary landfill] solid waste facility is required to report to the director pursuant to [this act] section 4 of P. L. 1981, c. 278 (C. 13:1E-95);

l. "Taxpayer" means the owner or operator of a [sanitary landfill] solid waste facility or the manufacturer, wholesaler, distributor, or retailer of litter-generating products subject to the tax provisions of section 4 of P. L. 1981, c. 278 (C. 13:1E-95) or section 6 of P. L. 1985, c. 533 (C. 13:1E-99.1), as the case may be.

35. Section 4 of P. L. 1981, c. 278 (C. 13:1E-95) is amended to read as follows:

4. a. There is levied upon the owner or operator of every [sanitary landfill] solid waste facility a recycling tax of [~~\$0.12~~] \$1.50 per [cubic yard] ton of all solid waste accepted for disposal "or transfer" at the facility [on or after January 1, 1982]. In the event that any solid waste is measured upon acceptance for disposal "or transfer" by other than [cubic yards] tons, the tax shall be levied on the equivalents thereof as shall be determined by the director. ~~"[Any]" "The tax shall not be imposed on the" owner or operator of a resource recovery facility, "upon the acceptance of solid waste for disposal at that facility," or "on the owner or operator of" a solid waste transfer station facility which is designed and operated solely for receiving and transferring solid waste from collection vehicles to haulage vehicles for the purposes of facilitating the transportation of solid waste", upon the acceptance of solid waste for transfer" to an instate solid waste facility for permanent disposal"~~ [is not subject to the tax under this subsection]".

b. (1) Every owner or operator of a [sanitary landfill] solid waste facility shall, on or before the twentieth day of the month following the close of each tax period, render a return under oath to the director on such form as may be prescribed by the director indicating the number of [cubic yards] tons of solid waste accepted for disposal "or transfer which is subject to the tax pursuant to

22 subsection a. of this section" and at said time owner or operator
22a shall pay the full amount of tax due.

23 (2) Every owner or operator of a [sanitary landfill] solid waste
24 facility which accepts solid waste for disposal "or transfer" and
25 which is subject to the tax under subsection a. of this section shall,
26 within 20 days after the first acceptance of this waste, register with
27 the director on forms prescribed by him.

28 c. If a return required by this act is not filed, or if a return
29 when filed is incorrect or insufficient in the opinion of the director,
30 the amount of tax due shall be determined by the director from
31 such information as may be available. Notice of such determina-
32 tion shall be given to the taxpayer liable for the payment of the
33 tax. Such determination shall finally and irrevocably fix the tax
34 unless the person against whom it is assessed, within 30 days after
35 receiving notice of such determination, shall apply to the director
36 for a hearing, or unless the director on his own motion shall re-
37 determine the same. After such hearing the director shall give
38 notice of his determination to the person to whom the tax is
39 assessed.

40 d. Any taxpayer who shall fail to file his return when due or to
41 pay any tax when the same becomes due, as herein provided, shall
42 be subject to such penalties and interest as provided in the "State
43 Tax Uniform Procedure Law," [Subtitle 9 of Title 34 of the Re-
44 vised Statutes] R. S. 54:43-1 et seq. If the Division of Taxation
45 determines that the failure to comply with any provision of this
46 section was excusable under the circumstances, it may remit such
47 part or all of the penalty as shall be appropriate under such
48 circumstances.

49 e. (1) Any person failing to file a return, failing to pay the
50 tax, or filing or causing to be filed, or making or causing to be
51 made, or giving or causing to be given any return, certificate,
52 affidavit, representation, information, testimony, or statement re-
53 quired or authorized by this act, or rules or regulations adopted
54 hereunder which is willfully false, or failing to keep any records
55 required by this act or rules and regulations adopted hereunder,
56 shall, in addition to any other penalties herein or elsewhere pre-
57 scribed, be guilty of a crime of the fourth degree.

58 (2) The certificate of the director to the effect that a tax has
59 not been paid, that a return has not been filed, that information
60 has not been supplied or that inaccurate information has been
61 supplied pursuant to the provisions of this act or rules or regu-
62 lations adopted hereunder shall be presumptive evidence thereof.

63 f. In addition to the other powers granted to the director in this
64 section, he is hereby authorized and empowered:

65 (1) To delegate to any officer or employee of his division such
66 of his powers and duties as he may deem necessary to carry out
67 efficiently the provisions of this section, and the person or persons
68 to whom such power has been delegated shall possess and may
69 exercise all of said powers and perform all of the duties delegated
70 by the director:

71 (2) To prescribe and distribute all necessary forms for the
72 implementation of this section.

73 g. The tax imposed by this section shall be governed in all
74 respects by the provisions of the "State Tax Uniform Procedure
75 Law," [Subtitle 9 of Title 54 of the Revised Statutes] R. S.
76 54:48-1 et seq., except only to the extent that a specific provision
77 of this section may be in conflict therewith.

1 36. Section 5 of P. L. 1981, c. 278 (C. 13:1E-96) is amended
2 to read as follows:

3 5. a. The State Recycling Fund (hereinafter referred to as the
4 "fund") is established as a nonlapsing, revolving fund. The fund
5 shall be administered [jointly] by the [Department of Energy
6 and the] Department of Environmental Protection, and shall be
7 credited with all tax revenue collected by the division pursuant
8 to section 4 of P. L. 1981, c. 278 (C. 13:1E-95). Interest received
9 on moneys in the fund and sums received as repayment of prin-
10 cipal and interest on outstanding loans made from the fund shall
11 be credited to the fund. The [Department of Energy and the]
12 Department of Environmental Protection, in [their] the admin-
13 istration of the fund, [are] is authorized to assign to the New
14 Jersey Economic Development Authority the responsibility for
15 making credit evaluations of applicants for loans, for servicing
16 loans on behalf of the [two departments] department, and, the
17 provisions of any other law to the contrary notwithstanding, for
18 making recommendations as to the approval or denial of loans
19 pursuant to this section. The [departments are] department is
20 further authorized to pay or reimburse the authority in the
21 amounts as the [departments jointly agree are] department agrees
22 is appropriate for all services rendered by the authority in con-
23 nection with any assignment of responsibility under the terms of
24 this section out of moneys held in the fund for loans and the loan
25 guarantee program.

26 b. Moneys in the fund shall be allocated and used for the follow-
27 ing purposes and no others:

28 (1) Not less than [45%] 40% of the estimated annual balance
29 of the fund shall be used for the annual expenses of a [five-year]
30 program for recycling grants to municipalities or counties in those

31 instances where a county; at its own expense, provides for the
 32 collection, processing and marketing of recyclable materials on a
 33 regional basis. The amount of these grants shall be calculated on
 34 the basis of the total number of tons of recyclable materials annually
 35 recycled from residential [and], commercial and institutional
 36 sources within that municipality, or group of municipalities in the
 37 case of a "[regional]" county recycling program, except that no
 38 such grant shall exceed [25.00] \$10.00 per ton of materials re-
 39 cycled. The [departments] department may allocate a portion of
 40 these grant moneys as bonus grants to municipalities and counties
 41 [that demonstrate high recovery rates in their] in those instances
 42 where a municipality or county, at its own expense, provides for the
 43 collection of recyclable materials in its recycling [programs] pro-
 44 gram. The [departments] department [shall issue guidelines
 45 establishing a formula defining a high recovery rate and] shall
 46 announce each year the total amount of moneys available in the
 46a bonus grant fund.

47 A municipality may distribute a portion of its grant moneys to
 48 nonprofit groups that are located within that municipality and
 49 which have contributed to the receipt of the recycling grant, except
 50 that this distribution shall not exceed the value of approved docu-
 51 mented tonnage contributed by a nonprofit group.

52 To be eligible for a grant pursuant to this subsection, a munici-
 53 pality or county in the case of a "[regional]" county recycling
 54 program shall demonstrate that the materials recycled by the
 55 municipal or "[regional]" county recycling program were not
 56 diverted from a commercial recycling program already in existence
 57 on the [effective] effective date of the ordinance or resolution
 58 establishing the municipal or "[regional]" county recycling pro-
 58a gram.

59 [To be eligible for a subsequent annual grant pursuant to this
 60 subsection, a municipality shall demonstrate that at least two
 61 types of materials are currently recycled, or will be recycled in
 62 the succeeding grant year by the municipal recycling program.]
 63 No recycling grant to any municipality shall be used for construct-
 64 ing or operating any facility for the baling of wastepaper or for
 65 the shearing, baling or shredding of ferrous or nonferrous ma-
 66 terials;

67 (2) Not less than [20%] 35% of the estimated annual balance
 68 of the fund shall be used to provide low interest loans or loan
 69 guarantees to recycling businesses and industries, and to provide
 70 moneys for research into collection, market stimulation and reuse
 71 techniques applicable to recycling or the disposition of recyclable

72 materials, or to contract for market studies, and to establish a
 73 sufficient reserve for a loan guarantee program for recycling busi-
 74 nesses and industries:

75 (3) Not more than [10%] 7% of the estimated annual balance
 76 of the fund shall be used for State recycling program planning
 77 and program funding, including the administrative expenses
 78 thereof;

79 (4) Not more than [10%] 8% of the estimated annual balance
 80 of the fund shall be used for county [and municipal] recycling
 81 program planning and program funding, including the adminis-
 82 trative expenses thereof; and

83 (5) Not less than [15%] 10% of the estimated annual balance
 84 of the fund shall be used for a public information and education
 85 program concerning recycling activities.

1 37. Section 6 of P. L. 1981, c. 278 (C. 13:1E-97) is amended to
 2 read as follows:

3 6. a. The [Commissioners] Commissioner of the [Departments]
 4 Department of [Energy and] Environmental Protection shall
 5 adopt, pursuant to the "Administrative Procedure Act," P. L.
 6 1968, c. 410 (C. 52:14B-1 et seq.), such rules and regulations as
 7 are necessary to effectuate this [supplementary] act. These rules
 8 and regulations shall be proposed within 90 days of the effective
 9 date of this section, and thereafter adopted as provided in the
 10 "Administrative Procedure Act."

11 b. The director shall adopt, pursuant to the "Administrative
 12 Procedure Act," such rules and regulations as are necessary to
 13 effectuate this [supplementary] act.

1 38. Section 7 of P. L. 1981, c. 278 (C. 13:1E-98) is amended to
 2 read as follows:

3 7. a. The provisions of any law to the contrary notwithstanding,
 4 the owner or operator of any [sanitary landfill] solid waste facility
 5 may collect the tax imposed pursuant to [this supplementary act]
 6 section 4 of P. L. 1981, c. 278 (C. 13:1E-98) as a surcharge on any
 7 tariff established pursuant to law for the solid waste disposal opera-
 8 tions of the facility.

9 b. The Board of Public Utilities shall, [within 60 days of the
 10 effective date of this supplementary act] "[on or after January 1,
 11 1987]" *within 90 days of the effective date of P. L. ..., c.
 12 (C.) (now pending before the Legislature as this
 12a bill)* issue an appropriate order increasing current tariffs estab-
 12b lished pursuant to law for solid waste collection operations by an
 13 amount equal to the total increase in the relevant solid waste
 14 disposal tariff pursuant to subsection a. of this section. In issuing

15 this order, the board shall be exempt from the provisions of
16 [section 31 of P. L. 1962, c. 198 (C. 48:2-21.2)] R. S. 49:2-21.

1 *39. Section 3 of P. L. 1981, c. 278 (C. 13:1E-29) is amended to
2 read as follows:

3 3. Any additional expenditures for the collection, processing,
4 disposition or disposal of solid waste or recyclable materials
5 made by any county or municipality as a result of the tax or
6 other mandatory provision imposed pursuant to [this supple-
7 mentary act] P. L. 1981, c. 278 (C. 13:1E-92 et al.) or P. L. ,
8 c. (C.) (now pending before the Legislature as this
9 bill) and any expenditure of revenues received by a county or
10 municipality pursuant to section 5 [hereof] of P. L. 1981, c. 278
11 (C. 13:1E-96) shall, for the purposes of P. L. 1976, c. 63 (C.
12 40A:4-45.1 et seq.), be considered an expenditure mandated by
13 State law.]*

1 *40.* 39. Section 10 of P. L. 1981, c. 278 is amended to read
1a as follows:

2 10. This act shall take effect on January 1, 1982, except that
3 section 6 [hereof] of P. L. 1981, c. 278 (C. 13:1E-97) shall take
4 effect immediately. Section 4 of [this act] P. L. 1981, c. 278 (C.
5 13:1E-95) shall expire on December 31, [1986] 1986.

1 *41.* 40. (New section) a. Any person engaged in the busi-
2 ness of solid waste collection or solid waste disposal in accordance
3 with the provisions of P. L. 1970, c. 40 (C. 48:13A-1 et seq.) may
4 engage in recycling or otherwise provide recycling services.

5 b. Notwithstanding the provisions of P. L. 1970, c. 40 (C.
6 48:13A-1 et seq.) or any other law, the Board of Public Utilities
7 shall not have jurisdiction over charges or rates for recycling or
8 services provided by persons engaging in the business of re-
9 cycling or otherwise providing recycling services in this State.
10 The revenues generated by persons engaging in the business of
11 recycling or otherwise providing recycling services shall not be
12 included within the computation of current or adjusted tariffs
13 established pursuant to law for solid waste collection.

1 *42.* 41. (New section) a. Notwithstanding the provisions of
2 P. L. 1970, c. 39 (C. 13:1E-1 et seq.) or any other law, rule or regu-
3 lation to the contrary, no recycling center as defined in section 2
4 of P. L. , c. (C.) (now pending before the
5 Legislature as this bill) shall be required by the department to
6 obtain a registration statement, engineering design approval, or
7 approval of an environmental and health impact statement prior
8 to the commencement of operations.

9 b. No recycling center shall receive, store, process or transfer
10 any waste material other than source separated nonputrescible or
11 source separated commingled nonputrescible metal, glass, paper,
12 or plastic containers, and corrugated and other cardboard without
13 the prior approval of the department.

1 **[43.] *42.* (New section) "a." A taxpayer who purchases*
2 *recycling equipment "certified by the Commissioner of the Depart-*
3 *ment of Environmental Protection pursuant to subsection b. of*
4 *this section," to be used "exclusively within this State, except for*
5 *vehicles which are to be used" primarily within this State," shall*
6 *be entitled to a credit "as provided herein" against the tax imposed*
7 *pursuant to section 5 of P. L. 1945, c. 162 (C. 54:10A-5) in an*
8 *amount equal to 50% of the cost of the recycling equipment "less*
9 *the amount of any loan received pursuant to section 36 of P. L.*
10 *...., c. (C.) (now pending before the Legisla-*
11 *ture as this bill). The tax imposed pursuant to section 5 of P. L.*
12 *1945, c. 162, shall first be reduced by the amount of any credit*
13 *allowable pursuant to section 19 of P. L. 1983, c. 303 (C. 53:27H-73)*
14 *prior to applying the credit allowed pursuant to this section. The*
15 *amount of the credit claimed in the tax year for which certification*
16 *of equipment is received, and the amount of credit claimed therefor*
17 *in each tax year thereafter, shall not exceed 20% of the amount of*
18 *the total credit allowable, shall not exceed 50% of the tax liability*
19 *which would be otherwise due, and shall not reduce the amount of*
20 *tax liability to less than the statutory minimum provided in sub-*
21 *section (e) of section 5 of P. L. 1945, c. 162". For the purposes of*
22 *this section, "recycling equipment" means "new" vehicles used*
23 *exclusively for the transportation of post-consumer waste material,*
24 *or "new" machinery or "new" apparatus used exclusively to*
25 *process post-consumer waste material and manufacturing ma-*
26 *chinery used exclusively to produce finished products, the composi-*
27 *tion of which is at least 50% post-consumer waste materials.*

28 *"Post-consumer waste material" means any product generated*
29 *by a business or consumer which has served its intended end use,*
30 *and which has been separated from solid waste for the purposes*
31 *of collection, marketing and disposition and which does not include*
32 *secondary waste material or demolition waste; and "secondary*
33 *waste material" means waste material generated after the com-*
34 *pletion of a manufacturing process. "[The Commissioner of the*
35 *Department of Environmental Protection, in consultation with*
36 *the Director of the Division of Taxation, shall adopt rules and*
37 *regulations establishing technical specifications and certification*
38 *requirements for eligibility for the credit established pursuant*

39 to this section. Any unused portion of the credit established pur-
 40 suant to this section for the purchase of recycling equipment may
 41 be carried forward by the taxpayer for four subsequent tax
 42 periods.]*

43 *b. In order to qualify for the tax credit pursuant to subsection
 44 a. of this section, the taxpayer shall apply for a certification from
 45 the Commissioner of the Department of Environmental Protection
 46 that certifies that the equipment purchased qualifies as recycling
 47 equipment as defined in subsection a. of this section. The certifica-
 48 tion shall specifically indicate the date of purchase, a description
 49 of the equipment, and the cost, and state that the equipment has
 50 not previously qualified for a credit pursuant to this section either
 51 for the owner or for a previous owner.

52 Upon certification, the Commissioner of the Department of
 53 Environmental Protection shall submit a copy thereof to the tax-
 54 payer and the Director of the Division of Taxation. When filing a
 55 tax return that includes a claim for a credit pursuant to this sec-
 56 tion, the taxpayer shall include a copy of the certification and a
 57 statement that the recycling equipment is in use in the applicable
 58 tax year and is used exclusively in New Jersey, except for vehicles
 59 which shall be used primarily in New Jersey. Any credit shall be
 60 valid in the tax year in which the certification is approved and any
 61 unused portion thereof may be carried forward into subsequent
 62 years as provided in subsection a. of this section.

63 The Commissioner of the Department of Environmental Protec-
 64 tion, in consultation with the Director of the Division of Taxation,
 65 shall adopt rules and regulations establishing technical specifica-
 66 tions and certification requirements for the qualification of re-
 67 cycling equipment for the credit established pursuant to this
 68 section.

69 a. On or before January 31 of each year, the Commissioner of
 70 the Department of Environmental Protection shall submit a report
 71 to the Governor, the State Treasurer, and the Legislature setting
 72 forth the number of certifications that were approved during the
 73 preceding calendar year and the cost of each type of recycling
 74 equipment which has been certified as qualifying for the credit.*

1 *~~41.~~* 43.* (New section) a. On or after July 1, 1987, no person
 2 shall sell, or offer for sale, at retail or at wholesale for direct retail
 3 sale in this State any motor oil in containers for use off the
 4 premises unless:

5 (1) Every container of lubricating or other oil is clearly marked
 6 or labeled as containing a recyclable material which shall be dis-
 7 posed of after use only at a used oil collection center; and

(2) The motor oil retailer shall conspicuously post and maintain, at or near the point of sale, a durable and legible metal sign, not less than 11 inches by 15 inches in size, informing the public of the importance of the proper collection and disposal of used oil, and how and where used oil may be properly disposed. For the purposes of this section, "motor oil retailer" means any person who sells to consumers more than 500 gallons of lubricating or other oil annually in containers for use off the premises where sold.

b. The "Commissioner of the" Department of Environmental Protection shall adopt, pursuant to the provisions of the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) any rules and regulations necessary to implement the provisions of this section.

[45.] *44.* (New section) a. On or after July 1, 1987, every owner or operator of a used oil collection center shall post and maintain a durable and legible metal sign, not less than 11 inches by 15 inches in size, in a prominent location, informing the public that it is a collection site for the disposal of used oil. For the purposes of this section, "used oil collection center" means any reinspection station permitted by the Division of Motor Vehicles in the Department of Law and Public Safety, or retail service station which has a used oil collection tank on the premises, or any site which accepts used oil for recycling.

b. The "Commissioner of the" Department of Environmental Protection shall adopt, pursuant to the provisions of the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) any rules and regulations necessary to implement the provisions of this section.

[46.] *45.* (New section) a. The "Statewide Mandatory Source Separation and Recycling Program Fund" is established as a special account in the Department of Treasury. The fund shall be administered by the State Treasurer and shall be the depository of all moneys appropriated by the Legislature pursuant to this "1987 amendatory and supplementary" or any subsequent act for the purposes of assisting counties and municipalities in the implementation of the county and municipal recycling program requirements of sections 3, 4 and 6 of this amendatory and supplementary act, and for studies of markets for recyclable materials as provided in section *[49]* *48* of this amendatory and supplementary act.

b. The moneys in the fund shall be allocated and used to provide State aid to counties and municipalities for implementing

14 the recycling program requirements of sections 3, 4 and 6 of this
 15 amendatory and supplementary act. The amount of this State
 16 aid shall be calculated based on the proportion which the housing
 17 units of a county or municipality bears to the total housing units
 18 in the State, except that no municipality shall receive less than
 19 .001% of the amount apportioned to aid all municipalities. Total
 20 housing units shall be determined using the most recent federal
 21 decennial population estimates for New Jersey and its municipali-
 22 ties filed in the office of the Secretary of State.

23 c. Within 30 days of the effective date of this amendatory and
 24 supplementary act, the State Treasurer shall pay and distribute
 25 to the chief fiscal officer of every county and municipality in this
 26 State, from moneys in the "Statewide Mandatory Source Separation
 27 and Recycling Program Fund," an amount equal to the local
 28 government unit's proportionate share of the State aid as calculated
 29 pursuant to subsection b. of this section.

1 "[47]" "46." (New section) Any moneys due a county pursuant
 2 to the provisions of section "[46]" "45" of P. L., c. (C.
 3) (now pending before the Legislature as this bill)
 4 shall be State aid and exempt from the limitations put on county
 5 tax levies pursuant to P. L. 1976, c. 68 (C. 41:45.1 et seq.).

1 "[48]" "47." (New section) The receipt and expenditure by a
 2 municipality of the moneys which a municipality receives under
 3 section "[46]" "45" of P. L., c. (C.) (now
 4 pending before the Legislature as this bill) shall be exempt from
 5 the limitations on municipal expenditures imposed pursuant to
 6 section 3 of P. L. 1976, c. 68 (C. 40A:4-45.3).

1 "[49]" "48." (New section) a. Of the moneys appropriated from
 2 the General Fund to the "Statewide Mandatory Source Separation
 3 and Recycling Program Fund" pursuant to section "[53]" "52" of
 4 this amendatory and supplementary act, there is allocated the sum
 5 of \$200,000.00 which shall be dedicated to studies of markets for
 6 recyclable materials, and of local, national and international distribution
 7 networks for recyclable materials. These funds shall be
 8 distributed by the Commissioner of Environmental Protection
 9 through the New Jersey Office of Recycling as grants to qualified
 10 colleges and universities in this State or contracts to private
 11 firms which can demonstrate the administrative and technical
 12 capability to undertake studies of this nature. Each study shall
 13 focus on a particular recyclable material, including, but not limited
 14 to, automobile tires, paper, and plastic beverage containers.
 15 In contracting for these studies, the New Jersey Office of Re-

16 cling shall specify that consideration shall be accorded to alterna-
 17 tive pricing structures and marketing strategies, including so-
 18 called "negative pricing," in order to determine whether the com-
 19 petitive disposition and marketing of recyclable materials may be
 20 achieved through means other than traditional price structures
 21 and commodity sales and transactions.

22 b. The New Jersey Office of Recycling in the Department of
 23 Environmental Protection shall, within nine months of the effec-
 24 tive date of this amendatory and supplementary act, transmit
 25 copies of the studies prepared pursuant to subsection a. of this
 26 section to the governing bodies of each county and municipality
 27 in the State. These studies shall be made available to the general
 28 public at a cost not to exceed the cost of reproduction and dis-
 29 tribution.

1 "[30.]" "49." (New section) a. There is established in the Depart-
 2 ment of Environmental Protection a New Jersey Office of Re-
 3 cycling. All of the functions, powers and duties heretofore exer-
 4 cised by the Department of Energy and the commissioner thereof
 5 pursuant to P. L. 1981, c. 278 (C. 13:1E-92 et seq.) are transferred
 6 to and vested in the New Jersey Office of Recycling in the Depart-
 7 ment of Environmental Protection and the commissioner thereof.
 8 The New Jersey Office of Recycling shall be under the immediate
 9 supervision of an administrator who shall be appointed by the
 10 Commissioner of Environmental Protection and who shall be in
 11 the unclassified service of the State.

12 b. The administrator shall administer the work of the New
 13 Jersey Office of Recycling under the direction of the commissioner
 14 and shall perform any other functions of the department as the
 15 commissioner may prescribe.

16 c. Whenever in any law, rule, regulation, order, contract docu-
 17 ment, judicial or administrative proceeding or otherwise, ref-
 18 erence is made to the de facto Office of Recycling under the joint
 19 administration of the Departments of Energy and Environmental
 20 Protection, the same shall mean and refer to the New Jersey
 21 Office of Recycling in the Department of Environmental Pro-
 22 tection.

23 d. All transfers directed by this section shall be made in ac-
 24 cordance with the "State Agency Transfer Act," P. L. 1971,
 25 c. 375 (C. 52:14D-1 et seq.).

1 "[31]" "50." (New section) The Commissioner of Environmental
 2 Protection shall prepare a report to the Legislature concerning the
 3 implementation of this amendatory and supplementary act, in-
 4 cluding a recommendation that the continuation of the tax imposed

5 pursuant to section 4 of P. L. 1981, c. 273 (C. 13:1E-95) is neces-
 6 sary to ensure the achievement of the State Recycling Plan goals
 7 and the success of county and municipal recycling programs in
 8 meeting the designated recovery targets set forth in the district
 9 recycling plans, if warranted by the circumstances. This report
 10 shall be transmitted to the Legislature not later than April 1,
 11 1990, and shall be revised, and modified if necessary, at least
 12 once every three years thereafter.

1 "[32]" "51." There is appropriated from the General Fund to
 2 the New Jersey Office of Recycling in the Department of Environ-
 3 mental Protection the sum of \$300,000.00, to implement the provi-
 4 sions of this amendatory and supplementary act.

1 "[33]" "52." There is appropriated from the General Fund to
 2 the "Statewide Mandatory Source Separation and Recycling Pro-
 3 gram Fund" created pursuant to section "[46]" "45" of this
 4 amendatory and supplementary act the sum of \$8,000,000.00. Of
 5 this amount, not more than 83% shall be apportioned to aid muni-
 6 cipalities to implement the provisions of section 6 of this amenda-
 7 tory and supplementary act, and not more than 15% shall be
 8 apportioned to counties to implement the provisions of section 3
 9 and section 4 of this amendatory and supplementary act, all as
 10 provided in section "[46]" "45" of this amendatory and supple-
 11 mentary act. The amount appropriated pursuant to this section
 12 shall be repaid to the General Fund, from moneys deposited in the
 13 "State Recycling Fund" established pursuant to section 3 of P. L.
 14 1981, c. 273 (C. 13:1E-96), in annual installments not to exceed
 15 \$1,000,000.00 per fiscal year beginning January 1, 1988 and annually
 16 thereafter until the full amount is repaid according to a schedule
 17 of repayments determined by the State Treasurer.

1 "[34]" "53." This act shall take effect immediately except that
 2 section 35 shall take effect the first day of the third month follow-
 3 ing enactment *and except that section 42 shall be applicable on*
 4 *and after the first day of the sixth month following enactment and*
 5 *shall expire on December 31, 1996, except that any unused credits*
 6 *claimed prior to January 1, 1997 shall be allowable after December*
 7 *31, 1996 in accordance with the provisions of section 42."*