

# SENATE, No. 1351

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JANUARY 30, 2012

**Sponsored by:**

**Senator RAYMOND J. LESNIAK**

**District 20 (Union)**

**SYNOPSIS**

Concerns regulation of solid waste, hazardous waste, and recycling industries.

**CURRENT VERSION OF TEXT**

As introduced.

WITHDRAWN



S1351 LESNIAK

2

1 AN ACT concerning regulation of the solid waste, hazardous waste,  
2 and recycling industries, amending and supplementing P.L.1983,  
3 c.392, and amending P.L.1991, c.269, P.L.1970, c.40 and  
4 P.L.1971, c.461.

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

8  
9 1. (New section) a. No later than 90 days after the date of  
10 enactment of P.L. , c. (C. ) (pending before the Legislature as  
11 this bill), any business concern that engages in recycling or  
12 otherwise provides recycling services shall register with the  
13 Attorney General. The registration shall include:

14 (1) the name of the business concern; and

15 (2) the address of the business concern and the addresses of any  
16 other locations where trucks or equipment used by the business  
17 concern are kept.

18 b. No more than 90 days after submission of all information  
19 required to be submitted pursuant to subsection a. of this section,  
20 the Attorney General shall issue a recycling registration to the  
21 business concern that registers pursuant to subsection a. of this  
22 section.

23  
24 2. (New section) No business concern shall engage in recycling  
25 services unless it holds a recycling license issued pursuant to  
26 section 8 of P.L.1983, c.392 (C.13:1E-133).

27  
28 3. Section 2 of P.L.1983, c.392 (C.13:1E-127) is amended to  
29 read as follows:

30 2. As used in the provisions of P.L.1983, c.392 (C.13:1E-126 et  
31 seq.) and P.L.1991, c.269 (C.13:1E-128.1 et al.):

32 a. "Applicant" means any business concern **[which] that (1)**  
33 has filed a disclosure statement with the **[department and the]**  
34 Attorney General and is seeking **[an initial] a** license, provided that  
35 the business concern has furnished the department and the Attorney  
36 General with any information required pursuant to P.L.1991, c.269  
37 (C.13:1E-128.1 et al.), or (2) has been issued a recycling  
38 registration, has filed a disclosure statement with the department  
39 and the Attorney General, and is seeking a recycling license.

40 b. "Application" means the forms and accompanying  
41 documents filed in connection with an applicant's or permittee's  
42 request for a license or a recycling license.

43 c. "Business concern" means any corporation, association,  
44 firm, partnership, sole proprietorship, trust or other form of  
45 commercial organization.

**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 underlined thus is new matter.**

1 d. "Department" means the Department of Environmental  
2 Protection.

3 e. "Disclosure statement" means a statement submitted to the  
4 [department and the] Attorney General by an applicant or a  
5 permittee, which statement shall include:

6 (1) The full name, business address and social security number  
7 of the applicant or the permittee, as the case may be, and of any  
8 officers, directors, partners, or key employees thereof and all  
9 persons holding any equity in or debt liability of the applicant or  
10 permittee, or, if the applicant or permittee is a publicly traded  
11 corporation, all persons holding more than 5% of the equity in or  
12 the debt liability of the applicant or permittee, except that (a) where  
13 the equity in or debt liability of the applicant or permittee is held by  
14 an institutional investor, the applicant or permittee need only supply  
15 the name, business address and the basis upon which the  
16 institutional investor qualifies as an institutional investor, and (b)  
17 where the debt liability is held by a chartered lending institution,  
18 the applicant or permittee need only supply the name and business  
19 address of the lending institution;

20 (2) The full name, business address and social security number  
21 of all officers, directors, or partners of any business concern  
22 disclosed in the disclosure statement and the names and addresses  
23 of all persons holding any equity in or the debt liability of any  
24 business concern so disclosed, except that (a) where the business  
25 concern is a publicly traded corporation, the applicant or permittee  
26 need only supply the name and business address of the publicly  
27 traded corporation and copies of its annual filings with the  
28 Securities and Exchange Commission, or its foreign equivalent, (b)  
29 where the equity in or debt liability of that business concern is held  
30 by an institutional investor, the applicant or permittee need only  
31 supply the name, business address and the basis upon which the  
32 institutional investor qualifies as an institutional investor, and (c)  
33 where the debt liability is held by a chartered lending institution,  
34 the applicant or permittee need only supply the name and business  
35 address of the lending institution;

36 (3) The full name and business address of any business concern  
37 which collects, transports, treats, stores, transfers or disposes of  
38 solid waste or hazardous waste , or that engages in recycling  
39 services, in which the applicant or the permittee holds an equity  
40 interest;

41 (4) A description of the experience and credentials in, including  
42 any past or present licenses for, the collection, transportation,  
43 treatment, storage, transfer or disposal of solid waste or hazardous  
44 waste , or the provision of recycling services, possessed by the  
45 applicant or the permittee, as the case may be, and by the key  
46 employees, officers, directors, or partners thereof;

47 (5) A listing and explanation of any notices of violation or  
48 prosecution, administrative orders or license revocations issued by

1 this State or any other state or federal authority, in the 10 years  
2 immediately preceding the filing of the application or disclosure  
3 statement, whichever is later, which are pending or have resulted in  
4 a finding or a settlement of a violation of any law or rule and  
5 regulation relating to the collection, transportation, treatment,  
6 storage, transfer or disposal of solid waste or hazardous waste , or  
7 the provision of recycling services, by the applicant or the  
8 permittee, as the case may be, or by any key employee, officer,  
9 director, or partner thereof;

10 (6) A listing and explanation of any judgment of liability or  
11 conviction which was rendered, pursuant to the laws of this State,  
12 or any other state or federal statute or local ordinance, against the  
13 applicant or the permittee, as the case may be, or against any key  
14 employee, officer, director, or partner thereof, except for any  
15 violation of Title 39 of the Revised Statutes other than a violation  
16 of the provisions of P.L.1983, c.102 (C.39:5B-18 et seq.), P.L.1983,  
17 c.401 (C.39:5B-25 et seq.) or P.L.1985, c.415 (C.39:5B-30 et seq.);

18 (7) A listing of all labor unions and trade and business  
19 associations in which the applicant or the permittee was a member  
20 or with which the applicant or the permittee had a collective  
21 bargaining agreement during the 10 years preceding the date of the  
22 filing of the application or disclosure statement, whichever is later;

23 (8) A listing of any agencies outside of New Jersey which had  
24 regulatory responsibility over the applicant or the permittee, as the  
25 case may be, in connection with the collection, transportation,  
26 treatment, storage, transfer or disposal of solid waste or hazardous  
27 waste or in connection with the provision of recycling services ;

28 **[and]**

29 (9) The full name and business address of any individual or  
30 business concern that leases real property or equipment used for the  
31 collection, transportation, treatment, processing, storage, transfer,  
32 or disposal of solid waste or hazardous waste, or the provision of  
33 recycling services, to the applicant, permittee, or licensee;

34 (10) A listing and explanation of any civil litigation pending  
35 between the applicant, permittee, licensee, key employee, officer,  
36 director, or partner thereof and any other person engaged in the  
37 collection, transportation, treatment, processing, storage, transfer,  
38 or disposal of solid waste or hazardous waste or in the provision of  
39 recycling services, related to the provision of solid waste, hazardous  
40 waste or recycling services; and

41 (11) Any other information the Attorney General **[or the**  
42 **department]** may require that relates to the competency, reliability  
43 or integrity of the applicant or the permittee.

44 The provisions of paragraphs (1) through **[(9)] (11)** of this  
45 subsection to the contrary notwithstanding, if an applicant or a  
46 permittee is a secondary business activity corporation, "disclosure  
47 statement" means a statement submitted to the **[department and**

1 the] Attorney General by an applicant or a permittee, which  
2 statement shall include:

3 (a) The full name, primary business activity, office or position  
4 held, business address, home address, date of birth and federal  
5 employer identification number of the applicant or the permittee, as  
6 the case may be, and of all officers, directors, partners, or key  
7 employees of the business concern; and of all persons holding more  
8 than 5% of the equity in or debt liability of that business concern,  
9 except that where the debt liability is held by a chartered lending  
10 institution, the applicant or permittee need only supply the name  
11 and business address of the lending institution. The Attorney  
12 General or the department may request the social security number  
13 of any individual identified pursuant to this paragraph;

14 (b) The full name, business address and federal employer  
15 identification number of any business concern in any state, territory  
16 or district of the United States, which (i) engages in recycling  
17 services, or (ii) collects, transports, treats, stores, recycles, brokers,  
18 transfers or disposes of solid waste or hazardous waste on a  
19 commercial basis, in which the applicant or the permittee holds an  
20 equity interest of 25% or more, and the type, amount and dates of  
21 the equity held in such business concern;

22 (c) A listing of every license, registration, permit, certificate of  
23 public convenience and necessity, uniform tariff approval or  
24 equivalent operating authorization held by the applicant or  
25 permittee within the last five years under any name for the  
26 collection, transportation, treatment, storage, recycling, processing,  
27 transfer or disposal of solid waste or hazardous waste , or the  
28 provision of recycling services, on a commercial basis in any state,  
29 territory or district of the United States, and the name of every  
30 agency issuing such operating authorization;

31 (d) If the applicant or the permittee is a subsidiary of a parent  
32 corporation, or is the parent corporation of one or more subsidiaries,  
33 or is part of a group of companies in common ownership, as the  
34 case may be, a chart, or, if impractical or burdensome, a list  
35 showing the names, federal employer identification numbers and  
36 relationships of all parent, sister, subsidiary and affiliate  
37 corporations, or members of the group;

38 (e) A listing and explanation of any notices of violation or  
39 prosecution, administrative orders or license revocations issued by  
40 this State or any other state or federal authority to the applicant or  
41 permittee in the 10 years immediately preceding the filing of the  
42 application or disclosure statement, whichever is later, which are  
43 pending or have resulted in a finding or a settlement of a violation  
44 of any law or rule or regulation relating to the collection,  
45 transportation, treatment, storage, recycling, processing, transfer or  
46 disposal of solid waste or hazardous waste, or the provision of  
47 recycling services, by the applicant or permittee;

1 (f) A listing and explanation of any judgment, decree or order,  
2 whether by consent or not, issued against the applicant or permittee  
3 in the 10 years immediately preceding the filing of the application,  
4 and of any pending civil complaints against the applicant or  
5 permittee pertaining to a violation or alleged violation of federal or  
6 state antitrust laws, trade regulations or securities regulations;

7 (g) A listing and explanation of any conviction issued against  
8 the applicant or permittee for a felony resulting in a plea of nolo  
9 contendere, or any conviction in the 10 years immediately  
10 preceding the filing of the application, and of any pending  
11 indictment, accusation, complaint or information for any felony  
12 issued to the applicant or the permittee pursuant to any state or  
13 federal statute; and

14 (h) A completed personal history disclosure form shall be  
15 submitted to the [department and the] Attorney General by every  
16 person required to be listed in this disclosure statement, except for  
17 those individuals who are exempt from the personal history  
18 disclosure requirements pursuant to paragraph (5) of subsection a.  
19 of section 3 of P.L.1983, c.392 (C.13:1E-128).

20 f. "Key employee" means any individual employed by the  
21 applicant, the permittee or the licensee in a supervisory capacity or  
22 empowered to make discretionary decisions with respect to the solid  
23 waste [or], hazardous waste, or recycling operations of the business  
24 concern; any family member of an officer, director, partner, or key  
25 employee, employed by the applicant or permittee; or any broker,  
26 consultant or sales person employed by, or who do business with,  
27 the applicant, permittee, or licensee, with respect to the solid waste,  
28 hazardous waste, or recycling operations of the business concern;  
29 but shall not include employees, who are not family members,  
30 exclusively engaged in the physical or mechanical collection,  
31 transportation, treatment, storage, transfer or disposal of solid waste  
32 or hazardous waste, or the provision of recycling services .

33 g. "License" means the initial approval and first renewal by the  
34 department of any registration statement or engineering design  
35 pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.) or P.L.1981, c.279  
36 (C.13:1E-49 et seq.), for the collection, transportation, treatment,  
37 storage, transfer or disposal of solid waste or hazardous waste in  
38 this State.

39 A "license" shall not include any registration statement or  
40 engineering design approved for:

41 (1) Any State department, division, agency, commission or  
42 authority, or county, municipality or agency thereof;

43 (2) Any person solely for the collection, transportation,  
44 treatment, storage or disposal of solid waste or hazardous waste  
45 generated by that person;

46 (3) Any person for the operation of a hazardous waste facility, if  
47 at least 75% of the total design capacity of that facility is utilized to  
48 treat, store or dispose of hazardous waste generated by that person;

1 (4) Any person for the operation of a hazardous waste facility  
2 which is considered as such solely as the result of the reclamation,  
3 recycling or refining of hazardous wastes which are or contain any  
4 of the following precious metals: gold, silver, osmium, platinum,  
5 palladium, iridium, rhodium, ruthenium, or copper;

6 (5) Any person solely for the transportation of hazardous wastes  
7 which are or contain precious metals to a hazardous waste facility  
8 described in paragraph (4) of this subsection for the purposes of  
9 reclamation.

10 A "license" shall include any registration statement approved for  
11 any person who transports any other hazardous waste in addition to  
12 hazardous wastes which are or contain precious metals;

13 (6) Any person solely for the collection, transportation,  
14 treatment, storage or disposal of granular activated carbon used in  
15 the adsorption of hazardous waste; or

16 (7) Any regulated medical waste generator for the treatment or  
17 disposal of regulated medical waste at any noncommercial  
18 incinerator or noncommercial facility in this State that accepts  
19 regulated medical waste for disposal.

20 h. "Licensee" means any business concern which has  
21 completed the requirements of section 3 of P.L.1983, c.392  
22 (C.13:1E-128) and whose application for the issuance or renewal of  
23 a license has been approved by the [department] Attorney General  
24 pursuant to section 8 of P.L.1983, c.392 (C.13:1E-133).

25 i. "Permittee" means and shall include:

26 (1) Any business concern which has filed a disclosure statement  
27 with the department and the Attorney General and to which a valid  
28 registration statement or engineering design approval for the  
29 collection, transportation, treatment, storage, transfer or disposal of  
30 solid waste or hazardous waste pursuant to P.L.1970, c.39  
31 (C.13:1E-1 et seq.) or P.L.1981, c.279 (C.13:1E-49 et seq.) has  
32 been given by the department prior to June 14, 1984;

33 (2) Any business concern which has filed a disclosure statement  
34 with the department and the Attorney General and to which a  
35 temporary license has been approved, issued or renewed by the  
36 department pursuant to section 10 of P.L.1983, c.392 (C.13:1E-  
37 135), but which has not otherwise completed the requirements of  
38 section 3 of P.L.1983, c.392 (C.13:1E-128) and whose application  
39 for a license has not been approved by the department pursuant to  
40 section 8 of P.L.1983, c.392 (C.13:1E-133), provided that the  
41 temporary license remains valid, and provided further that the  
42 business concern has furnished the department and the Attorney  
43 General with any information required pursuant to P.L.1991, c.269  
44 (C.13:1E-128.1 et al.);

45 (3) Any business concern which has filed a disclosure statement  
46 with the department and the Attorney General and to which a valid  
47 registration statement or engineering design approval for the  
48 collection, transportation, treatment, storage, transfer or disposal of

1 solid waste or hazardous waste pursuant to P.L.1970, c.39  
2 (C.13:1E-1 et seq.) or P.L.1981, c.279 (C.13:1E-49 et seq.) has  
3 been given by the department between February 20, 1985 and  
4 January 23, 1986, inclusive, provided that the registration statement  
5 or engineering design approval remains valid, and provided further  
6 that the business concern has furnished the department and the  
7 Attorney General with any information required pursuant to  
8 P.L.1991, c.269 (C.13:1E-128.1 et al.); **[or]**

9 (4) Any business concern to which a temporary approval of  
10 registration has been given by the department at any time after  
11 January 23, 1986 pursuant to statute or rule and regulation,  
12 provided that such temporary approval of registration, statute, or  
13 rule and regulation remains valid, and provided further that the  
14 business concern has furnished the department and the Attorney  
15 General with any information required pursuant to P.L.1991, c.269  
16 (C.13:1E-128.1 et al.) and filed a disclosure statement with the  
17 department and the Attorney General; or

18 (5) Any business concern that has been issued a prior approval  
19 to operate as a recycling center from the Department of  
20 Environmental Protection pursuant to section 41 of P.L.1987, c.102  
21 (C.13:1E-99.34) but whose application for a recycling license has  
22 not been approved .

23 j. "Person" means any individual or business concern.

24 k. "Secondary business activity corporation" means any  
25 business concern which has derived less than 5% of its annual gross  
26 revenues in each of the three years immediately preceding the one  
27 in which the application for a license or a recycling license is being  
28 made from the collection, transportation, treatment, storage,  
29 recycling, processing, transfer or disposal of solid waste or  
30 hazardous waste, or the provision of recycling services, whether  
31 directly or through other business concerns partially or wholly  
32 owned or controlled by the applicant or the permittee, as the case  
33 may be, and which (1) has one or more classes of security registered  
34 pursuant to section 12 of the "Securities Exchange Act of 1934," as  
35 amended (15 U.S.C. s.78l), or (2) is an issuer subject to subsection  
36 (d) of section 15 of the "Securities Exchange Act of 1934," as  
37 amended (15 U.S.C. s.78o).

38 l. "Institutional investor" means a retirement fund administered  
39 by a public agency for the exclusive benefit of federal, state, or  
40 local public employees; government or government-owned entity;  
41 investment company registered under the "Investment Company Act  
42 of 1940" (15 U.S.C. s.80a-1 et seq.); collective investment trust  
43 organized by banks under Part Nine of the Rules of the Comptroller  
44 of the Currency; closed end investment trust; chartered or licensed  
45 life insurance company or property and casualty insurance  
46 company; banking or other chartered or licensed lending institution;  
47 partnerships, funds or trusts managed by or directed in conjunction  
48 with an investment adviser registered under the "Investment



1 Advisers Act of 1940" (15 U.S.C. s.80b-1 et seq.) or an institutional  
2 investment manager required to make filings under subsection (f) of  
3 section 13 of the "Securities Exchange Act of 1934," as amended  
4 (15 U.S.C. s.78m); institutional buyer, as defined pursuant to  
5 section 2 of the "Uniform Securities Law (1997)," P.L.1967, c.93  
6 (C.49:3-49); small business investment company licensed by the  
7 United States Small Business Administration under subsection (c)  
8 of section 301 of the "Small Business Investment Act of 1958," as  
9 amended (15 U.S.C. s.681); private equity or venture capital entity  
10 having or managing aggregate capital commitments in excess of  
11 \$25,000,000; and other persons as the **[department]** Attorney  
12 General may determine for reasons consistent with the policies of  
13 P.L.1983, c.392 (C.13:1E-126 et seq.).

14 m. "Publicly traded corporation" means a corporation or other  
15 legal entity, except a natural person, which:

16 (1) has one or more classes of security registered pursuant to  
17 section 12 of the "Securities Exchange Act of 1934," as amended  
18 (15 U.S.C. s.78l);

19 (2) is an issuer subject to subsection (d) of section 15 of the  
20 "Securities Exchange Act of 1934," as amended (15 U.S.C. s.78o);  
21 or

22 (3) has one or more classes of securities traded in an open  
23 market in any foreign jurisdiction, provided that the **[department]**  
24 Attorney General determines that the foreign exchange provides  
25 openness, integrity and oversight in its operations sufficient to meet  
26 the intent of P.L.1983, c.392 (C.13:1E-126 et seq.), or that the  
27 securities traded on the foreign exchange are regulated pursuant to a  
28 statute of a foreign jurisdiction that is substantially similar, both in  
29 form and effect, to section 12 or subsection (d) of section 15 of the  
30 "Securities Exchange Act of 1934," as amended.

31 "Broker" means a person who arranges agreements between a  
32 business concern and its customers for the collection,  
33 transportation, treatment, storage, recycling, processing, transfer or  
34 disposal of solid waste or hazardous waste, or the provision of  
35 recycling services.

36 "Consultant" means a person who performs functions for a  
37 business concern engaged in the collection, transportation,  
38 treatment, storage, recycling, processing, transfer or disposal of  
39 solid waste or hazardous waste, or the provision of recycling  
40 services, provided that "consultant" shall not include a person who  
41 performs functions for a business concern and holds a professional  
42 license from the State in order to perform those functions.

43 "Family member" means spouse, domestic partner, partner in a  
44 civil union, child, parent, sibling, aunt, uncle, niece, nephew, first  
45 cousin, grandparent, grandchild, father-in-law, mother-in-law, son-  
46 in-law, daughter-in-law, stepparent, stepchild, stepbrother,  
47 stepsister, half brother, or half sister, whether the individual is  
48 related by blood, marriage, or adoption.

1     "Recyclable materials" means those materials which would  
2 otherwise become solid waste, and which may be collected,  
3 separated or processed and returned to the economic mainstream in  
4 the form of raw materials or products.

5     "Recycling license" means an approval to operate a business  
6 concern engaged in recycling services issued pursuant to section 8  
7 of P.L.1983, c.392 (C.13:1E-133).

8     "Recycling services" means the services provided by persons  
9 engaging in the business of recycling, including the collection,  
10 transportation, processing, storage, purchase, sale or disposition, or  
11 any combination thereof, of recyclable materials.

12     "Sales person" means a person or persons that makes or arranges  
13 for sales for a business concern, for the collection, transportation,  
14 treatment, storage, recycling, processing, transfer or disposal of  
15 solid waste or hazardous waste or the provision of recycling  
16 services.

17 (cf: P.L.2011, c.68, s.1)

18

19     4. Section 3 of P.L.1983, c.392 (C.13:1E-128) is amended to  
20 read as follows:

21     3. In addition to any other procedure, condition or information  
22 required pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.), P.L.1981,  
23 c.279 (C.13:1E-49 et seq.) or any other law:

24     a. (1) Every applicant and permittee shall file a disclosure  
25 statement with the **【department and the】** Attorney General;

26     (2) Except as otherwise provided in this subsection, any person  
27 required to be listed in the disclosure statement shall be  
28 fingerprinted for identification and investigation purposes in  
29 accordance with procedures therefor established by the Attorney  
30 General;

31     (3) The Attorney General shall, upon the receipt of the  
32 disclosure statement from an applicant for an initial license **【or】** ,  
33 from a permittee, or from an applicant for a recycling license,  
34 prepare **【and transmit to the department】** an investigative report on  
35 the applicant or the permittee, as the case may be, based in part  
36 upon the disclosure statement. In preparing this report, the Attorney  
37 General may request and receive criminal history information from  
38 the State Commission of Investigation or the Federal Bureau of  
39 Investigation;

40     (4) In conducting a review of the application, the **【department】**  
41 Attorney General shall include a review of the disclosure statement  
42 and investigative report;

43     (5) An applicant or permittee may file a limited disclosure  
44 statement pursuant to the provisions of paragraphs (a) through (h)  
45 of subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-127); and  
46 a person required to be listed in the disclosure statement is exempt  
47 from the fingerprint and personal history disclosure requirements;  
48 if:

1 (a) The applicant or permittee is a secondary business activity  
2 corporation; and

3 (b) The person required to be listed in the disclosure statement  
4 is (i) a director or chief executive officer; or (ii) an individual who  
5 does not have any responsibility for, or control of, the commercial  
6 solid waste or hazardous waste operations, or the provision of  
7 recycling services, of the applicant, permittee or licensee conducted  
8 in New Jersey, and who will not exercise any such responsibility or  
9 control upon the issuance of a license or recycling license by the  
10 **[department]** Attorney General;

11 (6) (a) A person who is a director or chief executive officer of a  
12 business concern that is a secondary business activity corporation, a  
13 publicly traded corporation or an institutional investor, including  
14 limited partnership interests, that is not the applicant or permittee  
15 but which is listed in a disclosure statement pursuant to subsection  
16 e. of section 2 of P.L.1983, c.392 (C.13:1E-127), shall be exempt  
17 from the fingerprint and personal history disclosure requirements;

18 (b) An individual who is an officer or partner of, or who holds  
19 any equity in or debt liability of, a business concern that is a  
20 secondary business activity corporation, a publicly traded  
21 corporation or an institutional investor, including limited  
22 partnership interests, that is not the applicant or permittee but which  
23 is listed in a disclosure statement pursuant to subsection e. of  
24 section 2 of P.L.1983, c.392 (C.13:1E-127), shall be exempt from  
25 the fingerprint and personal history disclosure requirements,  
26 provided that the person or secondary business activity corporation  
27 or publicly traded corporation or institutional investor is not and  
28 will not be engaged in active management of the commercial solid  
29 waste or hazardous waste operations or the recycling operations of  
30 the applicant or permittee conducted in New Jersey;

31 (c) A business concern that is a secondary business activity  
32 corporation or an institutional investor, including limited  
33 partnership interests, that is not the applicant, licensee, or permittee  
34 but which is listed in a disclosure statement pursuant to subsection  
35 e. of section 2 of P.L.1983, c.392 (C.13:1E-127), shall be exempt  
36 from disclosure requirements established in subsection e. of section  
37 2 of P.L.1983, c.392 (C.13:1E-127) provided that the secondary  
38 business activity corporation or institutional investor is not and will  
39 not be engaged in active management of the commercial solid waste  
40 or hazardous waste operations or the recycling operations of the  
41 applicant, licensee, or permittee conducted in New Jersey;

42 (d) A business concern that is a publicly traded corporation that  
43 is not the applicant, licensee, or permittee but which is listed in a  
44 disclosure statement pursuant to subsection e. of section 2 of  
45 P.L.1983, c.392 (C.13:1E-127), shall be exempt from disclosure  
46 requirements established in subsection e. of section 2 of P.L.1983,  
47 c.392 (C.13:1E-127) provided that the name and business address of  
48 the publicly traded corporation and copies of its annual filings with

1 the Securities and Exchange Commission, or its foreign equivalent,  
2 are filed with the disclosure forms of the applicant, licensee, or  
3 permittee. Subsidiaries intervening in the chain of equity between  
4 the publicly traded corporation and the applicant, licensee, or  
5 permittee, and the officers and directors of those intervening  
6 subsidiaries, shall also be exempt from the disclosure requirements  
7 established in subsection e. of section 2 of P.L.1983, c.392  
8 (C.13:1E-127) provided that the intervening subsidiary is not and  
9 will not be engaged in active management of the commercial solid  
10 waste or hazardous waste operations or the recycling operations of  
11 the applicant, licensee, or permittee conducted in New Jersey;

12 (e) An individual exempt from disclosure requirements under  
13 subparagraph (b) of this paragraph, a secondary business activity  
14 corporation or institutional investor exempt from disclosure  
15 requirements under subparagraph (c) of this paragraph, and a  
16 publicly traded corporation exempt from disclosure requirements  
17 under subparagraph (d) of this paragraph, may be required by the  
18 Attorney General to file disclosure forms and be fingerprinted in the  
19 circumstances described in subsection d. of this section; and

20 (f) A person that holds equity in, or debt liability of, a business  
21 concern that is exempt from the disclosure requirements established  
22 in subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-127) shall  
23 also be exempt from the disclosure requirements established in  
24 subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-127).

25 b. All applicants, permittees and licensees, and all business  
26 concerns that have been issued a recycling license, shall have the  
27 continuing duty to provide any assistance or information requested  
28 by the department or the Attorney General, and to cooperate in any  
29 inquiry or investigation conducted by the Attorney General or the  
30 State Commission of Investigation and any inquiry, investigation,  
31 or hearing conducted by the department. Except as otherwise  
32 determined by the Superior Court pursuant to subsection d. of this  
33 section, if, upon issuance of a formal request to answer any inquiry  
34 or produce information, evidence or testimony, any applicant,  
35 permittee or licensee, or any business concern that has been issued a  
36 recycling license, refuses to comply, the application of the business  
37 concern for a license, or a recycling license, as the case may be,  
38 may be denied, or the license or recycling license of that business  
39 concern may be revoked by the **[department]** Attorney General.

40 c. If any of the information required to be included in the  
41 disclosure statement changes, or if any information provided  
42 concerning the applicability of an exemption under subsection d. of  
43 this section changes, or if any additional information should be  
44 added to the disclosure statement after it has been filed, the  
45 applicant, permittee or licensee or the business concern that has  
46 been issued a recycling license, shall provide that information to the  
47 department and the Attorney General, in writing, within 30 days of  
48 the change or addition.

1 d. The provisions of paragraphs (5) and (6) of subsection a. of  
2 this section to the contrary notwithstanding, the Attorney General  
3 may at any time require any person required to be listed in the  
4 disclosure statement to file a completed personal history disclosure  
5 form and a full disclosure statement with the [department and the]  
6 Attorney General pursuant to paragraphs (1) through (9) of  
7 subsection e. of section 2 of P.L.1983, c.392 (C.13:1E-127), or to  
8 be fingerprinted for identification and investigation purposes  
9 pursuant to paragraph (2) of subsection a. of this section, if the  
10 Attorney General determines that there exists a reasonable  
11 suspicion that the additional information is likely to lead to  
12 information relevant to a determination regarding the approval of a  
13 license or a recycling license pursuant to section 8 of P.L.1983,  
14 c.392 (C.13:1E-133), the revocation of a license or recycling license  
15 pursuant to section 9 of P.L.1983, c.392 (C.13:1E-134), or the  
16 severance of a disqualifying person pursuant to section 10 of  
17 P.L.1983, c.392 (C.13:1E-135).

18 If the Attorney General requires any or all of this information, a  
19 written request for the additional information shall be served upon  
20 the applicant, permittee or licensee, or the business concern that has  
21 been issued a recycling license. Within 60 days of receipt of a  
22 written request for additional information, the applicant, permittee  
23 or licensee, or the business concern that has been issued a recycling  
24 license may seek review of the Attorney General's determination in  
25 the Superior Court. If the applicant, permittee or licensee, or the  
26 business concern that has been issued a recycling license fails to  
27 provide the additional information to the Attorney General within  
28 60 days of receipt of the written request, the Attorney General may  
29 file with the Superior Court a petition for an order requiring the  
30 applicant, permittee or licensee, or the business concern that has  
31 been issued a recycling license to provide the additional  
32 information. In a proceeding brought by either party, the applicant,  
33 permittee or licensee, or the business concern that has been issued a  
34 recycling license shall demonstrate that the additional information  
35 requested is not likely to lead to information relevant to a  
36 determination regarding the approval of a license or recycling  
37 license pursuant to section 8 of P.L.1983, c.392 (C.13:1E-133), the  
38 revocation of a license or recycling license pursuant to section 9 of  
39 P.L.1983, c.392 (C.13:1E-134), or the severance of a disqualifying  
40 person pursuant to section 10 of P.L.1983, c.392 (C.13:1E-135).  
41 For good cause shown, the court may review in camera the  
42 submission of the Attorney General or the applicant, permittee or  
43 licensee, or the business concern that has been issued a recycling  
44 license, or any part thereof.

45 (cf: P.L.2011, c.68, s.2)

46

47 5. Section 4 of P.L.1983, c.392 (C.13:1E-129) is amended to  
48 read as follows:

1       4. a. Whenever the Attorney General determines that there  
2 exists a reasonable suspicion that any person may have information  
3 or be in possession, custody, or control of any documentary  
4 materials relevant to an investigation of an applicant, permittee or  
5 licensee conducted pursuant to this act, he may issue in writing, and  
6 cause to be served upon that person an investigative interrogatory  
7 requiring that person to answer questions under oath and produce  
8 material for examination.

9       b. Each interrogatory shall:

10       (1) Identify the licensee, permittee or applicant who is the  
11 subject of the investigation;

12       (2) Advise the person that he has the right to discuss the  
13 interrogatory with legal counsel prior to returning it to the Attorney  
14 General or prior to making material available, as provided in  
15 subsection f. of this section, and that he has the right to file in  
16 Superior Court a petition to modify or set aside the interrogatory, as  
17 provided in subsection j. of this section;

18       (3) Describe the class or classes of documentary material to be  
19 produced thereunder with sufficient particularity as to permit the  
20 material to be reasonably identified;

21       (4) Prescribe a return date, which date shall provide a reasonable  
22 period of time within which answers may be made and material so  
23 demanded may be assembled and made available for inspection and  
24 copying or reproduction, as provided in subsection f. of this section.

25       c. No interrogatory shall:

26       (1) Contain any requirement which would be held to be  
27 unreasonable if contained in a **[subpena]** subpoena duces tecum  
28 issued in aid of a grand jury investigation; or

29       (2) Require the production of any documentary evidence which  
30 would be otherwise privileged from disclosure if demanded by a  
31 **[subpena]** subpoena duces tecum issued in aid of a grand jury  
32 investigation.

33       d. Service of any interrogatory filed under this section may be  
34 made upon any person by:

35       (1) Delivering a duly executed copy thereof to the person or any  
36 partner, executive officer, managing agent, employee or general  
37 agent thereof, or to any agent thereof authorized by appointment or  
38 by law to receive service of process on behalf of the person; or

39       (2) Delivering a duly executed copy thereof to the principal  
40 office or place of business of the person to be served; or

41       (3) Depositing a copy in the United States mail, by registered or  
42 certified mail duly addressed to the person at his principal office or  
43 place of business.

44       e. A verified return by the individual serving any interrogatory,  
45 setting forth the manner of service, shall be prima facie proof of  
46 service. In the case of service by registered or certified mail, the  
47 return shall be accompanied by the return post office receipt of  
48 delivery of the interrogatory.

1 f. Any person upon whom any interrogatory issued under this  
2 section has been duly served which requires the production of  
3 materials shall make the material available for inspection and  
4 copying or reproduction to the Attorney General at the principal  
5 place of business of that person in the State of New Jersey or at any  
6 other place as the Attorney General and the person thereafter may  
7 agree and prescribe in writing, on the return date specified in the  
8 interrogatory or on a later date as the Attorney General may  
9 prescribe in writing. Upon written agreement between the person  
10 and the Attorney General, copies may be substituted for all or any  
11 part of the original materials. The Attorney General may cause the  
12 preparation of any copies of documentary material as may be  
13 required for official use by the Attorney General.

14 No material produced pursuant to this section shall be available  
15 for examination, without the consent of the person who produced  
16 the material, by an individual other than the Attorney General or  
17 any person retained by the Attorney General in connection with the  
18 enforcement of this act. Under reasonable terms and conditions as  
19 the Attorney General shall prescribe, documentary material while in  
20 his possession shall be available for examination by the person who  
21 produced the material or any of his duly authorized representatives.

22 In any investigation conducted pursuant to this act, the Attorney  
23 General may present before the [department,] court or grand jury  
24 any documentary material in his possession pursuant to this section,  
25 subject to any protective order deemed proper by the Superior  
26 Court.

27 g. Upon completion of:

28 (1) The review and investigation for which any documentary  
29 material was produced under this section, and

30 (2) Any case or proceeding arising from the investigation, the  
31 Attorney General shall return to the person who produced the  
32 material all the material, other than copies thereof made by the  
33 Attorney General pursuant to this section, which has not passed into  
34 the control of [the department or] any court or grand jury through  
35 the introduction thereof into the record of the case or proceeding.

36 h. When any documentary material has been produced by any  
37 person under this section for use in an investigation, and no case or  
38 proceeding arising therefrom has been instituted within two years  
39 after completion of the examination and analysis of all evidence  
40 assembled in the course of the investigation, the person shall be  
41 entitled, upon written demand made upon the Attorney General, to  
42 the return of all documentary material, other than copies thereof  
43 made pursuant to this section so produced by him.

44 i. Whenever any person fails to comply with any investigative  
45 interrogatory duly served upon him under this section, or whenever  
46 satisfactory copying or reproduction of any material cannot be done  
47 and he refuses to surrender the material, the Attorney General may

1 file in the Superior Court a petition for an order of the court for the  
2 enforcement of this section.

3 j. At any time before the return date specified in the  
4 interrogatory, the person served with the interrogatory may file in  
5 the Superior Court a petition for an order modifying or setting aside  
6 the interrogatory. The time allowed for compliance with the  
7 interrogatory shall not run during the pendency of this petition. The  
8 petition shall specify each ground upon which the petition relies in  
9 seeking relief, and may be based upon any failure of the  
10 interrogatory to comply with the provisions of this section or upon  
11 any constitutional or other legal right or privilege of the petitioner.  
12 In this proceeding, the Attorney General shall establish the  
13 existence of an investigation pursuant to this act and the nature and  
14 subject matter of the investigation.

15 (cf: P.L.1991, c.269, s.4)

16

17 6. Section 5 of P.L.1983, c.392 (C.13:1E-130) is amended to  
18 read as follows:

19 5. a. Whenever the Attorney General determines that there  
20 exists a reasonable suspicion that any person may have information  
21 or knowledge relevant to an investigation conducted pursuant to this  
22 act, he may issue in writing and cause to be served upon that person  
23 a **[subpena]** subpoena to appear and be examined under oath before  
24 the Attorney General.

25 b. The **[subpena]** subpoena shall:

26 (1) Identify the licensee, permittee or applicant who is the  
27 subject of the investigation;

28 (2) Advise that person that he may have an attorney present  
29 when he appears and testifies or otherwise responds to the  
30 **[subpena]** subpoena, that he has a right, at any time before the  
31 return date of the **[subpena]** subpoena, to file in Superior Court a  
32 petition to modify or set aside the **[subpena]** subpoena, as provided  
33 in subsection f. of this section;

34 (3) Prescribe a date and time at which that person must appear to  
35 testify, under oath, provided that this date shall not be less than  
36 seven days from the date of service of the **[subpena]** subpoena.

37 c. Except as otherwise provided in this section, no information  
38 derived pursuant to the **[subpena]** subpoena shall be disclosed by  
39 the Attorney General **[or the department]** without the consent of the  
40 person testifying.

41 In any investigation conducted pursuant to this act, the Attorney  
42 General may present before the **[department,]** court or grand jury  
43 any information disclosed pursuant to the **[subpena]** subpoena,  
44 subject to any protective order deemed proper by the Superior  
45 Court.



1 d. Service of a **【subpena】 subpoena** pursuant to this section  
2 shall be by any of those methods specified in the New Jersey Court  
3 Rules for service of summons and complaint in a civil action.

4 e. Whenever any person fails to comply with any **【subpena】**  
5 subpoena duly served upon him under this section, or whenever  
6 satisfactory copying or reproduction of any material cannot be done  
7 and he refuses to surrender the material, the Attorney General may  
8 file in the Superior Court a petition for an order of the court for the  
9 enforcement of the **【subpena】 subpoena**.

10 f. At any time before the return date specified in the **【subpena】**  
11 subpoena, the person who has been served with the **【subpena】**  
12 subpoena may file in the Superior Court a petition for an order  
13 modifying or setting aside the **【subpena】 subpoena**. The time  
14 allowed for compliance with the **【subpena】 subpoena** shall not run  
15 during the pendency of this petition. The petition shall specify each  
16 ground upon which the petitioner relies in seeking relief, and may  
17 be based upon any failure of the **【subpena】 subpoena** to comply  
18 with the provisions of this section or upon any constitutional or  
19 other legal right or privilege of the petitioner. In this proceeding,  
20 the Attorney General shall establish the existence of an  
21 investigation pursuant to this act and the nature and subject matter  
22 of the investigation.

23 (cf: P.L.1991, c.269, s.5)  
24

25 7. Section 8 of P.L.1983, c.392 (13:1E-133) is amended to read  
26 as follows:

27 8. The provisions of any law to the contrary notwithstanding,  
28 no license or recycling license shall be approved by the  
29 **【department】 Attorney General**:

30 a. Unless the **【department】 Attorney General** finds that the  
31 applicant, or the permittee, as the case may be, in any prior  
32 performance record in the collection, transportation, treatment,  
33 storage, transfer or disposal of solid waste or hazardous waste, or  
34 the provision of recycling services, has exhibited sufficient  
35 integrity, reliability, expertise, and competency to engage in the  
36 collection or transportation of solid waste or hazardous waste, or to  
37 operate the solid waste facility or hazardous waste facility, or  
38 engage in recycling services, given the potential economic  
39 consequences for affected counties, municipalities and ratepayers or  
40 significant adverse impacts upon human health and the environment  
41 which could result from the irresponsible participation therein or  
42 operation thereof, or if no prior record exists, that the applicant or  
43 the permittee is likely to exhibit that integrity, reliability, expertise  
44 and competence.

45 b. If any person required to be listed in the disclosure  
46 statement, or otherwise shown to have a beneficial interest in the  
47 business of the applicant, the permittee or the licensee, or to have

1 rented or leased at any or no cost real property, vehicles or other  
2 equipment used for the collection, transportation, treatment,  
3 processing, storage, transfer, or disposal of solid waste or hazardous  
4 waste, or the provision of recycling services, to the applicant, the  
5 permittee, or the licensee, has been barred from the provision of  
6 solid waste, hazardous waste or recycling services in any other  
7 jurisdiction outside of the State, or has been convicted of any of the  
8 following crimes under the laws of New Jersey or the equivalent  
9 thereof under the laws of any other jurisdiction:

- 10 (1) Murder;
- 11 (2) Kidnapping;
- 12 (3) Gambling;
- 13 (4) Robbery;
- 14 (5) Bribery;
- 15 (6) Extortion;
- 16 (7) Criminal usury;
- 17 (8) Arson;
- 18 (9) Burglary;
- 19 (10) Theft and related crimes;
- 20 (11) Forgery and fraudulent practices;
- 21 (12) Fraud in the offering, sale or purchase of securities;
- 22 (13) Alteration of motor vehicle identification numbers;
- 23 (14) Unlawful manufacture, purchase, use or transfer of firearms;
- 24 (15) Unlawful possession or use of destructive devices or  
25 explosives;
- 26 (16) Violation of N.J.S.2C:35-5, except possession of 84 grams  
27 or less of marijuana, or of N.J.S.2C:35-10;
- 28 (17) Racketeering, P.L.1981, c.167 (C.2C:41-1 et seq.);
- 29 (18) Violation of criminal provisions of the "New Jersey  
30 Antitrust Act," P.L.1970, c.73 (C.56:9-1 et seq.);
- 31 (19) Any purposeful or reckless violation of the criminal  
32 provisions of any federal or state environmental protection laws,  
33 rules, or regulations, including, but not limited to, solid waste or  
34 hazardous waste management laws, rules, or regulations;
- 35 (20) Violation of N.J.S.2C:17-2;
- 36 (21) Any offense specified in chapter 28 of Title 2C; or
- 37 (22) Violation of the "Solid Waste Utility Control Act of 1970,"  
38 P.L.1970, c.40 (C.48:13A-1 et seq.) or P.L.1981, c.221 (C.48:13A-  
39 6.1).

40 c. If the Attorney General determines that there is a reasonable  
41 suspicion to believe that a person required to be listed in the  
42 disclosure statement, or otherwise shown to have a beneficial  
43 interest in the business of the applicant, the permittee or the  
44 licensee, or to have rented or leased at any cost or at no cost real  
45 property, vehicles or other equipment used for the collection,  
46 transportation, treatment, processing, storage, transfer, or disposal  
47 of solid waste or hazardous waste, or the provision of recycling  
48 services, to the applicant, the permittee, or the licensee, does not

1 possess a reputation for good character, honesty and integrity, and  
2 that person or the applicant, the permittee or the licensee fails, by  
3 clear and convincing evidence, to establish his reputation for good  
4 character, honesty and integrity.

5 d. With respect to the approval of an initial license or a  
6 recycling license, if there are current prosecutions or pending  
7 charges in any jurisdiction against any person required to be listed  
8 in the disclosure statement, or otherwise shown to have a beneficial  
9 interest in the business of the applicant or the permittee, or to have  
10 rented or leased at any or no cost real property, vehicles or other  
11 equipment used for the collection, transportation, treatment,  
12 processing, storage, transfer, or disposal of solid waste or hazardous  
13 waste, or the provision of recycling services, to the applicant or the  
14 permittee, for any of the crimes enumerated in subsection b. of this  
15 section, provided, however, that at the request of the applicant,  
16 permittee, or the person charged, the **【department】** Attorney  
17 General shall defer decision upon such application during the  
18 pendency of such charge.

19 e. If any person required to be listed in the disclosure  
20 statement, or otherwise shown to have a beneficial interest in the  
21 business of the applicant, permittee or the licensee, or to have  
22 rented or leased at any or no cost real property, vehicles or other  
23 equipment used for the collection, transportation, treatment,  
24 processing, storage, transfer, or disposal of solid waste or  
25 hazardous waste, or the provision of recycling services, to the  
26 applicant, the permittee, or the licensee, has pursued economic gain  
27 in an occupational manner or context which is in violation of the  
28 criminal or civil public policies of this State, where such pursuit  
29 creates a reasonable belief that the participation of that person in  
30 any activity required to be licensed under this act would be inimical  
31 to the policies of this act. For the purposes of this section,  
32 "occupational manner or context" means the systematic planning,  
33 administration, management, or execution of an activity for  
34 financial gain.

35 f. If the Attorney General determines that any person required  
36 to be listed in the disclosure statement, or otherwise shown to have  
37 a beneficial interest in the business of the applicant, permittee or the  
38 licensee, or to have rented or leased at any or no cost real property,  
39 vehicles or other equipment used for the collection, transportation,  
40 treatment, processing, storage, transfer, or disposal of solid waste  
41 or hazardous waste, or the provision of recycling services, to the  
42 applicant, the permittee, or the licensee, has been identified by the  
43 State Commission of Investigation or the Federal Bureau of  
44 Investigation as a career offender or a member of a career offender  
45 cartel or an associate of a career offender or career offender cartel,  
46 where such identification, membership or association creates a  
47 reasonable belief that the participation of that person in any activity  
48 required to be licensed under this act would be inimical to the

1 policies of this act. For the purposes of this section, "career  
2 offender" means any person whose behavior is pursued in an  
3 occupational manner or context for the purpose of economic gain,  
4 utilizing such methods as are deemed criminal violations of the  
5 public policy of this State; and a "career offender cartel" means any  
6 group of persons who operate together as career offenders.

7 A license or a recycling license may be approved by the  
8 **【department】 Attorney General** for any applicant or permittee if the  
9 information contained within the disclosure statement and  
10 investigative report, including any determination made by the  
11 Attorney General concerning the character, honesty and integrity of  
12 any person required to be listed in the disclosure statement, or  
13 otherwise shown to have a beneficial interest in the business of the  
14 applicant or permittee, or to have rented or leased at any or no cost  
15 real property, vehicles or other equipment used for the collection,  
16 transportation, treatment, processing, storage, transfer, or disposal  
17 of solid waste or hazardous waste, or the provision of recycling  
18 services, to the applicant, the permittee, or the licensee, would not  
19 require disqualification pursuant to subsection a., b. c., e. or f. of  
20 this section.

21 A license or a recycling license approved by the **【department】**  
22 **Attorney General** for any applicant or permittee pursuant to this  
23 section is non-transferable and shall be valid only for the length of  
24 time for which it is given.

25 Any applicant or permittee who is denied **【an initial】** a license or  
26 a recycling license pursuant to this section shall, upon a written  
27 request transmitted to the **【department】 Attorney General** within 30  
28 days of that denial, be afforded the opportunity for a hearing  
29 thereon in the manner provided for contested cases pursuant to the  
30 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
31 seq.).

32 (cf: P.L.1991, c.269, s.6)

33

34 8. Section 7 of P.L.1991, c.269 (C.13:1E-133.1) is amended to  
35 read as follows:

36 7. a. Notwithstanding the conviction of any person required to  
37 be listed in a disclosure statement, or otherwise shown to have a  
38 beneficial interest in the business of an applicant, permittee or  
39 licensee or to have rented or leased at any or no cost real property,  
40 vehicles or other equipment used for the collection, transportation,  
41 treatment, processing, storage, transfer, or disposal of solid waste  
42 or hazardous waste, or the provision of recycling services, to the  
43 applicant, the permittee, or the licensee, for any of the crimes  
44 enumerated in subsection b. of section 8 of P.L.1983, c.392  
45 (C.13:1E-133), the **【department】 Attorney General** may issue or  
46 renew a license or a recycling license to an applicant, permittee or  
47 licensee if the **【department】 Attorney General** determines in a

1 writing setting forth findings of fact that the convicted person has  
2 affirmatively demonstrated rehabilitation by clear and convincing  
3 evidence pursuant to the provisions of this section. If the  
4 ~~【department】~~ Attorney General determines that the nature and  
5 seriousness of the crime creates a reasonable doubt that an  
6 applicant, permittee, or licensee will engage in the activity for  
7 which a license or recycling license is sought in a lawful and  
8 responsible manner, the ~~【department】~~ Attorney General shall make  
9 a determination in a writing setting forth findings of fact that the  
10 convicted person cannot affirmatively demonstrate rehabilitation.

11 b. In determining whether a convicted individual has  
12 affirmatively demonstrated rehabilitation, the ~~【department shall~~  
13 ~~request a recommendation thereon from the】~~ Attorney General ~~【,~~  
14 ~~which recommendation shall be】~~ shall make a finding, in writing  
15 ~~【and】~~, based upon a consideration of at least the following factors:

16 (1) The nature and responsibilities of the position which a  
17 convicted individual would hold;

18 (2) The nature and seriousness of the crime;

19 (3) The circumstances under which the crime was committed;

20 (4) The date of the crime;

21 (5) The age of the convicted individual when the crime was  
22 committed;

23 (6) Whether the crime was an isolated or repeated act;

24 (7) Any evidence of good conduct in the community, counseling  
25 or psychiatric treatment received, acquisition of additional  
26 academic or vocational schooling, or the recommendation of  
27 persons who have supervised the convicted individual since the  
28 conviction; and

29 (8) The full criminal record of the convicted individual, any  
30 record of civil or regulatory violations or notices or any complaints  
31 alleging any such civil or regulatory violations, or any other  
32 allegations of wrongdoing.

33 Notwithstanding any other provision of this subsection, a  
34 convicted individual shall have affirmatively demonstrated  
35 rehabilitation pursuant to the provisions of this section if the  
36 convicted individual produces evidence of a pardon issued by the  
37 Governor of this or any other state, or evidence of the expungement  
38 of every conviction for any of the crimes enumerated in subsection  
39 b. of section 8 of P.L.1983, c.392 (C.13:1E-133).

40 c. In determining whether a convicted business concern has  
41 affirmatively demonstrated rehabilitation, the ~~【department shall~~  
42 ~~request a recommendation thereon from the】~~ Attorney General ~~【,~~  
43 ~~which recommendation shall be】~~ shall make a finding, in writing  
44 ~~【and】~~, based upon a consideration of at least the following factors:

45 (1) The nature and seriousness of the crime;

46 (2) The circumstances under which the crime was committed;

47 (3) The date of the crime;

1 (4) Whether the crime was an isolated or repeated act; and

2 (5) The full criminal record of the convicted business concern,  
3 any record of civil or regulatory violations or notices or any  
4 complaints alleging any such civil or regulatory violations, or any  
5 other allegations of wrongdoing.

6 d. The Attorney General may require, as a predicate to a  
7 determination that a convicted business concern has affirmatively  
8 demonstrated rehabilitation, that the convicted business concern  
9 agree, in writing, to an investigation of the crime or crimes  
10 committed by the convicted business concern which caused  
11 disqualification pursuant to subsection b. of section 8 of P.L.1983,  
12 c.392 (C.13:1E-133), the persons involved in the crime, and any  
13 corporate policies, procedures, and organizational structure that  
14 may have led to the crime. At the conclusion of this investigation a  
15 report shall be prepared identifying the underlying conduct giving  
16 rise to any criminal convictions and any steps that have  
17 subsequently been taken by the convicted business concern to  
18 prevent a recurrence of the criminal activity, and recommending  
19 any steps that may be deemed necessary to prevent a recurrence of  
20 the criminal activity. The investigation shall be conducted by, or on  
21 behalf of, the Attorney General, and the cost thereof shall be borne  
22 by the convicted business concern.

23 The Attorney General may require, on the basis of this  
24 investigation and as a condition of ~~recommending~~ determining  
25 that a convicted business concern has affirmatively demonstrated  
26 rehabilitation, that a convicted business concern comply, or agree in  
27 writing to comply, with any of the following:

28 (1) changes in the convicted business concern's organizational  
29 structure to reduce the opportunity and motivation of individual  
30 employees to engage in criminal activity, including procedures for  
31 informing employees of the requirements of relevant state and  
32 federal law;

33 (2) changes in the convicted business concern's long and short  
34 term planning to ensure that the convicted business concern  
35 implements procedures and policies to prevent future violations of  
36 the law;

37 (3) changes in the convicted business concern's legal,  
38 accounting, or other internal or external control and monitoring  
39 procedures to discourage or prevent future violations of state or  
40 federal law;

41 (4) changes in the convicted business concern's ownership,  
42 control, personnel, and personnel selection practices, including the  
43 removal of any person shown to have a beneficial interest in the  
44 convicted business concern, and the imposition of a reward or  
45 disincentive system in order to encourage employees to comply  
46 with relevant state and federal law;

47 (5) post-licensing monitoring of the convicted business concern's  
48 activities relating to any changes in policy, procedure, or structure

1 required by the Attorney General pursuant to this subsection, the  
2 cost of such monitoring to be borne by the convicted business  
3 concern; and

4 (6) any other requirements deemed necessary by the Attorney  
5 General.

6 e. The **【department】** Attorney General shall not determine that  
7 a convicted business concern has affirmatively demonstrated  
8 rehabilitation if the convicted business concern has not complied, or  
9 agreed in writing to comply, with every requirement imposed by the  
10 Attorney General pursuant to subsection d. of this section.

11 (cf: P.L.1991, c.269, s.7)

12

13 9. Section 8 of P.L.1991, c.269 (C.13:1E-133.2) is amended to  
14 read as follows:

15 8. a. Notwithstanding any current prosecutions or pending  
16 charges in any jurisdiction against any person required to be listed  
17 in a disclosure statement, or otherwise shown to have a beneficial  
18 interest in the business of an applicant, permittee or licensee, or to  
19 have rented or leased at any or no cost cost real property, vehicles  
20 or other equipment used for the collection, transportation,  
21 treatment, processing, storage, transfer, or disposal of solid waste or  
22 hazardous waste, or the provision of recycling services, to the  
23 applicant, the permittee, or the licensee, for any of the crimes  
24 enumerated in subsection b. of section 8 of P.L.1983, c.392  
25 (C.13:1E-133), the **【department】** Attorney General may issue or  
26 renew a license or a recycling license to an applicant, permittee or  
27 licensee if the **【department】** Attorney General determines in a  
28 writing setting forth findings of fact that the person against whom  
29 there are current prosecutions or pending charges has affirmatively  
30 reestablished a reputation for good character, honesty and integrity  
31 by clear and convincing evidence pursuant to the provisions of this  
32 section. If the **【department】** Attorney General determines that the  
33 nature and seriousness of the crime alleged in a current prosecution  
34 or pending charge creates a reasonable doubt that an applicant,  
35 permittee, or licensee will engage in the activity for which a license  
36 is sought in a lawful and responsible manner, the **【department】**  
37 Attorney General shall make a determination in a writing setting  
38 forth findings of fact that the person against whom there are current  
39 prosecutions or pending charges cannot reestablish a reputation for  
40 good character, honesty and integrity.

41 A person may affirmatively reestablish a reputation for good  
42 character, honesty and integrity pursuant to this section in advance  
43 of the disposition of the current prosecutions or pending charges  
44 provided that this reestablishment consists of evidence of good  
45 character, honesty and integrity rather than any defenses to the  
46 current prosecutions or pending charges. A reestablishment of a  
47 reputation for good character, honesty and integrity pursuant to this

1 section shall not be deemed insufficient due to a lack of admission  
2 of guilt to the current prosecutions or pending charges.

3 b. In determining whether an individual against whom there are  
4 current prosecutions or pending charges has affirmatively  
5 reestablished a reputation for good character, honesty and integrity,  
6 the [department shall request a recommendation thereon from the]  
7 Attorney General [, which recommendation shall be] shall make a  
8 finding, in writing, and based upon a consideration of at least the  
9 following factors:

10 (1) The nature and responsibilities of the position which the  
11 individual against whom there are current prosecutions or pending  
12 charges would hold;

13 (2) The nature and seriousness of the alleged crime;

14 (3) The circumstances under which the alleged crime was  
15 committed;

16 (4) The date of the alleged crime;

17 (5) The age of the individual against whom there are current  
18 prosecutions or pending charges when the alleged crime was  
19 committed;

20 (6) Whether the alleged crime was an isolated or repeated act;

21 (7) Any evidence of good conduct in the community, counseling  
22 or psychiatric treatment received, acquisition of additional  
23 academic or vocational schooling, or the recommendation of  
24 persons who have supervised the individual since the date of the  
25 alleged crime; and

26 (8) The full criminal record of the individual against whom there  
27 are current prosecutions or pending charges, any record of civil or  
28 regulatory violations or notices or any complaints alleging any such  
29 civil or regulatory violations, or any other allegations of  
30 wrongdoing.

31 c. In determining whether a business concern against whom  
32 there are current prosecutions or pending charges has affirmatively  
33 reestablished a reputation for good character, honesty and integrity,  
34 the [department shall request a recommendation thereon from the]  
35 Attorney General[, which recommendation shall be] shall make a  
36 finding, in writing, and based upon a consideration of at least the  
37 following factors:

38 (1) The nature and seriousness of the alleged crime;

39 (2) The circumstances under which the alleged crime was  
40 committed;

41 (3) The date of the alleged crime;

42 (4) Whether the alleged crime was an isolated or repeated act;  
43 and

44 (5) The full criminal record of the business concern against  
45 whom there are current prosecutions or pending charges, any record  
46 of civil or regulatory violations or notices or any complaints  
47 alleging any such civil or regulatory violations, or any other  
48 allegations of wrongdoing.



1 d. The Attorney General may require, as a predicate to a  
2 determination that a business concern against which there are  
3 current prosecutions or pending charges has affirmatively  
4 reestablished a reputation for good character, honesty and integrity,  
5 that the business concern agree, in writing, to an investigation of the  
6 alleged crime or crimes committed by the business concern, the  
7 persons involved in the alleged crime, and any corporate policies,  
8 procedures, and organizational structure that may have led to the  
9 alleged crime. At the conclusion of this investigation a report shall  
10 be prepared identifying the underlying conduct giving rise to any  
11 alleged criminal activity and any steps that have subsequently been  
12 taken by the business concern to prevent a recurrence of the alleged  
13 criminal activity, and recommending any steps that may be deemed  
14 necessary to prevent a recurrence of the alleged criminal activity.  
15 The investigation shall be conducted by, or on behalf of, the  
16 Attorney General, and the cost thereof shall be borne by the  
17 business concern.

18 The Attorney General may require, on the basis of this  
19 investigation and as a condition of [recommending] finding that a  
20 business concern against which there are current prosecutions or  
21 pending charges has affirmatively reestablished a reputation for  
22 good character, honesty and integrity, that a business concern  
23 comply, or agree in writing to comply, with any of the following:

24 (1) changes in the business concern's organizational structure to  
25 reduce the opportunity and motivation of individual employees to  
26 engage in criminal activity, including procedures for informing  
27 employees of the requirements of relevant state and federal law;

28 (2) changes in the business concern's long and short term  
29 planning to ensure that the business concern implements procedures  
30 and policies to prevent future violations of state or federal law;

31 (3) changes in the business concern's legal, accounting, or other  
32 internal or external control and monitoring procedures to discourage  
33 or prevent future violations of state or federal law;

34 (4) changes in the business concern's ownership, control,  
35 personnel, and personnel selection practices, including the removal  
36 of any person shown to have a beneficial interest in the business  
37 concern, and the imposition of a reward or disincentive system in  
38 order to encourage employees to comply with relevant state and  
39 federal law;

40 (5) post-licensing monitoring of the business concern's activities  
41 relating to any changes in policy, procedure, or structure required  
42 by the Attorney General pursuant to this subsection, the cost of such  
43 monitoring to be borne by the business concern; and

44 (6) any other requirements deemed necessary by the Attorney  
45 General.

46 e. The [department] Attorney General shall not determine that  
47 a business concern against which there are current prosecutions or  
48 pending charges has affirmatively reestablished a reputation for

1 good character, honesty and integrity if the business concern has  
2 not complied, or agreed in writing to comply, with every  
3 requirement imposed by the Attorney General pursuant to  
4 subsection d. of this section.

5 (cf: P.L.1991, c.269, s.8)

6

7 10. Section 17 of P.L.1991, c.269 (C.13:1E-133.3) is amended  
8 to read as follows:

9 17. The Department of Environmental Protection shall not issue  
10 any permits required pursuant to P.L.1954, c.212 (C.26:2C-1 et  
11 seq.), P.L.1962, c.19 (C.58:16A-50 et seq.), P.L.1975, c.232  
12 (C.13:1D-29 et seq.), P.L.1977, c.74 (C.58:10A-1 et seq.),  
13 P.L.1981, c.262 (C.58:1A-1 et seq.), or any other law, or any rules  
14 and regulations adopted thereto, to any person proposing to own or  
15 operate a resource recovery facility prior to the completion by the  
16 Attorney General [and the department] of the requirements of  
17 sections 3 and 8 of P.L.1983, c.392 (C.13:1E-128 and 13:1E-133),  
18 and unless the person proposing to own or operate the resource  
19 recovery facility has received a license approved by the  
20 [department] Attorney General pursuant to section 8 of P.L.1983,  
21 c.392 (C.13:1E-133); except that the department may issue such  
22 permits if the [department] Attorney General has approved, issued  
23 or renewed a temporary license for such person pursuant to section  
24 10 of P.L.1983, c.392 (C.13:1E-135).

25 (cf: P.L.1991, c.269, s.17)

26

27 11. Section 9 of P.L.1983, c.392 (C.13:1E-134) is amended to  
28 read as follows:

29 9. Any license or recycling license may be revoked by the  
30 [department] Attorney General pursuant to the "Administrative  
31 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) for any of the  
32 following causes:

33 a. Any cause which would require disqualification, pursuant to  
34 subsection a., b., c., e. or f. of section 8 of P.L.1983, c.392  
35 (C.13:1E-133), from receiving a license or a recycling license upon  
36 original application;

37 b. Fraud, deceit or misrepresentation in securing the license or  
38 recycling license, or in the conduct of the licensed activity;

39 c. Offering, conferring or agreeing to confer any benefit to  
40 induce any other person to violate the provisions of P.L.1983, c.392  
41 (C.13:1E-126 et seq.), or of any other law relating to the collection,  
42 transportation, treatment, storage, transfer or disposal of solid waste  
43 or hazardous waste, or the provision of recycling services, or of any  
44 rule or regulation adopted pursuant thereto;

45 d. Coercion of a customer by violence or economic reprisal or  
46 the threat thereof to utilize the services of any permittee or licensee,  
47 or a business concern that holds a recycling license; or

1 e. Preventing, without authorization of the department, any  
2 permittee or licensee from disposing of solid waste or hazardous  
3 waste at a licensed, authorized or approved treatment, storage,  
4 transfer or disposal facility.

5 (cf: P.L.1991, c.269, s.9)

6  
7 12. Section 10 of P.L.1991, c.269 (C.13:1E-135) is amended to  
8 read as follows:

9 10. a. (1) Notwithstanding the disqualification of the applicant  
10 or permittee pursuant to subsection a., b., c., e. or f. of section 8 of  
11 P.L.1983, c.392 (C.13:1E-133), the department may issue or renew  
12 a license if the applicant or permittee severs the interest of or  
13 affiliation with the person who would otherwise cause that  
14 disqualification.

15 (2) The department may issue or renew a temporary license to  
16 any applicant or permittee for periods not to exceed six months if  
17 the department determines that the issuance or renewal of a  
18 temporary license is necessitated by the public interest.

19 b. After July 1, 1992, the provisions of any other law to the  
20 contrary notwithstanding, no temporary license shall be approved,  
21 issued or renewed by the department for any applicant or permittee,  
22 as the case may be, to own or operate a resource recovery facility or  
23 other solid waste facility approved by the department for the long-  
24 term solid waste disposal requirements of a district or districts  
25 pursuant to the "Solid Waste Management Act," P.L.1970, c.39  
26 (C.13:1E-1 et seq.) prior to the completion by the Attorney General  
27 **[and the department]** of the requirements of sections 3 and 8 of  
28 P.L.1983, c.392 (C.13:1E-128 and 13:1E-133); except that the  
29 department may issue a temporary license to an applicant or renew  
30 the temporary license of a permittee if the Commissioner of the  
31 Department of Environmental Protection determines, in writing,  
32 that the issuance of a temporary license for that applicant or  
33 renewal of the temporary license for that permittee is necessitated  
34 by the public interest.

35 (cf: P.L.1991, c.269, s.10)

36  
37 13. Section 7 of P.L.1970, c.40 (C.48:13A-6) is amended to read  
38 as follows:

39 7. a. No person shall engage, or be permitted to engage, in the  
40 business of solid waste collection or solid waste disposal until  
41 found by the Department of Environmental Protection to be  
42 qualified by experience, training or education to engage in such  
43 business, is able to furnish proof of financial responsibility, and  
44 unless that person holds a certificate of public convenience and  
45 necessity issued by the Department of Environmental Protection.

46 (1) No certificate shall be issued for solid waste collection or  
47 solid waste disposal until the person proposing to engage in solid  
48 waste collection or solid waste disposal, as the case may be, has

1 been registered with and approved by the Department of  
2 Environmental Protection as provided by section 5 of P.L.1970,  
3 c.39 (C.13:1E-5).

4 (2) No certificate of public convenience and necessity shall be  
5 issued by the Department of Environmental Protection to any  
6 person who has been denied approval of a license under the  
7 provisions of P.L.1983, c.392 (C.13:1E-126 et seq.), or whose  
8 license has been revoked by the [Department of Environmental  
9 Protection] Attorney General, as the case may be.

10 b. No person shall transport regulated medical waste until  
11 found by the Department of Environmental Protection to be  
12 qualified by experience, training or education to engage in such  
13 business, and is able to furnish proof of financial responsibility, and  
14 holds a certificate of public convenience and necessity issued by the  
15 Department of Environmental Protection. No certificate shall be  
16 issued for the transportation of regulated medical waste until the  
17 proposed transporter has obtained a registration statement required  
18 by section 5 of P.L.1970, c.39 (C.13:1E-5) and paid the fee imposed  
19 under section 9 of P.L.1989, c.34 (C.13:1E-48.9).

20 c. Notwithstanding the provisions of subsection b. of this  
21 section, the department shall not have jurisdiction over rates or  
22 charges for the transportation of regulated medical waste.

23 (cf: P.L.2003, c.169, s.13)  
24

25 14. Section 10 of P.L.1970, c.40 (C.48:13A-9) is amended to  
26 read as follows:

27 10. The Department of Environmental Protection shall revoke or  
28 suspend the certificate of public convenience and necessity issued  
29 to any person engaged in the solid waste collection business or the  
30 solid waste disposal business upon the finding that such person:

31 a. Has violated any provision of P.L.1970, c.40 (C.48:13A-1 et  
32 seq.) or P.L.1991, c.381 (C.48:13A-7.1 et al.), or any rule,  
33 regulation or administrative order adopted or issued pursuant  
34 thereto; or

35 b. Has violated any provision of any laws related to pollution  
36 of the air, water or lands of this State; or

37 c. Has refused or failed to comply with any lawful order of the  
38 department; or

39 d. Has had its registration revoked by the Department of  
40 Environmental Protection; or

41 e. Has been denied approval of a license under the provisions  
42 of P.L.1983, c.392 (C.13:1E-126 et seq.), or has had its license  
43 revoked by the [Department of Environmental Protection] Attorney  
44 General, as the case may be.

45 (cf: P.L.2003, c.169, s.19)  
46

47 15. Section 3 of P.L.1971, c.461, (C.13:1E-18) is amended to  
48 read as follows:

1       3. a. The department may in accordance with a fee schedule  
2 adopted as a rule or regulation establish and charge annual or  
3 periodic fees for any of the services to be performed in connection  
4 with the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1  
5 et seq.) [, except that the annual or periodic fees charged by the  
6 department to cover the costs incurred by any State agency relevant  
7 to pre-licensing investigations, post-licensing compliance  
8 monitoring or related activities under the provisions of P.L.1983,  
9 c.392 (C.13:1E-126 et seq.) shall be based upon the size of the  
10 business concern. For the purposes of this subsection, "business  
11 concern" means any corporation, association, firm, partnership, sole  
12 proprietorship, trust or other form of commercial organization;  
13 "size" means the number of key employees or persons required to  
14 be listed in the disclosure statement, or otherwise shown to have a  
15 beneficial interest in the business of the applicant, permittee or  
16 licensee as defined in section 2 of P.L.1983, c.392 (C.13:1E-127);  
17 and "State agency" means any State department, division, agency,  
18 commission or authority.

19       The department, upon receipt of standard billing, shall provide  
20 reimbursement in full to the Attorney General or any other State  
21 agency for all expenses incurred by that State agency in the  
22 performance of pre-licensing investigations, post-licensing  
23 compliance monitoring or any other related activities consistent  
24 with the provisions of P.L.1983, c.392 (C.13:1E-126 et seq.)].

25       b. The fee schedule shall reasonably reflect the duration or  
26 complexity of the specific service rendered, permit application  
27 reviewed, or registration statement or engineering design  
28 application approval sought.

29 (cf: P.L.1991, c.269, s.15)

30

31       16. (New section) a. The Attorney General shall establish  
32 application and license fees for any license or recycling license  
33 issued pursuant to P.L.1983, c.392 (C.13:1E-126 et seq.). The fees  
34 shall be based upon the cost of investigation and consideration of  
35 the license application, and the actual and prospective costs of the  
36 investigative and enforcement functions of the office. The annual or  
37 periodic fees shall cover the costs incurred by any State agency  
38 relevant to pre-licensing investigations, post-licensing compliance  
39 monitoring or related activities under the provisions of P.L.1983,  
40 c.392 (C.13:1E-126 et seq.) and shall be based upon the size of the  
41 business concern. For the purposes of this section, "business  
42 concern" means any corporation, association, firm, partnership, sole  
43 proprietorship, trust or other form of commercial organization;  
44 "size" means the number of key employees or persons required to  
45 be listed in the disclosure statement, or otherwise shown to have a  
46 beneficial interest in the business of the applicant, permittee or  
47 licensee as defined in section 2 of P.L.1983, c.392 (C.13:1E-127);

1 and "State agency" means any State department, division, agency,  
2 commission or authority.

3 The Attorney General shall provide reimbursement in full to any  
4 State agency for all expenses incurred by that State agency in the  
5 performance of pre-licensing investigations, post-licensing  
6 compliance monitoring or any other related activities consistent  
7 with the provisions of P.L.1983, c.392 (C.13:1E-126 et seq.)

8 b. The Attorney General shall prepare and submit, pursuant to  
9 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature an  
10 annual report on the establishment and implementation of the fee  
11 schedule adopted pursuant to this section.

12

13 17. (New section) No later than 90 days after the date of  
14 enactment of P.L. , c. (C. ) (pending before the Legislature as  
15 this bill), the Department of Environmental Protection, the  
16 Department of the Treasury, and the Attorney General shall enter  
17 into a memorandum of agreement that provides for the  
18 establishment of a records and information management system to  
19 provide State regulators at each department and other relevant  
20 government agencies in New Jersey and elsewhere with effective  
21 and efficient access to information concerning individuals and  
22 business concerns that are applicants, license holders, and  
23 permittees in the solid waste, hazardous waste and recycling  
24 industries. The information in the system shall include license and  
25 permit information, records of violations, criminal charges and  
26 convictions, debarment determinations and any other information  
27 deemed to be relevant.

28

29 18. (New section) The State Treasurer shall establish a list to be  
30 maintained in the Department of the Treasury of individuals and  
31 business concerns that have:

32 a. been debarred from contracting with or receiving funds from  
33 any unit in the Executive branch of State government, including any  
34 entity exercising executive branch authority or independent State  
35 authority, or any unit of local government or board of education;

36 b. had a permit, license, or recycling license denied or revoked  
37 pursuant to P.L.1983, c.392 (C.13:1E-126 et seq.); or

38 c. had any license denied or revoked pursuant to P.L.1977,  
39 c.110 (C.5:12-1 et seq.).

40

41 19. (New section) The Attorney General shall seek to establish  
42 with the State of New York and other states in the region a  
43 reciprocal information exchange system to facilitate the sharing of  
44 information among the states on the solid waste, hazardous waste,  
45 and recycling industries in the respective states. Each year for the  
46 first three years after the date of enactment of P.L. , c. (C. )  
47 (pending before the Legislature as this bill), the Attorney General  
48 shall prepare and submit, pursuant to section 2 of P.L.1991, c.164

1 (C.52:14-19.1), to the Legislature a report on the progress made  
2 toward establishing and implementing this interstate cooperative  
3 effort.

4

5 20. Section 2 of this act shall take effect on the 180th day after  
6 the date of enactment, and the remainder of this act shall take effect  
7 immediately.

8

9

10 STATEMENT

11

12 This bill would implement many of the recommendations in the  
13 December 2011 report issued by the State of New Jersey  
14 Commission of Investigation concerning the circumvention of  
15 oversight in the solid waste and recycling industries. The bill  
16 would amend the existing law to expand the requirement for  
17 background checks to a broader range of persons involved in the  
18 solid waste industry, such as sales persons, consultants, and  
19 brokers. The bill would also subject the recycling industry to the  
20 same regulation and oversight under the law as that which applies to  
21 the solid waste industry. The bill would prohibit issuance of an A-  
22 901 license to persons debarred from operating in other states,  
23 prohibit individuals otherwise deemed unsuitable for the solid waste  
24 or recycling industries, convicted felons, and others of questionable  
25 character from holding an indirect, non-licensed stake in a solid  
26 waste or recycling industry (for example, those involved in vehicle  
27 leasing arrangements or property rental agreements with legitimate  
28 licensees). The bill would consolidate A-901 responsibilities within  
29 the Office of the Attorney General. Currently, these responsibilities  
30 are divided between the Department of Environmental Protection  
31 and the Office of the Attorney General.

32 The bill would require the Department of Environmental  
33 Protection, the Department of the Treasury, and the Attorney  
34 General to enter into a memorandum of agreement to provide for  
35 the establishment of a records management system to provide  
36 regulators with more effective and efficient access to information  
37 on the solid waste and recycling industries and their license and  
38 permit holders and license and permit applicants, and to facilitate  
39 appropriate sharing of such information among relevant government  
40 agencies in New Jersey and elsewhere. Further, the bill would  
41 require the Attorney General to establish a reciprocal information  
42 exchange system with the State of New York and other states in the  
43 region to facilitate sharing of information on the solid waste and  
44 recycling industries among the states in the region. Finally, the bill  
45 would require the establishment of a centralized list in the  
46 Department of the Treasury of individuals and corporate entities  
47 who have been debarred by various State agencies from  
48 participation in a number of regulated industries apart from solid

**S1351 LESNIAK**

32

1 waste and recycling, such as construction, the casino gaming  
2 industry, and transportation. This requirement will ensure that the  
3 status of persons and businesses deemed unfit to work under one  
4 agency's purview is made known to all other appropriate agencies.

WITHDRAWN