

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 2776

STATE OF NEW JERSEY
218th LEGISLATURE

ADOPTED DECEMBER 5, 2019

Sponsored by:

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District 17 (Middlesex and Somerset)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

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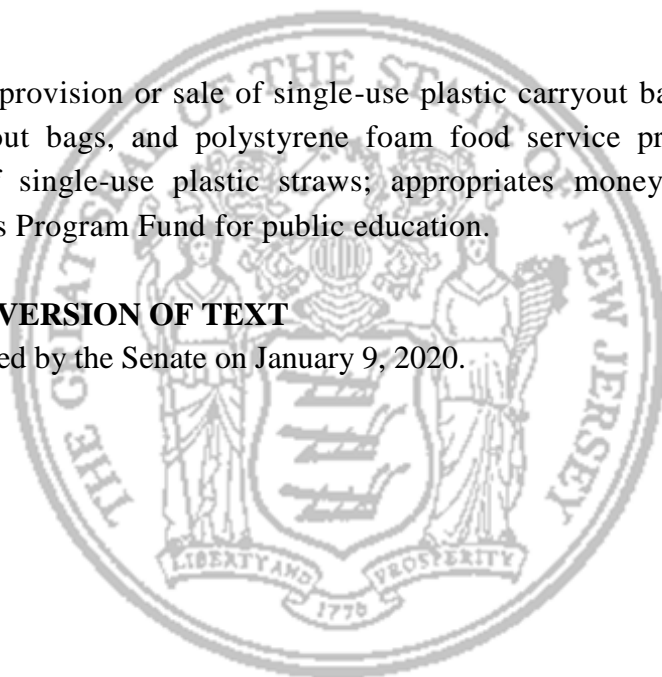
Senators Gill and Gopal

SYNOPSIS

Prohibits provision or sale of single-use plastic carryout bags, single-use paper carryout bags, and polystyrene foam food service products; limits provision of single-use plastic straws; appropriates moneys from Clean Communities Program Fund for public education.

CURRENT VERSION OF TEXT

As amended by the Senate on January 9, 2020.



1 AN ACT concerning single-use plastic carryout bags, single-use
2 paper carryout bags, polystyrene foam food service products, and
3 single-use plastic straws, ¹**[and]**¹ supplementing Title 13 of the
4 Revised Statutes ¹, and amending P.L.2002, c.128¹.

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

8
9 1. ¹(New section)¹ The Legislature finds and declares that,
10 since 1950, global annual production of plastics has increased from
11 two million tons to over 381 million tons; that approximately one
12 third of all plastics produced are single-use plastics, which are
13 plastics designed to be used only once and then thrown away; and
14 that an estimated 100 billion single-use plastic carryout bags and 25
15 billion styrofoam plastic coffee cups are thrown away in the United
16 States each year.

17 The Legislature further finds that, in 2017, only 8.4 percent of
18 plastics in the United States were recycled; that most single-use
19 plastics are disposed of in landfills, are incinerated, or become litter
20 in waterways and oceans; that plastics released in the environment
21 do not biodegrade, but instead break down into smaller pieces,
22 known as microplastics, which accumulate in the natural
23 environment and are eaten by fish and other marine life; and that
24 microplastic pollution moves through natural food webs and
25 accumulates in fish and shellfish tissues, which means microplastics
26 and associated pollutants can move into the food chain.

27 The Legislature further finds that approximately eight million
28 tons of plastic end up in the oceans annually; that, without action,
29 scientists estimate that by 2050 the mass of plastic pollution in the
30 ocean will exceed the mass of fish; that currently, there is a
31 collection of litter in the North Atlantic Ocean, known as the Great
32 Pacific Garbage Patch, that is 7.7 million square miles and is
33 composed primarily of plastics; that one study found plastics in the
34 gut of every sea turtle examined and in 90 percent of seabirds
35 examined; and that plastics have been known to cause death or
36 reproductive failure in sea turtles, birds, and other organisms that
37 ingest plastic.

38 The Legislature further finds that, as plastics break down through
39 photodegradation, they release harmful chemicals such as bisphenol
40 A (BPA) into the environment that have been linked to health
41 problems in humans; that these chemicals enter the food chain when
42 consumed by marine life; and that single-use plastic waste creates
43 visual pollution, degrades water quality, and impacts the tourism,
44 fishing, and shipping industries, all of which are major contributors
45 to the New Jersey economy.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted January 9, 2020.

1 The Legislature therefore determines that it is no longer
2 conscionable to permit the unfettered use and disposal of single-use
3 plastics in the State; that New Jersey must do its part to minimize
4 plastic pollution in the ocean, and to ensure that future generations
5 have a clean and healthy environment to live, work, and recreate in;
6 that banning or limiting the use of single-use plastic carryout bags,
7 polystyrene foam food service products, and single-use plastic
8 straws is a significant step in this effort, as these items are among
9 the most significant sources of beach and ocean pollution; that New
10 Jersey joins several other states and hundreds of municipalities
11 across the country in banning or limiting the use of single-use
12 plastics; and that such bans and limitations have drastically lowered
13 consumer consumption of single-use plastics.

14 The Legislature further finds that single-use paper carryout bags
15 use as much or more energy and resources to manufacture and
16 transport than single-use plastic carryout bags and contribute to
17 harmful air emissions. Consequently, the Legislature further
18 determines that it is in the public interest to prohibit grocery stores
19 from providing single-use paper carryout bags.

20

21 2. ¹(New section)¹ As used in ¹【this act】 P.L._____,
22 c. (C.____)(pending before the Legislature as this bill)¹:

23 “Carryout bag” means a bag that is provided by a store or food
24 service business to a customer for the purpose of transporting
25 groceries, prepared foods, or retail goods. “Carryout bag” shall not
26 include:

27 (1) a bag used solely to contain or wrap uncooked meat, fish, or
28 poultry;

29 (2) a bag used solely to package loose items such as fruits,
30 vegetables, nuts, coffee, grains, baked goods, candy, greeting cards,
31 flowers, or small hardware items;

32 (3) a bag used solely to contain live animals, such as fish or
33 insects sold in a pet store;

34 (4) a bag used solely to contain food sliced or prepared to order,
35 including soup or hot food;

36 (5) a laundry, dry cleaning, or garment bag;

37 (6) a bag provided by a pharmacy to carry prescription drugs;

38 (7) a newspaper bag; and

39 (8) any similar bag, as determined by the department pursuant to
40 rule, regulation, or guidance.

41 “Department” means the Department of Environmental
42 Protection.

43 “Food service business” means a business that sells or provides
44 food for consumption on or off the premises, and includes, but is
45 not limited to, any restaurant, café, delicatessen, coffee shop,
46 convenience store, grocery store, vending truck or cart, food truck,
47 movie theater, or business or institutional cafeteria, including those
48 operated by or on behalf of any governmental entity.

1 “Grocery store” means a self-service retail establishment that
2 occupies at least 4,500 square feet and that primarily sells a full-line
3 of household foodstuffs for off-site consumption, including, but not
4 limited to, fresh produce, meat, poultry, fish, deli products, dairy
5 products, canned foods, dry foods, beverages, baked foods, or
6 prepared foods.

7 “Person” means any individual, corporation, company,
8 association, society, firm, partnership, joint stock company, or
9 governmental entity.

10 “Plastic” means a synthetic material made from linking
11 monomers through a chemical reaction to create an organic polymer
12 chain that can be molded or extruded at high heat into various solid
13 forms retaining their defined shapes during the life cycle and after
14 disposal.

15 “Polystyrene foam” means blown polystyrene and expanded and
16 extruded foams that are thermoplastic petrochemical materials
17 utilizing a styrene monomer and processed by a number of
18 techniques, including, but not limited to, fusion of polymer spheres
19 (expandable bead polystyrene), injection molding, foam molding,
20 and extrusion-blow molding (extruded foam polystyrene).

21 “Polystyrene foam food service product” means a product made,
22 in whole or in part, of polystyrene foam that is used for selling or
23 providing a food or beverage, and includes, but is not limited to, a
24 food container, plate, hot or cold beverage cup, meat or vegetable
25 tray, cutlery, or egg carton.

26 “Reusable carryout bag” means a carryout bag that: (1) is made
27 of polypropylene, PET nonwoven fabric, nylon, cloth, or other
28 machine washable fabric; (2) has stitched handles; and (3) is
29 designed and manufactured for multiple reuse.

30 “Single-use paper carryout bag” means a carryout bag made of
31 paper that is not a reusable carryout bag.

32 “Single-use plastic carryout bag” means a carryout bag made of
33 plastic that is not a reusable carryout bag.

34 “Store” means any grocery store, convenience store, liquor store,
35 pharmacy, drug store, or other retail establishment.

36

37 3. ¹(New section)¹ a. Beginning ¹one year¹ after
38 the effective date of ¹this act¹ P.L. , c. (C.)(pending
39 before the Legislature as this bill)¹:

40 (1) no store or food service business shall provide or sell a
41 single-use plastic carryout bag to a customer; and

42 (2) no grocery store shall provide or sell a single-use paper
43 carryout bag to a customer.

44 b. ¹Beginning one year after the effective date of this act, for
45 a period of two months, a grocery store shall provide, without
46 charge, reusable carryout bags to its customers.

- 1 c.]¹ A municipality or county shall not adopt any rule,
2 regulation, code, or ordinance concerning the regulation or
3 prohibition of single-use plastic carryout bags or single-use paper
4 carryout bags after the effective date of ¹[this act] P.L. _____,
5 c. (C. _____)(pending before the Legislature as this bill)¹.
- 6 ¹[d.] c.¹ Beginning ¹[one year] two years¹ after the effective
7 date of ¹[this act] P.L. _____, c. (C. _____)(pending before the
8 Legislature as this bill)¹, this section shall supersede and preempt
9 any municipal or county rule, regulation, code, or ordinance
10 concerning the regulation or prohibition of single-use plastic
11 carryout bags or single-use paper carryout bags that was enacted
12 prior to the effective date of ¹[this act] P.L. _____,
13 c. (C. _____)(pending before the Legislature as this bill)¹.
- 14
- 15 4. ¹(New section)¹ a. Beginning two years after the effective
16 date of ¹[this act] P.L. _____, c. (C. _____)(pending before the
17 Legislature as this bill)¹, no person shall sell or offer for sale in the
18 State any polystyrene foam food service product.
- 19 b. Beginning two years after the effective date of ¹[this act]
20 P.L. _____, c. (C. _____)(pending before the Legislature as this bill)¹,
21 no food service business shall provide or sell any food in a
22 polystyrene foam food service product.
- 23 c. The following products shall be exempt from the provisions
24 of subsections a. and b. of this section for a period of two years
25 beginning two years after the effective date of ¹[this act] P.L. _____,
26 c. (C. _____)(pending before the Legislature as this bill)¹:
- 27 (1) disposable, long-handled polystyrene foam soda spoons
28 when required and used for thick drinks;
- 29 (2) portion cups of two ounces or less, if used for hot foods or
30 foods requiring lids;
- 31 (3) meat and fish trays for raw or butchered meat, including
32 poultry, or fish that is sold from a refrigerator or similar retail
33 appliance;
- 34 (4) any food product pre-packaged by the manufacturer with a
35 polystyrene foam food service product; and
- 36 (5) any other polystyrene foam food service product as
37 determined necessary by the department.
- 38 d. The department may extend any exemption provided for in
39 subsection c. of this section for additional periods not to exceed one
40 year upon a written determination that there is no cost-effective and
41 readily available alternative for the item. An exemption shall
42 expire after one year unless the department extends the exemption
43 pursuant to this subsection.
- 44 e. The department may, upon written application by a person or
45 food service business, waive the provisions of subsection a. or b. of

1 this section for the person or food service business for a period not
2 to exceed one year, if:

3 (1) there is no feasible and commercially available alternative
4 for a specific polystyrene foam food service product; or

5 (2) the person or food service business has less than \$500,000 in
6 gross annual income and there is no reasonably affordable,
7 commercially-available alternative to the polystyrene foam food
8 service product.

9 The department shall prescribe the form and manner of the
10 application for a waiver pursuant to this subsection. The
11 department may, upon written application, extend any waiver
12 granted pursuant to this section for additional periods not to exceed
13 one year.

14 f. A municipality or county shall not adopt any rule,
15 regulation, code, or ordinance concerning the regulation or
16 prohibition of polystyrene foam food service products after the
17 effective date of ¹**[this act]** P.L. _____, c. (C. _____)(pending before
18 the Legislature as this bill)¹.

19 g. Beginning two years after the effective date of ¹**[this act]**
20 P.L. _____, c. (C. _____)(pending before the Legislature as this bill)¹,
21 this section shall supersede and preempt any municipal or county
22 rule, regulation, code, or ordinance concerning the regulation or
23 prohibition of polystyrene foam food service products that was
24 enacted prior to the effective date of ¹**[this act]** P.L. _____,
25 c. (C. _____)(pending before the Legislature as this bill)¹.

26
27 5. ¹(New section)¹ a. Beginning one year after the effective
28 date of ¹**[this act]** P.L. _____, c. (C. _____)(pending before the
29 Legislature as this bill)¹, a food service business shall only provide
30 a single-use plastic straw to a customer upon the request of the
31 customer.

32 b. A food service business shall maintain an adequate supply of
33 single-use plastic straws to provide at the request of customers
34 pursuant to subsection a. of this section.

35 c. Nothing in this section shall be construed to prohibit a store
36 from selling packages of single-use plastic straws to customers, or
37 from providing or selling a beverage pre-packaged by the
38 manufacturer with a single-use plastic straw, including, but not
39 limited to, a juice box.

40 d. Notwithstanding the provisions of subsection c. of section 6
41 of ¹**[this act]** P.L. _____, c. (C. _____)(pending before the Legislature
42 as this bill)¹, the Department of Health shall enforce the provisions
43 of this section. The Department of Health may adopt, pursuant to
44 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1
45 et seq.), any rules and regulations necessary to effectuate the
46 provisions of this section.

1 e. No later than four years after the effective date of ¹**[this act]**
2 P.L. , c. (C.)(pending before the Legislature as this bill)¹,
3 the Department of Health shall prepare and submit to the Plastics
4 Advisory Council a written report evaluating the compliance of
5 food service businesses with the requirements of this section.

6 f. A municipality or county shall not adopt any rule,
7 regulation, code, or ordinance concerning the regulation or
8 prohibition of single-use plastic straws after the effective date of
9 ¹**[this act]** P.L. , c. (C.)(pending before the Legislature as
10 this bill)¹.

11 g. Beginning one year after the effective date of ¹**[this act]**
12 P.L. , c. (C.)(pending before the Legislature as this bill)¹,
13 this section shall supersede and preempt any municipal or county
14 rule, regulation, code, or ordinance concerning the regulation or
15 prohibition of single-use plastic straws that was enacted prior to the
16 effective date of ¹**[this act]** P.L. , c. (C.)(pending before
17 the Legislature as this bill)¹.

18

19 6. ¹(New section)¹ a. Any person or entity that violates a
20 provision of ¹**[this act]** P.L. , c. (C.)(pending before the
21 Legislature as this bill)¹, or any rule or regulation adopted pursuant
22 thereto, shall be subject to a warning for a first offense, up to
23 \$1,000 for a second offense, and up to \$5,000 for a third or
24 subsequent offense, to be collected in a civil action by a summary
25 proceeding under the “Penalty Enforcement Law of 1999,”
26 P.L.1999, c.274 (C.2A:58-10 et seq.), or in any case before a court
27 of competent jurisdiction wherein injunctive relief has been
28 requested. If the violation is of a continuing nature, each day
29 during which it continues shall constitute an additional, separate,
30 and distinct offense. The Superior Court and the municipal court
31 shall have jurisdiction to enforce the provisions of the “Penalty
32 Enforcement Law of 1999” in connection with ¹**[this act]** P.L. ,
33 c. (C.)(pending before the Legislature as this bill)¹.

34 b. Any penalty collected pursuant to this section shall be
35 remitted to the State Treasurer for deposit in the Clean
36 Communities Program Fund established pursuant to section 5 of
37 P.L.2002, c.128 (C.13:1E-217), except that a municipality or entity
38 certified pursuant to the “County Environmental Health Act,”
39 P.L.1977, c.443 (C.26:3a2-21 et seq.) may retain 30 percent of any
40 penalty it collects pursuant to subsection a. of this section.

41 c. The Department of Environmental Protection, a
42 municipality, and any entity certified pursuant to the “County
43 Environmental Health Act,” P.L.1977, c.443 (C.26:3a2-21 et seq.)
44 shall have the authority to enforce the provisions of ¹**[this act]**
45 P.L. , c. (C.)(pending before the Legislature as this bill)¹.
46 Those entities may institute a civil action for injunctive relief to

1 enforce ¹**【this act】** P.L. _____, c. (C. _____)(pending before the
2 Legislature as this bill)¹ and to prohibit and prevent a violation
3 thereof, and the court may proceed in the action in a summary
4 manner.

5
6 7. ¹(New section)¹ a. There is established in the Department of
7 Environmental Protection the Plastics Advisory Council. The
8 council shall monitor the implementation of ¹**【this act】** P.L. _____,
9 c. (C. _____)(pending before the Legislature as this bill)¹, and
10 evaluate its effectiveness in reducing single-use plastics and plastic
11 waste in the State.

12 b. The council shall consist of 15 members as follows:

13 (1) the Commissioner of Environmental Protection, who shall
14 serve ex officio, or the commissioner's designee;

15 (2) the Commissioner of Health, who shall serve ex officio, or
16 the commissioner's designee;

17 (3) the following members appointed by the Governor:

18 (a) two members of the academic community with expertise on
19 the issues of single-use plastics and plastic waste;

20 (b) four members representing the environmental community;

21 (c) four members representing stores and food service
22 businesses in the State;

23 (d) one member representing the polystyrene foam industry;

24 (e) one member representing the recycling industry; and

25 (f) one member representing local governments.

26 c. All appointments to the council shall be made no later than
27 90 days after the effective date of ¹**【this act】** P.L. _____,
28 c. (C. _____)(pending before the Legislature as this bill)¹. The term
29 of office of each public member shall be three years. Each member
30 shall serve until a successor has been appointed and qualified, and
31 vacancies shall be filled in the same manner as the original
32 appointments for the remainder of the unexpired term. A member is
33 eligible for reappointment to the council. The members of the
34 council shall serve without compensation, but shall be eligible for
35 necessary and reasonable expenses incurred in the performance of
36 their official duties within the limits of funds appropriated or
37 otherwise made available for the council's purposes.

38 d. The council shall organize as soon as practicable following
39 the appointment of its members and shall select a chairperson and a
40 vice-chairperson from among its members, as well as a secretary
41 who need not be a member of the council. A majority of the
42 membership of the council shall constitute a quorum for the
43 transaction of council business. The council may meet and hold
44 hearings at the place or places it designates.

45 e. No later than one year after the effective date of ¹**【this act】**
46 P.L. _____, c. (C. _____)(pending before the Legislature as this bill)¹,
47 and each year thereafter, the council shall prepare and submit a

1 written report to the Governor, the Legislature pursuant to section 2
2 of P.L.1991, c.164 (C.52:14-19.1), and the respective chairpersons
3 of the Senate Environment and Energy Committee and the
4 Assembly Environment and Solid Waste Committee, or their
5 successors, evaluating the implementation and effectiveness of
6 ¹【this act】 P.L. , c. (C.)(pending before the Legislature as
7 this bill)¹, and making any recommendations for legislative or
8 administrative action to improve the implementation or
9 effectiveness of ¹【this act】 P.L. , c. (C.)(pending before the
10 Legislature as this bill)¹.

11 f. (1) The council shall also study the environmental and
12 public health impacts of single-use plastics and micro-plastics;
13 healthy and environmentally-friendly alternatives to single-use
14 plastics; strategies and policies to increase the recyclability of
15 plastics and reduce the amount of plastic entering the environment;
16 the technological feasibility of increasing recycled content of
17 consumer plastics and expanding the types of plastics that may be
18 manufactured from recycled material; and ways to enhance the
19 development and expansion of markets of post-consumer recycled
20 plastic, including State and local purchasing and procurement
21 practices.

22 (2) No later than two years after the effective date of ¹【this act】
23 P.L. , c. (C.)(pending before the Legislature as this bill)¹,
24 the council shall submit a written report to the Governor, the
25 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),
26 and the respective chairpersons of the Senate Environment and
27 Energy Committee and the Assembly Environment and Solid Waste
28 Committee, or their successors. The written report shall summarize
29 the analysis conducted pursuant to paragraph (1) of this subsection
30 and recommend ways to reduce the use of plastics and the amount
31 of plastic entering the environment, and increase the rate of
32 recycling of plastics.

33

34 8. ¹(New section)¹ No later than six months after the effective
35 date of ¹【this act,】 P.L. , c. (C.)(pending before the
36 Legislature as this bill):

37 a.¹ the Department of State, in consultation with the Department
38 of Environmental Protection, shall establish a program to assist
39 businesses in complying with the provisions of ¹【this act】 P.L. ,
40 c. (C.)(pending before the Legislature as this bill)¹, including,
41 but not limited to, developing and publishing on its Internet website
42 guidance on compliance with the act, and establishing an online
43 clearinghouse of vendors who provide environmentally sound
44 alternatives to single-use plastic carryout bags, single-use paper
45 carryout bags, polystyrene foam food service products, and single-
46 use plastic straws ¹; and

1 b. the organization under contract with the Department of
2 Environmental Protection pursuant to section 6 of P.L.2002, c.128
3 (C.13:1E-218) shall, in cooperation with local governments and the
4 business community, develop and implement a Statewide public
5 information and education program concerning the provisions of
6 P.L. , c. (C.)(pending before the Legislature as this bill).
7 The program shall include, but need not be limited to, educational
8 programs, public service announcements, and the distribution of
9 free reusable carryout bags throughout the State¹.

10
11 9. ¹(New section)¹ The department shall adopt, pursuant to the
12 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
13 seq.), any rules and regulations necessary to effectuate the
14 provisions of ¹**【this act】** P.L. , c. (C.)(pending before the
15 Legislature as this bill)¹.

16
17 ¹10. Section 5 of P.L.2002, c.128 (C.13:1E-217) is amended to
18 read as follows:

19 5. The Clean Communities Program Fund is established as a
20 nonlapsing, revolving fund in the Department of the Treasury. The
21 Clean Communities Program Fund shall be administered by the
22 Department of Environmental Protection and credited, in addition to
23 any appropriations made thereto, with all user fees imposed
24 pursuant to section 4 of P.L.2002, c.128 (C.13:1E-216) or penalties
25 imposed pursuant to section 10 of P.L.2002, c.128 (C.13:1E-222),
26 and any sums received as voluntary contributions from private
27 sources. Interest received on moneys in the Clean Communities
28 Program Fund shall be credited to the fund. Unless otherwise
29 expressly provided by the specific appropriation thereof by the
30 Legislature, which shall take the form of a discrete legislative
31 appropriations act and shall not be included within the annual
32 appropriations act, all available moneys in the Clean Communities
33 Program Fund shall be appropriated annually solely for the
34 following purposes and no others:

35 a. 10 **【%】** percent of the estimated annual balance of the Clean
36 Communities Program Fund shall be used for a State program of
37 litter pickup and removal and of enforcement of litter-related laws
38 and ordinances in State owned places and areas that are accessible
39 to the public. Moneys in the fund may also be used by the State to
40 abate graffiti;

41 b. 50 **【%】** percent of the estimated annual balance of the Clean
42 Communities Program Fund shall be distributed as State aid to
43 eligible municipalities with total housing units of 200 or more for
44 programs of litter pickup and removal, including establishing an
45 "Adopt-A-Highway" program, of public education and information
46 relating to litter abatement and of enforcement of litter-related laws
47 and ordinances. The amount of State aid due each municipality

1 shall be solely calculated based on the proportion which the housing
2 units of a qualifying municipality bear to the total housing units in
3 the State. Total housing units shall be determined using the most
4 recent federal decennial population estimates for New Jersey and its
5 municipalities, filed in the office of the Secretary of State. Moneys
6 in the fund may also be used by an eligible municipality to abate
7 graffiti;

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

22 d. 10 **[%]** percent of the estimated annual balance of the Clean
23 Communities Program Fund shall be distributed as State aid to
24 eligible counties for programs of litter pickup and removal,
25 including establishing an "Adopt-A-Highway" program, of public
26 education and information relating to litter abatement and of
27 enforcement of litter-related laws and ordinances. The amount of
28 State aid due each county shall be solely calculated based on the
29 proportion which the county road mileage of an eligible county
30 bears to the total county road mileage within the State. For the
31 purposes of this subsection, "county road mileage" means that road
32 mileage under the jurisdiction of counties, as determined by the
33 Department of Transportation. Moneys in the fund may also be
34 used by an eligible county to abate graffiti;

35 e. No eligible municipality shall receive less than \$4,000 in
36 State aid as apportioned pursuant to subsections b. and c. of this
37 section. A municipality or county may use up to **[%]** five percent
38 of its State aid for administrative expenses;

39 f. Prior to the distribution of funds pursuant to subsections a.
40 through d. of this section **[,]** :

41 (1) \$375,000 of the estimated annual balance of the Clean
42 Communities Program Fund shall be annually appropriated to the
43 department and made available on July 1 of every year to the
44 organization under contract with the department pursuant to section
45 6 of P.L.2002, c.128 (C.13:1E-218) for a Statewide public
46 information and education program concerning antilittering
47 activities and other aspects of responsible solid waste handling
48 behavior, of which up to \$75,000 shall be used exclusively to

1 finance an annual Statewide television, radio, newspaper and other
2 media advertising campaign to promote antilittering and responsible
3 solid waste handling behavior.

4 (2) in each of the first three years after the effective date of
5 P.L. , c. (C.)(pending before the Legislature as this bill),
6 \$500,000 of the estimated annual balance of the Clean Communities
7 Program Fund shall be appropriated to the department and made
8 available on July 1 of each year to the organization under contract
9 with the department pursuant to section 6 of P.L.2002, c.128
10 (C.13:1E-218) for the Statewide public information and education
11 program developed pursuant to subsection b. of section of section 8
12 of P.L. , c. (C.)(pending before the Legislature as this bill).

13 The organization under contract with the department pursuant to
14 section 6 of P.L.2002, c.128 (C.13:1E-218) shall, no later than the
15 date on which the contract period concludes, submit a report to the
16 Governor and the Legislature concerning its activities during the
17 contract period and any recommendations concerning improving the
18 program. Every eligible municipality and county shall cooperate
19 with the organization under contract with the department pursuant
20 to section 6 of P.L.2002, c.128 (C.13:1E-218) in providing
21 information concerning its program of litter pickup and removal.

22 No later than May 31, 2008, 25 **【%】** percent of the estimated
23 annual balance of the Clean Communities Program Fund shall be
24 appropriated to the State Recycling Fund established pursuant to
25 section 5 of P.L.1981, c.278 (C.13:1E-96). These moneys shall be
26 used by the Department of Environmental Protection for direct
27 recycling grants to counties and municipalities, up to a maximum
28 appropriation of \$4,000,000.

29 g. As used in this section, "graffiti" means any inscription
30 drawn, painted or otherwise made on a bridge, building, public
31 transportation vehicle, rock, wall, sidewalk, street or other exposed
32 surface on public property.

33 The department may carry forward any unexpended balances in
34 the Clean Communities Program Fund as of June 30 of each year.¹
35 (cf: P.L.2007, c.311, s.15)

36
37 ¹**【10.】** 11.¹ This act shall take effect immediately.