

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1978

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED SEPTEMBER 17, 2020

Sponsored by:

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

Assemblyman JAMES J. KENNEDY

District 22 (Middlesex, Somerset and Union)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Co-Sponsored by:

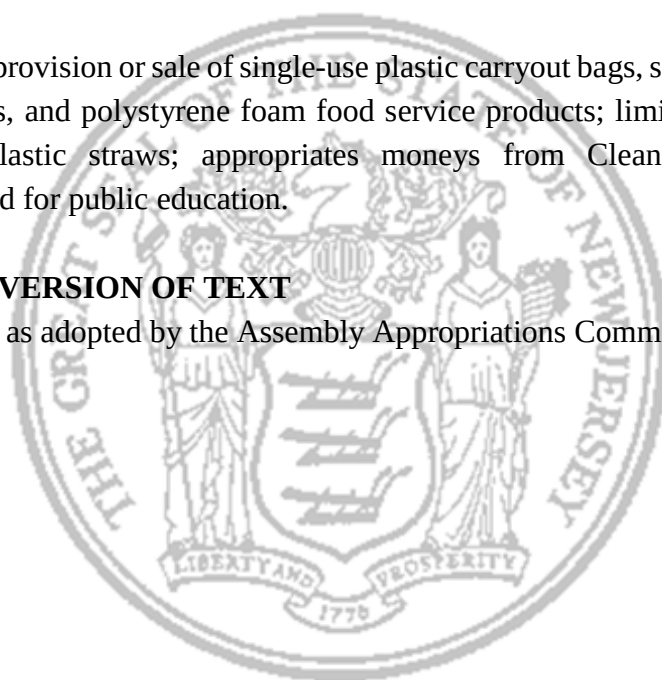
Assemblyman Conaway, Assemblywoman Vainieri Huttle, Assemblyman Calabrese, Assemblywomen Jasey, Carter, Downey, Assemblymen Caputo, Holley, Houghtaling, Mukherji, Danielsén, Assemblywoman Reynolds-Jackson, Assemblyman Zwicker, Assemblywomen McKnight and Chaparro

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

Substitute as adopted by the Assembly Appropriations Committee.



(Sponsorship Updated As Of: 9/21/2020)

1 **AN ACT** concerning single-use plastic carryout bags, single-use paper
2 carryout bags, polystyrene foam food service products, and single-
3 use plastic straws, supplementing Title 13 of the Revised Statutes,
4 and amending P.L.2002, c.128.

5

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

8

9 1. (New section) The Legislature finds and declares that, since
10 1950, global annual production of plastics has increased from two
11 million tons to over 381 million tons; that approximately one third of
12 all plastics produced are single-use plastics, which are plastics
13 designed to be used only once and then thrown away; and that an
14 estimated 100 billion single-use plastic carryout bags and 25 billion
15 styrofoam plastic coffee cups are thrown away in the United States
16 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, known
22 as microplastics, which accumulate in the natural environment and
23 are eaten by fish and other marine life; and that microplastic pollution
24 moves through natural food webs and accumulates in fish and
25 shellfish tissues, which means microplastics and associated
26 pollutants can move into the food chain.

27 The Legislature further finds that approximately eight million tons
28 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 collection
31 of litter in the North Pacific Ocean, known as the Great Pacific
32 Garbage Patch, that is 7.7 million square miles and is composed
33 primarily of plastics; that one study found plastics in the gut of every
34 sea turtle examined and in 90 percent of seabirds examined; and that
35 plastics have been known to cause death or reproductive failure in
36 sea turtles, birds, and other organisms that ingest plastic.

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

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 straws
8 is a significant step in this effort, as these items are among the most
9 significant sources of beach and ocean pollution; that New Jersey
10 joins several other states and hundreds of municipalities across the
11 country in banning or limiting the use of single-use plastics; and that
12 such bans and limitations have drastically lowered consumer
13 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 The Legislature further finds that the State's nascent hemp-
21 growing industry, regulated through the New Jersey Department of
22 Agriculture's Division of Plant Industry, would be a significant force
23 in creating biodegradable raw materials that can be turned into hemp-
24 based bio-packaging, which breaks down in approximately 90 days
25 versus the dozens of years it takes petroleum-based plastics to break
26 down into microplastics in the ocean.

27
28 2. (New section) As used in P.L. , c. (C.) (pending
29 before the Legislature as this bill):

30 "Carryout bag" means a bag that is provided by a store or food
31 service business to a customer for the purpose of transporting
32 groceries, prepared foods, or retail goods. "Carryout bag" shall not
33 include:

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

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

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

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

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

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

45 (7) a newspaper bag; and

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

1 “Department” means the Department of Environmental
2 Protection.

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

9 “Grocery store” means a self-service retail establishment that
10 occupies at least 2,500 square feet and that sells household foodstuffs
11 for off-site consumption, including, but not limited to, fresh produce,
12 meat, poultry, fish, deli products, dairy products, canned foods, dry
13 foods, beverages, baked foods, or prepared foods.

14 “Hemp product” means a finished product with a delta-9
15 tetrahydrocannabinol concentration of not more than 0.3 percent that
16 is derived from or made by processing a hemp plant or plant part and
17 prepared in a form available for commercial sale.

18 “Person” means any individual, corporation, company,
19 association, society, firm, partnership, joint stock company, or
20 governmental entity.

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

25 “Polystyrene foam” means blown polystyrene and expanded and
26 extruded foams that are thermoplastic petrochemical materials
27 utilizing a styrene monomer and processed by a number of
28 techniques, including, but not limited to, fusion of polymer spheres
29 (expandable bead polystyrene), injection molding, foam molding,
30 and extrusion-blow molding (extruded foam polystyrene).

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

36 “Reusable carryout bag” means a carryout bag that: (1) is made
37 of polypropylene, PET nonwoven fabric, nylon, cloth, hemp product,
38 or other machine washable fabric; (2) has stitched handles; and (3) is
39 designed and manufactured for multiple reuse.

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

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

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

46

47 3. (New section) a. Beginning 18 months after the effective date
48 of P.L. , c. (C.) (pending before the Legislature as this bill):

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

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

17 g. Beginning 18 months after the effective date of P.L. ,
18 c. (C.) (pending before the Legislature as this bill), this section
19 shall supersede and preempt any municipal or county rule, regulation,
20 code, or ordinance concerning the regulation or prohibition of
21 polystyrene foam food service products that was enacted prior to the
22 effective date of P.L. , c. (C.) (pending before the
23 Legislature as this bill).

24
25 5. (New section) a. Beginning one year after the effective date
26 of P.L. , c. (C.) (pending before the Legislature as this bill),
27 a food service business shall only provide a single-use plastic straw
28 to a customer upon the request of the customer.

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

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

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

44 e. No later than four years after the effective date of P.L. ,
45 c. (C.) (pending before the Legislature as this bill), the
46 Department of Health shall prepare and submit to the Plastics
47 Advisory Council a written report evaluating the compliance of food
48 service businesses with the requirements of this section.

1 f. A municipality or county shall not adopt any rule, regulation,
2 code, or ordinance concerning the regulation or prohibition of single-
3 use plastic straws after the effective date of P.L. , c. (C.)
4 (pending before the Legislature as this bill).

5 g. Beginning one year after the effective date of P.L. ,
6 c. (C.) (pending before the Legislature as this bill), this section
7 shall supersede and preempt any municipal or county rule, regulation,
8 code, or ordinance concerning the regulation or prohibition of single-
9 use plastic straws that was enacted prior to the effective date of
10 P.L. , c. (C.) (pending before the Legislature as this bill).

11

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

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

33 c. The Department of Environmental Protection, a municipality,
34 and any entity certified pursuant to the “County Environmental
35 Health Act,” P.L.1977, c.443 (C.26:3a2-21 et seq.) shall have the
36 authority to enforce the provisions of P.L. , c. (C.) (pending
37 before the Legislature as this bill). Those entities may institute a civil
38 action for injunctive relief to enforce P.L. , c. (C.) (pending
39 before the Legislature as this bill) and to prohibit and prevent a
40 violation thereof, and the court may proceed in the action in a
41 summary manner.

42

43 7. (New section) a. There is established in the Department of
44 Environmental Protection the Plastics Advisory Council. The
45 council shall monitor the implementation of P.L. , c. (C.)
46 (pending before the Legislature as this bill), and evaluate its
47 effectiveness in reducing single-use plastics and plastic waste in the
48 State.

- 1 b. The council shall consist of 16 members as follows:
- 2 (1) the Commissioner of Environmental Protection, who shall
- 3 serve ex officio, or the commissioner's designee;
- 4 (2) the Commissioner of Health, who shall serve ex officio, or the
- 5 commissioner's designee;
- 6 (3) the Secretary of Agriculture, who shall serve ex officio, or the
- 7 secretary's designee; and
- 8 (4) the following members appointed by the Governor:
- 9 (a) two members of the academic community with expertise on
- 10 the issues of single-use plastics and plastic waste;
- 11 (b) four members representing the environmental community;
- 12 (c) four members representing stores and food service businesses
- 13 in the State;
- 14 (d) one member representing the polystyrene foam industry;
- 15 (e) one member representing the recycling industry; and
- 16 (f) one member representing local governments.
- 17 c. All appointments to the council shall be made no later than 90
- 18 days after the effective date of P.L. , c. (C.) (pending before
- 19 the Legislature as this bill). The term of office of each public member
- 20 shall be three years. Each member shall serve until a successor has
- 21 been appointed and qualified, and vacancies shall be filled in the
- 22 same manner as the original appointments for the remainder of the
- 23 unexpired term. A member is eligible for reappointment to the
- 24 council. The members of the council shall serve without
- 25 compensation, but shall be eligible for necessary and reasonable
- 26 expenses incurred in the performance of their official duties within
- 27 the limits of funds appropriated or otherwise made available for the
- 28 council's purposes.
- 29 d. The council shall organize as soon as practicable following
- 30 the appointment of its members and shall select a chairperson and a
- 31 vice-chairperson from among its members, as well as a secretary who
- 32 need not be a member of the council. A majority of the membership
- 33 of the council shall constitute a quorum for the transaction of council
- 34 business. The council may meet and hold hearings at the place or
- 35 places it designates.
- 36 e. No later than one year after the effective date of P.L. ,
- 37 c. (C.) (pending before the Legislature as this bill), and each
- 38 year thereafter, the council shall prepare and submit a written report
- 39 to the Governor, the Legislature pursuant to section 2 of
- 40 P.L.1991, c.164 (C.52:14-19.1), and the respective chairpersons of
- 41 the Senate Environment and Energy Committee and the Assembly
- 42 Environment and Solid Waste Committee, or their successors,
- 43 evaluating the implementation and effectiveness of P.L. ,
- 44 c. (C.) (pending before the Legislature as this bill), and
- 45 making any recommendations for legislative or administrative action
- 46 to improve the implementation or effectiveness of P.L. ,
- 47 c. (C.) (pending before the Legislature as this bill).

1 f. (1) The council shall also study the environmental and
2 public health impacts of single-use plastics and micro-plastics;
3 healthy and environmentally-friendly alternatives to single-use
4 plastics; strategies and policies to increase the recyclability of
5 plastics and reduce the amount of plastic entering the environment;
6 the technological feasibility of increasing recycled content of
7 consumer plastics and expanding the types of plastics that may be
8 manufactured from recycled material; and ways to enhance the
9 development and expansion of markets of post-consumer recycled
10 plastic, including State and local purchasing and procurement
11 practices.

12 (2) No later than two years after the effective date of P.L. ,
13 c. (C.) (pending before the Legislature as this bill), the council
14 shall submit a written report to the Governor, the Legislature
15 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), and the
16 respective chairpersons of the Senate Environment and Energy
17 Committee and the Assembly Environment and Solid Waste
18 Committee, or their successors. The written report shall summarize
19 the analysis conducted pursuant to paragraph (1) of this subsection
20 and recommend ways to reduce the use of plastics and the amount of
21 plastic entering the environment, and increase the rate of recycling
22 of plastics.

23

24 8. (New section) No later than six months after the effective
25 date of P.L. , c. (C.) (pending before the Legislature as this
26 bill):

27 a. the Department of State, in consultation with the Department
28 of Environmental Protection, shall establish a program to assist
29 businesses in complying with the provisions of P.L. , c. (C.)
30 (pending before the Legislature as this bill), including, but not limited
31 to, developing and publishing on its Internet website guidance on
32 compliance with the act, and establishing an online clearinghouse of
33 vendors who provide environmentally sound alternatives to single-
34 use plastic carryout bags, single-use paper carryout bags, polystyrene
35 foam food service products, and single-use plastic straws; and

36 b. the organization under contract with the Department of
37 Environmental Protection pursuant to section 6 of P.L.2002, c.128
38 (C.13:1E-218) shall, in cooperation with local governments and the
39 business community, develop and implement a Statewide public
40 information and education program concerning the provisions of
41 P.L. , c. (C.) (pending before the Legislature as this bill).
42 The program shall include, but need not be limited to, educational
43 programs, public service announcements, and the distribution of free
44 reusable carryout bags throughout the State.

45

46 9. (New section) The department shall adopt, pursuant to the
47 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et

1 seq.), any rules and regulations necessary to effectuate the provisions
2 of P.L. , c. (C.) (pending before the Legislature as this bill).

3
4 10. Section 5 of P.L.2002, c.128 (C.13:1E-217) is amended to
5 read as follows:

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

22 a. 10 **[%]** percent of the estimated annual balance of the Clean
23 Communities Program Fund shall be used for a State program of litter
24 pickup and removal and of enforcement of litter-related laws and
25 ordinances in State owned places and areas that are accessible to the
26 public. Moneys in the fund may also be used by the State to abate
27 graffiti;

28 b. 50 **[%]** percent of the estimated annual balance of the Clean
29 Communities Program Fund shall be distributed as State aid to
30 eligible municipalities with total housing units of 200 or more for
31 programs of litter pickup and removal, including establishing an
32 "Adopt-A-Highway" program, of public education and information
33 relating to litter abatement and of enforcement of litter-related laws
34 and ordinances. The amount of State aid due each municipality shall
35 be solely calculated based on the proportion which the housing units
36 of a qualifying municipality bear to the total housing units in the
37 State. Total housing units shall be determined using the most recent
38 federal decennial population estimates for New Jersey and its
39 municipalities, filed in the office of the Secretary of State. Moneys
40 in the fund may also be used by an eligible municipality to abate
41 graffiti;

42 c. 30 **[%]** percent of the estimated annual balance of the Clean
43 Communities Program Fund shall be distributed as State aid to
44 eligible municipalities with total housing units of 200 or more for
45 programs of litter pickup and removal, including establishing an
46 "Adopt-A-Highway" program, of public education and information
47 relating to litter abatement and of enforcement of litter-related laws
48 and ordinances. The amount of State aid due each municipality shall

1 be solely calculated based on the proportion which the municipal
2 road mileage of a qualifying municipality bears to the total municipal
3 road mileage within the State. For the purposes of this subsection,
4 "municipal road mileage" means that road mileage under the
5 jurisdiction of municipalities, as determined by the Department of
6 Transportation. Moneys in the fund may also be used by an eligible
7 municipality to abate graffiti;

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

21 e. No eligible municipality shall receive less than \$4,000 in
22 State aid as apportioned pursuant to subsections b. and c. of this
23 section. A municipality or county may use up to **【5%】** five percent
24 of its State aid for administrative expenses;

25 f. Prior to the distribution of funds pursuant to subsections a.
26 through d. of this section **【,】** :

27 (1) \$375,000 of the estimated annual balance of the Clean
28 Communities Program Fund shall be annually appropriated to the
29 department and made available on July 1 of every year to the
30 organization under contract with the department pursuant to section
31 6 of P.L.2002, c.128 (C.13:1E-218) for a Statewide public
32 information and education program concerning antilittering activities
33 and other aspects of responsible solid waste handling behavior, of
34 which up to \$75,000 shall be used exclusively to finance an annual
35 Statewide television, radio, newspaper and other media advertising
36 campaign to promote antilittering and responsible solid waste
37 handling behavior.

38 (2) in each of the first three years after the effective date of
39 P.L. , c. (C.) (pending before the Legislature as this bill),
40 \$500,000 of the estimated annual balance of the Clean Communities
41 Program Fund shall be appropriated to the department and made
42 available on July 1 of each year to the organization under contract
43 with the department pursuant to section 6 of P.L.2002, c.128
44 (C.13:1E-218) for the Statewide public information and education
45 program developed pursuant to subsection b. of section of section 8
46 of P.L. , c. (C.) (pending before the Legislature as this bill).

47 The organization under contract with the department pursuant to
48 section 6 of P.L.2002, c.128 (C.13:1E-218) shall, no later than the

1 date on which the contract period concludes, submit a report to the
2 Governor and the Legislature concerning its activities during the
3 contract period and any recommendations concerning improving the
4 program. Every eligible municipality and county shall cooperate
5 with the organization under contract with the department pursuant to
6 section 6 of P.L.2002, c.128 (C.13:1E-218) in providing information
7 concerning its program of litter pickup and removal.

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

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

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

22
23 11. This act shall take effect immediately.