

[Fourth Reprint]

SENATE, No. 864

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 14, 2020

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Assemblywoman Reynolds-Jackson, Assemblyman Zwicker,
Assemblywomen McKnight, Chaparro, Lopez, Swain, Timberlake and
Assemblyman Tully**

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 reported by the Assembly Budget Committee on September 21, 2020, with amendments.

(Sponsorship Updated As Of: 9/24/2020)

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, supplementing Title 13 of the Revised
4 Statutes, 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 in
20 waterways and oceans; that plastics released in the environment do not
21 biodegrade, but instead break down into smaller pieces, known as
22 microplastics, which accumulate in the natural environment and are
23 eaten by fish and other marine life; and that microplastic pollution
24 moves through natural food webs and accumulates in fish and shellfish
25 tissues, which means microplastics and associated pollutants can move
26 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, scientists
29 estimate that by 2050 the mass of plastic pollution in the ocean will
30 exceed the mass of fish; that currently, there is a collection of litter in
31 the North ³**【Atlantic】** Pacific³ 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 sea
36 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 A
39 (BPA) into the environment that have been linked to health problems
40 in humans; that these chemicals enter the food chain when consumed
41 by marine life; and that single-use plastic waste creates visual
42 pollution, degrades water quality, and impacts the tourism, fishing, and
43 shipping industries, all of which are major contributors to the New
44 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 SEN committee amendments adopted January 30, 2020.

²Senate floor amendments adopted February 10, 2020.

³Assembly AAP committee amendments adopted September 17, 2020.

⁴Assembly ABU committee amendments adopted September 21, 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 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 joins
10 several other states and hundreds of municipalities across the country
11 in banning or limiting the use of single-use plastics; and that such bans
12 and limitations have drastically lowered consumer consumption of
13 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 ³The 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.³

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
5 not 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[4,500] 2,500² square feet and that ²[primarily]²
11 sells ²[a full-line of]² household foodstuffs for off-site
12 consumption, including, but not limited to, fresh produce, meat,
13 poultry, fish, deli products, dairy products, canned foods, dry foods,
14 beverages, baked foods, or prepared foods. ⁴“Grocery store” shall
15 not include an establishment that handles only prepackaged food
16 that does not require time or temperature controls for food safety.⁴

17 ³“Hemp product” means a finished product with a delta-9
18 tetrahydrocannabinol concentration of not more than 0.3 percent
19 that is derived from or made by processing a hemp plant or plant
20 part and prepared in a form available for commercial sale.³

21 “Person” means any individual, corporation, company,
22 association, society, firm, partnership, joint stock company, or
23 governmental entity.

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

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

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

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

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

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

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

3
4 3. (New section) a. Beginning ¹【two years】 18 months¹ after
5 the effective date of P.L. , c. (C.)(pending before the
6 Legislature as this bill):

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

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

11 b. A municipality or county shall not adopt any rule, regulation,
12 code, or ordinance concerning the regulation or prohibition of single-
13 use plastic carryout bags or single-use paper carryout bags after the
14 effective date of P.L. , c. (C.) (pending before the
15 Legislature as this bill).

16 c. Beginning ¹【two years】 18 months¹ after the effective date of
17 P.L. , c. (C.)(pending before the Legislature as this bill), this
18 section shall supersede and preempt any municipal or county rule,
19 regulation, code, or ordinance concerning the regulation or prohibition
20 of single-use plastic carryout bags or single-use paper carryout bags
21 that was enacted prior to the effective date of
22 P.L. , c. (C.)(pending before the Legislature as this bill).

23
24 4. (New section) a. Beginning ¹【two years】 18 months¹ after
25 the effective date of P.L. , c. (C.)(pending before the
26 Legislature as this bill), no person shall sell or offer for sale in the
27 State any polystyrene foam food service product.

28 b. Beginning ¹【two years】 18 months¹ after the effective date of
29 P.L. , c. (C.)(pending before the Legislature as this bill), no
30 food service business shall provide or sell any food in a polystyrene
31 foam food service product.

32 c. The following products shall be exempt from the provisions of
33 subsections a. and b. of this section for a period of two years beginning
34 ¹【two years】 18 months¹ after the effective date of
35 P.L. , c. (C.) (pending before the Legislature as this bill):

36 (1) disposable, long-handled polystyrene foam soda spoons when
37 required and used for thick drinks;

38 (2) portion cups of two ounces or less, if used for hot foods or
39 foods requiring lids;

40 (3) meat and fish trays for raw or butchered meat, including
41 poultry, or fish that is sold from a refrigerator or similar retail
42 appliance;

43 (4) any food product pre-packaged by the manufacturer with a
44 polystyrene foam food service product; and

45 (5) any other polystyrene foam food service product as determined
46 necessary by the department.

1 d. The department may extend any exemption provided for in
2 subsection c. of this section for additional periods not to exceed one
3 year upon a written determination that there is no cost-effective and
4 readily available alternative for the item. An exemption shall expire
5 after one year unless the department extends the exemption pursuant to
6 this subsection.

7 e. The department may, upon written application by a person or
8 food service business, waive the provisions of subsection a. or b. of
9 this section for the person or food service business for a period not to
10 exceed one year, if:

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

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

17 The department shall prescribe the form and manner of the
18 application for a waiver pursuant to this subsection. The department
19 may, upon written application, extend any waiver granted pursuant to
20 this section for additional periods not to exceed one year.

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

25 g. Beginning ¹ ~~two years~~ 18 months¹ after the effective date of
26 P.L. , c. (C.)(pending before the Legislature as this bill), this
27 section shall supersede and preempt any municipal or county rule,
28 regulation, code, or ordinance concerning the regulation or prohibition
29 of polystyrene foam food service products that was enacted prior to the
30 effective date of P.L. , c. (C.)(pending before the Legislature
31 as this bill).

32
33 5. (New section) a. Beginning one year after the effective
34 date of P.L. , c. (C.)(pending before the Legislature as this
35 bill), a food service business shall only provide a single-use plastic
36 straw to a customer upon the request of the customer.

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

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

45 d. Notwithstanding the provisions of subsection c. of section 6
46 of P.L. , c. (C.)(pending before the Legislature as this bill),
47 the Department of Health shall enforce the provisions of this
48 section. The Department of Health may adopt, pursuant to the

1 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
2 seq.), any rules and regulations necessary to effectuate the
3 provisions of this section.

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

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

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

20

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

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

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

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

4
5 7. (New section) a. There is established in the Department of
6 Environmental Protection the Plastics Advisory Council. The council
7 shall monitor the implementation of P.L. , c. (C.) (pending
8 before the Legislature as this bill), and evaluate its effectiveness in
9 reducing single-use plastics and plastic waste in the State.

10 b. The council shall consist of ³[15] 16³ members as follows:

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

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

15 (3) ³the Secretary of Agriculture, who shall serve ex officio, or the
16 secretary's designee; and

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

18 (a) two members of the academic community with expertise on the
19 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 businesses
22 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 90
27 days after the effective date of P.L. , c. (C.) (pending before
28 the Legislature as this bill). The term of office of each public member
29 shall be three years. Each member shall serve until a successor has
30 been appointed and qualified, and vacancies shall be filled in the same
31 manner as the original appointments for the remainder of the
32 unexpired term. A member is eligible for reappointment to the
33 council. The members of the council shall serve without
34 compensation, but shall be eligible for necessary and reasonable
35 expenses incurred in the performance of their official duties within the
36 limits of funds appropriated or otherwise made available for the
37 council's purposes.

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

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

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

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

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

31

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

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

45 b. the organization under contract with the Department of
46 Environmental Protection pursuant to section 6 of P.L.2002, c.128
47 (C.13:1E-218) shall, in cooperation with local governments and the
48 business community, develop and implement a Statewide public

1 information and education program concerning the provisions of
2 P.L. , c. (C.)(pending before the Legislature as this bill).
3 The program shall include, but need not be limited to, educational
4 programs, public service announcements, and the distribution of
5 free reusable carryout bags throughout the State.

6
7 9. (New section) The department shall adopt, pursuant to the
8 “Administrative Procedure Act,” P.L.1968, c.410
9 (C.52:14B-1 et seq.), any rules and regulations necessary to
10 effectuate the provisions of P.L. , c. (C.)(pending before the
11 Legislature as this bill).

12
13 10. Section 5 of P.L.2002, c.128 (C.13:1E-217) is amended to
14 read as follows:

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

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

37 b. 50 **[%]** percent of the estimated annual balance of the Clean
38 Communities Program Fund shall be distributed as State aid to
39 eligible municipalities with total housing units of 200 or more for
40 programs of litter pickup and removal, including establishing an
41 "Adopt-A-Highway" program, of public education and information
42 relating to litter abatement and of enforcement of litter-related laws
43 and ordinances. The amount of State aid due each municipality
44 shall be solely calculated based on the proportion which the housing
45 units of a qualifying municipality bear to the total housing units in
46 the State. Total housing units shall be determined using the most
47 recent federal decennial population estimates for New Jersey and its

1 municipalities, filed in the office of the Secretary of State. Moneys
2 in the fund may also be used by an eligible municipality to abate
3 graffiti;

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

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

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

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

37 (1) \$375,000 of the estimated annual balance of the Clean
38 Communities Program Fund shall be annually appropriated to the
39 department and made available on July 1 of every year to the
40 organization under contract with the department pursuant to section
41 6 of P.L.2002, c.128 (C.13:1E-218) for a Statewide public
42 information and education program concerning antilittering
43 activities and other aspects of responsible solid waste handling
44 behavior, of which up to \$75,000 shall be used exclusively to
45 finance an annual Statewide television, radio, newspaper and other
46 media advertising campaign to promote antilittering and responsible
47 solid waste handling behavior.

1 (2) in each of the first three years after the effective date of
2 P.L. , c. (C.)(pending before the Legislature as this bill),
3 \$500,000 of the estimated annual balance of the Clean Communities
4 Program Fund shall be appropriated to the department and made
5 available on July 1 of each year to the organization under contract
6 with the department pursuant to section 6 of P.L.2002, c.128
7 (C.13:1E-218) for the Statewide public information and education
8 program developed pursuant to subsection b. of section of section 8
9 of P.L. , c. (C.)(pending before the Legislature as this bill).

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

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

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

30 The department may carry forward any unexpended balances in
31 the Clean Communities Program Fund as of June 30 of each year.

32 (cf: P.L.2007, c.311, s.15)

33

34 11. This act shall take effect immediately.