

[Fourth Reprint]

**SENATE, No. 864**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED JANUARY 14, 2020

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

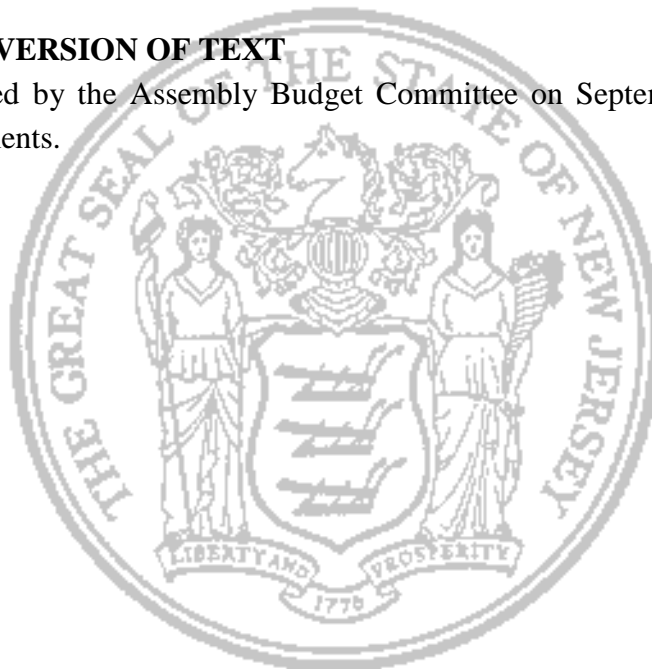
**Senators Gill and Lagana**

**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: 3/5/2020)**

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 <sup>3</sup>**【Atlantic】** Pacific<sup>3</sup> 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:

<sup>1</sup>Senate SEN committee amendments adopted January 30, 2020.

<sup>2</sup>Senate floor amendments adopted February 10, 2020.

<sup>3</sup>Assembly AAP committee amendments adopted September 17, 2020.

<sup>4</sup>Assembly 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 <sup>3</sup>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.<sup>3</sup>

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 <sup>2</sup>[4,500] 2,500<sup>2</sup> square feet and that <sup>2</sup>[primarily]<sup>2</sup>  
11 sells <sup>2</sup>[a full-line of]<sup>2</sup> 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. <sup>4</sup>“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.<sup>4</sup>

17 <sup>3</sup>“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.<sup>3</sup>

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, <sup>3</sup>hemp  
42 product,<sup>3</sup> 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 <sup>1</sup>【two years】 18 months<sup>1</sup> 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  
15 P.L. , c. (C. )(pending before the Legislature as this bill).

16 c. Beginning <sup>1</sup>【two years】 18 months<sup>1</sup> 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 <sup>1</sup>【two years】 18 months<sup>1</sup> 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 <sup>1</sup>【two years】 18 months<sup>1</sup> 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 <sup>1</sup>【two years】 18 months<sup>1</sup> 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 <sup>1</sup>~~two years~~ 18 months<sup>1</sup> 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 <sup>3</sup>[15] 16<sup>3</sup> 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) <sup>3</sup>the Secretary of Agriculture, who shall serve ex officio, or the  
16 secretary's designee; and

17 (4)<sup>3</sup> 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.