

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2424 Session of
1990

INTRODUCED BY BATTISTO, BROUJOS, FARGO, COY, SCHULER,
D. R. WRIGHT, NAILOR, KASUNIC, STISH, BELFANTI, SEMMEL,
CARLSON, VAN HORNE, TIGUE, ANGSTADT, STABACK, SAURMAN,
S. H. SMITH, G. SNYDER, FOX, MERRY, HERMAN, SERAFINI, MORRIS,
CLYMER, NOYE, JOHNSON, PESCI, BUNT, TANGRETTI, BARLEY, MELIO,
NAHILL, McCALL, DALEY, BILLOW, ADOLPH, CIVERA AND ITKIN,
APRIL 2, 1990

AS REPORTED FROM COMMITTEE ON CONSERVATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 30, 1990

AN ACT

1 ~~Amending the act of July 28, 1988 (P.L.556, No.101), entitled~~ <—
2 ~~"An act providing for planning for the processing and~~
3 ~~disposal of municipal waste; requiring counties to submit~~
4 ~~plans for municipal waste management systems within their~~
5 ~~boundaries; authorizing grants to counties and municipalities~~
6 ~~for planning, resource recovery and recycling; imposing and~~
7 ~~collecting fees; establishing certain rights for host~~
8 ~~municipalities; requiring municipalities to implement~~
9 ~~recycling programs; requiring Commonwealth agencies to~~
10 ~~procure recycled materials; imposing duties; granting powers~~
11 ~~to counties and municipalities; authorizing the Environmental~~
12 ~~Quality Board to adopt regulations; authorizing the~~
13 ~~Department of Environmental Resources to implement this act;~~
14 ~~providing remedies; prescribing penalties; establishing a~~
15 ~~fund; and making repeals," providing for the sale of~~
16 ~~recyclable and recycled materials by municipalities.~~
17 EXCLUDING THE SALE OF RECYCLABLE MATERIAL FROM MUNICIPAL <—
18 PERSONAL PROPERTY SALE RESTRICTIONS.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 ~~Section 1. Section 1501(c) of the act of July 28, 1988~~ <—
22 ~~(P.L.556, No.101), known as the Municipal Waste Planning,~~
23 ~~Recycling and Waste Reduction Act, is amended to read:~~

1 ~~Section 1501. Municipal implementation of recycling programs.~~

2 ~~* * *~~

3 ~~(c) Implementation.~~

4 ~~(1) Except as provided in paragraph (2), a municipality~~
5 ~~shall implement its responsibilities for collection,~~
6 ~~transportation, processing and marketing materials under this~~
7 ~~section in one or both of the following ways:~~

8 ~~(i) Collect, transport, process or market materials~~
9 ~~as required by this section.~~

10 ~~(ii) Enter into contracts with other persons for the~~
11 ~~collection, transportation, processing or marketing of~~
12 ~~materials as required by this section. A person who~~
13 ~~enters into a contract under this subsection shall be~~
14 ~~responsible with the municipality for implementation of~~
15 ~~this section.~~

16 ~~(2) A municipality shall not be subject to requirements~~
17 ~~otherwise imposed by law for the sale of personal property~~
18 ~~owned by the municipality when selling recyclable material or~~
19 ~~material separated, collected, recovered or created by~~
20 ~~recycling.~~

21 ~~[(2)] (3) Nothing in this section requires a~~
22 ~~municipality to collect, transport, process and market~~
23 ~~materials or to contract for the collection, transportation,~~
24 ~~processing and marketing of materials from establishments or~~
25 ~~activities where all of the following are met:~~

26 ~~(i) The municipality is not collecting and~~
27 ~~transporting municipal waste from such establishment or~~
28 ~~activity.~~

29 ~~(ii) The municipality has not contracted for the~~
30 ~~collection and transportation of municipal waste from~~

1 ~~such establishment or activity.~~

2 ~~(iii) The municipality has adopted an ordinance as~~
3 ~~required by this section, and the establishment or~~
4 ~~activity is in compliance with the provisions of this~~
5 ~~section.~~

6 ~~* * *~~

7 ~~Section 2. This act shall take effect immediately.~~

8 SECTION 1. EXCLUSION. <—

9 A MUNICIPALITY SHALL NOT BE SUBJECT TO REQUIREMENTS OTHERWISE
10 IMPOSED BY LAW FOR THE SALE OF PERSONAL PROPERTY OWNED BY THE
11 MUNICIPALITY WHEN SELLING RECYCLABLE MATERIAL OR MATERIAL
12 SEPARATED, COLLECTED, RECOVERED OR CREATED BY RECYCLING.

13 SECTION 2. DEFINITIONS.

14 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
15 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
16 CONTEXT CLEARLY INDICATES OTHERWISE:

17 "MUNICIPALITY." ANY COUNTY, CITY, BOROUGH, INCORPORATED
18 TOWN, TOWNSHIP OR HOME RULE MUNICIPALITY.

19 SECTION 3. EFFECTIVE DATE.

20 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.