

18A:58-68 to 18A:58-76

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A: 58-68 to 18A:58-76

"State School Aid Act for Asbestos"

LAWS OF: 1984

CHAPTER: 226

Bill No: A622

Sponsor(s): Doria and others

Date Introduced: Pre-filed

Committee: Assembly: Education

Senate: Revenue, Finance and Appropriations; Education

Amended during passage: Yes according to Governor's recommendations

Substituted for S1224 (not attached since identical to A622). Amendments denoted by asterisks.

Date of Passage: Assembly: April 30, 1984 Re-enacted 12-6-84

Senate: September 13, 1984 Re-enacted 12-17-84

Date of Approval: December 28, 1984

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes 2-23-84 & 3-15-84  
Senate Yes

Fiscal Note: No

Veto Message: Yes

Message on Signing: No

Following were printed:

Reports: Yes

Hearings: Yes

974.90 New Jersey. Asbestos. Policy Committee.  
H434 Report ... March, 1985. Trenton,  
1985b 1985.

(OVER)

- 974.90 New Jersey. Asbestos Policy Committee.  
H434 Interim report to the Governor.  
1984g September, 1984. Trenton, 1984.
- 974.90 New Jersey. Legislature. General Assembly.  
S372 Special Committee on Asbestos Hazards.  
1984c Public hearing, held 11-1-84, 11-7-84, 11-14-84,  
12-5-84. Trenton, Jersey City, Haddon Heights, Perth Amboy,  
1984.
- 974.90 Asbestos in New Jersey schools.  
S372 State of New Jersey. Department  
1984b of Education ... 1984. September, 1984.  
Trenton, 1984.

See newspaper clipping file in New Jersey Reference Department, "New Jersey--Cancer--1984" and "New Jersey --Cancer--1985".

20  
11/18/84  
[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 622

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Assemblymen DORIA, BENNETT, Assemblywoman KALIK,  
Assemblymen MAZUR and ROCCO

AN ACT providing for State aid for the purpose of replacing hazardous asbestos materials in school buildings and making an appropriation.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. This act shall be known and may be cited as the "State School  
2 \***[Building Act for Asbestos Removal]**\* *\*Aid Act for Asbestos\*.*

1 2. The Legislature finds:

2 a. There are many school districts in the State which should  
3 immediately renovate or replace **\*\*[ceilings or other sprayed sur-**  
4 **faces containing potentially hazardous asbestos materials]\*\*** *\*\*ma-*  
4A *terials containing asbestos which present current or potential health*  
4B *hazards in occupied areas of schools\*\*.*

5 b. State school **\*[building]\*** aid is needed to provide financial  
6 assistance which would permit school districts to immediately begin  
7 necessary removal or encapsulation under certain conditions as  
8 specified by the State Department of Health in order to protect  
9 the health and safety of students and other users of school buildings.

1 3. a. Whenever the board of education of a local school district  
2 shall determine the existence of **\*\*[sprayed asbestos material]\*\***  
3 *\*\*materials containing asbestos\*\** in its school buildings, it shall  
4 contact the State Department of Health, Asbestos Control Office,  
5 regarding appropriate testing services and the conduct of a correct  
6 hazard evaluation **\*\*[using the Environmental Protection Agency's**

**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 printed in italics thus is new matter.**

**Matter enclosed in asterisks or stars has been adopted as follows:**

**\*—Assembly committee amendments adopted March 15, 1984.**

**\*\*—Assembly Amendments adopted November 19, 1984.**

7 asbestos exposure assessment algorithm and corrective action  
 7A scale]\*\*. If a *current or* potential hazard exists, the district  
 8 may make application to the Commissioner of Education for  
 9 **[additional]** State school **[building]** aid under this act. Upon  
 10 receipt of the application, the Commissioner of Education, together  
 11 with the Commissioner of Health, shall review the conditions in the  
 12 district, taking into consideration (1) **[the exposure assessment**  
 13 **as determined by the algorithm]** *the Statewide standards*  
 14 *adopted by the Governor's Asbestos Policy Committee*, (2) the  
 15 square feet of surface covered with material containing asbestos,  
 16 (3) the district plan for continued use of buildings affected by this  
 17 act, (4) the technical plan of the district and cost estimates to  
 18 remove or renovate the surface, and (5) all other factors which the  
 19 **[Commissioner of Education or the]** State Board of Education  
 19A may deem necessary for the purpose of this act.

20 b. All approved buildings operated by a board of education for  
 21 direct education and educational support purposes shall be included  
 22 under this act except that the following shall be exempted: (1)  
 23 buildings rented by a district to operate its programs, and, (2) sub-  
 24 standard facilities, (3) the repair of roofs, (4) the repair of exterior  
 25 walls, and, (5) the repair of windows and window frames. These  
 26 repairs shall be made prior to asbestos renovations.

1 4. If the **[Commissioner]** **[or the State Board of Educa-**  
 2 **tion]** *Commissioners of Education and Health* shall find that  
 3 any school district has a *current or* potential health hazard be-  
 4 cause of asbestos materials described herein above, the State Board  
 4A of Education shall by resolution determine that the school district is  
 5 entitled to receive State school **[building]** aid pursuant to this  
 6 act. **[The maximum entitlement of a district shall be limited to**  
 7 **the square feet of ceilingss or other sprayed surfaces to be reno-**  
 8 **vated or replaced multiplied by an amount to be established by the**  
 9 **Commissioner of Education, or the actual cost, whichever is the**  
 10 **lesser amount.]**

1 **[5. The Commissioner of Education and the State Board of**  
 2 **Education may determine if it is necessary and appropriate to**  
 3 **prorate or approve less than the full entitlement of a qualifying**  
 4 **school district.]**

1 *5. Any local board of education that expended local funds for*  
 2 *asbestos removal or encapsulation prior to the effective date of*  
 3 *this act, may file an application for reimbursement of a portion of*  
 4 *unaided approved expenditures. A district that is currently plan-*  
 5 *ning or undertaking asbestos removal or encapsulation projects*  
 6 *may file an application for reimbursement of a portion of the*

7 *approved expenditures that are ineligible for State aid under any*  
 8 *other act. A district determined to be entitled to reimbursement*  
 9 *pursuant to this act shall receive State aid equal to 75% of its*  
 10 *approved local expenditures after deducting State aid paid or*  
 11 *payable on account of those expenditures under any other act.*

12 *Any district expending funds for asbestos removal or encap-*  
 13 *sulation shall maintain separate accounting records for all ex-*  
 14 *penditures for submission on the reimbursement application.\**

1 \***[6.** Any school district shall be eligible for an entitlement here-  
 2 under, and any entitlement may be made hereunder with respect  
 3 to any school district, notwithstanding that a school district may  
 4 then be eligible for or shall have heretofore received or shall here-  
 5 after receive additional State school building aid or any entitlement  
 6 with respect thereto under any other act, it being the legislative  
 7 intent that State school building aid hereunder provided shall be  
 8 independent of, or may be in addition to, any other aid received or  
 9 to be received as aforesaid. Any school district with respect to  
 10 which any determination as to State school building aid or entitle-  
 11 ment has been theretofore made pursuant to this act, may make  
 12 application for further State school building aid and for further  
 13 entitlement, or increase or revision in any entitlement thereto-  
 14 fore made. Any school district which has expended local moneys to  
 15 remove, seal or encapsulate asbestos in its schools at any time  
 16 since January 1, 1976, shall be eligible to apply for State school  
 17 building aid pursuant to the terms of this act, in order to obtain  
 18 reimbursement for those expenditures.]\*\*

1 \***[7.]**\* \*6.\* The Commissioner of Education and the State Board  
 2 of Education are each authorized to consider any application of  
 3 any school district with respect to State school \***[building]**\* aid  
 4 under this act in connection with the \***[construction]**\* \*renovation\*  
 5 of any educational facilities authorized to be undertaken pursuant  
 6 to Title 18A of the New Jersey Statutes notwithstanding that the  
 7 facilities were authorized or approved prior to the taking effect of  
 8 this act. \***[The State Board shall, within one year from the effective**  
 9 **date of this act and during each succeeding year, review the status**  
 10 **of each school district which is entitled to receive State building**  
 11 **aid pursuant to this act. These reviews shall continue annually**  
 12 **until removals or renovations are completed.]**\*

1 \*7. *Within the limits of available appropriations, a district*  
 2 *qualifying for State aid pursuant to this act shall receive its State*  
 3 *aid allocation in the order that its application is received by the*  
 4 *Commissioner of Education, except that the applications of dis-*  
 5 *tricts currently planning or undertaking asbestos removal or en-*

6 *capsulation projects shall be granted priority over applications*  
 7 *of districts that have completed or substantially completed projects*  
 8 *and have already received State aid for projects under any other*  
 9 *act.\**

1 8. As provided in this act, every school district which shall be  
 2 entitled thereto, shall receive \*~~annually the amount of its State~~  
 3 ~~school building~~\* aid and the State Board of Education shall  
 4 include the amount thereof in its annual budget for \*~~building~~\*  
 5 \*State\* aid for these school districts.

1 9. The State Board of Education shall adopt regulations in  
 2 accordance with the "Administrative Procedure Act," P. L. 1968,  
 3 c. 410 (C. 52:14B-1 et seq.) establishing standards for construction  
 4 progress and practices, fiscal controls, accounting procedures and  
 5 auditing of funds, and any other matters as it shall deem necessary.

6 The commissioner shall determine each district's compliance with  
 7 the regulations adopted pursuant to this section. When he deter-  
 8 mines that a district is not in compliance with the regulations,  
 9 the commissioner is authorized to take appropriate action to insure  
 10 the proper use of the funds and completion of the project.

1 10. \*~~There is authorized to be appropriated to the Department~~  
 2 ~~of Education the sum of \$40,000,000.00, to be apportioned in install-~~  
 3 ~~ments of \$10,000,000.00 for each of the fiscal years, 1983-84, 1984-85,~~  
 4 ~~1985-86 and 1986-87 to effectuate the purposes of this act.]~~\* *There*  
 5 *is appropriated to the Department of Education from the General*  
 6 *Fund the sum of \$10,000,000.00 to effectuate the purposes of this*  
 7 *act. \*\*~~There shall be appropriated annually, for each succeeding~~  
 8 ~~three years, the sum of \$10,000,000.00 for the purposes of this~~  
 9 ~~act.]\*\* \*\*The Departments of Education and Health together may~~  
 10 ~~expend such sums necessary for the administrative expenses in-~~  
 11 ~~curred in this program in the amount to be determined by the Di-~~  
 12 ~~rector of Budget and Accounting in the Department of Treasury.\*\*~~*

1 11. This act shall take effect immediately.

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## STATEMENT

This bill requires the State board to grant local districts State school building aid to remove asbestos from the school buildings of the district after conditions in the district have been reviewed by the Commissioner of Education and the Commissioner of Health and the commissioner or State board determines that a health hazard exists within the school. The maximum entitlement shall be limited to the square footage of ceilings or other sprayed surfaces multiplied by an amount established by the commissioner, or the actual costs, whichever is the lesser amount.

In addition, prior to testing for asbestos in local districts, this bill requires local boards to contact the Department of Health to determine the correct testing procedures to be used.

Further, any school district which has expended local moneys to remove, or, under certain conditions, encapsulate asbestos at any time since January 1976 shall be eligible to obtain reimbursement for those expenditures.

\$40,000,000.00, to be apportioned in equal installments over a four-year period, is to be appropriated to the Department of Education for asbestos removal.

Currently, the federal Environmental Protection Agency has promulgated regulations that require the states to meet the following requirement: each local district must inspect all buildings by June 1983; and, if "friable" (easily loosened) asbestos is found in the building, public notices must be posted in the buildings to notify staff and notification must be sent to the PTO's and PTA's of the building.

In 1977, 250 schools of the 2,400 schools in the State identified problems with "friable" asbestos. As of March 1983, 165 have taken corrective action and have expended \$20.3 million for removal of the asbestos and related work.

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ASSEMBLY EDUCATION COMMITTEE  
STATEMENT TO

ASSEMBLY, No. 622

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 1984

PROVISIONS:

This bill requires the State board to grant local districts State school building aid to remove asbestos from the school buildings of the district after conditions in the district have been reviewed by the Commissioner of Education and the Commissioner of Health and the commissioner or State board determines that a health hazard exists within the school. The maximum entitlement shall be limited to the square footage of ceilings or other sprayed surfaces multiplied by an amount established by the commissioner, or the actual costs, whichever is the lesser amount.

In addition, prior to testing for asbestos in local districts, this bill requires local boards to contact the Department of Health to determine the correct testing procedures to be used.

Further, any school district which has expended local moneys to remove, or, under certain conditions, encapsulate asbestos at any time since January 1976 shall be eligible to obtain reimbursement for those expenditures.

\$40,000,000.00, to be apportioned in equal installments over a four-year period, is to be appropriated to the Department of Education for asbestos removal.

BACKGROUND:

Currently, the federal Environmental Protection Agency has promulgated regulations that require the states to meet the following requirement: each local district must inspect all buildings by June 1983; and, if "friable" (easily loosened) asbestos is found in the building, public notices must be posted in the buildings to notify staff and notification must be sent to the PTO's and PTA's of the building.

In 1977, 250 schools of the 2,400 schools in the State identified problems with "friable" asbestos. As of March 1983, 165 have taken corrective action and have expended \$20.3 million for the removal of the asbestos and related work.

FISCAL IMPLICATIONS:

The Department of Education estimates that to remove all "friable" asbestos would require \$80,000,000.00.



ASSEMBLY REVENUE, FINANCE AND APPROPRIATIONS  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 622**  
with committee amendments

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**STATE OF NEW JERSEY**

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DATED: MARCH 15, 1984

Assembly Bill No. 622, as amended, would appropriate \$10,000,000.00 to the Department of Education for asbestos removal or encapsulation in local school districts, and further authorizes annual appropriations in the same amount for the subsequent three years.

State reimbursement will equal 75% of approved local expenditures for asbestos projects, after deducting any State aid the district has received or may receive under any other State aid program. This will ensure that districts do not receive State asbestos aid for those portions of local costs that have already been or are eligible for current expense equalization aid, capital and debt service aid, or emergency school building aid.

The State Board of Education shall make State aid grants in the chronological order in which local district applications are received by the Commissioner of Education; however, applications for reimbursement from districts currently planning or undertaking asbestos projects shall be given priority over applications from districts that have completed or substantially completed such projects and have already received some form of State aid reimbursement under another program.

**FISCAL IMPACT**

The Department of Education is authorized to receive, as part of its State aid budget, \$10,000,000.00, and annually the same amount for the next succeeding three fiscal years to reimburse local school districts for eligible expenditures incurred under this act.

SENATE EDUCATION COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 622**

[OFFICIAL COPY REPRINT]

**STATE OF NEW JERSEY**

DATED: MAY 21, 1984

PROVISIONS:

This bill requires the State Board to grant local districts State school building aid to remove asbestos from the school buildings of the district after conditions in the district have been reviewed by the Commissioner of Education and the Commissioner of Health and the commissioner or State Board determines that a health hazard exists within the school. The maximum entitlement shall be limited to the square footage of ceilings or other sprayed surfaces multiplied by an amount established by the commissioner, or the actual costs, whichever is the lesser amount.

In addition, prior to testing for asbestos in local districts, this bill requires local boards to contact the Department of Health to determine the correct testing procedures to be used.

Further, any school district which has expended local moneys to remove, or, under certain conditions, encapsulate asbestos at any time since January 1976 shall be eligible to obtain reimbursement for those expenditures.

\$40,000,000.00, to be apportioned in equal installments over a four-year period, is to be appropriated to the Department of Education for asbestos removal.

BACKGROUND:

Currently, the federal Environmental Protection Agency has promulgated regulations that require the states to meet the following requirement: each local district must inspect all buildings by June 1983; and, if "friable" (easily loosened) asbestos is found in the building, public notices must be posted in the buildings to notify staff and notification must be sent to the PTO's and PTA's of the building.

In 1977, 250 schools of the 2,400 schools in the State identified problems with "friable" asbestos. As of March 1983, 165 have taken corrective action and have expended \$20.3 million for the removal of the asbestos and related work.

SENATE REVENUE, FINANCE AND APPROPRIATIONS  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 622**

[OFFICIAL COPY REPRINT]

**STATE OF NEW JERSEY**

DATED: JUNE 28, 1984

This bill would appropriate \$10,000,000.00 from the General Fund to the Department of Education for asbestos removal or encapsulation in local school districts, and further authorizes annual appropriations in the same amount for the subsequent three years.

The bill requires that local school districts, having determined the existence of sprayed asbestos surfaces, shall contact the Department of Health for advice concerning testing and hazard evaluation. Upon receipt of a district application for State aid to remove or encapsulate asbestos, the Commissioner of Education shall determine the extent of the hazard in consultation with the Commissioner of Health, and the State Board of Education shall declare the district eligible to receive State aid.

State reimbursement will equal 75% of approved local expenditures for asbestos projects, after deducting any State aid the district has received or may receive under any other State aid program. This will ensure that districts do not receive State asbestos aid for those portions of local costs that have already been or are eligible for current expense equalization aid, capital and debt service aid, or emergency school building aid.

The State Board of Education shall make State aid grants in the chronological order in which local district applications are received by the Commissioner of Education; however, applications for reimbursement from districts currently planning or undertaking asbestos projects shall be given priority over applications from districts that have completed or substantially completed such projects and have already received some form of State aid reimbursement under another program.

**FISCAL IMPACT:**

In addition to the \$10,000,000.00 appropriated by this bill, the Department of Education is authorized to receive, as part of its State aid budget, \$10,000,000.00 annually for the next succeeding three fiscal years to reimburse local school districts for eligible expenditures incurred under this act.

**OTHER LEGISLATION:**

This bill is identical to Senate Bill No. 1224 (OCR), also favorably reported by the committee.