

6:1-44.1

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2010 **CHAPTER:** 38

NJSA: 6:1-44.1. (Expands permitted expenditures from Airport Safety Fund)

BILL NO: S733 (Substituted for A1675)

SPONSOR(S) Sacco and others

DATE INTRODUCED: January 12, 2010

COMMITTEE: **ASSEMBLY:** Transportation, Public Works and Independent Authorities

SENATE: Transportation

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** May 20, 2010

SENATE: February 22, 2010

DATE OF APPROVAL: July 2, 2010

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced version of bill enacted)

S733

SPONSOR'S STATEMENT: (Begins on page 7 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

A1675

SPONSOR'S STATEMENT: (Begins on page 7 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/RWH

SENATE, No. 733

STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

Senator ANDREW R. CIESLA

District 10 (Monmouth and Ocean)

SYNOPSIS

Expands permitted expenditures from Airport Safety Fund.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 2/5/2010)

1 AN ACT concerning expenditures from the Airport Safety Fund, and
2 amending various parts of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.1953, c.234 (C.6:1-44.1) is amended to read
8 as follows:

9 1. The commissioner shall have the power to grant an
10 appropriate license or certificate upon application properly made
11 and the fee therefor paid for activities and operations that comply
12 with the requirements of this act.

13 Licenses or certificates (excepting those issued on a temporary
14 basis) required by regulation for the operation of aeronautical
15 facilities and fixed base operations are issued for a period of one
16 year. Such licenses may be annually renewed for a period of one
17 year, upon satisfaction of requirements set by the applicable rules
18 and regulations appropriate to the license or certificate sought.
19 Licenses or certificates issued on a temporary basis shall be valid
20 for a period of less than one year and continue in effect until a
21 specified expiration date, by request for withdrawal of license or
22 certificate by the initial applicant, or by order of the commissioner.
23 Rules, procedures, and application fees for the issuing of all
24 licenses and certificates shall be established by the commissioner
25 through regulation. Each applicant for license or certificate, be it
26 initial, renewal, or temporary, shall be required to pay a
27 nonrebatable fee to the Division of Aeronautics in the Department
28 of Transportation.

29 All such fees shall be paid to the State Treasurer by the division
30 for deposit in the Airport Safety Fund established by section 4 of
31 the "New Jersey Airport Safety, Security and Improvement Act [of
32 1983]," P.L.1983, c.264 (C.6:1-89 et seq.).

33 (cf: P.L.1983, c.264, s.16)

34

35 2. Section 7 of P.L.1971, c.118 (C.6:1-59.1) is amended to read
36 as follows:

37 7. Any person violating any provisions of this act or any rule,
38 regulation or order authorized hereby and any person who operates,
39 conducts, uses or permits others to operate, conduct, use or employ
40 any aeronautical facility, operation or activity which is required to
41 be licensed, without said license being previously issued or renewed
42 as required, shall be liable to a penalty of up to \$1,000.00, which
43 may be collected and enforced in an action by the Division of
44 Aeronautics in the name of the State in any municipal court or in
45 any other court of competent jurisdiction in a summary manner,

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 without a jury, in accordance with the procedure prescribed in "the
2 penalty enforcement law" (N.J.S. 2A:58-1 et seq.). All penalties
3 and costs collected in such actions shall be accounted for by the
4 judge and forwarded to the Division of Aeronautics, which shall
5 transmit the same to the State Treasurer, who shall credit such
6 moneys to the Airport Safety Fund established by section 4 of the
7 "New Jersey Airport Safety, Security and Improvement Act 【of
8 1983】," P.L.【1983】 c. [264] (C. [6:1-89 et seq.])1983, c.264
9 (C.6:1-89 et seq.).
10 (cf: P.L.1983, c.264, s.17)

11
12 3. Section 1 of P.L.1983, c.264 (C.6:1-89) is amended to read
13 as follows:

14 1. This act shall be known and may be cited as the "New Jersey
15 Airport Safety, Security and Improvement Act 【of 1983】."
16 (cf: P.L.1983, c.264, s.1)

17
18 4 Section 9 of P.L.1983, c.264 (C.6:1-93) is amended to read
19 as follows:

20 9. The commissioner is hereby authorized to expend moneys
21 from the Airport Safety Fund established by section 4 of the "New
22 Jersey Airport Safety, Security and Improvement Act 【of 1983】,"
23 P.L.1983, c.264 (C.6:1-92), for the following purposes:

24 a. To provide grants to publicly and privately owned,
25 unrestricted, public use airports to obtain federal funds for airport
26 assistance. The commissioner is authorized to provide up to 50% of
27 the required local match; except that the commissioner is authorized
28 to provide up to 100% of the required local match, when he deems
29 that an emergency situation exists.

30 b. To provide grants or loans, or both, to publicly owned and
31 private, unrestricted, public use airports for safety projects,
32 including but not limited to engineering, planning, construction and
33 rehabilitation of lighting, runways, aprons, airport approach aids
34 and obstruction removals, and for security, capital improvement,
35 informational and educational projects, and revenue and nonrevenue
36 producing capital improvement and development projects.

37 c. To provide grants or loans, or both, to publicly owned
38 airports or counties or municipalities to acquire airports or lands,
39 rights in land and easements, including aviation easements
40 necessary for clear zones or clear areas, which are owned,
41 controlled or operated, or to be owned, controlled or operated by
42 municipalities, counties or other political subdivisions of this State.

43 d. To acquire lands or rights in lands adjacent to privately
44 owned, public use airports, which are found necessary for airport or
45 air safety purposes, and while retaining title to that land or rights in
46 land, the commissioner may lease those lands or rights to airports or
47 airport authorities for use in the furtherance of airport, air safety, or

1 air transportation purposes. The commissioner shall establish terms
2 in any such lease so as to protect the State's interest in the
3 promotion of aviation and the State's investment in lands and
4 property.

5 e. To provide loans to unrestricted public use airports and New
6 Jersey based aviation enterprises, in amounts not to exceed
7 \$200,000 per loan, for such specific purposes, not included among
8 those set forth in subsection b. of this section, and on such terms
9 and conditions as may be determined by the commissioner pursuant
10 to this subsection. Loans pursuant to this subsection may be
11 provided for [revenue or nonrevenue generating capital
12 construction, capital development, or equipment acquisition
13 purposes] purposes or projects which effectuate the New Jersey
14 Airport Safety, Security and Improvement Act and the duties and
15 powers of the commissioner set forth in section 5 of P.L.1966,
16 c.301 (C.27:1A-5). In providing such loans, the commissioner shall
17 establish loan security terms so as to protect the State's interests.
18 Loans shall not be provided pursuant to this subsection to airports
19 or enterprises for the purpose of expanding, preparing for an
20 expansion or completing an expansion of the physical capabilities
21 of the airport, including but not limited to expansion of the
22 runways, to support a greater number of flights or larger aircraft
23 than that which the airport is able to handle within the safety
24 parameters applicable to that airport at the time of the loan
25 application, except that a loan may be provided to restore the
26 physical capabilities of an airport, which capabilities have been
27 reduced as a result of insufficient maintenance and repair, to the
28 capabilities that existed when the airport was in a state of full repair
29 and fully maintained.

30 f. To establish, operate, or provide any program or activity
31 which promotes aviation safety, promotes aviation education, or
32 provides for the promotion of aeronautics. In no fiscal year shall the
33 amount of moneys expended pursuant to this subsection exceed 10
34 percent of the total amount of moneys appropriated in that fiscal
35 year to the Airport Safety Fund, established in the General Fund
36 pursuant to section 4 of P.L.1983, c.264 (C.6:1-92).

37 (cf: P.L.1997, c.231, s.4)

38

39 5. Section 15 of P.L.1995, c.108 (C.27:1B-21.8) is amended to
40 read as follows:

41 15. Each year a nonlapsing sum of money shall be appropriated
42 from funds held in the Special Transportation Fund, established
43 pursuant to section 21 of P.L.1984, c.73 (C.27:1B-21), and credited
44 to the Airport Safety Fund, established in the General Fund
45 pursuant to section 4 of P.L.1983, c.264 (C.6:1-92), for use for any
46 purpose pursuant to the " New Jersey Airport Safety, Security and
47 Improvement Act [of 1983]," P.L.1983, c.264 (C.6:1-89 et al.) and

1 that sum shall be included in the annual report of projects prepared
2 pursuant to section 22 of P.L.1984, c.73 (C.27:1B-22). Funds so
3 appropriated shall no longer be subject to the provisions and
4 limitations of chapter 1B of Title 27 of the Revised Statutes, but
5 instead shall be subject to the provisions and limitations of
6 P.L.1983, c.264 (C.6:1-89 et al.).
7 (cf: P.L.1997, c.231, s.5)

8

9 6. R.S.54:39-66 is amended to read as follows:

10 54:39-66. Any person:

11 (1) Who shall use any fuels as herein defined for any of the
12 following purposes:

13 (a) (Deleted by amendment.)

14 (b) Buses while being operated over the highways of this
15 State in those municipalities to which the operator has paid a
16 monthly franchise tax for the use of the streets therein under the
17 provisions of R.S.48:16-25 and buses while being operated over
18 the highways of this State in a regular route bus operation as
19 defined in R.S.48:4-1 and under operating authority conferred
20 pursuant to R.S.48:4-3, or while providing bus service under a
21 contract with the New Jersey Transit Corporation or under a
22 contract with a county for special or rural transportation bus service
23 subject to the jurisdiction of the New Jersey Transit Corporation
24 pursuant to P.L.1979, c.150 (C.27:25-1 et seq.), and buses
25 providing commuter bus service which receive or discharge
26 passengers in New Jersey. For the purpose of this paragraph
27 "commuter bus service" means regularly scheduled passenger
28 service provided by motor vehicles whether within or across the
29 geographical boundaries of New Jersey and utilized by passengers
30 using reduced fare, multiple ride or commutation tickets and shall
31 not include charter bus operations or special bus operations as
32 defined in R.S.48:4-1 or buses operated for the transportation
33 of enrolled children and adults referred to in subsection c. of
34 R.S.48:4-1,

35 (c) Agricultural tractors not operated on a public highway,

36 (d) Farm machinery,

37 (e) Aircraft,

38 (f) Ambulances,

39 (g) Rural free delivery carriers in the dispatch of their official
40 business,

41 (h) Such vehicles as run only on rails or tracks, and such
42 vehicles as run in substitution therefor,

43 (i) Such highway motor vehicles as are operated exclusively on
44 private property,

45 (j) Motor boats or motor vessels used exclusively for or in the
46 propagation, planting, preservation and gathering of oysters and
47 clams in the tidal waters of this State,

- 1 (k) Motor boats or motor vessels used exclusively for
2 commercial fishing,
- 3 (l) Motor boats or motor vessels, while being used for hire for
4 fishing parties or being used for sightseeing or excursion parties,
- 5 (m) Cleaning,
- 6 (n) Fire engines and fire-fighting apparatus,
- 7 (o) Stationary machinery and vehicles or implements not
8 designed for the use of transporting persons or property on the
9 public highways,
- 10 (p) Heating and lighting devices,
- 11 (q) Fuels previously taxed under this chapter and later exported
12 from the State of New Jersey to any other state or country;
13 provided, proof satisfactory to the director of such exportation is
14 submitted,
- 15 (r) Motor boats or motor vessels used exclusively for Sea Scout
16 training by a duly chartered unit of the Boy Scouts of America,
- 17 (s) Emergency vehicles used exclusively by volunteer first-aid
18 or rescue squads, and
- 19 (t) Diesel fuel, the increase in the tax thereof as imposed by
20 P.L.1984, c.73, as used by passenger automobiles and motor
21 vehicles of less than 5,000 pounds gross weight; and
- 22 (2) Who shall have paid the tax for such fuels, hereby required
23 to be paid, shall be reimbursed and repaid the amount of tax so paid
24 upon presenting to the director an application for such
25 reimbursement or repayment, in form prescribed by the director,
26 which application shall be verified by a declaration of the applicant
27 that the statements contained therein are true. Such application for
28 reimbursement or repayment shall be supported by an invoice, or
29 invoices, showing the name and address of the person from whom
30 purchased, the name of the purchaser, the date of purchase, the
31 number of gallons purchased, the price paid per gallon, and an
32 acknowledgment by the seller that payment of the cost of the fuel,
33 including the tax thereon, has been made. Such invoice, or
34 invoices, shall be legibly written and shall be void if any
35 corrections or erasures shall appear on the face thereof.
- 36 The director may, in his discretion, permit a distributor entitled
37 to a refund under the provisions of this section to take credit
38 therefor, in lieu of such refund, in such manner as the director may
39 require, on a report filed pursuant to R.S.54:39-27.
- 40 Any refund granted to a person under subsection (1)(e), for fuel
41 used in aircraft, shall be paid from the moneys deposited in the
42 Airport Safety Fund established by section 4 of the "New Jersey
43 Airport Safety, Security and Improvement Act [of 1983],"
44 P.L.1983, c.264 (C.6:1-92). Such refunds shall be granted on an
45 annual basis.
- 46 (cf: P.L.1992, c.23, s.45)

S733 SACCO, CIESLA

8

- 1 would amend the statutory language governing the ASF to further
- 2 clarify that purpose.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 733

STATE OF NEW JERSEY

DATED: FEBRUARY 4, 2010

The Senate Transportation Committee reports favorably Senate Bill No. 733.

This bill would change the name of the existing “New Jersey Airport Safety Act of 1983” to the “New Jersey Airport Safety, Security and Improvement Act.”

Additionally, this bill would expand the authority of the Commissioner of Transportation to expend monies from the Airport Safety Fund (ASF) to provide grants and loans to publicly owned and private, unrestricted, public use airports to include grants and loans for security, capital improvement, informational and educational projects, and revenue and nonrevenue producing capital improvement and development projects. Currently, under P.L.1983, c.264 (C.6:1-93), the commissioner is authorized to expend monies from the ASF to provide loans in amounts not exceeding \$200,000 to unrestricted public use airports and New Jersey based aviation enterprises for revenue or nonrevenue generating capital construction, capital development, or equipment acquisition purposes. This bill would delete language regarding the provision of such limited loans for revenue or nonrevenue generating capital construction, and capital development and equipment acquisition purposes, but would permit such limited loans for the purposes or projects which effectuate the New Jersey Airport Safety, Security and Improvement Act and the duties and powers of the commissioner set forth in section 5 of P.L.1966, c.301 (C.27:1A-5).

It is the sponsor’s understanding that the ASF, established by the “New Jersey Airport Safety Act of 1983,” was created for the purpose of supporting projects that foster airport safety. This bill would amend the statutory language governing the ASF to further clarify that purpose.

This bill was pre-filed for introduction in the 2010-2011 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

SENATE, No. 733

STATE OF NEW JERSEY

DATED: MAY 13, 2010

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably Senate Bill No. 733.

As reported, this bill would change the name of the existing “New Jersey Airport Safety Act of 1983” to the “New Jersey Airport Safety, Security and Improvement Act.”

Under the current law, the Commissioner of Transportation is authorized to expend monies from the Airport Safety Fund (ASF) to provide loans in amounts not exceeding \$200,000 to unrestricted public use airports and New Jersey based aviation enterprises for revenue or nonrevenue generating capital construction, capital development, or equipment acquisition purposes. The bill would delete this purpose-restricting language and instead would permit such limited-amount loans for any purposes or projects which effectuate the New Jersey Airport Safety, Security and Improvement Act and the duties and powers of the commissioner set forth in section 5 of P.L.1966, c.301 (C.27:1A-5). The bill also would clarify that commissioner may expend from the ASF loan amounts exceeding \$200,000, not only for engineering, planning, construction and rehabilitation of lighting, runways, aprons, airport approach aids and obstruction removals, as under current law, but also for security, capital improvement, informational and educational projects, and revenue and nonrevenue producing capital improvement and development projects.

As reported, Senate Bill No. 733 is identical to Assembly Bill No. 1675, which was amended and reported by the committee on this date.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 733
STATE OF NEW JERSEY
214th LEGISLATURE

DATED: MARCH 1, 2010

SUMMARY

Synopsis: Expands permitted expenditures from Airport Safety Fund.

Type of Impact: No fiscal impact.

Agencies Affected: Department of Transportation

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	No Impact – See comments below		

- The Office of Legislative Services (OLS) has determined that this legislation will have no fiscal impact on the State.

BILL DESCRIPTION

Senate Bill No. 733 of 2010 would change the name of the existing “New Jersey Airport Safety Act of 1983” to the “New Jersey Airport Safety, Security and Improvement Act.”

The bill would expand the authority of the Commissioner of the Department of Transportation (DOT) to expend monies from the Airport Safety Fund (ASF) to provide grants and loans to publicly owned and private, unrestricted, public use airports to include grants and loans for security, capital improvement, informational and educational projects, and revenue and nonrevenue producing capital improvement and development projects. Currently, under P.L.1983, c.264 (C.6:1-93), the commissioner is authorized to expend monies from the ASF to provide loans in amounts not exceeding \$200,000 to unrestricted public use airports and New Jersey based aviation enterprises for revenue or nonrevenue generating capital construction, capital development, or equipment acquisition purposes. This bill would delete language regarding the provision of such limited loans for revenue or nonrevenue generating capital construction, capital development and equipment acquisition purposes, but would permit such limited loans for purposes or projects which effectuate the New Jersey Airport Safety, Security and Improvement Act and the duties and powers of the commissioner set forth in section 5 of P.L.1966, c.301 (C.27:1A-5).

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS has determined that this bill will have no financial impact on the State, or affect the funding level of the Division of Aeronautics within the DOT.

The OLS notes that some additional Airport Improvement, Safety and Security related projects may be created that the DOT can handle with existing staff with minimal or no impact to employee work load or existing operations.

Section: Authorities, Utilities, Transportation and Communications

*Analyst: Joseph A. Hroncich
Associate Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-6 et seq.).

ASSEMBLY, No. 1675

STATE OF NEW JERSEY
214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Camden)

SYNOPSIS

Expands permitted expenditures from Airport Safety Fund.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning expenditures from the Airport Safety Fund, and
2 amending various parts of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.1953, c.234 (C.6:1-44.1) is amended to read
8 as follows:

9 1. The commissioner shall have the power to grant an
10 appropriate license or certificate upon application properly made
11 and the fee therefor paid for activities and operations that comply
12 with the requirements of this act.

13 Licenses or certificates (excepting those issued on a temporary
14 basis) required by regulation for the operation of aeronautical
15 facilities and fixed base operations are issued for a period of one
16 year. Such licenses may be annually renewed for a period of one
17 year, upon satisfaction of requirements set by the applicable rules
18 and regulations appropriate to the license or certificate sought.
19 Licenses or certificates issued on a temporary basis shall be valid
20 for a period of less than one year and continue in effect until a
21 specified expiration date, by request for withdrawal of license or
22 certificate by the initial applicant, or by order of the commissioner.
23 Rules, procedures, and application fees for the issuing of all
24 licenses and certificates shall be established by the commissioner
25 through regulation. Each applicant for license or certificate, be it
26 initial, renewal, or temporary, shall be required to pay a
27 nonrebatable fee to the Division of Aeronautics in the Department
28 of Transportation.

29 All such fees shall be paid to the State Treasurer by the division
30 for deposit in the Airport Safety Fund established by section 4 of
31 the "New Jersey Airport Safety, Security and Improvement Act [of
32 1983]," P.L.1983, c. 264 (C. 6:1-89 et seq.).

33 (cf: P.L.1983, c. 264, s. 16)

34

35 2. Section 7 of P.L.1971, c.118 (C.6:1-59.1) is amended to read
36 as follows:

37 7. Any person violating any provisions of this act or any rule,
38 regulation or order authorized hereby and any person who operates,
39 conducts, uses or permits others to operate, conduct, use or employ
40 any aeronautical facility, operation or activity which is required to
41 be licensed, without said license being previously issued or renewed
42 as required, shall be liable to a penalty of up to \$1,000.00, which
43 may be collected and enforced in an action by the Division of
44 Aeronautics in the name of the State in any municipal court or in
45 any other court of competent jurisdiction in a summary manner,

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 without a jury, in accordance with the procedure prescribed in "the
2 penalty enforcement law" (N.J.S. 2A:58-1 et seq.). All penalties
3 and costs collected in such actions shall be accounted for by the
4 judge and forwarded to the Division of Aeronautics, which shall
5 transmit the same to the State Treasurer, who shall credit such
6 moneys to the Airport Safety Fund established by section 4 of the
7 "New Jersey Airport Safety, Security and Improvement Act 【of
8 1983】," P.L.【1983】, c. [264] (C. [6:1-89 et seq.])1983, c.264
9 (C.6:1-89 et seq.
10 (cf: P.L.1983, c. 264, s. 17)
11

12 3. Section 1 of P.L.1983, c.264 (C.6:1-89) is amended to read
13 as follows:

14 1. This act shall be known and may be cited as the "New Jersey
15 Airport Safety, Security and Improvement Act 【of 1983】."
16 (cf: P.L.1983, c.264, s.1)
17

18 4. Section 9 of P.L.1983, c.264 (C.6:1-93) is amended to read
19 as follows:

20 9. The commissioner is hereby authorized to expend moneys
21 from the Airport Safety Fund established by section 4 of the "New
22 Jersey Airport Safety, Security and Improvement Act 【of 1983】,"
23 P.L.1983, c.264 (C.6:1-92), for the following purposes:

24 a. To provide grants to publicly and privately owned,
25 unrestricted, public use airports to obtain federal funds for airport
26 assistance. The commissioner is authorized to provide up to 50% of
27 the required local match; except that the commissioner is authorized
28 to provide up to 100% of the required local match, when he deems
29 that an emergency situation exists.

30 b. To provide grants or loans, or both, to publicly owned and
31 private, unrestricted, public use airports for safety projects,
32 including but not limited to engineering, planning, construction and
33 rehabilitation of lighting, runways, aprons, airport approach aids
34 and obstruction removals, and for security, capital improvement,
35 informational and educational projects.

36 c. To provide grants or loans, or both, to publicly owned
37 airports or counties or municipalities to acquire airports or lands,
38 rights in land and easements, including aviation easements
39 necessary for clear zones or clear areas, which are owned,
40 controlled or operated, or to be owned, controlled or operated by
41 municipalities, counties or other political subdivisions of this State.

42 d. To acquire lands or rights in lands adjacent to privately
43 owned, public use airports, which are found necessary for airport or
44 air safety purposes, and while retaining title to that land or rights in
45 land, the commissioner may lease those lands or rights to airports or
46 airport authorities for use in the furtherance of airport, air safety, or
47 air transportation purposes. The commissioner shall establish terms

1 in any such lease so as to protect the State's interest in the
2 promotion of aviation and the State's investment in lands and
3 property.

4 e. To provide loans to unrestricted public use airports and New
5 Jersey based aviation enterprises, in amounts not to exceed
6 \$200,000 per loan, for such specific purposes, not included among
7 those set forth in subsection b. of this section, and on such terms
8 and conditions as may be determined by the commissioner pursuant
9 to this subsection. Loans pursuant to this subsection may be
10 provided for [revenue or nonrevenue generating capital
11 construction, capital development, or] equipment acquisition
12 purposes. In providing such loans, the commissioner shall establish
13 loan security terms so as to protect the State's interests. Loans shall
14 not be provided pursuant to this subsection to airports or enterprises
15 for the purpose of expanding, preparing for an expansion or
16 completing an expansion of the physical capabilities of the airport,
17 including but not limited to expansion of the runways, to support a
18 greater number of flights or larger aircraft than that which the
19 airport is able to handle within the safety parameters applicable to
20 that airport at the time of the loan application, except that a loan
21 may be provided to restore the physical capabilities of an airport,
22 which capabilities have been reduced as a result of insufficient
23 maintenance and repair, to the capabilities that existed when the
24 airport was in a state of full repair and fully maintained.

25 f. To establish, operate, or provide any program or activity
26 which promotes aviation safety, promotes aviation education, or
27 provides for the promotion of aeronautics. In no fiscal year shall the
28 amount of moneys expended pursuant to this subsection exceed 10
29 percent of the total amount of moneys appropriated in that fiscal
30 year to the Airport Safety Fund, established in the General Fund
31 pursuant to section 4 of P.L.1983, c.264 (C.6:1-92).
32 (cf: P.L.1997, c.231, s.4)

33
34 5. Section 15 of P.L.1995, c.108 (C.27:1B-21.8) is amended to
35 read as follows:

36 15. Each year a nonlapsing sum of money shall be appropriated
37 from funds held in the Special Transportation Fund, established
38 pursuant to section 21 of P.L.1984, c.73 (C.27:1B-21), and credited
39 to the Airport Safety Fund, established in the General Fund
40 pursuant to section 4 of P.L.1983, c.264 (C.6:1-92), for use for any
41 purpose pursuant to the "New Jersey Airport Safety, Security and
42 Improvement Act [of 1983]," P.L.1983, c.264 (C.6:1-89 et al.) and
43 that sum shall be included in the annual report of projects prepared
44 pursuant to section 22 of P.L.1984, c.73 (C.27:1B-22). Funds so
45 appropriated shall no longer be subject to the provisions and
46 limitations of chapter 1B of Title 27 of the Revised Statutes, but

1 instead shall be subject to the provisions and limitations of
2 P.L.1983, c.264 (C.6:1-89 et al.).
3 (cf: P.L.1997, c.231, s.5)

4
5 6. R.S.54:39-66 is amended to read as follows:

6 54:39-66. Any person:

7 (1) Who shall use any fuels as herein defined for any of the
8 following purposes:

9 (a) (Deleted by amendment.)

10 (b) Buses while being operated over the highways of this
11 State in those municipalities to which the operator has paid a
12 monthly franchise tax for the use of the streets therein under the
13 provisions of R.S.48:16-25 and buses while being operated over
14 the highways of this State in a regular route bus operation as
15 defined in R.S.48:4-1 and under operating authority conferred
16 pursuant to R.S.48:4-3, or while providing bus service under a
17 contract with the New Jersey Transit Corporation or under a
18 contract with a county for special or rural transportation bus service
19 subject to the jurisdiction of the New Jersey Transit Corporation
20 pursuant to P.L.1979, c.150 (C.27:25-1 et seq.), and buses
21 providing commuter bus service which receive or discharge
22 passengers in New Jersey. For the purpose of this paragraph
23 "commuter bus service" means regularly scheduled passenger
24 service provided by motor vehicles whether within or across the
25 geographical boundaries of New Jersey and utilized by passengers
26 using reduced fare, multiple ride or commutation tickets and shall
27 not include charter bus operations or special bus operations as
28 defined in R.S.48:4-1 or buses operated for the transportation of
29 enrolled children and adults referred to in subsection c. of R.S.48:4-
30 1,

31 (c) Agricultural tractors not operated on a public highway,

32 (d) Farm machinery,

33 (e) Aircraft,

34 (f) Ambulances,

35 (g) Rural free delivery carriers in the dispatch of their official
36 business,

37 (h) Such vehicles as run only on rails or tracks, and such
38 vehicles as run in substitution therefor,

39 (i) Such highway motor vehicles as are operated exclusively on
40 private property,

41 (j) Motor boats or motor vessels used exclusively for or in the
42 propagation, planting, preservation and gathering of oysters and
43 clams in the tidal waters of this State,

44 (k) Motor boats or motor vessels used exclusively for
45 commercial fishing,

46 (l) Motor boats or motor vessels, while being used for hire for
47 fishing parties or being used for sightseeing or excursion parties,

- 1 (m) Cleaning,
2 (n) Fire engines and fire-fighting apparatus,
3 (o) Stationary machinery and vehicles or implements not
4 designed for the use of transporting persons or property on the
5 public highways,
6 (p) Heating and lighting devices,
7 (q) Fuels previously taxed under this chapter and later exported
8 from the State of New Jersey to any other state or country;
9 provided, proof satisfactory to the director of such exportation is
10 submitted,
11 (r) Motor boats or motor vessels used exclusively for Sea Scout
12 training by a duly chartered unit of the Boy Scouts of America,
13 (s) Emergency vehicles used exclusively by volunteer first-aid
14 or rescue squads, and
15 (t) Diesel fuel, the increase in the tax thereof as imposed by
16 P.L.1984, c.73, as used by passenger automobiles and motor
17 vehicles of less than 5,000 pounds gross weight; and
18 (2) Who shall have paid the tax for such fuels, hereby required
19 to be paid, shall be reimbursed and repaid the amount of tax so paid
20 upon presenting to the director an application for such
21 reimbursement or repayment, in form prescribed by the director,
22 which application shall be verified by a declaration of the applicant
23 that the statements contained therein are true. Such application for
24 reimbursement or repayment shall be supported by an invoice, or
25 invoices, showing the name and address of the person from whom
26 purchased, the name of the purchaser, the date of purchase, the
27 number of gallons purchased, the price paid per gallon, and an
28 acknowledgment by the seller that payment of the cost of the fuel,
29 including the tax thereon, has been made. Such invoice, or
30 invoices, shall be legibly written and shall be void if any
31 corrections or erasures shall appear on the face thereof.
32 The director may, in his discretion, permit a distributor entitled
33 to a refund under the provisions of this section to take credit
34 therefor, in lieu of such refund, in such manner as the director may
35 require, on a report filed pursuant to R.S.54:39-27.
36 Any refund granted to a person under subsection (1)(e), for fuel
37 used in aircraft, shall be paid from the moneys deposited in the
38 Airport Safety Fund established by section 4 of the "New Jersey
39 Airport Safety, Security and Improvement Act **[of 1983]**,"
40 P.L.1983, c.264 (C.6:1-92). Such refunds shall be granted on an
41 annual basis.
42 (cf: P.L.1992, c.23, s.45)
43
44 7. R.S.54:39-71 is amended to read as follows:
45 54:39-71. Except as provided in R.S. 54:39-30, moneys received
46 in accordance with this chapter, other than taxes paid on aircraft
47 fuels, shall be accounted for and forwarded by the Director of the

1 Division of Taxation to the State Treasurer, to be paid out and
2 distributed by him as hereinafter in this article provided. Moneys
3 received from taxes on fuel used in aircraft, pursuant to R.S. 54:39-
4 27 and section 7 of the "New Jersey Airport Safety, Security and
5 Improvement Act [of 1983]," P.L. 1983, c. 264 (C. 54:39-27a)
6 shall be accounted for and forwarded by the Director of the
7 Division of Taxation to the State Treasurer, who shall credit these
8 payments to the Airport Safety Fund established by section 4 of the
9 "New Jersey Airport Safety, Security and Improvement Act [of
10 1983]," P.L. 1983, c. 264 (C. 6:1-92).

11 (cf: P.L.1983, c.264, s. 6)

12

13 8. This act shall take effect immediately.

14

15

16

STATEMENT

17

18 This bill would change the name of the existing "New Jersey
19 Airport Safety Act of 1983" to the "New Jersey Airport Safety,
20 Security and Improvement Act."

21 Additionally, this bill would authorize the Commissioner of
22 Transportation to expend monies from the Airport Safety Fund
23 (ASF) to provide grants and loans to publicly owned and private,
24 unrestricted, public use airports for security, capital improvement,
25 informational and educational projects. This bill amends P.L.1983,
26 c.264 (C.6:1-93) to remove the limit on the total amount of loan
27 money the commissioner is authorized to make available for capital
28 projects. Currently, under P.L.1983, c.264 (C.6:1-93), the
29 commissioner is authorized to expend monies from the ASF to
30 provide loans in amounts not exceeding \$200,000 to unrestricted
31 public use airports and New Jersey based aviation enterprises for
32 revenue or nonrevenue generating capital construction, capital
33 development, or equipment acquisition purposes. This bill would
34 delete language regarding the provision of loans in amounts not
35 exceeding \$200,000 for revenue or nonrevenue generating capital
36 construction, and capital development.

37 It is the sponsor's understanding that the ASF, established by the
38 "New Jersey Airport Safety Act of 1983," was created for the
39 purpose of supporting projects that foster airport safety. This bill
40 would amend the statutory language governing the ASF to further
41 clarify that purpose.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1675

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 13, 2010

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably and with amendments Assembly Bill No. 1675.

As reported, this amended bill would change the name of the existing "New Jersey Airport Safety Act of 1983" to the "New Jersey Airport Safety, Security and Improvement Act."

Under the current law, the Commissioner of Transportation is authorized to expend monies from the Airport Safety Fund (ASF) to provide loans in amounts not exceeding \$200,000 to unrestricted public use airports and New Jersey based aviation enterprises for revenue or nonrevenue generating capital construction, capital development, or equipment acquisition purposes. The amended bill would delete this purpose-restricting language and instead would permit such limited-amount loans for any purposes or projects which effectuate the New Jersey Airport Safety, Security and Improvement Act and the duties and powers of the commissioner set forth in section 5 of P.L.1966, c.301 (C.27:1A-5). The amended bill also would clarify that commissioner may expend from the ASF loan amounts exceeding \$200,000, not only for engineering, planning, construction and rehabilitation of lighting, runways, aprons, airport approach aids and obstruction removals, as under current law, but also for security, capital improvement, informational and educational projects, and revenue and nonrevenue producing capital improvement and development projects.

As reported Assembly Bill No. 1675, as amended, is identical to Senate Bill No. 733 which reported by the committee on this date.

This bill was pre-filed for introduction in the 2010-2011 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amended the bill to clarify that Commissioner of Transportation may expend from the Airport Safety Fund loan amounts exceeding \$200,000 for revenue and nonrevenue producing capital improvement and development projects and to provide that commissioner may expend limited loans for the purposes or projects which effectuate the New Jersey Airport Safety, Security and Improvement Act and the duties and powers of the commissioner set forth in section 5 of P.L.1966, c.301 (C.27:1A-5).