

2A:58A-1 to 2A:58A-8

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:58A-1 to 2A:58A-8

("Uniform Transboundary
Pollution Reciprocal
Access Law")

LAWS OF: 1983

CHAPTER: 570

Bill No: A3066

Sponsor(s): Hollenbeck and others

Date Introduced: January 31, 1983

Committee: Assembly: Natural Resources

Senate: Energy and Environment

Amended during passage: No

Date of Passage: Assembly: April 25, 1983

Senate: January 9, 1984

Date of Approval: January 17, 1984

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly: No

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on Signing: **yes**

Following were printed:

Reports: No

Hearings: No

See:

KF165 Commissioners on Uniform State Laws. Proceedings of the 91st annual
A2 conference on Uniform State Laws. Monterey, California, July 30-August 6,
1982.

(See pp 60, 339-344)

ASSEMBLY, No. 3066

STATE OF NEW JERSEY

INTRODUCED JANUARY 31, 1983

By Assemblymen HOLLENBECK, T. GALLO, VISOTCKY
and PELLY

AN ACT concerning transboundary pollution, revising parts of the
statutory law and enacting Chapter 58A of Title 2A of the
New Jersey Statutes.

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

1. TITLE 2A
CHAPTER 58A
TRANSBOUNDARY POLLUTION

- 1 2A:58A-1. Short title.
2 2A:58A-2. Definitions.
3 2A:58A-3. Forum.
4 2A:58A-4. Right to relief.
5 2A:58A-5. Applicable law.
6 2A:58A-6. Equality of rights.
7 2A:58A-7. Right additional to other rights.
8 2A:58A-8. Uniformity of application and construction.

1 2A:58A-1. Short title. This chapter shall be known and may be
2 cited as the "Uniform Transboundary Pollution Reciprocal Access
3 Law."

4 Source: New.

1-2 2A:58A-2. Definitions. As used in this chapter:

- 3 a. "Reciprocating jurisdiction" means a state of the United
4 States of America, the District of Columbia, the Commonwealth of
5 Puerto Rico, a territory or possession of the United States of
6 America, which has enacted this law or provides substantially
7 equivalent access to its courts and administrative agencies;

8 b. "Person" means an individual person, corporation, business
 9 trust, estate, trust, partnership, association, joint venture, govern-
 10 ment in its private or public capacity, governmental subdivision or
 11 agency, or any other legal entity.

12 Source: New.

1 2A:58A-3. Forum. An action or other proceeding for injury
 2 or threatened injury to property or person in a reciprocating juris-
 3 diction caused by pollution originating, or that may originate, in
 4 this jurisdiction may be brought in this jurisdiction.

5 Source: New.

1 2A:58A-4. Right to relief. A person who suffers, or is threat-
 2 ened with, injury to his person or property in a reciprocating
 3 jurisdiction caused by pollution originating, or that may originate,
 4 in this jurisdiction has the same rights to relief with respect to the
 5 injury or threatened injury, and may enforce those rights in this
 6 jurisdiction as if the injury or threatened injury occurred in this
 7 jurisdiction.

8 Source: New.

1 2A:58A-5. Applicable law. The law to be applied in an action or
 2 other proceeding brought pursuant to this chapter, including what
 3 constitutes "pollution," is the law of this jurisdiction excluding
 4 choice of law rules.

5 Source: New.

1 2A:58A-6. Equality of rights. This chapter does not accord a
 2 person injured or threatened with injury in another jurisdiction
 3 any rights superior to those that the person would have if injured
 4 or threatened with injury in this jurisdiction.

5 Source: New.

1 2A:58A-7. Right additional to other rights. The right provided
 2 in this chapter is in addition to and not in derogation of any other
 3 rights.

4 Source: New.

1 2A:58A-8. Uniformity of application and construction. This
 2 chapter shall be applied and constructed to carry out its general
 3 purpose to make uniform the law with respect to the subject of this
 4 chapter among the jurisdictions enacting it.

1 2. This act shall take effect immediately.

STATEMENT

At the request of the sponsor, this bill has been drafted by the Division of Legal Services in furtherance of its duty to receive and consider suggestions from the American Law Institute, the National Conference of Commissioners on Uniform State Laws, and others for improvement and modification of the general and

permanent statute law of the State, and to bring the law of this State, civil and criminal, and the administration thereof, into harmony with modern conceptions and conditions.

At its annual meeting held in Monterey, California, July 30-August 6, 1982, the National Conference of Commissioners on Uniform State Laws approved and recommended for enactment by the States the "Uniform Transboundary Pollution Reciprocal Access Act."

The basic thrust of the uniform act is to change the generally recognized rule of law that actions for damages or injunctive relief for trespass, nuisance or negligent injury to lands located in one state are local actions and may be brought only in the state where the land is situated in those cases where pollution originates in one state and the land in another state is damaged.

The uniform act will eliminate the problem when both the state where the pollution originated and the state where the damage was afflicted have adopted the act or provided "substantially equivalent access to its courts and administrative agencies." Minnesota provides access to its courts for nonresident pollution victims.

The uniform act permits alleged pollution victims to seek remedies in the courts and agencies of the state where the pollution originated or in the courts and agencies of their state if the service of process can be made upon the alleged polluter.

In any action brought under the uniform act, the substantive law of the forum will apply.

TITLE 2A. ADMINISTRATION OF CIVIL AND CRIMINAL JUSTICE

Treatment of Source

<i>Revised Section</i>	<i>Source</i>	<i>Treatment of Source</i>
2A:58A-1	New	Revised section derived from section 9 UTPRA Act
2A:58A-2	New	Revised section derived from section 1 UTPRA Act
2A:58A-3	New	Revised section derived from section 2 UTPRA Act
2A:58A-4	New	Revised section derived from section 3 UTPRA Act
2A:58A-5	New	Revised section derived from section 4 UTPRA Act
2A:58A-6	New	Revised section derived from section 5 UTPRA Act
2A:58A-7	New	Revised section derived from section 6 UTPRA Act
2A:58A-8	New	Revised section derived from section 7 UTPRA Act

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SENATE ENERGY AND ENVIRONMENT COMMITTEE
STATEMENT TO
ASSEMBLY, No. 3066

STATE OF NEW JERSEY

DATED: DECEMBER 8, 1983

Assembly Bill No. 3066 would establish among states enacting legislation identical or substantially equivalent to this bill reciprocal access to legal remedies for injury or damage caused by interstate pollution. This bill would thus permit alleged victims of pollution to seek remedies in the courts and agencies of the state where the pollution originated.

The National Conference of Commissioners on Uniform State Laws in 1982 recommended that the states, the District of Columbia, the Commonwealth of Puerto Rico and territories and possessions of the United States enact legislation similar to this bill. Minnesota currently provides access to its courts for non-resident pollution victims.

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Tuesday, January 17, 1984

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A-542, sponsored by Assemblyman John Bennett, R-Monmouth, to appropriate \$297,775 from the Energy Conservation Fund to retrofit a number of State buildings with solar hot water systems.

A-562, sponsored by Assemblyman Robert Franks, R-Union, to require the State Department of Energy to evaluate preparedness of the State one year after the effective date of the legislation and every three years thereafter.

A-655, sponsored by Senator Raymond Lesniak, D-Union to establish the Open Lands Management Program to provide private landowners with financial assistance and in-kind services for projects designed to develop and maintain their lands for recreational purposes.

A-1674 sponsored by Assemblyman Newton Miller, R-Passaic, to permit peace officers and sheriff's officers to issue a summons rather than arresting an offender.

A-1918, sponsored by Assemblyman Harry McEnroe, D-Essex, to establish as a disorderly persons offense the sale of a document which simulates a driver's license or other document issued by a government agency which could be used as a means of identification or verification of age.

S-1768, sponsored by Senator Gerald Stockman, D-Mercer, to permit Boards of Education to enter into multi-year contracts for the purchase of thermal energy.

A-2007, sponsored by Assemblyman Walter Kern, R-Bergen, to subject safe deposit companies to controls by the Commissioner of Banking similar to the controls exercised over financial institutions.

A-3066, sponsored by Assemblyman Robert Hollenbeck, D-Bergen, to permit victims of pollution to seek remedy in the courts or agencies of the state in which the pollution originated.