

26:2C-9

LEGISLATIVE HISTORY CHECKLIST

NJSA 26:2C-9 (DEP various fees)

Laws of 1971 Chapter 155

Bill No. A 2308

Sponsor(s) DeKorte

Date Introduced March 25, 1971

Committee: Assembly Taxation

Senate -----

Amended during passage Yes No

Date of passage: Assembly May 3, 1971

Senate May 6, 1971

Date of approval May 20, 1971

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly No

Senate No

Fiscal Note Yes

Veto message No

Message on signing No

Following were printed:

Reports Yes

Hearings No

Recommended in:

- 974.90 N.J. Governor's Management Commission.
- R424 Survey report and recommendations. Nov. 1970
- 1970c (p.187 - copy enclosed)

The above report was the subject of numerous legislative hearings and a report in 1971.

10/4/76 The Governor's Management Comm. issued another report as a rebuttal in 1972.

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ASSEMBLY, No. 2308

STATE OF NEW JERSEY

INTRODUCED MARCH 25, 1971

By Assemblyman DE KORTE

Referred to Committee on Taxation

AN ACT concerning fees established by the Department of Environmental Protection, revising parts of the statutory laws and amending P. L. 1954, c. 212, P. L. 1958, c. 116 and P. L. 1947, c. 377.

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

1 1. Section 9 of P. L. 1954, c. 212 (C. 26:2C-9) is amended to read
2 as follows:

3 9. The department shall control air pollution in accordance with
4 the provisions of any applicable code, rule or regulation promul-
5 gated by the department and for this purpose shall have power to—

6 (a) Conduct and supervise research programs for the purpose
7 of determining the causes, effects and hazards of air pollution;

8 (b) Conduct and supervise Statewide programs of air pollution
9 control education including the preparation and distribution of
10 information relating to air pollution control;

11 (c) Require the registration of persons engaged in operations
12 which may result in air pollution and the filing of reports by them
13 containing information relating to location, size of outlet, height
14 of outlet, rate and period of emission and composition of effluent,
15 and such other information as the department shall prescribe to
16 be filed relative to air pollution, all in accordance with applicable
17 codes, rules or regulations established by the department. Regis-
18 tration reports filed with the department shall be privileged and
19 not admissible in evidence in any court;

20 (d) Enter and inspect any building or place, except private
21 residences, for the purpose of investigating an actual or suspected
22 source of air pollution and ascertaining compliance or noncom-
23 pliance with any code, rules and regulations of the department.
24 Any information relating to secret processes or methods of manu-

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

25 facture or production obtained in the course of such inspection,
26 investigation or determination, shall be kept confidential and shall
27 not be admissible in evidence in any court or in any other proceed-
28 ing except before the department as herein defined. If samples are
29 taken for analysis, a duplicate of the analytical report shall be
30 furnished promptly to the person suspected of causing air pol-
31 lution;

32 (e) Receive or initiate complaints of air pollution, hold hearings
33 in connection with air pollution and institute legal proceedings
34 for the prevention of air pollution and for the recovery of penalties,
35 in accordance with this act;

36 (f) With the approval of the Governor, cooperate with, and
37 receive money from, the Federal Government, the State Govern-
38 ment, or any county or municipal government or from private
39 sources for the study and control of air pollution;

40 (g) *The department may in accordance with a fee schedule*
41 *adopted as a rule or regulation establish and charge fees for any*
42 *of the services it performs, which fees shall be annual or periodic*
43 *as the department shall determine. The fees charged by the de-*
44 *partment pursuant to this section shall not be less than \$10.00 nor*
45 *more than \$500.00 based on criteria contained in the fee schedule.*

1 2. Section 9 of P. L. 1958, c. 116 (C. 26:2D-9) is amended to
2 read as follows:

3 9. The department shall:

4 (a) Administer this act and codes, rules or regulations promul-
5 gated by the commission;

6 (b) Provide the commission with the necessary personnel re-
7 quired to carry out its duties;

8 (c) Develop comprehensive policies and programs for the evalu-
9 tion and determination of hazards associated with the use of radia-
10 tion, and for their amelioration;

11 (d) Advise, consult, and cooperate with other agencies of the
12 State, the Federal Government, other states and interstate agen-
13 cies, and with affected groups, political subdivisions and industries;

14 (e) Accept and administer according to law loans, grants or
15 other funds or gifts from the Federal Government and from other
16 sources, public or private, for carrying out its functions under
17 this act;

18 (f) Encourage, participate in or conduct studies, investigations,
19 training, research and demonstrations relating to the control of
20 radiation hazard, the measurement of radiation, the effects on
21 health of exposure to radiation and related problems as it may

22. deem necessary or advisable for the discharge of its duties under
23 this act;

24 (g) Collect and disseminate health education information re-
25 lating to radiation protection;

26 (h) Require registration of sources of radiation, and require
27 records concerning sources of radiation to be kept in such manner
28 as may be prescribed by codes, rules or regulations of the com-
29 mission;

30 (i) Review plans and specifications on the design and shielding
31 for radiation sources submitted pursuant to codes, rules or regu-
32 lations of the commission for the purpose of determining possible
33 radiation hazards;

34 (j) Inspect radiation sources, their shielding and immediate
35 surroundings and records concerning their operation for the de-
36 termination of any possible radiation hazard;

37 (k) Have power, to be exercised subject to codes, rules and
38 regulations of the commission, to require, issue, renew, amend,
39 suspend and revoke licenses for the construction, operation or
40 maintenance of sources of radiation including byproduct materials,
41 source materials and special nuclear materials in quantities not
42 sufficient to form a critical mass. The codes, rules and regulations
43 may provide for recognition of other State or Federal licenses,
44 subject to the registration requirements prescribed by or under
45 the authority of this act;

46 (l) *Have the power in accordance with a fee schedule adopted*
47 *as a rule or regulation in accordance with the "Administrative*
48 *Procedure Act" P. L. 1968, c. 410 (C. 52:14B-1 et seq.), to estab-*
49 *lish and charge fees for any of the services it performs, which fees*
50 *shall be annual or periodic as the department shall determine. The*
51 *fees charged by the department pursuant to this section shall not*
52 *be less than \$10.00 nor more than \$500.00 based on criteria con-*
53 *tained in the fee schedule.*

1 3. Section 10 of P. L. 1947, c. 377 (C. 58:4A-14) is amended to
2 read as follows:

3 10. No well shall be drilled until a permit therefor where re-
4 quired by the provisions of this act, has been secured from the
5 said department. Application for each such permit shall be made
6 upon forms prescribed and supplied by the department, and the
7 applicant for a permit shall give such information pertaining to
8 the proposed well as the commissioner shall require. Each appli-
9 cation shall be accompanied by a fee of ~~[\$3.00]~~ \$5.00. As a further
10 condition to the issuance of such permit, the division may require

11 that accurate samples of the materials encountered in sinking the
12 proposed well shall be preserved and delivered to the State Geolo-
13 gist or one of his authorized representatives. Within 60 days of
14 the completion of the drilling of any well, a report, on forms pre-
15 scribed and supplied by the department, shall be filed by the driller
16 with the department giving the log (i.e. description of materials
17 penetrated), the size and depth of the well, the diameters and
18 lengths of casing and screen installed therein, the static and pump-
19 ing levels and the yield of the well, and such other information
20 pertaining to the construction or operation of the well as the de-
21 partment may require.

22 Any driller failing to file the report required by this section
23 within the time specified or to deliver the samples of material re-
24 quired in this section, or who shall willfully file an incomplete or
25 incorrect report, shall be liable to a penalty of \$25.00 which may
26 be collected and enforced in an action by the department in the
27 name of the State in a court of competent jurisdiction in a sum-
28 mary manner, without a jury, in accordance with the procedure
29 prescribed in "The Penalty Enforcement Law" [(P. L. 1948, c.
30 253)] (*N. J. S. 2A:58-1 et seq.*). All penalties and costs collected
31 in such actions shall be payable to the municipality in which the
32 offense occurred.

1 4. This act shall take effect on the first day of the month follow-
2 ing enactment.

STATEMENT

This bill implements recommendations of the Governor's Management Study Commission concerning the raising of well driller's fees and the institution of fees for other services rendered by the Department of Environmental Protection in the areas of air pollution control and radiation protection.

FISCAL NOTE TO
ASSEMBLY, No. 2308

STATE OF NEW JERSEY

DATED: APRIL 21, 1971

Assembly Bill No. 2308 concerns the raising of well drillers' fees and the institution of fees for services rendered by the Department of Environmental Protection in the areas of air pollution control and radiation protection.

The Department of Environmental Protection estimates that enactment of this legislation would increase the revenues of the State by \$144,000.00 in fiscal year 1971-72, \$148,250.00 in fiscal year 1972-73 and \$147,500.00 in fiscal year 1973-74.

The Governor's Management Study Commission estimated that this program would result in annual income to the State of \$80,000.00 from air pollution control fees, \$66,500.00 from Radiation protection fees, and \$17,500.00 from increased well drillers' fees.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

to meet its responsibilities and to keep the public fully informed of the progress in helping to provide clean air and water. When this transfer is effected, a supervisor should be named. This move will create an excess of personnel in the office, so three positions should be eliminated for annual savings of \$19,000.

16. Charge fees for the initial registration inspection and subsequent reinspection of X-ray equipment.

Of the 9,901 X-ray machines registered, 86% are in private use, and the remaining 14% are in institutions and schools.

X-ray machines are initially inspected and registered to verify that they present no radiological health problems. Reinspections are performed periodically to assure the machines comply with the state's radiological codes. Since 1962, this inspection program has found 1,313 defects in machines. Of this total, 29% were considered hazardous and 10% considered dangerous to operators or patients. These statistics indicate the necessity of a comprehensive inspection program.

The inspection program for the private sector is estimated to cost about \$66,500 annually, mainly for labor expense. Based upon the 1969 work load, an initial registration fee of \$35 and a reinspection fee of about \$20 will offset these costs. When this recommendation is implemented, the costs should be reviewed annually and appropriate fee adjustments made.

17. Charge a fee for all permits to construct, install, or alter air pollution control apparatus.

The Air Pollution Code requires a permit be issued for all construction, installation, or alteration of any apparatus that controls contaminant emission. Before a permit is granted, plans are reviewed to verify that the proposed control will result in a level of emission which does not violate the state's Air Pollution Code.

Since the laws require adequate equipment be installed in all potential sources of pollution, the review is necessary to determine the adequacy of controls. Cost of the review should be borne by the party that causes the emission. A fee schedule should be established and placed into effect which would recover the costs of reviewing plans for proposed projects. These costs are estimated to total approximately \$80,000 annually.

18. Reconsider the offer by Lehigh University to lease the East Point Lighthouse.

The lighthouse is vacant, boarded up, in very poor condition, deteriorating rapidly, and subject to vandalism. Its only present purpose is as a marker for navigation and a point of reference for oyster beds. Lehigh University would improve and maintain the building and use it as a research center for water ecology. The results of its studies would be available to the state.

If this recommendation is not implemented, the lighthouse should be painted, cleaned and a watch established so it is not vandalized.

19. Increase the fees for motorboat registration and operator licenses.

The 1971 appropriation for the Bureau of Navigation and its associated Boat Regulation Commission is about \$983,000. The contemplated annual revenue from registration and license fees of about \$400,000 plus other revenue of about \$260,000 is about \$323,000 less than the total expense. By increasing the fees to produce an additional \$323,000 annually, the total revenue will approximate the total expense. The fee and license schedules should be reviewed annually and adjusted as necessary to provide sufficient total revenue to offset the total expense.

20. Increase the fee for well permits.

The costs associated with the issuance of well permits are more than the present fee of \$3. In 1969, some 2,261 permits were issued. By increasing the fee to \$10, thereby generating additional annual income of \$16,000, the total revenue would approximate the costs involved.

21. Increase the prices charged for written descriptions of geodetic monuments and geodetic control index maps.

The present prices of \$0.50 each for written descriptions of geodetic monuments and \$1 each for geodetic control index maps exceed the estimated cost of reproduction of \$0.30 and \$0.50, respectively. However, there are other associated expenses including handling, postage, and record storage. The Division of Natural Resources recognizes these factors and is considering an increase in the price schedules. This recommendation concurs with the thinking of the division and suggests a price of \$2.50 each for written descriptions and \$5 each for index maps. Implementation of this recommendation will produce additional annual income of \$10,000.