

32:1-35.52a

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2003 **CHAPTER:** 198
NJSA: 32:1-35.52a (Remains of 9-11 victims to become part of memorial)
BILL NO: S1908/1924 (Substituted for A2753)

SPONSOR(S): Suliga and others

DATE INTRODUCED: September 30, 2002

COMMITTEE: **ASSEMBLY:** ----
SENATE: Transportation

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** December 15, 2003
SENATE: December 11, 2003

DATE OF APPROVAL: December 24, 2003

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Senate Committee Substitute S1908/1924 enacted)
(Amendments during passage denoted by superscript numbers)

S1908/1924

[SPONSOR'S STATEMENT \(S1908\)](#): (Begins on page 2 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(S1924\)](#): (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No
SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL ESTIMATE \(S1924\)](#): [Yes](#)

A2753

[SPONSOR'S STATEMENT](#): (Begins on page 2 of original bill) [Yes](#)
Bill and Sponsors Statement identical to S1908

COMMITTEE STATEMENT: **ASSEMBLY:** Yes [12-9-2002 \(Trans\)](#)
[5-20-2003 \(Approp\)](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL ESTIMATE](#): [Yes](#)
Identical to Fiscal Estimate for S1924

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:

Yes

"N.J. enacts law to move 9/11 ashes to Ground Zero," 12-15-03 Star Ledger, p.28

"McGreevey inks law to move WTC ashes," 12-25-03 Asbury Park Press, p.A3

"NY balks at signing law for victims memorial ashes," 12-25-2003 The Times, p.A3

"Remains can be used in memorial," 12-15-2003 Courier-News p.A3

"Burial ordered for WTC victims," 12-25-2003 Home News, p.A1

P.L. 2003, CHAPTER 198, *approved December 24, 2003*
Senate Committee Substitute for
Senate, Nos. 1908 and 1924

1 AN ACT concerning remains of the victims of September 11, 2001.

2

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

5

6 1. The Legislature finds and declares that:

7 a. The unprovoked attack on the United States carried out by
8 international terrorists on September 11, 2001 against targets in New
9 York City, Washington, D.C. and Arlington, Virginia resulted in the
10 deaths of thousands of innocent people, injury to countless others, and
11 the disruption of innumerable lives.

12 b. Among the victims of this depraved act were civilian and
13 government workers, military personnel, airline passengers and crew
14 members, police officers, firefighters and paramedics, many of whom
15 resided in this State.

16 c. The remains of many victims of the World Trade Center attacks
17 were never located.

18 d. The ash from the World Trade Center site, which contains
19 remains of the victims of September 11, 2001, has been held at Fresh
20 Kills Landfill in Staten Island, New York.

21 e. This ash should be covered and placed in containers to
22 eventually be transported to the World Trade Center site to become a
23 part of the memorial that will be built at this location.

24 f. It is fitting and proper for the State to honor the victims of
25 September 11, 2001 by returning their ashes to the site of a memorial
26 at the World Trade Center in their honor.

27

28 2. The Port Authority of New York and New Jersey shall cover
29 the site of the remains of the victims of September 11, 2001 and
30 transport those remains in containers to be used in a memorial at the
31 World Trade Center site that will be built in their honor.

32

33 3. This act shall take effect upon the enactment into law by the
34 State of New York of legislation having an identical effect with this
35 act, but if the State of New York has already enacted such legislation,
36 this act shall take effect immediately.

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40 Requires Port Authority of New York and New Jersey to use
41 transported remains of victims of September 11, 2001 from World
42 Trade Center in a memorial.

SENATE, No. 1908

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED SEPTEMBER 30, 2002

Sponsored by:

Senator JOSEPH SULIGA

District 22 (Middlesex, Somerset and Union)

Senator NIA H. GILL

District 34 (Essex and Passaic)

SYNOPSIS

Requires Port Authority of New York and New Jersey to use transported remains of victims of September 11, 2001 from World Trade Center in a memorial.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/25/2002)

1 AN ACT concerning remains of the victims of September 11, 2001.

2

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

5

6 1. The Legislature finds and declares that:

7 a. The unprovoked attack on the United States carried out by
8 international terrorists on September 11, 2001 against targets in New
9 York City, Washington, D.C. and Arlington, Virginia resulted in the
10 deaths of thousands of innocent people, injury to countless others, and
11 the disruption of innumerable lives.

12 b. Among the victims of this depraved act were civilian and
13 government workers, military personnel, airline passengers and crew
14 members, police officers, firefighters and paramedics, many of whom
15 resided in this State.

16 c. The remains of many victims of the World Trade Center attacks
17 were never located.

18 d. The ash from the World Trade Center site, which contains
19 remains of the victims of September 11, 2001, has been held at Fresh
20 Kills Landfill in Staten Island, New York.

21 e. This ash should be covered and placed in containers to
22 eventually be transported to the World Trade Center site to become a
23 part of the memorial that will be built at this location.

24 f. It is fitting and proper for the State to honor the victims of
25 September 11, 2001 by returning their ashes to the site of a memorial
26 at the World Trade Center in their honor.

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28 2. The Port Authority of New York and New Jersey shall cover
29 the site of the remains of the victims of September 11, 2001 and
30 transport those remains in containers to be used in a memorial at the
31 World Trade Center site that will be built in their honor.

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33 3. This act shall take effect upon the enactment into law by the
34 State of New York of legislation having an identical effect with this
35 act, but if the State of New York has already enacted such legislation,
36 this act shall take effect immediately.

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STATEMENT

40

41 This bill requires the Port Authority of New York and New Jersey
42 to honor the victims of the World Trade Center by covering the ashes
43 of their remains, placing them in containers and transporting them
44 from the Fresh Kills Landfill and returning them to the World Trade
45 Center site to be used in a memorial built in their honor.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 1908 and 1924

STATE OF NEW JERSEY

DATED: DECEMBER 4, 2003

The Senate Transportation Committee reports favorably Senate Committee Substitute for Senate Bill Nos. 1908 and 1924.

This bill requires the Port Authority of New York and New Jersey to honor the victims of the World Trade Center by covering the ashes of their remains, placing them in containers and transporting them from the Fresh Kills Landfill and returning them to the World Trade Center site to be used in a memorial built in their honor.

SENATE, No. 1924

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED SEPTEMBER 30, 2002

Sponsored by:

Senator PETER A. INVERSO

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senators Allen, Bucco, Singer, Vitale, Sweeney, Martin and Baer

SYNOPSIS

Requires Port Authority of New York and New Jersey to use transported remains of victims of September 11, 2001 from World Trade Center in a memorial.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/25/2003)

1 AN ACT concerning remains of the victims of September 11, 2001.

2

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

5

6 1. The Legislature finds and declares that:

7 a. The unprovoked attack on the United States carried out by
8 international terrorists on September 11, 2001 against targets in New
9 York City, Washington, D.C. and Arlington, Virginia resulted in the
10 deaths of thousands of innocent people, injury to countless others, and
11 the disruption of innumerable lives.

12 b. Among the victims of this depraved act were civilian and
13 government workers, military personnel, airline passengers and crew
14 members, police officers, firefighters and paramedics, many of whom
15 resided in this State.

16 c. The remains of many victims of the World Trade Center attacks
17 were never located.

18 d. The ash from the World Trade Center site, which contains
19 remains of the victims of September 11, 2001, has been held at Fresh
20 Kills Landfill in Staten Island, New York.

21 e. This ash should be covered and placed in containers to
22 eventually be transported to the World Trade Center site to become a
23 part of the memorial that will be built at this location.

24 f. It is fitting and proper for the State to honor the victims of
25 September 11, 2001 by returning their ashes to the site of a memorial
26 at the World Trade Center in their honor.

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28 2. The Port Authority of New York and New Jersey shall cover
29 the site of the remains of the victims of September 11, 2001 and
30 transport those remains in containers to be used in a memorial at the
31 World Trade Center site that will be built in their honor.

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33 3. This act shall take effect upon the enactment into law by the
34 State of New York of legislation having an identical effect with this
35 act, but if the State of New York has already enacted such legislation,
36 this act shall take effect immediately.

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STATEMENT

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41 This bill requires the Port Authority of New York and New Jersey
42 to honor the victims of the World Trade Center by covering the ashes
43 of their remains, placing them in containers and transporting them
44 from the Fresh Kills Landfill and returning them to the World Trade
45 Center site to be used in a memorial built in their honor.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 1924
STATE OF NEW JERSEY
210th LEGISLATURE

DATED: SEPTEMBER 29, 2003

SUMMARY

Synopsis: Requires Port Authority of New York and New Jersey to use transported remains of victims of September 11, 2001 from World Trade Center in a memorial.

Type of Impact: Indeterminate.

Agencies Affected: Port Authority of New York and New Jersey, City of New York, New York.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	None-See Comments Below		

! While the Office of Legislative Services (OLS) is unable to specify the fiscal impact of this bill, the bill does not require direct expenditure by the State. It is probable that compliance with the bill would require a large expenditure on the part of the Port Authority and the City of New York, New York.

BILL DESCRIPTION

Senate Bill No. 1924 of 2002 requires the Port Authority of New York and New Jersey to remove the ash from the Fresh Kills Landfill on Staten Island, New York and place the ash into containers. The containers are intended to be used as part of a memorial in downtown Manhattan, New York. Over 1.8 million tons of debris from the World Trade Center disaster was transported over the course of 10 months to the Fresh Kills Landfill on Staten Island. Identifiable debris was sorted, and human remains removed for DNA analysis. According to the New York City budget office, 1.2 million tons of unidentifiable ash remain at the landfill, consisting of ash and pulverized granular material (commingled wood, plastic, glass, wallboard, metal fragments and concrete).

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

OLS does not have sufficient information to specify the cost of this bill. However, compliance with the bill would require costs to be incurred by the Port Authority of New York and New Jersey, the City of New York, New York, and some Federal agencies. No action or expenditure by the State is directed by the bill. The Port Authority responsibility, according to the bill, is only to recover the ash from the landfill, place it into containers, and transport it to lower Manhattan, New York. In part, this would be a reverse of the process conducted by New York City in the initial removal and transport of material from the World Trade Center site.

According to the Federal Emergency Management Agency (FEMA), FEMA has obligated \$66.7 million to New York to reimburse the Department of Sanitation of New York (DSNY) for the costs of labor and equipment used to transport the debris to the landfill site. Initially, timely transport of 1.8 million tons of debris to the landfill required the dedication of a large fleet, with traffic diversion, for over 10 months. This included over \$15 million for costs associated with transport of debris, and related costs for safety measures for hazardous materials in the debris, barge transfer operations, and leachate control.

According to the New York budget office, the removal of this material from Fresh Kills Landfill would require the approval of both the U.S. Environmental Protection Agency and the New York State Department of Environmental Conservation (NYSDEC), following an assessment by both agencies of the health risks associated with the removal work.

The logistical difficulties of the task pose a challenge to a fiscal estimate. The Port Authority can be expected to incur some significant cost to recover the 1.2 million tons of remaining ash and transport it back into downtown Manhattan, presuming that the E.P.A., the NYSDEC, and the City of New York agree to the transport of the material. Now that the ash has been sifted and large debris removed, replacing it in Manhattan may be simpler, but would still entail significant outlay of resources for such activities as traffic control on the part of New York City in order for the Port Authority to comply with the provisions of the bill.

The Port Authority is also directed to encapsulate the ash in containers. While the cost of the containers is unknown, the amount of ash would involve some expense on the part of the Port Authority, in order to comply with environmental regulations (the ash includes hazardous material).

Finally, as far as OLS is aware, several designs for a potential memorial have been proposed, but not finalized. However, all of those proposals involve a ground level park, with associate engineering flexibility. The physical placement of 1.2 million tons of containerized ash in the smaller footprint of the memorial park could require revision of the architectural and engineering concerns for the area currently established by New York city. The cost of such revisions are presumably to be borne by New York.

S1924

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Section: *Authorities, Utilities, Transportation and Communications*

Analyst: *Mark Trease*
Associate Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY, No. 2753

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED SEPTEMBER 23, 2002

Sponsored by:

Assemblywoman LINDA STENDER

District 22 (Middlesex, Somerset and Union)

Assemblyman NEIL M. COHEN

District 20 (Union)

Co-Sponsored by:

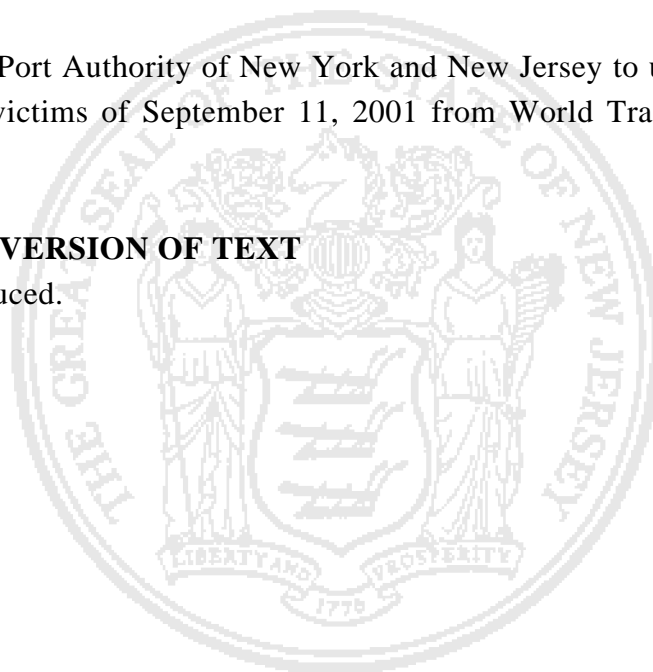
**Assemblymen Gusciora, Munoz, Pennacchio, R.Smith, Van Drew,
Assemblywoman Weinberg, Assemblymen Arnone, Azzolina, Burzichelli,
Conaway, Conners, Cryan, Diegnan, Gregg, Guear, Hackett,
Assemblywoman Heck, Assemblyman Malone, Assemblywoman Watson
Coleman, Assemblymen McKeon, Barnes and Egan**

SYNOPSIS

Requires Port Authority of New York and New Jersey to use transported remains of victims of September 11, 2001 from World Trade Center in a memorial.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/12/2003)

1 AN ACT concerning remains of the victims of September 11, 2001.

2

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

5

6 1. The Legislature finds and declares that:

7 a. The unprovoked attack on the United States carried out by
8 international terrorists on September 11, 2001 against targets in New
9 York City, Washington, D.C. and Arlington, Virginia resulted in the
10 deaths of thousands of innocent people, injury to countless others, and
11 the disruption of innumerable lives.

12 b. Among the victims of this depraved act were civilian and
13 government workers, military personnel, airline passengers and crew
14 members, police officers, firefighters and paramedics, many of whom
15 resided in this State.

16 c. The remains of many victims of the World Trade Center attacks
17 were never located.

18 d. The ash from the World Trade Center site, which contains
19 remains of the victims of September 11, 2001, has been held at Fresh
20 Kills Landfill in Staten Island, New York.

21 e. This ash should be covered and placed in containers to
22 eventually be transported to the World Trade Center site to become a
23 part of the memorial that will be built at this location.

24 f. It is fitting and proper for the State to honor the victims of
25 September 11, 2001 by returning their ashes to the site of a memorial
26 at the World Trade Center in their honor.

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28 2. The Port Authority of New York and New Jersey shall cover
29 the site of the remains of the victims of September 11, 2001 and
30 transport those remains in containers to be used in a memorial at the
31 World Trade Center site that will be built in their honor.

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33 3. This act shall take effect upon the enactment into law by the
34 State of New York of legislation having an identical effect with this
35 act, but if the State of New York has already enacted such legislation,
36 this act shall take effect immediately.

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38

39

STATEMENT

40

41 This bill requires the Port Authority of New York and New Jersey
42 to honor the victims of the World Trade Center by covering the ashes
43 of their remains, placing them in containers and transporting them
44 from the Fresh Kills Landfill and returning them to the World Trade
45 Center site to be used in a memorial built in their honor.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2753

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2002

The Assembly Transportation Committee reports favorably Assembly Bill No. 2753.

This bill requires the Port Authority of New York and New Jersey to honor the victims of the World Trade Center by covering the ashes of their remains, placing them in containers and transporting them from the Fresh Kills Landfill and returning them to the World Trade Center site to be used in a memorial built in their honor.

This bill would take effect upon the enactment into law by the State of New York of legislation having an identical effect.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2753

STATE OF NEW JERSEY

DATED: MAY 20, 2003

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2753.

Assembly Bill No. 2753 requires the Port Authority of New York and New Jersey to honor the victims of the World Trade Center by covering the ashes of their remains, placing them in containers and transporting them from the Fresh Kills Landfill and returning them to the World Trade Center site to be used in a memorial built in their honor.

This bill would take effect upon the enactment into law by the State of New York of legislation having an identical effect.

FISCAL IMPACT:

No data are available to allow the estimation of the costs involved under this bill.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 2753
STATE OF NEW JERSEY
210th LEGISLATURE

DATED: FEBRUARY 4, 2004

SUMMARY

Synopsis: Requires Port Authority of New York and New Jersey to use transported remains of victims of September 11, 2001 from World Trade Center in a memorial.

Type of Impact: Indeterminate.

Agencies Affected: Port Authority of New York and New Jersey, City of New York, New York.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	None-See Comments Below		

* While the Office of Legislative Services (OLS) is unable to specify the fiscal impact of this bill, the bill does not require direct expenditure by the State. It is probable that compliance with the bill would require a large expenditure on the part of the Port Authority and the City of New York, New York.

BILL DESCRIPTION

Assembly Bill No. 2753 of 2002 requires the Port Authority of New York and New Jersey to remove the ash from the Fresh Kills Landfill on Staten Island, New York and place the ash into containers. The containers are intended to be used as part of a memorial in downtown Manhattan, New York. Over 1.8 million tons of debris from the World Trade Center disaster was transported over the course of 10 months to the Fresh Kills Landfill on Staten Island. Identifiable debris was sorted, and human remains removed for DNA analysis. According to the New York City budget office, 1.2 million tons of unidentifiable ash remain at the landfill, consisting of ash and pulverized granular material (commingled wood, plastic, glass, wallboard, metal fragments and concrete).

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

OLS does not have sufficient information to specify the cost of this bill. However, compliance with the bill would require costs to be incurred by the Port Authority of New York and New Jersey, the City of New York, New York, and some Federal agencies. No action or expenditure by the State is directed by the bill. The Port Authority responsibility, according to the bill, is only to recover the ash from the landfill, place it into containers, and transport it to lower Manhattan, New York. In part, this would be a reverse of the process conducted by New York City in the initial removal and transport of material from the World Trade Center site.

According to the Federal Emergency Management Agency (FEMA), FEMA has obligated \$66.7 million to New York to reimburse the Department of Sanitation of New York (DSNY) for the costs of labor and equipment used to transport the debris to the landfill site. Initially, timely transport of 1.8 million tons of debris to the landfill required the dedication of a large fleet, with traffic diversion, for over 10 months. This included over \$15 million for costs associated with transport of debris, and related costs for safety measures for hazardous materials in the debris, barge transfer operations, and leachate control.

According to the New York budget office, the removal of this material from Fresh Kills Landfill would require the approval of both the U.S. Environmental Protection Agency and the New York State Department of Environmental Conservation (NYSDEC), following an assessment by both agencies of the health risks associated with the removal work.

The logistical difficulties of the task pose a challenge to a fiscal estimate. The Port Authority can be expected to incur some significant cost to recover the 1.2 million tons of remaining ash and transport it back into downtown Manhattan, presuming that the E.P.A., the NYSDEC, and the City of New York agree to the transport of the material. Now that the ash has been sifted and large debris removed, replacing it in Manhattan may be simpler, but would still entail significant outlay of resources for such activities as traffic control on the part of New York City in order for the Port Authority to comply with the provisions of the bill.

The Port Authority is also directed to encapsulate the ash in containers. While the cost of the containers is unknown, the amount of ash would involve some expense on the part of the Port Authority, in order to comply with environmental regulations (the ash includes hazardous material).

Finally, as far as OLS is aware, several designs for a potential memorial have been proposed, but not finalized. However, all of those proposals involve a ground level park, with associate engineering flexibility. The physical placement of 1.2 million tons of containerized ash in the smaller footprint of the memorial park could require revision of the architectural and engineering concerns for the area currently established by New York city. The cost of such revisions are presumably to be borne by New York.

A2753

3

Section: *Authorities, Utilities, Transportation and Communications*

Analyst: *Mark Trease*
Associate Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.