

58:10B-4.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2004 **CHAPTER:** 6
NJSA: 58:10B-4.1 (Re-appropriates unexpended monies for brownfields)
BILL NO: A2343 (Substituted for S853)

SPONSOR(S): Watson and Manzo

DATE INTRODUCED: February 23, 2004

COMMITTEE: **ASSEMBLY:** Appropriations

SENATE: ---

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** March 15, 2004

SENATE: March 22, 2004

DATE OF APPROVAL: April 14, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Assembly Committee Substitute enacted)

A2343

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

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S853

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

Bill and Sponsors Statement identical to A2343

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

Yes

974.90 New Jersey. Legislature. Senate. Environment Committee
C758 Public hearing on SCR 61, held 5-15-2003. Trenton, NJ, 2003.
2003

NEWSPAPER ARTICLES:

Yes

"McGreevey enacts funding to clean up brownfields," 4-15-2004 Philadelphia Inquirer, p.B3

P.L. 2004, CHAPTER 6, *approved April 14, 2004*
Assembly Committee Substitute for Assembly, No. 2343

1 **AN ACT** allocating certain previously appropriated, unexpended funds
2 for remediating underground storage tanks and discharges
3 therefrom to the support of brownfields development and to
4 establish an underground storage tank inspection program,
5 supplementing Title 13 of the Revised Statutes and amending
6 P.L.2003, c.122.

7
8 **BE IT ENACTED** by the Senate and General Assembly of the State
9 of New Jersey:

10
11 1. a. Pursuant to the amendment of subparagraph (b) of paragraph
12 6 of Article VIII, Section II of the State Constitution, adopted at the
13 2003 general election and effective December 4, 2003, authorizing
14 corporation business tax revenue previously dedicated under that
15 subparagraph for the remediation of underground storage tanks and
16 discharges therefrom to be used for hazardous discharge site
17 remediation, the New Jersey Economic Development Authority shall
18 deposit the amount determined under subsection b. of this section into
19 the Hazardous Discharge Site Remediation Fund, created pursuant to
20 section 26 of P.L.1993, c.139 (C.58:10B-4), for the purposes of that
21 fund.

22 b. The amount to be deposited under subsection a. of this section
23 shall equal: (1) fifty percent of that portion of the monies dedicated
24 pursuant to the provisions of subparagraph (b) of paragraph 6 of
25 Article VIII, Section II of the State Constitution prior to the
26 amendment of that subparagraph effective December 4, 2003 to
27 provide funding, including the provision of loans or grants, for the
28 upgrade, replacement, or closure of underground storage tanks that
29 store or were used to store hazardous substances, and for the costs of
30 remediating any discharge therefrom, previously appropriated by
31 P.L.1997, c.235 to the New Jersey Economic Development Authority
32 for deposit into the Petroleum Underground Storage Tank
33 Remediation, Upgrade, and Closure Fund, and by P.L.1997, c.131;
34 P.L.1998, c.45; P.L.1999, c.130; P.L.2000, c.53; P.L.2001, c.130;
35 P.L.2002, c.138; and P.L.2003, c.122 to the Private Underground
36 Storage Tank Remediation - Constitutional Dedication account in the
37 Department of Environmental Protection, and remaining unexpended
38 as of December 31, 2003, as shall be determined by the Director of the
39 Division of Budget and Accounting, less (2) \$1,000,000.

40
41 2. There shall be established an underground storage tank
42 inspection program in the Department of Environmental Protection
43 pursuant to provisions of the amendment of subparagraph (b) of

1 paragraph 6 of Article VIII, Section II of the State Constitution,
2 adopted at the 2003 general election and effective December 4, 2003
3 providing therefor.

4
5 3. The following language provision is added to section 1 of
6 P.L.2003, c.122, the fiscal year 2004 annual appropriation act:

7
8
9 **42 DEPARTMENT OF ENVIRONMENTAL**
10 **PROTECTION**

11 *40 Community Development and Environmental Management*

12 *44 Site Remediation and Waste Management*

13
14 **CAPITAL CONSTRUCTION**

15 29-4815 Environmental Remediation and Monitoring

16
17 Of the unexpended balance from the amount appropriated to the Department
18 of Environmental Protection for Private Underground Tank Remediation -
19 Constitutional Dedication for the fiscal year ending June 30, 2004 by
20 P.L.2003, c.122, there is allocated an amount not to exceed \$1,000,000,
21 as shall be determined by the Director of the Division of Budget and
22 Accounting, to the department for the costs of the State underground
23 storage tank inspection program, which costs may include the direct but
24 not indirect program administrative costs incurred by the State for the
25 employment of inspectors and a compliance and enforcement staff, and the
26 purchase of vehicles and equipment necessary for the implementation
27 thereof.

28
29 4. This act shall take effect immediately.

30
31
32 _____
33
34 Allocates certain previously appropriated, unexpended funds for
35 remediating underground storage tanks and discharges therefrom to
36 the support of brownfields development and to establish an
37 underground storage tank inspection program.

ASSEMBLY, No. 2343

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED FEBRUARY 23, 2004

Sponsored by:

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

SYNOPSIS

Reappropriates unexpended, constitutionally dedicated monies to support brownfields development and an underground storage tank inspection program.

CURRENT VERSION OF TEXT

As introduced.



1 **A SUPPLEMENT** to "An Act making appropriations for the support of
2 the State Government and the several public purposes for the fiscal
3 year ending June 30, 2004 and regulating the disbursement thereof"
4 approved July 1, 2003 (P.L.2003, c.122).

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

8
9 1. In addition to the amounts appropriated under P.L.2003, c.122,
10 there is added the following language provision:

11
12 **42 DEPARTMENT OF ENVIRONMENTAL PROTECTION**
13 *40 Community Development and Environmental Management*
14 *44 Site Remediation and Waste Management*
15 CAPITAL CONSTRUCTION
16

17 Of the unexpended amounts appropriated pursuant to P.L.1997, c.261; P.L.1997, c.235; P.L.1997,
18 c.234; P.L.1997, c.131; P.L.1998, c.45; P.L.1999, c.130; P.L.2000, c.53; P.L. 2001, c.130;
19 P.L.2002, c.138; and P.L.2003, c.122 to the Private Underground Storage Tank Remediation -
20 Constitutional Dedication account, one-half is reappropriated to the Department of
21 Environmental Protection for a Hazardous Substance Discharge Remediation Program to be
22 administered in conjunction with the New Jersey Economic Development Authority. Of the
23 amounts reappropriated herein, \$1,000,000 is to be used by the Department of Environmental
24 Protection to establish an Underground Storage Tank Inspection Program. The remaining
25 balance of the amounts reappropriated herein is appropriated to the New Jersey Economic
26 Development Authority for deposit into the Hazardous Discharge Site Remediation Fund,
27 created pursuant to section 26 of P.L.1993, c.139 (C.58:10B-4), for the purposes of that fund.

28
29 2. This act shall take effect immediately.
30
31

32 STATEMENT
33

34 On November 4, 2003, voters approved amendments to Article VIII,
35 Section II, paragraph 6 of the State Constitution to authorize use of
36 dedicated Corporation Business Tax (CBT) revenues for financing loans
37 or grants for hazardous discharge cleanups and to establish an
38 underground storage tank inspection program. This bill authorizes the
39 initial FY 2004 appropriation to implement the new constitutional
40 requirements. It provides that one-half of previous, unexpended
41 appropriations made to the Private Underground Storage Tank
42 Remediation Program be reappropriated to a hazardous substance
43 discharge remediation program, i.e. the Brownsfields Program, which is
44 jointly administered by the Department of Environmental Protection
45 (DEP) and the New Jersey Economic Development Authority (EDA).

46 Between FY 1997 and FY 2004, \$170.4 million in dedicated CBT
47 revenues has been appropriated to the Private Underground Storage Tank

A2343 WATSON COLEMAN

1 Remediation Program, of which approximately \$137.8 million remains
2 unexpended as of December 1, 2003. Pursuant to the recently approved
3 constitutional amendments, the bill appropriates one half of the
4 unexpended balance to the DEP for this newly authorized purpose, of
5 which \$1.0 million is allocated to establish a State-run underground
6 storage tank inspection program in the DEP. In that at least one-half of
7 the current fiscal year is completed, this allocation equals one half of the
8 maximum annual amount allowable under the constitutional amendments
9 for this purpose. Last, the bill subsequently appropriates the remaining
10 reappropriated amount to the EDA for deposit into the Hazardous
11 Discharge Site Remediation Fund, where these monies would be used to
12 provide grants and loans for brownfields redevelopment.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 2343**

STATE OF NEW JERSEY

DATED: MARCH 4, 2004

The Assembly Appropriations Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2343.

This substitute redirects previously constitutionally dedicated funds for environmental remediation as authorized by recent constitutional amendment.

On November 4, 2003, voters approved amendments to Article VIII, Section II, paragraph 6 of the State Constitution that (among other things) authorize some of that portion of corporation business tax (CBT) revenue previously dedicated to the remediation of underground storage tanks and their discharges, but unexpended for that purpose prior to January 1, 2004, to be used instead for the cost of hazardous discharge cleanups generally. The amendments to the Constitution also authorize the use of up to \$2 million per year of the monies that continue to be dedicated to storage tank and storage tank discharge remediation for paying the costs of a State underground storage tank inspection program. This substitute redirects some funds pursuant to the new constitutional provisions.

The substitute: (1) directs that one-half of the December 31, 2003 unexpended balance of CBT revenue dedicated for storage tank and tank discharge remediation under the Constitution prior to its recent amendment, less \$1 million, be deposited into the Hazardous Discharge Site Remediation Fund, which supports what is commonly known as the "brownfields redevelopment program" that is jointly administered by the Department of Environmental Protection (DEP) and the New Jersey Economic Development Authority (EDA); (2) establishes within the DEP a State underground storage tank inspection program; and (3) adds a language provision to the FY2004 appropriations act that allocates, from the constitutionally dedicated amount appropriated under the act for tank and discharge remediation, the sum of \$1 million (representing one half of the maximum annual amount authorized under the constitutional amendment) to cover the cost of the storage tank inspection program from January 1, 2004 through the remainder of the fiscal year.

FISCAL IMPACT:

Between FY 1997 and FY 2004, \$170.4 million in dedicated CBT revenues has been appropriated to the Private Underground Storage Tank Remediation Program, of which an estimated \$93.54 million remained unexpended as of December 31, 2003 (after accounting for disbursements and loan commitments). This substitute removes from the program one-half of that balance, or \$46.77 million, and allocates it instead: \$1 million to the State-run underground storage tank inspection program in the DEP, and the remainder to the EDA for deposit into the Hazardous Discharge Site Remediation Fund to be used to provide grants and loans for brownfields redevelopment.

SENATE, No. 853

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED FEBRUARY 5, 2004

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Senator WAYNE R. BRYANT

District 5 (Camden and Gloucester)

SYNOPSIS

Reappropriates unexpended, constitutionally dedicated monies to support brownfields development and an underground storage tank inspection program.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/2/2004)

1 **A SUPPLEMENT** to "An Act making appropriations for the support of
2 the State Government and the several public purposes for the fiscal
3 year ending June 30, 2004 and regulating the disbursement thereof"
4 approved July 1, 2003 (P.L.2003, c.122).

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

8
9 1. In addition to the amounts appropriated under P.L.2003, c.122,
10 there is added the following language provision:

11
12 **42 DEPARTMENT OF ENVIRONMENTAL PROTECTION**

13 *40 Community Development and Environmental Management*

14 *44 Site Remediation and Waste Management*

15 **CAPITAL CONSTRUCTION**

16
17 Of the unexpended amounts appropriated pursuant to P.L.1997, c.261; P.L.1997, c.235; P.L.1997,
18 c.234; P.L.1997, c.131; P.L.1998, c.45; P.L.1999, c.130; P.L.2000, c.53; P.L. 2001, c.130;
19 P.L.2002, c.138; and P.L.2003, c.122 to the Private Underground Storage Tank Remediation -
20 Constitutional Dedication account, one-half is reappropriated to the Department of
21 Environmental Protection for a Hazardous Substance Discharge Remediation Program to be
22 administered in conjunction with the New Jersey Economic Development Authority. Of the
23 amounts reappropriated herein, \$1,000,000 is to be used by the Department of Environmental
24 Protection to establish an Underground Storage Tank Inspection Program. The remaining
25 balance of the amounts reappropriated herein is appropriated to the New Jersey Economic
26 Development Authority for deposit into the Hazardous Discharge Site Remediation Fund,
27 created pursuant to section 26 of P.L.1993, c.139 (C.58:10B-4), for the purposes of that fund.

28
29 2. This act shall take effect immediately.

30
31
32 **STATEMENT**

33
34 On November 4, 2003, voters approved amendments to Article VIII,
35 Section II, paragraph 6 of the State Constitution to authorize use of
36 dedicated Corporation Business Tax (CBT) revenues for financing loans
37 or grants for hazardous discharge cleanups and to establish an
38 underground storage tank inspection program. This bill authorizes the
39 initial FY 2004 appropriation to implement the new constitutional
40 requirements. It provides that one-half of previous, unexpended
41 appropriations made to the Private Underground Storage Tank
42 Remediation Program be reappropriated to a hazardous substance
43 discharge remediation program, i.e. the Brownsfields Program, which is
44 jointly administered by the Department of Environmental Protection
45 (DEP) and the New Jersey Economic Development Authority (EDA).

46 Between FY 1997 and FY 2004, \$170.4 million in dedicated CBT
47 revenues has been appropriated to the Private Underground Storage Tank

S853 CODEY, BRYANT

3

1 Remediation Program, of which approximately \$137.8 million remains
2 unexpended as of December 1, 2003. Pursuant to the recently approved
3 constitutional amendments, the bill appropriates one half of the
4 unexpended balance to the DEP for this newly authorized purpose, of
5 which \$1.0 million is allocated to establish a State-run underground
6 storage tank inspection program in the DEP. In that at least one-half of
7 the current fiscal year is completed, this allocation equals one half of the
8 maximum annual amount allowable under the constitutional amendments
9 for this purpose. Last, the bill subsequently appropriates the remaining
10 reappropriated amount to the EDA for deposit into the Hazardous
11 Discharge Site Remediation Fund, where these monies would be used to
12 provide grants and loans for brownfields redevelopment.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 853**

STATE OF NEW JERSEY

DATED: MARCH 8, 2004

The Senate Budget and Appropriations Committee reports favorably a committee substitute for Senate Bill No. 853.

On November 4, 2003, voters approved amendments to Article VIII, Section II, paragraph 6 of the State Constitution that (among other things) authorize some of the portion of Corporation Business Tax (CBT) revenue that was previously dedicated to the remediation of underground storage tanks and discharges therefrom, but was unexpended for that purpose prior to January 1, 2004, to be used instead for the cost of hazardous discharge cleanups generally. The amendments also authorize the use of up to \$2 million per year of the monies that continue to be dedicated to storage tank and storage tank discharge remediation for paying the costs of a State underground storage tank inspection program. This bill would effectuate these new constitutional provisions.

The bill: (1) directs that one-half of the December 31, 2003 unexpended balance of CBT revenue dedicated for storage tank and tank discharge remediation under the Constitution prior to its recent amendment, less \$1 million, be deposited into the Hazardous Discharge Site Remediation Fund, which supports what is commonly known as the "brownfields redevelopment program" that is jointly administered by the Department of Environmental Protection (DEP) and the New Jersey Economic Development Authority (EDA); (2) establishes within the DEP a State underground storage tank inspection program; and (3) adds a language provision to the FY2004 appropriations act that allocates, from the constitutionally dedicated amount appropriated under the act for tank and discharge remediation, the sum of \$1 million (representing one half of the maximum annual amount authorized under the constitutional amendment) to cover the cost of the storage tank inspection program from January 1, 2004 through the remainder of the fiscal year.

FISCAL IMPACT

Of the dedicated CBT revenues cumulatively appropriated to the underground storage tank remediation program between FY1998 and FY2004, an estimated \$93.54 million (after accounting for

disbursements and loan commitments) remained unexpended as of December 31, 2003. Under the constitutional amendment adopted in 2003, one-half of that amount, or \$46.77 million, was made available for "funding the costs of the remediation of discharges of hazardous substances" The amendment also provided that, beginning January 1, 2004, up to \$2 million, to be taken from amounts appropriated for such costs under the constitutional dedication, may be spent to fund a State underground storage tank inspection program.

This bill:

(1) Identifies the amount of monies, previously appropriated over the seven-year period referred to above and unexpended as of the close of 2003, for underground storage tank remediation costs and directs the deposit of 50% of that amount, less \$1 million, into the EDA fund for hazardous discharge site ("brownfields") remediation (section 1); and

(2) Establishes a State underground storage tank inspection program in DEP (section 2) and allocates an additional \$1 million of the tank remediation monies appropriated to the department in the current fiscal year to support that inspection program (section 3), that amount representing the maximum funding from the constitutionally dedicated source that was authorized, under the recent amendment, for the inspection program in the second half of the fiscal year.