

58:10-23.11

LEGISLATIVE HISTORY CHECKLIST
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(Liability hazardous wastes)

NJSA: 58:10-23.11

LAWS OF: 1995 **CHAPTER:** 270

BILL NO: A10~~0~~⁸5

SPONSOR(S): Albohn

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Solid and Hazardous Waste
SENATE: Natural Resources

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by
Second reprint enacted superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** September 12, 1994
SENATE: October 19, 1995

DATE OF APPROVAL: December 8, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

[CORRECTED COPY]

[SECOND REPRINT]

ASSEMBLY, No. 1005

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblymen ALBOHN and COHEN

1 AN ACT concerning liability for discharges of hazardous
2 substances, and supplementing P.L.1976, c.141 (C.58:10-23.11
3 et seq.).
4

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

7 1. a. As used in this section:

8 "²[Local] Governmental² unit" means ²the State,² a
9 municipality, county, or other political subdivision of the State,
10 or any agency thereof authorized to administer, protect and
11 maintain lands or structures for recreation ²[and] or²
12 conservation purposes;

13 "Recreation ²[and] or² conservation purposes" means the use
14 of lands for parks, natural areas, ecological and biological study,
15 historic areas, historic buildings or structures, forests, trails,
16 camping, fishing, water reserves, wildlife preserves, hunting,
17 boating, winter sports and similar uses for either public outdoor
18 recreation or conservation of natural resources, or both.

19 b. ¹[A] ²[The State or a¹ local] A governmental² unit that
20 holds an easement interest in any real property for recreation
21 ²[and] or² conservation purposes on which there has been a
22 discharge of a hazardous substance, shall not be liable pursuant to
23 P.L.1976, c.141 (C.58:10-23.11 et seq.), any other law, or
24 common law, for cleanup and removal costs, or for any direct or
25 indirect damages, due to the discharge of a hazardous substance
26 on the property. The provisions of this section shall not apply to
27 ²[¹the State or¹ a local] a governmental² unit ¹if¹ that ¹entity¹
28 has caused or contributed to the discharge of a hazardous
29 substance on the property.

30 2. This act shall take effect immediately and shall apply
31 retroactively to any administrative or judicial action commenced
32 before the effective date of this act, unless a final court
33 judgment or final court approval of a settlement agreement has
34 been rendered in an administrative or judicial action prior to the
35 effective date of this act. If a final court judgment has been
36 rendered or a settlement has been approved by a court prior to
37 the effective date of this act that does not resolve all contested
38 issues, this act shall apply to all contested issues not expressly
39 resolved by the court judgment or settlement agreement.
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45 Limits liability for discharge of hazardous substances on
publicly-owned recreational or conservation easement property.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ASH committee amendments adopted May 2, 1994.

² Senate SNT committee amendments adopted January 23, 1995.

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ASSEMBLY, No. 1005
STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblyman ALBOHN

1 AN ACT concerning liability for discharges of hazardous
2 substances, and supplementing P.L.1976, c.141 (C.58:10-23.11
3 et seq.).
4

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

7 1. a. As used in this section:

8 "Local unit" means a municipality, county, or other political
9 subdivision of the State, or any agency thereof authorized to
10 administer, protect and maintain lands or structures for
11 recreation and conservation purposes;

12 "Recreation and conservation purposes" means the use of lands
13 for parks, natural areas, ecological and biological study, historic
14 areas, historic buildings or structures, forests, trails, camping,
15 fishing, water reserves, wildlife preserves, hunting, boating,
16 winter sports and similar uses for either public outdoor recreation
17 or conservation of natural resources, or both.

18 b. A local unit that holds an easement interest in any real
19 property for recreation and conservation purposes on which there
20 has been a discharge of a hazardous substance, shall not be liable
21 pursuant to P.L.1976, c.141 (C.58:10-23.11 et seq.), any other
22 law, or common law, for cleanup and removal costs, or for any
23 direct or indirect damages, due to the discharge of a hazardous
24 substance on the property. The provisions of this section shall
25 not apply to a local unit that has caused or contributed to the
26 discharge of a hazardous substance on the property.

27 2. This act shall take effect immediately and shall apply
28 retroactively to any administrative or judicial action commenced
29 before the effective date of this act, unless a final court
30 judgment or final court approval of a settlement agreement has
31 been rendered in an administrative or judicial action prior to the
32 effective date of this act. If a final court judgment has been
33 rendered or a settlement has been approved by a court prior to
34 the effective date of this act that does not resolve all contested
35 issues, this act shall apply to all contested issues not expressly
36 resolved by the court judgment or settlement agreement.
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39 STATEMENT
40

41 This bill would exempt a local unit from liability pursuant to
42 P.L.1976, c.141 (C.58:10-23.11 et seq.), any other law, or
43 common law, for the cleanup and removal costs or direct or
44 indirect damages due to the discharge of a hazardous substance
45 on lands on which the local unit owns an easement interest for
46 recreation and conservation purposes. This exemption would not
47 apply however, if the local unit has caused or contributed to the
48 discharge of a hazardous substance on that property.

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3 Limits liability for discharge of hazardous substances on
4 publicly-owned recreational or conservation easement property.

ASSEMBLY SOLID AND HAZARDOUS
WASTE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1005

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 2, 1994

The Assembly Solid and Hazardous Waste Committee favorably reports Assembly Bill No. 1005 with committee amendments.

This bill would exempt a local unit from liability pursuant to P.L.1976, c.141 (C.58:10-23.11 et seq.), any other law, or common law, for the cleanup and removal costs or direct or indirect damages due to the discharge of a hazardous substance on lands on which the local unit holds an easement interest for recreation and conservation purposes. This exemption would not apply however, if the local unit has caused or contributed to the discharge of a hazardous substance on that property. The bill would apply retroactively to administrative or judicial actions, unless a final court judgment or final court approval of a settlement agreement has been rendered.

The committee amended the bill to expand the exemption to cover the State in cases where it holds easements for recreation and conservation purposes.

SENATE NATURAL RESOURCES, TRADE AND
ECONOMIC DEVELOPMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 1005

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 23, 1995

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The Senate Natural Resources, Trade and Economic Development Committee favorably reports Assembly Bill No.1005, with Senate committee amendments.

This bill would exempt the State or a local unit from liability pursuant to P.L.1976, c.141 (C.58:10-23.11 et seq.), any other law, or common law, for the cleanup and removal costs or direct or indirect damages due to the discharge of a hazardous substance on lands on which the State or local unit holds an easement interest for recreation and conservation purposes. This exemption would not apply however, if the State or local unit has caused or contributed to the discharge of a hazardous substance on that property. The bill would apply retroactively to administrative or judicial actions, unless a final court judgment or final court approval of a settlement agreement has been rendered.

The committee amendments are technical in nature and serve to clarify the sponsor's intent. The bill is amended to be identical to Senate Bill No. 1347, which was also reported favorably by the committee.