

58:10-23.110

LEGISLATIVE HISTORY CHECKLIST
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(Spill compensation fund--
expenditures--research)

NJSA: 58:10-23.110

LAWS OF: 1992 **CHAPTER:** 85

BILL NO: A309

SPONSOR(S) Crecco and others

DATE INTRODUCED: January 14, 1992

COMMITTEE: **ASSEMBLY:** Energy
SENATE: Environment

AMENDED DURING PASSAGE: No Assembly Committee
Substitute enacted

DATE OF PASSAGE: **ASSEMBLY:** February 24, 1992
SENATE: August 3, 1992

DATE OF APPROVAL: August 13, 1992

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

KBG:pp

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 309

STATE OF NEW JERSEY

ADOPTED FEBRUARY 13, 1992

Sponsored by Assemblywoman CRECCO and Assemblyman KELLY

1 AN ACT concerning research in the treatment of hazardous
2 substances, and amending P.L.1976, c.141.

3

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

6 1. Section 16 of P.L.1976, c.141 (C.58:10-23.11o) is amended
7 to read as follows:

8 16. a. Moneys in the New Jersey Spill Compensation Fund
9 shall be disbursed by the administrator for the following purposes
10 and no others:

11 (1) Costs incurred under section 7 of P.L.1976, c.141
12 (C.58:10.23.11f);

13 (2) Damages as defined in section 8 of P.L.1976, c.141
14 (C.58:10-23.11g);

15 (3) Such sums as may be necessary for research on the
16 prevention and the effects of [spills] discharges of hazardous
17 substances on the [marine] environment and public health, on
18 methods of pollution prevention and recycling of hazardous
19 substances, and on the development of improved cleanup [and] ,
20 removal, and disposal operations as may be appropriated by the
21 Legislature; provided, however, that such sums , together with
22 sums appropriated pursuant to paragraph (5) of this subsection,
23 shall not exceed , in any fiscal year, an amount equal to the
24 amount of interest [which is] credited to the fund during the most
25 recent State fiscal year for which the total amount of such
26 interest income is known;

27 (4) Such sums as may be necessary for the boards, general
28 administration of the fund, equipment and personnel costs of the
29 department and any other State agency related to the
30 enforcement of P.L.1976, c.141, including any costs incurred by
31 the department pursuant to P.L.1990, c.78 or pursuant to any
32 other law designed to prevent the discharge of a hazardous
33 substance, as may be appropriated by the Legislature;

34 (5) Such sums as may be appropriated by the Legislature for
35 research and demonstration programs concerning the causes and
36 abatement of ocean pollution; provided, however, that such sums,
37 together with sums appropriated pursuant to paragraph (3) of this
38 subsection, shall not exceed, in any fiscal year, an amount equal
39 to the amount of interest [which is] credited to the fund during
40 the most recent State fiscal year for which the total amount of
41 such interest income is known;

42 (6) Such sums as may be requested by the commissioner, up to

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.

1 a limit of \$400,000 per year, to cover the costs associated with
2 the administration of the "Environmental Cleanup Responsibility
3 Act," P.L.1983, c.330 (C.13:1K-6 et seq.);

4 (7) Costs attributable to the State's obligation to defend and
5 indemnify a contractor pursuant to sections 1 through 11 of
6 P.L.1991, c.373 (C.58:10-23.11f8 et seq.);

7 (8) Administrative costs incurred by the department to
8 implement the provisions of P.L.1977, c.74 (C.58:10A-1 et seq.),
9 as amended and supplemented by P.L.1990, c.28, on a timely
10 basis, except that the amounts used for this purpose shall not
11 exceed \$2,000,000. Any moneys disbursed by the department
12 from the fund for this purpose shall be repaid to the fund in equal
13 amounts from the penalties collected by the department pursuant
14 to P.L.1977, c.74 and P.L. 1990, c.28, in annual installments
15 beginning July 1, 1991 and annually thereafter until the full
16 amount is repaid according to a schedule of repayments
17 determined by the State Treasurer; and

18 (9) Such sums as may be necessary to reimburse a local unit
19 for costs incurred in an emergency response action taken to
20 prevent, contain, mitigate, clean up or remove a discharge of a
21 hazardous substance.

22 b. The Treasurer may invest and reinvest any moneys in said
23 fund in legal obligations of the United States, this State or any of
24 its political subdivisions. Any income or interest derived from
25 such investment shall be included in the fund.

26 (cf: P.L.1991, c.373, s.15)

27 2. This act shall take effect immediately.

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32 Authorizes use of Spill Fund for research on methods of reducing,
33 recycling and detoxifying hazardous substances.

ASSEMBLY, No. 309
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Assemblywoman CRECCO and Assemblyman KELLY

1 **AN ACT** concerning research in the treatment of hazardous
2 substances, and amending P.L.1976, c.141.

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

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7 to read as follows:

8 16. Moneys in the New Jersey Spill Compensation Fund shall
9 be disbursed by the administrator for the following purposes and
10 no others:

11 (1) Costs incurred under section 7 of P.L.1976, c.141
12 (C.58:10-23.11f);

13 (2) Damages as defined in section 8 of P.L.1976, c.141
14 (C.58:10-23.11g);

15 (3) Such sums as may be necessary for research on the
16 prevention and the effects of spills of hazardous substances on
17 the [marine] environment and public health, on methods of
18 pollution prevention, recycling and detoxifying hazardous
19 substances, and on the development of improved cleanup [and] ,
20 removal, and disposal operations as may be appropriated by the
21 Legislature; provided, however, that such sums shall not exceed
22 the amount of interest which is credited to the fund;

23 (4) Such sums as may be necessary for the boards, general
24 administration of the fund, equipment and personnel costs of the
25 department and any other State agency related to the
26 enforcement of P.L.1976, c.141, including any costs incurred by
27 the department pursuant to P.L.1990, c.78 or pursuant to any
28 other law designed to prevent the discharge of a hazardous
29 substance, as may be appropriated by the Legislature;

30 (5) Such sums as may be appropriated by the Legislature for
31 research and demonstration programs concerning the causes and
32 abatement of ocean pollution; provided, however, that such sums
33 shall not exceed the amount of interest which is credited to the
34 fund;

35 (6) Such sums as may be requested by the commissioner, up to
36 a limit of \$400,000.00 per year, to cover the costs associated
37 with the administration of the "Environmental Cleanup
38 Responsibility Act," P.L.1983, c.330 (C.13:1K-6 et seq.);

39 (7) Costs attributable to the department's obligation to defend
40 and indemnify a contractor pursuant to subsection a. of section 7
41 of P.L.1976, c.141 (C.58:10-23.11f), subject to the appropriation
42 by law of moneys from the General Fund to the fund to defray
43 these costs;

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

1 (8) Administrative costs incurred by the department to
2 implement the provisions of P.L.1977, c.74 (C.58:10A-1 et seq.),
3 as amended and supplemented by P.L.1990, c.28 (C.58:10A-10.1
4 et al.), on a timely basis, except that the amounts used for this
5 purpose shall not exceed \$2,000,000. Any moneys disbursed by the
6 department from the fund for this purpose shall be repaid to the
7 fund in equal amounts from the penalties collected by the
8 department pursuant to P.L.1977, c.74 and P.L.1990, c.28
9 (C.58:10A-10.1 et al.), in annual installments beginning July 1,
10 1991 and annually thereafter until the full amount is repaid
11 according to a schedule of repayments determined by the State
12 Treasurer.

13 The Treasurer may invest and reinvest any moneys in said fund
14 in legal obligations of the United States, this State or any of its
15 political subdivisions. Any income or interest derived from such
16 investment shall be included in the fund.

17 (cf: P.L.1990, c.78, s.18)

18 2. This act shall take effect immediately.

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STATEMENT

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23 The bill authorizes the use of a portion of the monies deposited
24 in the New Jersey Spill Compensation Fund to finance research
25 on methods of pollution prevention, recycling and detoxifying
26 hazardous substances, and in improving disposal operations. The
27 bill also removes the restriction on research to encompass spills
28 of hazardous substances on lands as well as in the waters of the
29 State, and extends the scope of research projects to include both
30 environmental and health effects.

31 Currently, spill fund monies used for research may only be used
32 to study spill prevention, the effects of a spill on the marine
33 environment, and on improved cleanup and removal operations.
34 Existing law also provides that the amount of monies that may be
35 used for such projects is determined by the Legislature, but that
36 amount may not exceed the amount of interest earned on monies
37 in the fund and credited to the fund.

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42 _____
43 Authorizes use of Spill Fund for research on methods of reducing,
recycling and detoxifying hazardous substances.

ASSEMBLY ENERGY AND HAZARDOUS WASTE COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 309

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 1992

The Assembly Energy and Hazardous Waste Committee favorably reports an Assembly Committee Substitute for Assembly Bill No. 309.

The committee substitute authorizes the use of a portion of the moneys deposited in the New Jersey Spill Compensation Fund to finance research on methods of pollution prevention and recycling of hazardous substances, and on the development of improved hazardous substance disposal operations. The committee substitute also amends the current law to allow spending on research into discharges of hazardous substances on land as well as in the waters of the State. In addition, the committee substitute broadens the scope of allowable research projects to include projects dealing with both environmental and health effects of hazardous substances.

Currently, Spill Fund moneys used for research may only be used to study discharge prevention, the effects of a discharge on the marine environment, and improved cleanup and removal operations. Existing law also provides that the amount of moneys that may be used for such projects is determined by the Legislature, but that amount may not exceed the amount of interest earned on moneys in the fund and credited to the fund.

The committee substitute amends the language in the existing law to clarify that the total research moneys appropriated in any fiscal year shall be limited to an amount equal to the interest credited to the fund during the most recent fiscal year for which total interest earnings are known.

The committee substitute reflects the provisions of two recently enacted laws, the terms of which were not included in the bill as pre-filed. The substitute also reflects the technical review performed for pre-filed bills.

SENATE ENVIRONMENT COMMITTEE
STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 309

STATE OF NEW JERSEY

DATED: MARCH 26, 1992

The Senate Environment Committee favorably reports Assembly Bill No. 309 (ACS).

Assembly Bill No. 309 (ACS) authorizes the use of a portion of the moneys deposited in the New Jersey Spill Compensation Fund to finance research on methods of pollution prevention and recycling of hazardous substances, and on the development of improved hazardous substance disposal operations. The bill also amends the current law to allow spending on research into discharges of hazardous substances on land as well as in the waters of the State. In addition, the bill broadens the scope of allowable research projects to include projects dealing with both environmental and health effects of hazardous substances.

Currently, Spill Fund moneys that may be used for research may only be used to study marine discharge prevention, the effects of a discharge on the marine environment, and improved cleanup and removal operations. The amount of moneys that may be used for such projects is determined by legislative appropriations. Existing law also allows Spill Fund moneys to be appropriated by the Legislature for research and demonstration projects concerning the causes and abatement of ocean pollution. Moneys for these purposes are also limited to the amount of interest earned.

The bill provides that the total appropriation in any fiscal year for all these research and demonstration projects shall be limited to an amount equal to the interest credited to the fund during the most recent fiscal year for which total interest earnings are known.