Article VIII, Section II, Paragraph 4
New Jersey Constitution

LEGISLATIVE HISTORY CHECKLIST

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(Authorizes use of dedicated Corporation Business Tax revenues air pollution control; changes existing allocation percentage for 10 years, allows for underground storage tank program costs)

New Jersey Constitution: Article VIII, Section II, Paragraph 4

BILL NO: SCR113

SPONSOR: Smith, Adler, McKeon, Panter, Watson Coleman, Wisniewski, Barns, Previte, Weinbert, Gusciora, Hackett, Stender, Prieto, Manzo, Greenstein

DATE INTRODUCED: 2/28/2005

COMMITTEE: **Assembly:** Environment and Solid Waste

Senate: Environment; Budget and Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 6/27/2005

SENATE: 6/20/2005

FILED WITH SECRETARY OF STATE: 6/28/2005

DATE OF ADOPTION: 11/8/2005

EFFECTIVE: 12/8/2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced bill enacted) Yes

SPONSOR'S STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY**: Yes

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

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

974.90 C758 2005a Public hearing before Senate Environment Committee [on] Senate concurrent resolution no. 113 : proposes constitutional amendment to authorize use of dedicated Corporation Business Tax revenues for air pollution control; changes allocation percentages for 10 years [May 26, 2005, Trenton, New Jersey]

NEWSPAPER ARTICLES: Yes

Say 'yes' twice for a better N.J.. (2005, November 3). *Gloucester County Times, The (NJ)*.

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SENATE CONCURRENT RESOLUTION No. 113

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED FEBRUARY 28, 2005

Sponsored by:
Senator BOB SMITH
District 17 (Middlesex and Somerset)
Senator JOHN H. ADLER
District 6 (Camden)

SYNOPSIS

Proposes Constitutional Amendment to authorize use of dedicated Corporation Business Tax revenues for air pollution control; changes existing allocation percentages for 10 years.

CURRENT VERSION OF TEXT

As introduced.

A CONCURRENT RESOLUTION proposing to amend Article VIII, Section II, paragraph 6 of the Constitution of the State of New Jersey.

BE IT RESOLVED *by the Senate of the State of New Jersey (the General Assembly concurring):*

1. The following proposed amendment to the Constitution is agreed to:

PROPOSED AMENDMENT

Amend Article VIII, Section II, paragraph 6 to read as follows:

6. There shall be credited annually to a special account in the General Fund an amount equivalent to 4% of the revenue annually derived from the tax imposed pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as amended and supplemented, or any other State law of similar effect.

The amount annually credited pursuant to this paragraph shall be dedicated and shall be appropriated from time to time by the Legislature only for the following purposes: paying or financing costs incurred by the State for the remediation of discharges of hazardous substances, which costs may include performing necessary operation and maintenance activities relating to remedial actions and costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge; providing funding, including the provision of loans or grants, for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom; providing funding, including the provision of loans or grants, for the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge; **[**and**]** for paying or financing the cost of water quality point and nonpoint source pollution monitoring, watershed based water resource planning and management, and nonpoint source pollution prevention projects ; and for providing grants for the costs of air pollution control equipment to reduce the levels of particulate matter emissions from diesel-powered engines, and for other measures to reduce human exposure to those emissions.

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.

It shall not be competent for the Legislature, under any pretense whatever, to borrow, appropriate, or use the amount credited to the special account pursuant to this paragraph, or any portion thereof, for any purpose or in any manner other than as enumerated in this paragraph. It shall not be competent for the Legislature, under any pretense whatever, to borrow, appropriate, or use the amount credited to the special account pursuant to this paragraph, or any portion thereof, for the payment of the principal or interest on any general obligation bond that was approved by the voters prior to this paragraph becoming part of this Constitution.

(a) A minimum of one-sixth of the amount annually credited pursuant to this paragraph, or a minimum of an amount equal to $5,000,000.00 per year, whichever is less, shall be dedicated, and shall be appropriated from time to time by the Legislature, only for paying or financing the cost of water quality point and nonpoint source pollution monitoring, watershed based water resource planning and management, and nonpoint source pollution prevention projects.

(b) A minimum of one-third of the amount annually credited pursuant to this paragraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for providing funding, including the provision of loans or grants, for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and for providing funding, including the provision of loans or grants, for the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge. Of any amount dedicated pursuant to this subparagraph (b) but not expended prior to January 1, 2004, fifty percent of that amount shall be expended on funding for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and fifty percent shall be expended on funding the costs of the remediation of discharges of hazardous substances, including costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

Commencing January 1, 2004 and ending December 31, 2005, fifty percent of the moneys dedicated pursuant to this subparagraph (b) shall be appropriated for funding the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and fifty percent shall be appropriated for funding the costs of the remediation of discharges of hazardous substances, which costs

may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

Commencing January 1, 2006 and ending December 31, 2021, forty percent of the moneys dedicated pursuant to this subparagraph (b) shall be appropriated for funding the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and sixty percent shall be appropriated for funding the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

Commencing January 1, 2004, up to $2,000,000.00 per year, which shall be taken from the amount appropriated pursuant to this subparagraph (b) for the costs of the remediation of discharges of hazardous substances, may be expended for the costs of a State underground storage tank inspection program, which costs may include the direct but not indirect program administrative costs incurred by the State for the employment of inspectors and a compliance and enforcement staff, and the purchase of vehicles and equipment necessary for the implementation thereof.

All moneys derived from repayments of any loan issued from the amount dedicated pursuant to this subparagraph (b) shall be dedicated, and shall be appropriated from time to time by the Legislature, only for the purposes authorized pursuant to this subparagraph (b). The dedication of moneys derived from loan repayments shall not expire.

Except for moneys that may be expended for the costs of a State underground storage tank inspection program, no moneys appropriated pursuant to this subparagraph (b) may be expended on any direct or indirect administrative costs of the State or any of its departments, agencies, or authorities.

No moneys appropriated pursuant to this subparagraph (b) may be expended on any upgrade, replacement, or closure of any underground storage tank, or for the remediation of any discharge therefrom, for any underground storage tank owned by the State or any of its departments, agencies, or authorities, or for costs incurred by the State for the remediation of discharges of hazardous substances.

Commencing on January 1, 2022, the moneys dedicated pursuant to this subparagraph (b) may be appropriated from time to time by the Legislature: for providing funding, including the provision of loans or grants, for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom; for providing funding, including the provision of loans or grants, for the costs of the remediation of discharges of hazardous substances, which costs may

include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge; or for the costs of a State underground storage tank inspection program, in an amount up to $2,000,000.00 per year.

(c) **[**A**]** Commencing January 1, 2006 and ending December 31, 2015, a minimum of **[**one-half**]** thirty percent of the amount annually credited pursuant to this paragraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for paying or financing costs incurred by the State for the remediation of discharges of hazardous substances, which costs may include performing necessary operation and maintenance activities relating to remedial actions and costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge. Commencing January 1, 2016, a minimum of one-half of the amount annually credited pursuant to this paragraph shall be dedicated for the purposes of this subparagraph (c). No moneys appropriated pursuant to this subparagraph (c) may be expended for any indirect administrative costs of the State, its departments, agencies, or authorities. No more than nine percent of the moneys annually credited pursuant to this paragraph, which shall be taken from the amount dedicated pursuant to this subparagraph (c), may be expended for any direct program administrative costs of the State, its departments, agencies, or authorities. If the Legislature dedicates for the purposes of this subparagraph (c) any moneys above the minimum that is required to be dedicated pursuant to this subparagraph (c), those moneys may not be expended for any direct or indirect administrative costs of the State, its departments, agencies, or authorities.

(d) Commencing January 1, 2006 and ending December 31, 2015, a minimum of twenty percent of the amount annually credited pursuant to this paragraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for providing grants for the costs of air pollution control equipment to reduce the levels of particulate matter emissions from diesel-powered engines, and for other measures to reduce human exposure to those emissions.

Any amount dedicated pursuant to this subparagraph (d) but not expended prior to January 1, 2016 shall be dedicated and may be appropriated by the Legislature for the purposes authorized in subparagraph (c) of this paragraph.

(cf: Article VIII, Section II, par. 6, effective December 4, 2003)

2. When this proposed amendment to the Constitution is finally agreed to pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted to the people at the next general election occurring

more than three months after the final agreement and shall be published at least once in at least one newspaper of each county designated by the President of the Senate, the Speaker of the General Assembly and the Attorney General, not less than three months prior to the general election.

3. This proposed amendment to the Constitution shall be submitted to the people at that election in the following manner and form:

There shall be printed on each official ballot to be used at the general election, the following:

a. In every municipality in which voting machines are not used, a legend which shall immediately precede the question, as follows:

If you favor the proposition printed below make a cross (X), plus (+), or check (**T**) in the square opposite the word "Yes." If you are opposed thereto make a cross (X), plus (+) or check (**T**) in the square opposite the word "No."

b. In every municipality the following question:

	YES	CONSTITUTIONAL AMENDMENT TO EXPAND USES OF DEDICATED TAX REVENUE TO FUND AIR POLLUTION CONTROL Shall the amendment to Article VIII, Section II, paragraph 6 of the Constitution of the State of New Jersey, expanding the authorized uses of the constitutionally dedicated Corporation Business Tax revenue, to allow the use of 20% of the dedicated funds for 10 years, to pay for providing grants for the costs of air pollution control equipment to reduce particulate matter emissions from diesel-powered engines, and for other measures to reduce human exposure to those emissions, be approved?

	NO	INTERPRETIVE STATEMENT Since 1996, 4% of the annual revenue from the Corporation Business Tax has been constitutionally dedicated to fund environmental programs. Approval of this constitutional amendment would (1) expand the authorized uses of those revenues to provide grants for the costs of air pollution control equipment to reduce particulate matter emissions from diesel-powered engines and grants for other measures to reduce human exposure to those emissions, and (2) change the allocation of funds for the existing authorized uses. The Constitution currently allocates one-half for hazardous discharge cleanup performed by the State, a minimum of one-sixth or a minimum of $5 million for water quality projects, and a minimum of one-third for funding loans or grants for underground storage tank upgrades, replacements, closures and remediations, loans or grants to remediate hazardous substance discharges, and for an underground inspection program. This constitutional amendment would reduce the allocation for hazardous discharge cleanup by the State to 30% for ten years and would allocate for that period, 20% for grants for air pollution control programs.

STATEMENT

This Senate Concurrent Resolution proposes an amendment to Article VIII, Section II, paragraph 6 of the State Constitution. That provision dedicates 4% of the revenues derived from the Corporation Business Tax to the following purposes: (1) paying costs incurred by the State for the remediation of hazardous substance discharges; (2) providing funding for the upgrade, replacement and cleanup of underground storage tanks, providing loans and grants for the remediation of hazardous substances, and providing $2,000,000 annually for an underground storage tank inspection program; and (3) nonpoint source pollution programs and watershed planning and monitoring. Currently, one-half of the annual amount is dedicated for State funded hazardous site cleanup, one-third is dedicated for grants

and loans for underground storage tank replacement, removal and cleanup, the underground storage tank inspection program, and grants and loans for hazardous substance cleanups; and a minimum of one-sixth or $5 million is dedicated for clean water programs. This proposed amendment to the Constitution would change the allocation of the funding for 10 years as follows: The allocation for State funded hazardous site cleanup would be reduced from 50% to 30% for ten years, and for that period, 20% of the dedicated funding would be used to provide grants for the costs of air pollution control equipment to reduce the levels of particulate matter emissions from diesel-powered engines, and for other measures to reduce human exposure to those emissions. After January 1, 2016, any unexpended amounts dedicated for air pollution control would be dedicated for State funded hazardous site cleanup.

[First Reprint]

SENATE CONCURRENT RESOLUTION No. 113

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED FEBRUARY 28, 2005

Sponsored by:
Senator BOB SMITH
District 17 (Middlesex and Somerset)
Senator JOHN H. ADLER
District 6 (Camden)

SYNOPSIS

Proposes Constitutional Amendment to authorize use of dedicated Corporation Business Tax revenues for air pollution control; changes existing allocation percentages for 10 years.

CURRENT VERSION OF TEXT

As reported by the Senate Environment Committee on March 7, 2005, with amendments.

A CONCURRENT RESOLUTION proposing to amend Article VIII, Section II, paragraph 6 of the Constitution of the State of New Jersey.

BE IT RESOLVED *by the Senate of the State of New Jersey (the General Assembly concurring):*

1. The following proposed amendment to the Constitution is agreed to:

PROPOSED AMENDMENT

Amend Article VIII, Section II, paragraph 6 to read as follows:

6. There shall be credited annually to a special account in the General Fund an amount equivalent to 4% of the revenue annually derived from the tax imposed pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as amended and supplemented, or any other State law of similar effect.

The amount annually credited pursuant to this paragraph shall be dedicated and shall be appropriated from time to time by the Legislature only for the following purposes: paying or financing costs incurred by the State for the remediation of discharges of hazardous substances, which costs may include performing necessary operation and maintenance activities relating to remedial actions and costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge; providing funding, including the provision of loans or grants, for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom; providing funding, including the provision of loans or grants, for the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge; **[**and**]** for paying or financing the cost of water quality point and nonpoint source pollution monitoring, watershed based water resource planning and management, and nonpoint source pollution prevention projects ; and for providing grants for the costs of air pollution control equipment to reduce the levels of particulate matter emissions from diesel-powered

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] Senate SEN committee amendments adopted March 7, 2005.

engines, and for [1]funding for[1] other measures to reduce human exposure to those emissions.

It shall not be competent for the Legislature, under any pretense whatever, to borrow, appropriate, or use the amount credited to the special account pursuant to this paragraph, or any portion thereof, for any purpose or in any manner other than as enumerated in this paragraph. It shall not be competent for the Legislature, under any pretense whatever, to borrow, appropriate, or use the amount credited to the special account pursuant to this paragraph, or any portion thereof, for the payment of the principal or interest on any general obligation bond that was approved by the voters prior to this paragraph becoming part of this Constitution.

(a) A minimum of one-sixth of the amount annually credited pursuant to this paragraph, or a minimum of an amount equal to $5,000,000.00 per year, whichever is less, shall be dedicated, and shall be appropriated from time to time by the Legislature, only for paying or financing the cost of water quality point and nonpoint source pollution monitoring, watershed based water resource planning and management, and nonpoint source pollution prevention projects.

(b) A minimum of one-third of the amount annually credited pursuant to this paragraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for providing funding, including the provision of loans or grants, for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and for providing funding, including the provision of loans or grants, for the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge. Of any amount dedicated pursuant to this subparagraph (b) but not expended prior to January 1, 2004, fifty percent of that amount shall be expended on funding for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and fifty percent shall be expended on funding the costs of the remediation of discharges of hazardous substances, including costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

Commencing January 1, 2004 and ending December 31, 2005, fifty percent of the moneys dedicated pursuant to this subparagraph (b) shall be appropriated for funding the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge

therefrom, and fifty percent shall be appropriated for funding the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

Commencing January 1, 2006 and ending December 31, 2021, forty percent of the moneys dedicated pursuant to this subparagraph (b) shall be appropriated for funding the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and sixty percent shall be appropriated for funding the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

Commencing January 1, 2004, up to $2,000,000.00 per year, which shall be taken from the amount appropriated pursuant to this subparagraph (b) for the costs of the remediation of discharges of hazardous substances, may be expended for the costs of a State underground storage tank inspection program, which costs may include the direct but not indirect program administrative costs incurred by the State for the employment of inspectors and a compliance and enforcement staff, and the purchase of vehicles and equipment necessary for the implementation thereof.

All moneys derived from repayments of any loan issued from the amount dedicated pursuant to this subparagraph (b) shall be dedicated, and shall be appropriated from time to time by the Legislature, only for the purposes authorized pursuant to this subparagraph (b). The dedication of moneys derived from loan repayments shall not expire.

Except for moneys that may be expended for the costs of a State underground storage tank inspection program, no moneys appropriated pursuant to this subparagraph (b) may be expended on any direct or indirect administrative costs of the State or any of its departments, agencies, or authorities.

No moneys appropriated pursuant to this subparagraph (b) may be expended on any upgrade, replacement, or closure of any underground storage tank, or for the remediation of any discharge therefrom, for any underground storage tank owned by the State or any of its departments, agencies, or authorities, or for costs incurred by the State for the remediation of discharges of hazardous substances.

Commencing on January 1, 2022, the moneys dedicated pursuant to this subparagraph (b) may be appropriated from time to time by the Legislature: for providing funding, including the provision of loans or grants, for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom; for providing

funding, including the provision of loans or grants, for the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge; or for the costs of a State underground storage tank inspection program, in an amount up to $2,000,000.00 per year.

(c) **[**A**]** Commencing January 1, 2006 and ending December 31, 2015, a minimum of **[**one-half**]** thirty percent of the amount annually credited pursuant to this paragraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for paying or financing costs incurred by the State for the remediation of discharges of hazardous substances, which costs may include performing necessary operation and maintenance activities relating to remedial actions and costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge. Commencing January 1, 2016, a minimum of one-half of the amount annually credited pursuant to this paragraph shall be dedicated for the purposes of this subparagraph (c). No moneys appropriated pursuant to this subparagraph (c) may be expended for any indirect administrative costs of the State, its departments, agencies, or authorities. No more than nine percent of the moneys annually credited pursuant to this paragraph, which shall be taken from the amount dedicated pursuant to this subparagraph (c), may be expended for any direct program administrative costs of the State, its departments, agencies, or authorities. If the Legislature dedicates for the purposes of this subparagraph (c) any moneys above the minimum that is required to be dedicated pursuant to this subparagraph (c), those moneys may not be expended for any direct or indirect administrative costs of the State, its departments, agencies, or authorities.

(d) Commencing January 1, 2006 and ending December 31, 2015, a minimum of twenty percent of the amount annually credited pursuant to this paragraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for providing grants for the costs of air pollution control equipment to reduce the levels of particulate matter emissions from diesel-powered engines, **[1]****[**and**]**funding**[1]** for other measures to reduce human exposure to those emissions **[1]****[**.**]** , and funding for those program administrative costs as provided in this subparagraph. No more than $1,150,000 per year of the amount dedicated pursuant to this subparagraph (d) may be expended for program administrative costs of the State, its departments, agencies, or authorities for implementing the provisions of this subparagraph (d), and for regulating particulate matter emissions from diesel-powered engines.**[1]**

Any amount dedicated pursuant to this subparagraph (d) but not expended prior to January 1, 2016 shall be dedicated and may be appropriated by the Legislature for the purposes authorized in subparagraph (c) of this paragraph.

(cf: Article VIII, Section II, par. 6, effective December 4, 2003)

2. When this proposed amendment to the Constitution is finally agreed to pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted to the people at the next general election occurring more than three months after the final agreement and shall be published at least once in at least one newspaper of each county designated by the President of the Senate, the Speaker of the General Assembly and the Attorney General, not less than three months prior to the general election.

3. This proposed amendment to the Constitution shall be submitted to the people at that election in the following manner and form:

There shall be printed on each official ballot to be used at the general election, the following:

a. In every municipality in which voting machines are not used, a legend which shall immediately precede the question, as follows:

If you favor the proposition printed below make a cross (X), plus (+), or check (**T**) in the square opposite the word "Yes." If you are opposed thereto make a cross (X), plus (+) or check (**T**) in the square opposite the word "No."

b. In every municipality the following question:

	YES	CONSTITUTIONAL AMENDMENT TO EXPAND USES OF DEDICATED TAX REVENUE TO FUND AIR POLLUTION CONTROL Shall the amendment to Article VIII, Section II, paragraph 6 of the Constitution of the State of New Jersey, expanding the authorized uses of the constitutionally dedicated Corporation Business Tax revenue, to allow the use of 20% of the dedicated funds for 10 years, to pay for providing grants for the costs of air pollution control equipment to reduce particulate matter emissions from diesel-powered engines, **1[**and**]** funding**1** for other measures to reduce human exposure to those emissions **1**and for no more than $1,150,000 in associated State administrative costs**1**, be approved?

		INTERPRETIVE STATEMENT
	NO	Since 1996, 4% of the annual revenue from the Corporation Business Tax has been constitutionally dedicated to fund environmental programs. Approval of this constitutional amendment would (1) expand the authorized uses of those revenues to provide grants for the costs of air pollution control equipment to reduce particulate matter emissions from diesel-powered engines[1],[1] and [1][[]grants[]] funding[1] for other measures to reduce human exposure to those emissions, and (2) change the allocation of funds for the existing authorized uses. The Constitution currently allocates one-half for hazardous discharge cleanup performed by the State, a minimum of one-sixth or a minimum of $5 million for water quality projects, and a minimum of one-third for funding loans or grants for underground storage tank upgrades, replacements, closures and remediations, loans or grants to remediate hazardous substance discharges, and for an underground inspection program. This constitutional amendment would reduce the allocation for hazardous discharge cleanup by the State to 30% for ten years [1][[]and would[]],[1] allocate [1]20%[1] for that period [1][[], 20%[]][1] for grants for air pollution control programs [1], and would allow up to $1,150,000 per year of that 20% allocation to be used for the State's associated administrative costs[1].

[Second Reprint]

SENATE CONCURRENT RESOLUTION No. 113

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED FEBRUARY 28, 2005

Sponsored by:
Senator BOB SMITH
District 17 (Middlesex and Somerset)
Senator JOHN H. ADLER
District 6 (Camden)
Assemblyman JOHN F. MCKEON
District 27 (Essex)
Assemblyman MICHAEL PANTER
District 12 (Mercer and Monmouth)
Assemblywoman BONNIE WATSON COLEMAN
District 15 (Mercer)
Assemblyman JOHN S. WISNIEWSKI
District 19 (Middlesex)

Co-Sponsored by:
Assemblyman Barnes, Assemblywomen Previte, Weinberg, Assemblymen Gusciora, Hackett, Assemblywoman Stender, Assemblymen Prieto, Manzo and Assemblywoman Greenstein

SYNOPSIS

Proposes constitutional amendment to authorize use of dedicated corporation business tax revenues for air pollution control; changes existing allocation percentage for 10 years, allows for underground storage tank program costs.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on May 19, 2005, with amendments.

(Sponsorship Updated As Of: 6/28/2005)

A CONCURRENT RESOLUTION proposing to amend Article VIII, Section II, paragraph 6 of the Constitution of the State of New Jersey.

BE IT RESOLVED *by the Senate of the State of New Jersey (the General Assembly concurring):*

1. The following proposed amendment to the Constitution is agreed to:

PROPOSED AMENDMENT

Amend Article VIII, Section II, paragraph 6 to read as follows:

6. There shall be credited annually to a special account in the General Fund an amount equivalent to 4% of the revenue annually derived from the tax imposed pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as amended and supplemented, or any other State law of similar effect.

The amount annually credited pursuant to this paragraph shall be dedicated and shall be appropriated from time to time by the Legislature only for the following purposes: paying or financing costs incurred by the State for the remediation of discharges of hazardous substances, which costs may include performing necessary operation and maintenance activities relating to remedial actions and costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge; providing funding, including the provision of loans or grants, for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom; providing funding, including the provision of loans or grants, for the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge; **[**and**]** for paying or financing the cost of water quality point and nonpoint source pollution monitoring, watershed based water resource planning and management, and nonpoint source pollution prevention projects ; and for providing grants for the costs of air pollution control equipment to reduce the levels of particulate matter emissions from diesel-powered

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] Senate SEN committee amendments adopted March 7, 2005.
[2] Senate SBA committee amendments adopted May 19, 2005.

engines, and for [1]funding for[1] other measures to reduce human exposure to those emissions.

It shall not be competent for the Legislature, under any pretense whatever, to borrow, appropriate, or use the amount credited to the special account pursuant to this paragraph, or any portion thereof, for any purpose or in any manner other than as enumerated in this paragraph. It shall not be competent for the Legislature, under any pretense whatever, to borrow, appropriate, or use the amount credited to the special account pursuant to this paragraph, or any portion thereof, for the payment of the principal or interest on any general obligation bond that was approved by the voters prior to this paragraph becoming part of this Constitution.

(a) A minimum of one-sixth of the amount annually credited pursuant to this paragraph, or a minimum of an amount equal to $5,000,000.00 per year, whichever is less, shall be dedicated, and shall be appropriated from time to time by the Legislature, only for paying or financing the cost of water quality point and nonpoint source pollution monitoring, watershed based water resource planning and management, and nonpoint source pollution prevention projects.

(b) A minimum of one-third of the amount annually credited pursuant to this paragraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for providing funding, including the provision of loans or grants, for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and for providing funding, including the provision of loans or grants, for the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge. Of any amount dedicated pursuant to this subparagraph (b) but not expended prior to January 1, 2004, fifty percent of that amount shall be expended on funding for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and fifty percent shall be expended on funding the costs of the remediation of discharges of hazardous substances, including costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

Commencing January 1, 2004 and ending December 31, 2005, fifty percent of the moneys dedicated pursuant to this subparagraph (b) shall be appropriated for funding the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge

therefrom, and fifty percent shall be appropriated for funding the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

Commencing January 1, 2006 and ending December 31, 2021, forty percent of the moneys dedicated pursuant to this subparagraph (b) shall be appropriated for funding the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and sixty percent shall be appropriated for funding the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

Commencing January 1, 2004, up to $2,000,000.00 per year, which shall be taken from the amount appropriated pursuant to this subparagraph (b) for the costs of the remediation of discharges of hazardous substances, may be expended for the costs of a State underground storage tank inspection program, which costs may include the direct but not indirect program administrative costs incurred by the State for the employment of inspectors and a compliance and enforcement staff, and the purchase of vehicles and equipment necessary for the implementation thereof.

All moneys derived from repayments of any loan issued from the amount dedicated pursuant to this subparagraph (b) shall be dedicated, and shall be appropriated from time to time by the Legislature, only for the purposes authorized pursuant to this subparagraph (b). The dedication of moneys derived from loan repayments shall not expire.

Except for moneys that may be expended for the costs of a State underground storage tank inspection program, [2]and except for amounts that may be appropriated from time to time by the Legislature on or after January 1, 2006, but not to exceed $1,000,000 annually, to administer programs to provide loans and grants for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances,[2] no moneys appropriated pursuant to this subparagraph (b) may be expended on any direct or indirect administrative costs of the State or any of its departments, agencies, or authorities.

[2]Commencing January 1, 2006, funding for administrative costs for programs to provide loans and grants for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances may be appropriated from time to time by the Legislature from the amount dedicated pursuant to this subparagraph (b) for those purposes in an amount not to exceed $1,000,000 in any year.[2]

No moneys appropriated pursuant to this subparagraph (b) may be expended on any upgrade, replacement, or closure of any underground storage tank, or for the remediation of any discharge therefrom, for any underground storage tank owned by the State or any of its departments, agencies, or authorities, or for costs incurred by the State for the remediation of discharges of hazardous substances.

Commencing on January 1, 2022, the moneys dedicated pursuant to this subparagraph (b) may be appropriated from time to time by the Legislature: for providing funding, including the provision of loans or grants, for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom; for providing funding, including the provision of loans or grants, for the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge; or for the costs of a State underground storage tank inspection program, in an amount up to $2,000,000.00 per year.

[2]The Legislature may appropriate after January 1, 2006, an amount not to exceed $10,000,000, of any of the amounts appropriated in any fiscal year ending before July 1, 2005, made for the purpose of the provision of loans or grants, for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and not expended for that purpose prior to the end of the fiscal year ending on June 30, 2005, for the purpose set forth in subparagraph (d) of this paragraph.[2]

(c) **[**A**]** Commencing January 1, 2006 and ending December 31, 2015, a minimum of **[**one-half**]** [2]**[**thirty percent**]** thirty-three percent[2] of the amount annually credited pursuant to this paragraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for paying or financing costs incurred by the State for the remediation of discharges of hazardous substances, which costs may include performing necessary operation and maintenance activities relating to remedial actions and costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge. Commencing January 1, 2016, a minimum of one-half of the amount annually credited pursuant to this paragraph shall be dedicated for the purposes of this subparagraph (c). No moneys appropriated pursuant to this subparagraph (c) may be expended for any indirect administrative costs of the State, its departments, agencies, or authorities. No more than nine percent of the moneys annually credited pursuant to this paragraph, which shall be taken from the amount dedicated pursuant to this subparagraph (c), may be

expended for any direct program administrative costs of the State, its departments, agencies, or authorities. If the Legislature dedicates for the purposes of this subparagraph (c) any moneys above the minimum that is required to be dedicated pursuant to this subparagraph (c), those moneys may not be expended for any direct or indirect administrative costs of the State, its departments, agencies, or authorities.

(d) Commencing January 1, 2006 and ending December 31, 2015, a minimum of [2]**[**twenty percent**]** seventeen percent[2] of the amount annually credited pursuant to this paragraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for providing grants for the costs of air pollution control equipment to reduce the levels of particulate matter emissions from diesel-powered engines, [1]**[**and**]**funding[1] for other measures to reduce human exposure to those emissions [1]**[**.**]** , and funding for those program administrative costs as provided in this subparagraph. No more than $1,150,000 per year of the amount dedicated pursuant to this subparagraph (d) may be expended for program administrative costs of the State, its departments, agencies, or authorities for implementing the provisions of this subparagraph (d), and for regulating particulate matter emissions from diesel-powered engines.[1]

Any amount dedicated [2]and appropriated[2] pursuant to this subparagraph (d) but not expended prior to January 1, 2016 shall be dedicated and may be appropriated [2]from time to time[2] by the Legislature for the purposes authorized in subparagraph (c) of this paragraph.

(cf: Article VIII, Section II, par. 6, effective December 4, 2003)

2. When this proposed amendment to the Constitution is finally agreed to pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted to the people at the next general election occurring more than three months after the final agreement and shall be published at least once in at least one newspaper of each county designated by the President of the Senate, the Speaker of the General Assembly and the Attorney General, not less than three months prior to the general election.

3. This proposed amendment to the Constitution shall be submitted to the people at that election in the following manner and form:

There shall be printed on each official ballot to be used at the general election, the following:

a. In every municipality in which voting machines are not used, a legend which shall immediately precede the question, as follows:

If you favor the proposition printed below make a cross (X), plus (+), or check (**T**) in the square opposite the word "Yes." If you are opposed thereto make a cross (X), plus (+) or check (**T**) in the square

opposite the word "No."

b. In every municipality the following question:

	YES	CONSTITUTIONAL AMENDMENT TO EXPAND USES OF DEDICATED TAX REVENUE TO FUND AIR POLLUTION CONTROL [2]AND ADMINISTRATIVE COSTS OF THE UNDERGROUND STORAGE TANK PROGRAM[2] Shall the amendment to Article VIII, Section II, paragraph 6 of the Constitution of the State of New Jersey, expanding the authorized uses of the constitutionally dedicated Corporation Business Tax revenue [2][,]: (1)[2] to allow the use of [2][20%] 17%[2] of the dedicated funds for 10 years, to pay for providing grants for the costs of air pollution control equipment to reduce particulate matter emissions from diesel-powered engines, [1][and] funding[1] for other measures to reduce human exposure to those emissions [2],[2] [1]and for no more than $1,150,000 in associated State administrative costs[1] [2], (2) to allow the use of no more than $1,000,000 per year for State administrative expenses for the underground storage tank program, and (3) to allow an appropriation as the Legislature may provide up to $10,000,000 from the preceding unexpended balances dedicated and appropriated for the underground storage tank program to provide grants for cost of air pollution control equipment to reduce particulate matter emissions from diesel-powered engines, and funding for other measures to reduce human exposure to those emissions[2] , be approved?

	NO	INTERPRETIVE STATEMENT Since 1996, 4% of the annual revenue from the Corporation Business Tax has been constitutionally dedicated to fund environmental programs. Approval of this constitutional amendment would (1) expand the authorized uses of those revenues to provide grants for the costs of air pollution control equipment to reduce particulate matter emissions from diesel-powered engines[1],[1] and [1][grants] funding[1] for other measures to reduce human exposure to those emissions, and (2) change the allocation of funds for the existing authorized uses. The Constitution currently allocates one-half for hazardous discharge cleanup performed by the State, a minimum of one-sixth or a minimum of [2][$5 million] $5,000,000 [2] for water quality projects, and a minimum of one-third for funding loans or grants for underground storage tank upgrades, replacements, closures and remediations, loans or grants to remediate hazardous substance discharges, and for an underground inspection program. This constitutional amendment would reduce the allocation for hazardous discharge cleanup by the State to [2][30%] 33%[2] for ten years [1][and would] ,[1] allocate [2][1]20%[1]]17%[2] for that period [1][, 20%][1] for grants for air pollution control programs [1], and would allow up to $1,150,000 per year of that [2][20%] 17%[2] allocation to be used for the State's associated administrative costs[1]. [2]Also, this amendment would allow the use of no more than $1,000,000 per year for State administrative expenses for the underground storage tank program, and would allow an appropriation by the Legislature of up to $10,000,000 from the preceding unexpended balances dedicated and appropriated for the underground storage tank program to provide grants for cost of air pollution control equipment to reduce particulate matter emissions from diesel-powered engines, and funding for other measures to reduce human exposure to those emissions.[2]

ASSEMBLY CONCURRENT RESOLUTION No. 228

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED MARCH 7, 2005

Sponsored by:
Assemblyman JOHN F. MCKEON
District 27 (Essex)
Assemblyman MICHAEL PANTER
District 12 (Mercer and Monmouth)
Assemblywoman BONNIE WATSON COLEMAN
District 15 (Mercer)
Assemblyman JOHN S. WISNIEWSKI
District 19 (Middlesex)

Co-Sponsored by:
Assemblyman Barnes, Assemblywomen Previte, Weinberg and Assemblyman Gusciora

SYNOPSIS

Proposes Constitutional Amendment to authorize use of dedicated Corporation Business Tax revenues for air pollution control; changes existing allocation percentages for 10 years.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 5/17/2005)

A CONCURRENT RESOLUTION proposing to amend Article VIII, Section II, paragraph 6 of the Constitution of the State of New Jersey.

BE IT RESOLVED *by the General Assembly of the State of New Jersey (the Senate concurring):*

1. The following proposed amendment to the Constitution is agreed to:

PROPOSED AMENDMENT

Amend Article VIII, Section II, paragraph 6 to read as follows:

6. There shall be credited annually to a special account in the General Fund an amount equivalent to 4% of the revenue annually derived from the tax imposed pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as amended and supplemented, or any other State law of similar effect.

The amount annually credited pursuant to this paragraph shall be dedicated and shall be appropriated from time to time by the Legislature only for the following purposes: paying or financing costs incurred by the State for the remediation of discharges of hazardous substances, which costs may include performing necessary operation and maintenance activities relating to remedial actions and costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge; providing funding, including the provision of loans or grants, for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom; providing funding, including the provision of loans or grants, for the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge; **[**and**]** for paying or financing the cost of water quality point and nonpoint source pollution monitoring, watershed based water resource planning and management, and nonpoint source pollution prevention projects ; and for providing grants for the costs of air pollution control equipment to reduce the levels of particulate matter emissions from diesel-powered engines, and for other measures to reduce human exposure to those emissions.

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.

It shall not be competent for the Legislature, under any pretense whatever, to borrow, appropriate, or use the amount credited to the special account pursuant to this paragraph, or any portion thereof, for any purpose or in any manner other than as enumerated in this paragraph. It shall not be competent for the Legislature, under any pretense whatever, to borrow, appropriate, or use the amount credited to the special account pursuant to this paragraph, or any portion thereof, for the payment of the principal or interest on any general obligation bond that was approved by the voters prior to this paragraph becoming part of this Constitution.

(a) A minimum of one-sixth of the amount annually credited pursuant to this paragraph, or a minimum of an amount equal to $5,000,000.00 per year, whichever is less, shall be dedicated, and shall be appropriated from time to time by the Legislature, only for paying or financing the cost of water quality point and nonpoint source pollution monitoring, watershed based water resource planning and management, and nonpoint source pollution prevention projects.

(b) A minimum of one-third of the amount annually credited pursuant to this paragraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for providing funding, including the provision of loans or grants, for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and for providing funding, including the provision of loans or grants, for the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge. Of any amount dedicated pursuant to this subparagraph (b) but not expended prior to January 1, 2004, fifty percent of that amount shall be expended on funding for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and fifty percent shall be expended on funding the costs of the remediation of discharges of hazardous substances, including costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

Commencing January 1, 2004 and ending December 31, 2005, fifty percent of the moneys dedicated pursuant to this subparagraph (b) shall be appropriated for funding the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and fifty percent shall be appropriated for funding the costs of the remediation of discharges of hazardous substances, which costs

may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

Commencing January 1, 2006 and ending December 31, 2021, forty percent of the moneys dedicated pursuant to this subparagraph (b) shall be appropriated for funding the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and sixty percent shall be appropriated for funding the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

Commencing January 1, 2004, up to $2,000,000.00 per year, which shall be taken from the amount appropriated pursuant to this subparagraph (b) for the costs of the remediation of discharges of hazardous substances, may be expended for the costs of a State underground storage tank inspection program, which costs may include the direct but not indirect program administrative costs incurred by the State for the employment of inspectors and a compliance and enforcement staff, and the purchase of vehicles and equipment necessary for the implementation thereof.

All moneys derived from repayments of any loan issued from the amount dedicated pursuant to this subparagraph (b) shall be dedicated, and shall be appropriated from time to time by the Legislature, only for the purposes authorized pursuant to this subparagraph (b). The dedication of moneys derived from loan repayments shall not expire.

Except for moneys that may be expended for the costs of a State underground storage tank inspection program, no moneys appropriated pursuant to this subparagraph (b) may be expended on any direct or indirect administrative costs of the State or any of its departments, agencies, or authorities.

No moneys appropriated pursuant to this subparagraph (b) may be expended on any upgrade, replacement, or closure of any underground storage tank, or for the remediation of any discharge therefrom, for any underground storage tank owned by the State or any of its departments, agencies, or authorities, or for costs incurred by the State for the remediation of discharges of hazardous substances.

Commencing on January 1, 2022, the moneys dedicated pursuant to this subparagraph (b) may be appropriated from time to time by the Legislature: for providing funding, including the provision of loans or grants, for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom; for providing funding, including the provision of loans or grants, for the costs of the remediation of discharges of hazardous substances, which costs may

include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge; or for the costs of a State underground storage tank inspection program, in an amount up to $2,000,000.00 per year.

(c) **[**A**]** Commencing January 1, 2006 and ending December 31, 2015, a minimum of **[**one-half**]** thirty percent of the amount annually credited pursuant to this paragraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for paying or financing costs incurred by the State for the remediation of discharges of hazardous substances, which costs may include performing necessary operation and maintenance activities relating to remedial actions and costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge. Commencing January 1, 2016, a minimum of one-half of the amount annually credited pursuant to this paragraph shall be dedicated for the purposes of this subparagraph (c). No moneys appropriated pursuant to this subparagraph (c) may be expended for any indirect administrative costs of the State, its departments, agencies, or authorities. No more than nine percent of the moneys annually credited pursuant to this paragraph, which shall be taken from the amount dedicated pursuant to this subparagraph (c), may be expended for any direct program administrative costs of the State, its departments, agencies, or authorities. If the Legislature dedicates for the purposes of this subparagraph (c) any moneys above the minimum that is required to be dedicated pursuant to this subparagraph (c), those moneys may not be expended for any direct or indirect administrative costs of the State, its departments, agencies, or authorities.

(d) Commencing January 1, 2006 and ending December 31, 2015, a minimum of twenty percent of the amount annually credited pursuant to this paragraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for providing grants for the costs of air pollution control equipment to reduce the levels of particulate matter emissions from diesel-powered engines, and for other measures to reduce human exposure to those emissions.

Any amount dedicated pursuant to this subparagraph (d) but not expended prior to January 1, 2016 shall be dedicated and may be appropriated by the Legislature for the purposes authorized in subparagraph (c) of this paragraph.

(cf: Article VIII, Section II, par. 6, effective December 4, 2003)

2. When this proposed amendment to the Constitution is finally agreed to pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted to the people at the next general election occurring

more than three months after the final agreement and shall be published at least once in at least one newspaper of each county designated by the President of the Senate, the Speaker of the General Assembly and the Attorney General, not less than three months prior to the general election.

3. This proposed amendment to the Constitution shall be submitted to the people at that election in the following manner and form:

There shall be printed on each official ballot to be used at the general election, the following:

a. In every municipality in which voting machines are not used, a legend which shall immediately precede the question, as follows:

If you favor the proposition printed below make a cross (X), plus (+), or check (**T**) in the square opposite the word "Yes." If you are opposed thereto make a cross (X), plus (+) or check (**T**) in the square opposite the word "No."

b. In every municipality the following question:

	YES	CONSTITUTIONAL AMENDMENT TO EXPAND USES OF DEDICATED TAX REVENUE TO FUND AIR POLLUTION CONTROL Shall the amendment to Article VIII, Section II, paragraph 6 of the Constitution of the State of New Jersey, expanding the authorized uses of the constitutionally dedicated Corporation Business Tax revenue, to allow the use of 20% of the dedicated funds for 10 years, to pay for providing grants for the costs of air pollution control equipment to reduce particulate matter emissions from diesel-powered engines, and for other measures to reduce human exposure to those emissions, be approved?
	NO	INTERPRETIVE STATEMENT Since 1996, 4% of the annual revenue from the Corporation Business Tax has been constitutionally dedicated to fund environmental programs. Approval of this constitutional amendment would (1) expand the authorized uses of those revenues to provide grants for the costs of air pollution control equipment to reduce particulate matter emissions from diesel-powered engines and grants for other measures to reduce human exposure to those emissions, and (2) change the allocation of funds for the existing authorized uses. The Constitution currently allocates one-half for hazardous discharge cleanup performed by the State, a minimum of one-sixth or a minimum of $5 million for water quality projects, and a minimum of one-third for funding loans or grants for underground storage tank upgrades, replacements, closures and remediations, loans or grants to remediate hazardous substance discharges, and for an underground inspection program. This constitutional amendment would reduce the allocation for hazardous discharge cleanup by the State to 30% for ten years and would allocate for that period, 20% for grants for air pollution control programs.

STATEMENT

This Assembly Concurrent Resolution proposes an amendment to Article VIII, Section II, paragraph 6 of the State Constitution. That provision dedicates 4% of the revenues derived from the Corporation Business Tax to the following purposes: (1) paying costs incurred by the State for the remediation of hazardous substance discharges; (2) providing funding for the upgrade, replacement and cleanup of underground storage tanks, providing loans and grants for the remediation of hazardous substances, and providing $2,000,000 annually for an underground storage tank inspection program; and (3) nonpoint source pollution programs and watershed planning and monitoring. Currently, one-half of the annual amount is dedicated for State funded hazardous site cleanup, one-third is dedicated for grants and loans for underground storage tank replacement, removal and cleanup, the underground storage tank inspection program, and grants and loans for hazardous substance cleanups; and a minimum of one-sixth or $5 million is dedicated for clean water programs. This proposed amendment to the Constitution would change the allocation of the funding for 10 years as follows: The allocation for State funded hazardous site cleanup would be reduced from 50% to 30% for ten years, and for that period, 20% of the dedicated funding would be used to provide grants for the costs of air pollution control equipment to reduce the levels of particulate matter emissions from diesel-powered engines, and for other measures to reduce human exposure to those emissions. After January 1, 2016, any unexpended amounts dedicated for air pollution control would be dedicated for State funded hazardous site cleanup.

[First Reprint]

ASSEMBLY CONCURRENT RESOLUTION No. 228

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED MARCH 7, 2005

Sponsored by:
Assemblyman JOHN F. MCKEON
District 27 (Essex)
Assemblyman MICHAEL PANTER
District 12 (Mercer and Monmouth)
Assemblywoman BONNIE WATSON COLEMAN
District 15 (Mercer)
Assemblyman JOHN S. WISNIEWSKI
District 19 (Middlesex)

Co-Sponsored by:
Assemblyman Barnes, Assemblywomen Previte, Weinberg, Assemblymen Gusciora, Hackett, Assemblywoman Stender, Assemblymen Prieto, Manzo and Assemblywoman Greenstein

SYNOPSIS

Proposes constitutional amendment to authorize use of dedicated corporation business tax revenues for air pollution control; changes existing allocation percentage for 10 years, allows for underground storage tank program costs.

CURRENT VERSION OF TEXT

As reported by the Assembly Environment and Solid Waste Committee on May 19, 2005, with amendments.

(Sponsorship Updated As Of: 6/28/2005)

A CONCURRENT RESOLUTION proposing to amend Article VIII, Section II, paragraph 6 of the Constitution of the State of New Jersey.

BE IT RESOLVED *by the General Assembly of the State of New Jersey (the Senate concurring):*

1. The following proposed amendment to the Constitution is agreed to:

PROPOSED AMENDMENT

Amend Article VIII, Section II, paragraph 6 to read as follows:

6. There shall be credited annually to a special account in the General Fund an amount equivalent to 4% of the revenue annually derived from the tax imposed pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as amended and supplemented, or any other State law of similar effect.

The amount annually credited pursuant to this paragraph shall be dedicated and shall be appropriated from time to time by the Legislature only for the following purposes: paying or financing costs incurred by the State for the remediation of discharges of hazardous substances, which costs may include performing necessary operation and maintenance activities relating to remedial actions and costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge; providing funding, including the provision of loans or grants, for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom; providing funding, including the provision of loans or grants, for the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge; **[**and**]** for paying or financing the cost of water quality point and nonpoint source pollution monitoring, watershed based water resource planning and management, and nonpoint source pollution prevention projects ; and for providing grants for the costs of air pollution control equipment to reduce the levels of particulate matter emissions from diesel-powered

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 AEN committee amendments adopted May 19, 2005.

engines, and for [1]funding for[1] other measures to reduce human exposure to those emissions.

It shall not be competent for the Legislature, under any pretense whatever, to borrow, appropriate, or use the amount credited to the special account pursuant to this paragraph, or any portion thereof, for any purpose or in any manner other than as enumerated in this paragraph. It shall not be competent for the Legislature, under any pretense whatever, to borrow, appropriate, or use the amount credited to the special account pursuant to this paragraph, or any portion thereof, for the payment of the principal or interest on any general obligation bond that was approved by the voters prior to this paragraph becoming part of this Constitution.

(a) A minimum of one-sixth of the amount annually credited pursuant to this paragraph, or a minimum of an amount equal to $5,000,000.00 per year, whichever is less, shall be dedicated, and shall be appropriated from time to time by the Legislature, only for paying or financing the cost of water quality point and nonpoint source pollution monitoring, watershed based water resource planning and management, and nonpoint source pollution prevention projects.

(b) A minimum of one-third of the amount annually credited pursuant to this paragraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for providing funding, including the provision of loans or grants, for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and for providing funding, including the provision of loans or grants, for the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge. Of any amount dedicated pursuant to this subparagraph (b) but not expended prior to January 1, 2004, fifty percent of that amount shall be expended on funding for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and fifty percent shall be expended on funding the costs of the remediation of discharges of hazardous substances, including costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

Commencing January 1, 2004 and ending December 31, 2005, fifty percent of the moneys dedicated pursuant to this subparagraph (b) shall be appropriated for funding the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge

therefrom, and fifty percent shall be appropriated for funding the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

Commencing January 1, 2006 and ending December 31, 2021, forty percent of the moneys dedicated pursuant to this subparagraph (b) shall be appropriated for funding the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and sixty percent shall be appropriated for funding the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

Commencing January 1, 2004, up to $2,000,000.00 per year, which shall be taken from the amount appropriated pursuant to this subparagraph (b) for the costs of the remediation of discharges of hazardous substances, may be expended for the costs of a State underground storage tank inspection program, which costs may include the direct but not indirect program administrative costs incurred by the State for the employment of inspectors and a compliance and enforcement staff, and the purchase of vehicles and equipment necessary for the implementation thereof.

All moneys derived from repayments of any loan issued from the amount dedicated pursuant to this subparagraph (b) shall be dedicated, and shall be appropriated from time to time by the Legislature, only for the purposes authorized pursuant to this subparagraph (b). The dedication of moneys derived from loan repayments shall not expire.

Except for moneys that may be expended for the costs of a State underground storage tank inspection program, [1]and except for amounts that may be appropriated from time to time by the Legislature on or after January 1, 2006, but not to exceed $1,000,000 annually, to administer programs to provide loans and grants for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances,[1] no moneys appropriated pursuant to this subparagraph (b) may be expended on any direct or indirect administrative costs of the State or any of its departments, agencies, or authorities.

[1]Commencing January 1, 2006, funding for administrative costs for programs to provide loans and grants for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances may be appropriated from time to time by the Legislature from the amount dedicated pursuant to this subparagraph (b) for those purposes in an amount not to exceed $1,000,000 in any year.[1]

No moneys appropriated pursuant to this subparagraph (b) may be expended on any upgrade, replacement, or closure of any underground storage tank, or for the remediation of any discharge therefrom, for any underground storage tank owned by the State or any of its departments, agencies, or authorities, or for costs incurred by the State for the remediation of discharges of hazardous substances.

Commencing on January 1, 2022, the moneys dedicated pursuant to this subparagraph (b) may be appropriated from time to time by the Legislature: for providing funding, including the provision of loans or grants, for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom; for providing funding, including the provision of loans or grants, for the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge; or for the costs of a State underground storage tank inspection program, in an amount up to $2,000,000.00 per year.

[1]The Legislature may appropriate after January 1, 2006, an amount not to exceed $10,000,000, of any of the amounts appropriated in any fiscal year ending before July 1, 2005, made for the purpose of the provision of loans or grants, for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and not expended for that purpose prior to the end of the fiscal year ending on June 30, 2005, for the purpose set forth in subparagraph (d) of this paragraph.[1]

(c) **[**A**]** Commencing January 1, 2006 and ending December 31, 2015, a minimum of **[**one-half**]** [1]**[**thirty percent**]** thirty-three percent[1] of the amount annually credited pursuant to this paragraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for paying or financing costs incurred by the State for the remediation of discharges of hazardous substances, which costs may include performing necessary operation and maintenance activities relating to remedial actions and costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge. Commencing January 1, 2016, a minimum of one-half of the amount annually credited pursuant to this paragraph shall be dedicated for the purposes of this subparagraph (c). No moneys appropriated pursuant to this subparagraph (c) may be expended for any indirect administrative costs of the State, its departments, agencies, or authorities. No more than nine percent of the moneys annually credited pursuant to this paragraph, which shall be taken from the amount dedicated pursuant to this subparagraph (c), may be

expended for any direct program administrative costs of the State, its departments, agencies, or authorities. If the Legislature dedicates for the purposes of this subparagraph (c) any moneys above the minimum that is required to be dedicated pursuant to this subparagraph (c), those moneys may not be expended for any direct or indirect administrative costs of the State, its departments, agencies, or authorities.

(d) Commencing January 1, 2006 and ending December 31, 2015, a minimum of [1]**[**twenty percent**]** seventeen percent [1] of the amount annually credited pursuant to this paragraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for providing grants for the costs of air pollution control equipment to reduce the levels of particulate matter emissions from diesel-powered engines, [1]**[**and**]**funding[1] for other measures to reduce human exposure to those emissions [1], and funding for those program administrative costs as provided in this subparagraph. No more than $1,150,000 per year of the amount dedicated pursuant to this subparagraph (d) may be expended for program administrative costs of the State, its departments, agencies, or authorities for implementing the provisions of this subparagraph (d), and for regulating particulate matter emissions from diesel-powered engines[1].

Any amount dedicated [1]and appropriated[1] pursuant to this subparagraph (d) but not expended prior to January 1, 2016 shall be dedicated and may be appropriated [1]from time to time [1]by the Legislature for the purposes authorized in subparagraph (c) of this paragraph.

(cf: Article VIII, Section II, par. 6, effective December 4, 2003)

2. When this proposed amendment to the Constitution is finally agreed to pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted to the people at the next general election occurring more than three months after the final agreement and shall be published at least once in at least one newspaper of each county designated by the President of the Senate, the Speaker of the General Assembly and the Attorney General, not less than three months prior to the general election.

3. This proposed amendment to the Constitution shall be submitted to the people at that election in the following manner and form:

There shall be printed on each official ballot to be used at the general election, the following:

a. In every municipality in which voting machines are not used, a legend which shall immediately precede the question, as follows:

If you favor the proposition printed below make a cross (X), plus (+), or check (**T**) in the square opposite the word "Yes." If you are opposed thereto make a cross (X), plus (+) or check (**T**) in the square

opposite the word "No."

b. In every municipality the following question:

	YES	CONSTITUTIONAL AMENDMENT TO EXPAND USES OF DEDICATED TAX REVENUE TO FUND AIR POLLUTION CONTROL [1]AND ADMINISTRATIVE COSTS OF THE UNDERGROUND STORAGE TANK PROGRAM[1] Shall the amendment to Article VIII, Section II, paragraph 6 of the Constitution of the State of New Jersey, expanding the authorized uses of the constitutionally dedicated Corporation Business Tax revenue[1][,] : (1)[1] to allow the use of [1][20%]17% [1] of the dedicated funds for 10 years, to pay for providing grants for the costs of air pollution control equipment to reduce particulate matter emissions from diesel-powered engines, [1][and] funding[1] for other measures to reduce human exposure to those emissions [1], and for no more than $1,150,000 in associated State administrative costs, (2) to allow the use of no more than $1,000,000 per year for State administrative expenses for the underground storage tank program, and (3) to allow an appropriation as the Legislature may provide up to $10,000,000 from the preceding unexpended balances dedicated and appropriated for the underground storage tank program to provide grants for cost of air pollution control equipment to reduce particulate matter emissions from diesel-powered engines, and funding for other measures to reduce human exposure to those emissions[1], be approved?

	NO	INTERPRETIVE STATEMENT Since 1996, 4% of the annual revenue from the Corporation Business Tax has been constitutionally dedicated to fund environmental programs. Approval of this constitutional amendment would (1) expand the authorized uses of those revenues to provide grants for the costs of air pollution control equipment to reduce particulate matter emissions from diesel-powered engines [1],[1] and [1][grants] funding[1] for other measures to reduce human exposure to those emissions, and (2) change the allocation of funds for the existing authorized uses. The Constitution currently allocates one-half for hazardous discharge cleanup performed by the State, a minimum of one-sixth or a minimum of [1][$5 million] $5,000,000[1] for water quality projects, and a minimum of one-third for funding loans or grants for underground storage tank upgrades, replacements, closures and remediations, loans or grants to remediate hazardous substance discharges, and for an underground inspection program. This constitutional amendment would reduce the allocation for hazardous discharge cleanup by the State to [1][30%] 33%[1] for ten years [1][and would] ,[1] allocate [1]17%[1] for that period [1][, 20%][1] for grants for air pollution control programs [1]and would allow up to $1,150,000 per year of that 17% allocation to be used for the State's associated administrative costs. Also, this amendment would allow the use of no more than $1,000,000 per year for State administrative expenses for the underground storage tank program, and would allow an appropriation by the Legislature of up to $10,000,000 from the preceding unexpended balances dedicated and appropriated for the underground storage tank program to provide grants for cost of air pollution control equipment to reduce particulate matter emissions from diesel-powered engines, and funding for other measures to reduce human exposure to those emissions[1].

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE CONCURRENT RESOLUTION No. 113

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 7, 2005

The Senate Environment Committee reports favorably Senate Concurrent Resolution No. 113 with committee amendments.

This Senate Concurrent Resolution proposes an amendment to Article VIII, Section II, paragraph 6 of the State Constitution. That provision dedicates 4% of the revenues derived from the Corporation Business Tax to the following purposes: (1) paying costs incurred by the State for the remediation of hazardous substance discharges; (2) providing funding for the upgrade, replacement and cleanup of underground storage tanks, providing loans and grants for the remediation of hazardous substances, and providing $2,000,000 annually for an underground storage tank inspection program; and (3) nonpoint source pollution programs and watershed planning and monitoring. Currently, one-half of the annual amount is dedicated for State funded hazardous site cleanup, one-third is dedicated for grants and loans for underground storage tank replacement, removal and cleanup, the underground storage tank inspection program, and grants and loans for hazardous substance cleanups; and a minimum of one-sixth or $5 million is dedicated for clean water programs. This proposed amendment to the Constitution would change the allocation of the funding for 10 years as follows: The allocation for State funded hazardous site cleanup would be reduced from 50% to 30% for ten years, and for that period, 20% of the dedicated funding would be used to provide grants for the costs of air pollution control equipment to reduce the levels of particulate matter emissions from diesel-powered engines, and funding for other measures to reduce human exposure to those emissions. After January 1, 2016, any unexpended amounts dedicated for air pollution control would be dedicated for State funded hazardous site cleanup.

The committee amendments would authorize the use of no more than $1,150,000 per year of the amount dedicated for funding grants for particulate matter emission control equipment to be expended for the associated program administrative costs of the State, its departments, agencies, or authorities for implementing the provisions of the new subparagraph (d) and for regulating particulate matter emissions from diesel-powered engines.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE CONCURRENT RESOLUTION No. 113

with Committee Amendments

STATE OF NEW JERSEY

DATED: MAY 19, 2005

The Senate Budget and Appropriations Committee reports favorably Senate Concurrent Resolution No. 113 (1R) with Senate Committee amendments.

This Senate Concurrent Resolution proposes an amendment to Article VIII, Section II, paragraph 6 of the State Constitution. That provision dedicates 4% of the revenues derived from the Corporation Business Tax to the following purposes: (1) paying costs incurred by the State for the remediation of hazardous substance discharges; (2) providing funding for the upgrade, replacement and cleanup of underground storage tanks, providing loans and grants for the remediation of hazardous substances, and providing $2,000,000 annually for an underground storage tank inspection program; and (3) nonpoint source pollution programs and watershed planning and monitoring. Currently, one-half of the annual amount is dedicated for State funded hazardous site cleanup, one-third is dedicated for grants and loans for underground storage tank replacement, removal and cleanup, the underground storage tank inspection program, and grants and loans for hazardous substance cleanups; and a minimum of one-sixth or $5 million is dedicated for clean water programs. This proposed amendment to the Constitution would change the allocation of the funding for 10 years as follows: The allocation for State funded hazardous site cleanup would be reduced from 50% to 33% for ten years, and for that period, 17% of the dedicated funding would be used to provide grants for the costs of air pollution control equipment to reduce the levels of particulate matter emissions from diesel-powered engines, and funding for other measures to reduce human exposure to those emissions. After January 1, 2016, any unexpended amounts dedicated for air pollution control would be dedicated for State funded hazardous site cleanup.

The amendment would authorize the use of no more than $1,150,000 per year of the amount dedicated for funding grants for particulate matter emission control equipment to be expended for the associated program administrative costs of the State, its departments,

agencies, or authorities for implementing the provisions of the new subparagraph (d) and for regulating particulate matter emissions from diesel-powered engines.

As reported, this Senate Concurrent Resolution, as amended by the committee, is identical to Assembly Concurrent Resolution No. 228 (Aca) as reported by the Assembly Environment and Solid Waste Committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments change the total amount constitutionally dedicated for the program to regulate particulate matter emissions from diesel engines from 20% to 17% of the total dedicated pursuant to the paragraph, and alter the amount of reduction of the dedication for State funded hazardous discharge remediation from 50% to 33% rather than 50% to 30% of the total amount dedicated under the paragraph. The committee amendments also allow under the constitution for the enactment after January 1, 2006 of a one-time appropriation of up to $10,000,000 from preceding unexpended balances dedicated and appropriated for the underground storage tank program to provide grants for cost of air pollution control equipment to reduce particulate matter emissions from diesel-powered engines, and funding for other measures to reduce human exposure to those emission. The committee amendments also allow the use of no more than $1,000,000 per year for State administrative expenses for the underground storage tank program.

FISCAL IMPACT:

The concurrent resolution as amended has no effect on the total amount of revenue that is dedicated by constitutional language. It will permit the Legislature to appropriate up to $10 million of previously appropriated and unexpended balances made from dedicated moneys for underground storage tank remediation for grants for the costs of air pollution control equipment to reduce the levels of particulate matter emissions from diesel-powered engines, and funding for other measures to reduce human exposure to those emissions. The committee amendments also allow the annual use of no more than $1,000,000 per year for State administrative expenses for the underground storage tank program from the annual dedicated amounts of revenue for the grants and loans under that program.

ASSEMBLY ENVIRONMENT AND SOLID WASTE COMMITTEE

STATEMENT TO

ASSEMBLY CONCURRENT RESOLUTION No. 228

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 2005

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Concurrent Resolution No. 228.

This Assembly Concurrent Resolution proposes an amendment to Article VIII, Section II, paragraph 6 of the State Constitution. That provision dedicates 4% of the revenues derived from the Corporation Business Tax to the following purposes: (1) paying costs incurred by the State for the remediation of hazardous substance discharges; (2) providing funding for the upgrade, replacement and cleanup of underground storage tanks, providing loans and grants for the remediation of hazardous substances, and providing $2,000,000 annually for an underground storage tank inspection program; and (3) nonpoint source pollution programs and watershed planning and monitoring. Currently, one-half of the annual amount is dedicated for State funded hazardous site cleanup, one-third is dedicated for grants and loans for underground storage tank replacement, removal and cleanup, the underground storage tank inspection program, and grants and loans for hazardous substance cleanups; and a minimum of one-sixth or $5 million is dedicated for clean water programs.

This proposed amendment to the Constitution, with proposed committee amendments, would change the allocation of the funding to reduce the allocation for State funded hazardous site cleanup from 50% to 33% for ten years. For that period, 17% of the dedicated funding would be used to provide grants for the costs of air pollution control equipment to reduce the levels of particulate matter emissions from diesel-powered engines, and funding for other measures to reduce human exposure to those emissions. After January 1, 2016, any unexpended amounts dedicated for air pollution control may be appropriated for State funded hazardous site cleanup.

The Assembly Concurrent Resolution, as amended, would authorize the use of no more than $1,150,000 per year of the amount dedicated for funding grants for particulate matter emission control equipment to be expended for the associated program administrative

costs of the State, its departments, agencies, or authorities for implementing the provisions of the new subparagraph (d) and for regulating particulate matter emissions from diesel-powered engines.

Proposed committee amendments would alter the current dedications that would be reduced for funding the program to regulate particulate matter emissions from diesel engines. The State funded hazardous discharge remediation program dedication would be reduced from 50% to 33%of the total, rather than from 50% to 30% of the total. Thus, the amount dedicated for funding the program to regulate particulate matter emissions from diesel engines would be reduced from 20% of the constitutionally dedicated funds to 17% of the constitutionally dedicated funds.

As amended, this Assembly Concurrent Resolution would allow the use of no more than $1 million per year for State administrative costs for the underground storage tank program to be taken from moneys dedicated for that program.

Finally, as amended, this Assembly Concurrent Resolution would allow an appropriation by the Legislature of up to $10 million from the unexpended balances from the underground storage tank program to be used for the particulate matter emission program.

As amended and reported by the committee, this Assembly Concurrent Resolution is identical to Senate Concurrent Resolution No. 113 (2R) as reported by the Senate Budget and Appropriations Committee on May 19, 2005.

COMMITTEE AMENDMENTS

Committee amendments to the Assembly Concurrent Resolution would:

(1) change the total amount constitutionally dedicated for the program to regulate particulate matter emissions from diesel engines from 20% to 17% of the total dedicated pursuant to the paragraph;

(2) alter the amount of reduction of the dedication for State funded hazardous discharge remediation from 50% to 33% rather than 50% to 30% of the total amount dedicated under the paragraph;

(3) allow the use of $1.15 million annually of the 17% dedicated for the particulate matter emission program to be used for administrative expenses;

(4) allow the use of no more than $1 million per year for State administrative costs for the underground storage tank program;

(5) allow an appropriation as the Legislature may provide of up to $10 million from the unexpended balances from the underground storage tank program to be used for the particulate matter emission program; and

(6) make several clarifying amendments.