

**ASSEMBLY CONCURRENT  
RESOLUTION No. 130**

**STATE OF NEW JERSEY  
216th LEGISLATURE**

INTRODUCED MARCH 13, 2014

**Sponsored by:**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex and Morris)**

**Assemblywoman L. GRACE SPENCER**

**District 29 (Essex)**

**Assemblyman GILBERT "WHIP" L. WILSON**

**District 5 (Camden and Gloucester)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Assemblyman REED GUSCIORA**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Assemblymen Giblin, Fuentes, Eustace, Assemblywoman Riley, Assemblymen Benson, Mukherji, Assemblywomen Vainieri Huttle, Watson Coleman, Jimenez, Assemblymen Conaway, Garcia, Chivukula, Assemblywoman Tucker, Assemblymen Caputo, Wolfe, Assemblywoman Stender, Assemblymen S.Kean, Dancer, Clifton, Assemblywomen Angelini, Handlin, Casagrande, Schepisi, Assemblyman Wimberly, Assemblywoman Quijano and Assemblyman Burzichelli**

**SYNOPSIS**

Amends Constitution to dedicate 6% of Corporation Business Tax revenues from FY2016 to FY2045 for open space, farmland, and historic preservation; ends dedication of 4% of Corporation Business Tax revenues for environmental programs; dedicates natural resource damages and environmental fine revenue to underground storage tank programs and State-funded hazardous discharge cleanups

**CURRENT VERSION OF TEXT**

As introduced.

(Sponsorship Updated As Of: 9/12/2014)

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

3

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

6

7 1. The following proposed amendment to the Constitution of  
8 the State of New Jersey is agreed to:

9

10 PROPOSED AMENDMENT

11

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

13 6. **【There】** (a) Commencing July 1, 2015 until June 30, 2045,  
14 there shall be credited annually to a special account in the General  
15 Fund an amount equivalent to **【4%】** 6% of the revenue annually  
16 derived from the tax imposed pursuant to the "Corporation Business  
17 Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as amended  
18 and supplemented, or any other State law of similar effect.

19 The amount annually credited pursuant to this **【paragraph】**  
20 subparagraph shall be dedicated and shall be appropriated from time  
21 to time by the Legislature only **【for the following purposes: paying**  
22 **or financing costs incurred by the State for the remediation of**  
23 **discharges of hazardous substances, which costs may include**  
24 **performing necessary operation and maintenance activities relating**  
25 **to remedial actions and costs incurred for providing alternative**  
26 **sources of public or private water supplies, when a water supply has**  
27 **been, or is suspected of being, contaminated by a hazardous**  
28 **substance discharge; providing funding, including the provision of**  
29 **loans or grants, for the upgrade, replacement, or closure of**  
30 **underground storage tanks that store or were used to store**  
31 **hazardous substances, and for the costs of remediating any**  
32 **discharge therefrom; providing funding, including the provision of**  
33 **loans or grants, for the costs of the remediation of discharges of**  
34 **hazardous substances, which costs may include costs incurred for**  
35 **providing alternative sources of public or private water supplies,**  
36 **when a water supply has been, or is suspected of being,**  
37 **contaminated by a hazardous substance discharge; for paying or**  
38 **financing the cost of water quality point and nonpoint source**  
39 **pollution monitoring, watershed based water resource planning and**  
40 **management, and nonpoint source pollution prevention projects; for**  
41 **providing grants for the costs of air pollution control equipment to**  
42 **reduce the levels of particulate matter emissions from diesel-**  
43 **powered engines, and for funding for other measures to reduce**  
44 **human exposure to those emissions; and for providing funding,**  
45 **including loans and grants, for the development of lands for**

**EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 recreation and conservation purposes, and to satisfy any payments  
2 relating to bonds, notes, or other obligations, including refunding  
3 bonds, issued by an authority or similar entity established by law to  
4 provide funding for the development of lands for recreation and  
5 conservation purposes] to provide funding, including loans or  
6 grants, for: the preservation, including acquisition, development,  
7 and stewardship, of lands for recreation and conservation purposes,  
8 including lands that protect water supplies and lands that have  
9 incurred flood or storm damage or are likely to do so, or that may  
10 buffer or protect other properties from flood or storm damage; the  
11 preservation and stewardship of farmland for agricultural or  
12 horticultural use and production; historic preservation; and  
13 administrative costs associated with each of those efforts .

14 It shall not be competent for the Legislature, under any pretense  
15 whatever, to borrow, appropriate, or use the amount credited to the  
16 special account pursuant to this [paragraph] subparagraph , or any  
17 portion thereof, for any purpose or in any manner other than as  
18 enumerated in this [paragraph] subparagraph. It shall not be  
19 competent for the Legislature, under any pretense whatever, to  
20 borrow, appropriate, or use the amount credited to the special  
21 account pursuant to this [paragraph] subparagraph , or any portion  
22 thereof, for the payment of the principal or interest on any general  
23 obligation bond that was approved by the voters prior to this  
24 [paragraph] subparagraph becoming part of this Constitution.

25 [(a) Fifteen percent of the amount annually credited pursuant to  
26 this paragraph shall be dedicated, and shall be appropriated from  
27 time to time by the Legislature, only for paying or financing the  
28 cost of water quality point and nonpoint source pollution  
29 monitoring, watershed based water resource planning and  
30 management, and nonpoint source pollution prevention projects.]

31 (b) There shall be credited annually to a special account in the  
32 General Fund an amount equivalent to the revenue annually derived  
33 from natural resource damages collected by the State as defined by  
34 law and all fines collected by the State from violations of  
35 environmental laws as defined by law.

36 The amount annually credited pursuant to this subparagraph shall  
37 be dedicated and shall be appropriated from time to time by the  
38 Legislature only for the following purposes: providing funding,  
39 including the provision of loans or grants, for the upgrade,  
40 replacement, or closure of underground storage tanks that store or  
41 were used to store hazardous substances, and for the costs of  
42 remediating any discharge therefrom; and paying or financing costs  
43 incurred by the State for the remediation of discharges of hazardous  
44 substances, which costs may include performing necessary  
45 operation and maintenance activities relating to remedial actions  
46 and costs incurred for providing alternative sources of public or  
47 private water supplies, when a water supply has been, or is

1 suspected of being, contaminated by a hazardous substance  
2 discharge.

3 Twenty-five percent of the amount annually credited pursuant to  
4 this **【paragraph】** subparagraph shall be dedicated, and shall be  
5 appropriated from time to time by the Legislature, only for  
6 providing funding, including the provision of loans or grants, for  
7 the upgrade, replacement, or closure of underground storage tanks  
8 that store or were used to store hazardous substances, and for the  
9 costs of remediating any discharge therefrom, and for providing  
10 funding, including the provision of loans or grants, for the costs of  
11 the remediation of discharges of hazardous substances, which costs  
12 may include costs incurred for providing alternative sources of  
13 public or private water supplies, when a water supply has been, or is  
14 suspected of being, contaminated by a hazardous substance  
15 discharge. **【Of any amount dedicated pursuant to this subparagraph**  
16 **(b) but not expended prior to January 1, 2004, fifty percent of that**  
17 **amount shall be expended on funding for the upgrade, replacement,**  
18 **or closure of underground storage tanks that store or were used to**  
19 **store hazardous substances, and for the costs of remediating any**  
20 **discharge therefrom, and fifty percent shall be expended on funding**  
21 **the costs of the remediation of discharges of hazardous substances,**  
22 **including costs incurred for providing alternative sources of public**  
23 **or private water supplies, when a water supply has been, or is**  
24 **suspected of being, contaminated by a hazardous substance**  
25 **discharge.**

26 Commencing January 1, 2004 and ending December 31, 2005,  
27 fifty percent of the moneys dedicated pursuant to this subparagraph  
28 (b) shall be appropriated for funding the upgrade, replacement, or  
29 closure of underground storage tanks that store or were used to  
30 store hazardous substances, and for the costs of remediating any  
31 discharge therefrom, and fifty percent shall be appropriated for  
32 funding the costs of the remediation of discharges of hazardous  
33 substances, which costs may include costs incurred for providing  
34 alternative sources of public or private water supplies, when a water  
35 supply has been, or is suspected of being, contaminated by a  
36 hazardous substance discharge.

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

1 Commencing January 1, 2007 and ending December 31, 2021,  
2 the moneys dedicated pursuant to this subparagraph (b) shall be  
3 appropriated for funding the costs of the remediation of discharges  
4 of hazardous substances, which costs may include costs incurred for  
5 providing alternative sources of public or private water supplies,  
6 when a water supply has been, or is suspected of being,  
7 contaminated by a hazardous substance discharge; but if in any  
8 fiscal year during that time the amount previously dedicated and  
9 appropriated for funding loans or grants for the upgrade,  
10 replacement, or closure of underground storage tanks that store or  
11 were used to store hazardous substances, and for the costs of  
12 remediating any discharge therefrom, and available for that purpose  
13 but not expended, is less than \$20,000,000, then in the following  
14 fiscal year, fifty-five percent of the monies dedicated pursuant to  
15 this subparagraph (b) shall be appropriated for funding loans or  
16 grants for underground storage tanks and only forty-five percent of  
17 the monies dedicated pursuant to this subparagraph (b) shall be  
18 appropriated for funding the costs of the remediation of discharges  
19 of hazardous substances, which costs may include costs incurred for  
20 providing alternative sources of public or private water supplies,  
21 when a water supply has been, or is suspected of being,  
22 contaminated by a hazardous substance discharge.

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

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

38 **【**Except for moneys that may be expended for the costs of a State  
39 underground storage tank inspection program, and except for  
40 amounts that may be appropriated from time to time by the  
41 Legislature on or after January 1, 2006, but not to exceed  
42 \$1,000,000 annually, to administer programs to provide loans and  
43 grants for the upgrade, replacement, or closure of underground  
44 storage tanks that store or were used to store hazardous substances,  
45 **no】** No moneys appropriated pursuant to this subparagraph **【(b)】**  
46 may be expended on any direct or indirect administrative costs of  
47 the State or any of its departments, agencies, or authorities.

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

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

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

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

38       (c) **Twenty-eight】** Seventy-five percent of the amount annually  
39 credited pursuant to this **【paragraph】** subparagraph shall be  
40 dedicated, and shall be appropriated from time to time by the  
41 Legislature, only for paying or financing costs incurred by the State  
42 for the remediation of discharges of hazardous substances, which  
43 costs may include performing necessary operation and maintenance  
44 activities relating to remedial actions and costs incurred for  
45 providing alternative sources of public or private water supplies,  
46 when a water supply has been, or is suspected of being,  
47 contaminated by a hazardous substance discharge. **【**No moneys

1 appropriated pursuant to this subparagraph (c) may be expended for  
2 any indirect administrative costs of the State, its departments,  
3 agencies, or authorities. No more than nine percent of the moneys  
4 annually credited pursuant to this paragraph, which shall be taken  
5 from the amount dedicated pursuant to this subparagraph (c), may  
6 be expended for any direct program administrative costs of the  
7 State, its departments, agencies, or authorities.

8 (d) Commencing January 1, 2006 and ending December 31,  
9 2015, seventeen percent of the amount annually credited pursuant to  
10 this paragraph shall be dedicated, and shall be appropriated from  
11 time to time by the Legislature, only for providing grants for the  
12 costs of air pollution control equipment to reduce the levels of  
13 particulate matter emissions from diesel-powered engines, funding  
14 for other measures to reduce human exposure to those emissions,  
15 and funding for those program administrative costs as provided in  
16 this subparagraph. No more than \$1,150,000 per year of the amount  
17 dedicated pursuant to this subparagraph (d) may be expended for  
18 program administrative costs of the State, its departments, agencies,  
19 or authorities for implementing the provisions of this subparagraph  
20 (d), and for regulating particulate matter emissions from diesel-  
21 powered engines.

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

27 (e) Fifteen percent of the amount annually credited pursuant to  
28 this paragraph shall be dedicated, and shall be appropriated from  
29 time to time by the Legislature, only for providing funding,  
30 including loans and grants, for the development of lands for  
31 recreation and conservation purposes, and to satisfy any payments  
32 relating to bonds, notes, or other obligations, including refunding  
33 bonds, issued by an authority or similar entity established by law to  
34 provide funding for the development of lands for recreation and  
35 conservation purposes.

36 Commencing January 1, 2016, thirty-two percent of the amount  
37 annually credited pursuant to this paragraph shall be dedicated, and  
38 shall be appropriated from time to time by the Legislature, only for  
39 providing funding, including loans and grants, for the development  
40 of lands for recreation or conservation purposes, and to satisfy any  
41 payments relating to bonds, notes, or other obligations, including  
42 refunding bonds, issued by an authority or similar entity established  
43 by law to provide funding, for the development of lands for  
44 recreation or conservation purposes.

45 All moneys derived from repayments of any loan issued from the  
46 amount dedicated pursuant to this subparagraph (e) shall be  
47 dedicated, and shall be appropriated from time to time by the

1 Legislature, only for the purposes authorized pursuant to this  
2 subparagraph (e).

3 No more than five percent per year of the amount dedicated  
4 pursuant to this subparagraph (e) may be expended for program  
5 administrative costs of the State, its departments, agencies, or  
6 authorities for implementing the provisions of this subparagraph  
7 (e).

8 The authority or other similar entity established by law as  
9 described in this subparagraph (e) shall be the same authority or  
10 entity established for the purposes of Article VIII, Section II,  
11 paragraph 7 of the State Constitution.】

12 (cf: Article VIII, Section II, paragraph 6 amended effective  
13 December 7, 2006)

14

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

23

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

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

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

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

35 b. In every municipality the following question:



1

	YES	<p>CONSTITUTIONAL AMENDMENT DEDICATING STATE FUNDS FOR OPEN SPACE, FARMLAND, AND HISTORIC PRESERVATION, AND CHANGING EXISTING DEDICATION FOR UNDERGROUND STORAGE TANKS AND HAZARDOUS SITE CLEANUPS</p> <p>Do you approve amending the Constitution to dedicate 6% of the Corporation Business Tax revenue each year for the next 30 years? The dedication would be for the preservation of open space, farmland, and historic sites. The amendment would end the current dedication of 4% of that revenue for environmental programs. In addition, the amendment dedicates natural resource damages and fines to fund underground storage tank removals and cleanups and polluted site cleanups?</p>
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	NO	<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>This constitutional amendment would provide funding for Green Acres and “Blue Acres” projects. The projects preserve open space, farmland, and historic properties. The amendment would dedicate 6% of Corporation Business Tax revenue each year for the next 30 years for these purposes.</p> <p>The Green Acres program buys land that protects water supplies and preserves open space. The program funds parks, fish and wildlife habitat, and flood prone or affected areas. It also funds park improvements and facilities.</p> <p>“Blue Acres” refers to properties that have been damaged by storms or storm related flooding. The program also purchases properties that appear likely to incur such damage, or that may buffer or protect other lands from such damage. Structures on properties purchased from willing sellers are demolished, the debris is removed, and the land is preserved as open space.</p> <p>This amendment also would end the current dedication of 4% of Corporation Business Tax revenue. That dedication provides funds for water quality programs, public and private hazardous site cleanups, underground storage tank removal and cleanup, air pollution control equipment for diesel engines, and park improvements and facilities.</p> <p>Finally, this amendment would dedicate natural resource damages and fines collected from violations of environmental laws for underground storage tank removals and cleanups and State-funded hazardous site cleanups.</p>
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STATEMENT

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This constitutional amendment would dedicate 6% of Corporation Business Tax revenues annually for the next 30 years, from Fiscal Year 2016 through Fiscal Year 2045, to finance the

1 State's programs for open space preservation, farmland  
2 preservation, and historic preservation. The specific allocation for  
3 each of these purposes would be established by law. The  
4 amendment also allows for the dedicated monies to be used for  
5 stewardship activities and administrative costs associated with the  
6 programs.

7 The constitutional amendment also recognizes a special funding  
8 category under open space preservation, referred to as the "Blue  
9 Acres" program, for the acquisition, for recreation and conservation  
10 purposes, of lands that have incurred flood or storm damage or are  
11 likely to do so, or that may buffer or protect other properties from  
12 flood or storm damage. Properties are purchased from willing  
13 sellers only. The Blue Acres program is administered by the  
14 Department of Environmental Protection's Green Acres Program.

15 This proposed amendment to the State Constitution would  
16 provide a dedicated, stable source of funding to continue the State's  
17 current programs for open space, including flood prone lands,  
18 farmland preservation, and historic preservation implemented  
19 pursuant to Article VIII, Section II, paragraph 7 of the State  
20 Constitution, the "Garden State Preservation Trust Act," P.L.1999,  
21 c.152 (C.13:8C-1 et seq.), and various bond acts passed by the  
22 voters of this State over the last 50 years.

23 The constitutional amendment would also cancel the current  
24 constitutional dedication of 4% of Corporation Business Tax  
25 revenues for remediation of discharges of hazardous substances,  
26 funding loans and grants for underground storage tanks, financing  
27 water quality programs, providing loans and grants for air pollution  
28 control equipment to control emission from diesel-powered engines,  
29 and funding for the development of lands for recreation and  
30 conservation purposes. The amendment would instead dedicate  
31 revenue annually derived from natural resource damages and fines  
32 collected by the State from violations of environmental laws to  
33 provide funding for loans and grants for the upgrade, replacement,  
34 or closure of underground storage tanks that store or were used to  
35 store hazardous substances and for the costs of remediating any  
36 discharge therefrom and for State-funded remediation of discharges  
37 of hazardous substances. The amendment would allocate 25% of  
38 the fine revenue for underground storage tank programs and 75%  
39 for State remediation of discharges of hazardous substances.