ASSEMBLY, No. 3781



STATE OF NEW JERSEY

217th LEGISLATURE



INTRODUCED MAY 23, 2016

Sponsored by:

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SYNOPSIS

Provides for certain money damages sought by State in cases of environmental contamination to be paid directly to municipalities within which damage has been sustained.

CURRENT VERSION OF TEXT

As introduced.



An Act concerning the allocation of certain money damages received from environmental contamination cases and amending and supplementing Title 58 of the Revised Statutes.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

1. a. Notwithstanding any law, rule, or regulation to the contrary, in the case of any environmental contamination claim asserted by the State, a party that would otherwise be liable for the payment of non-remedial environmental damages to the State shall make such payment directly to the municipality or municipalities within which damage has been sustained as a result of the underlying environmental contamination and in such amounts that are proportionate to the damage sustained within each municipality.

b. The State, or any agency or political subdivision thereof, shall not enter into a settlement or other agreement under which non-remedial environmental damages are payable, unless the express terms of the settlement or other agreement provide that all non-remedial environmental damages that would otherwise be payable to the State shall be paid, pursuant to subsection a. of this section, directly to the municipality or municipalities within which damage has been sustained as a result of the underlying environmental contamination and in such amounts that are proportionate to the damage sustained within each municipality.

c. No court shall order or approve a judicial or administrative award, settlement, or other agreement under which non-remedial environmental damages are payable, unless the express terms of the award, settlement, or other agreement provide that all non-remedial environmental damages that would otherwise be payable to the State shall be paid, pursuant to subsection a. of this section, directly to the municipality or municipalities within which damage has been sustained as a result of the underlying environmental contamination and in such amounts that are proportionate to the damage sustained within each municipality.

d. As used in this section:

“Contamination” means “contamination” as defined in section 3 of P.L.1976, c.141 (C.58:10-23.11b).

“Environmental contamination claim” means any claim asserted by the State, or any agency or political subdivision thereof, that is based on environmental contamination, including, but not limited to, any common law claim based on environmental contamination, or any claim asserted pursuant to the provisions of P.L.1983, c.330 (C.13:1K-6 et al.), P.L.1976, c.141 (C.58:10-23.11 et seq.), P.L.1977, c. 74 (C.58:10A-1 et seq.), or P.L.1986, c.102 (C.58:10A-21 et seq.).

“Non-remedial environmental damages” means any monetary damages sought by the State in connection with an environmental contamination claim, and shall include but not be limited to natural resource damages and economic damages, provided, however, that “non-remedial environmental damages” shall not include (1) costs incurred, or to be incurred, by the State for purposes of remediation of the contamination, or (2) costs previously paid from the New Jersey Spill Compensation Fund for which the State is seeking recovery.

"Remediation" means “remediation” as defined in section 3 of P.L.1976, c.141 (C.58:10-23.11b).

2. This act shall take effect immediately.

STATEMENT

This bill would provide that, with respect to any environmental contamination claim asserted by the State, a party that would otherwise be liable for the payment of non-remedial environmental damages to the State would instead make such payment directly to the municipality or municipalities within which the damage has been sustained. “Non-remedial environmental damages” is defined in the bill to mean any monetary damages sought by the State in connection with an environmental contamination claim, including but not limited to natural resource damages and economic damages, provided, however, that “non-remedial environmental damages” would not include (1) costs incurred, or to be incurred, by the State for purposes of remediation of the contamination, or (2) costs previously paid from the New Jersey Spill Compensation Fund for which the State is seeking recovery.

The bill also provides that the State, or any agency or political subdivision thereof, would be prohibited from entering into a settlement or other agreement unless its express terms provide for payment of any non-remedial environmental damages directly to municipalities pursuant to the provisions described above. The bill would also prohibit any court from ordering or approving a judicial or administrative award, settlement, or other agreement, unless its express terms provide for payment of any non-remedial environmental damages directly to municipalities pursuant to the provisions described above.