

ASSEMBLY, No. 3781

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MAY 23, 2016

Sponsored by:

Assemblyman NICHOLAS CHIARAVALLOTI

District 31 (Hudson)

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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.



1 AN ACT concerning the allocation of certain money damages
2 received from environmental contamination cases and amending
3 and supplementing Title 58 of the Revised Statutes.

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

7
8 1. a. Notwithstanding any law, rule, or regulation to the
9 contrary, in the case of any environmental contamination claim
10 asserted by the State, a party that would otherwise be liable for the
11 payment of non-remedial environmental damages to the State shall
12 make such payment directly to the municipality or municipalities
13 within which damage has been sustained as a result of the
14 underlying environmental contamination and in such amounts that
15 are proportionate to the damage sustained within each municipality.

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

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

36 d. As used in this section:

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

39 “Environmental contamination claim” means any claim asserted
40 by the State, or any agency or political subdivision thereof, that is
41 based on environmental contamination, including, but not limited
42 to, any common law claim based on environmental contamination,
43 or any claim asserted pursuant to the provisions of P.L.1983, c.330
44 (C.13:1K-6 et al.), P.L.1976, c.141 (C.58:10-23.11 et seq.),
45 P.L.1977, c. 74 (C.58:10A-1 et seq.), or P.L.1986, c.102 (C.58:10A-
46 21 et seq.).

47 “Non-remedial environmental damages” means any monetary
48 damages sought by the State in connection with an environmental

1 contamination claim, and shall include but not be limited to natural
2 resource damages and economic damages, provided, however, that
3 “non-remedial environmental damages” shall not include (1) costs
4 incurred, or to be incurred, by the State for purposes of remediation
5 of the contamination, or (2) costs previously paid from the New
6 Jersey Spill Compensation Fund for which the State is seeking
7 recovery.

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

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11 2. This act shall take effect immediately.

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14 STATEMENT

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

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