

[Second Reprint]
**SENATE CONCURRENT
RESOLUTION No. 39**

**STATE OF NEW JERSEY
217th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman TIM EUSTACE

District 38 (Bergen and Passaic)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Co-Sponsored by:

Senators P.Barnes, III, Codey, Lesniak, Scutari, Vitale, Turner, Weinberg, Sarlo, Diegnan, Gordon, Assemblywoman Pinkin, Assemblymen Johnson, DeAngelo, Chiaravalloti, Assemblywoman Muoio and Assemblyman Gusciora

SYNOPSIS

Amends Constitution to dedicate all State moneys received from settlements and awards in cases of environmental contamination relating to natural resource damages for certain environmental purposes.

CURRENT VERSION OF TEXT

As amended by the Senate on November 14, 2016.

(Sponsorship Updated As Of: 12/20/2016)

1 A CONCURRENT RESOLUTION proposing to amend Article VIII,
2 Section II of the Constitution of the State of New Jersey by
3 adding a new paragraph thereto.

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

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

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11

PROPOSED AMENDMENT

12

13 Amend Article VIII, Section II by adding a new paragraph 9 to
14 read as follows:

15 9. There shall be credited annually to a special account in the
16 General Fund an amount equivalent to the revenue annually derived
17 from all settlements and judicial and administrative awards ²relating to
18 natural resource damages² collected by the State in connection with
19 claims based on environmental contamination.

20 The amount annually credited pursuant to this paragraph shall be
21 dedicated, and shall be appropriated from time to time by the
22 Legislature, ²**[only]**² for paying for costs incurred by the State to
23 repair ¹**[damage to]**¹, restore, ¹or replace damaged or lost natural
24 resources of the State,¹ or permanently protect the ¹**[State's]**¹ natural
25 resources ¹**[**, or for any of the purposes enumerated in Article VIII,
26 Section II, paragraph 6 of the State Constitution] of the State¹ ,
27 ²**[except that no more than five]** or for paying the legal or other costs
28 incurred by the State to pursue settlements and judicial and
29 administrative awards relating to natural resource damages. The first
30 priority for the use of any moneys by the State to repair, restore, or
31 replace damaged or lost natural resources of the State, or permanently
32 protect the natural resources of the State, pursuant to this paragraph
33 shall be in the immediate area in which the damage to the natural
34 resources occurred in connection with the claim for which the moneys
35 were recovered. If no reasonable project is available to satisfy the first
36 priority for the use of the moneys, or there are moneys available after
37 satisfying the first priority for their use, the second priority for the use
38 of any moneys by the State to repair, restore, or replace damaged or
39 lost natural resources of the State, or permanently protect the natural
40 resources of the State, pursuant to this paragraph shall be in the same
41 water region in which the damage to the natural resources occurred in
42 connection with the claim for which the moneys were recovered. If no

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:

¹Senate SEN committee amendments adopted November 3, 2016.

²Senate floor amendments adopted November 14, 2016.

1 reasonable project is available to satisfy the first or second priority for
 2 the use of the moneys, or there are moneys available after satisfying
 3 the first or second priority for their use, the moneys may be used by
 4 the State to repair, restore, or replace damaged or lost natural resources
 5 of the State, or permanently protect the natural resources of the State,
 6 pursuant to this paragraph without geographic constraints. Up to 10²
 7 percent of the moneys appropriated pursuant to this paragraph may be
 8 expended for administrative costs of the State or its departments,
 9 agencies, or authorities for the purposes authorized in this paragraph.

10
 11 2. When this proposed amendment to the Constitution is finally
 12 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
 13 shall be submitted to the people at the next general election
 14 occurring more than three months after the final agreement and
 15 shall be published at least once in at least one newspaper of each
 16 county designated by the President of the Senate, the Speaker of the
 17 General Assembly and the Secretary of State, not less than three
 18 months prior to the general election.

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

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

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

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

31 b. In every municipality the following question:

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	YES	<p style="text-align: center;">CONSTITUTIONAL AMENDMENT DEDICATING MONEYS FROM STATE ENVIRONMENTAL CONTAMINATION CASES</p> <p>Do you approve amending the Constitution to dedicate all moneys collected by the State ²<u>relating to natural resource damages²</u> in cases of contamination of the environment? The moneys would have to be used ²[only]¹[for <u>environmental purposes]</u> <u>to repair, restore,</u> <u>replace, or preserve the State's natural</u> <u>resources¹.</u> ²<u>The moneys may also be used to</u> <u>pay legal or other costs incurred by the State</u> <u>in pursuing its claims.²</u></p>
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	<p>NO</p>	<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>This amendment would dedicate ²[all]² moneys collected by the State ²<u>relating to natural resource damages</u>² through settlements or awards for legal claims based on environmental contamination. These moneys would be dedicated ¹[solely for environmental purposes. These purposes could include preserving, repairing, or restoring] <u>to repair, replace, or restore damaged</u>¹ natural resources ², <u>or to preserve the State's natural resources. The moneys would be spent in an area as close as possible to the geographical area in which the damage occurred</u>². ²[They] <u>The moneys</u>² ¹[may] <u>could</u>¹ also ¹[include cleaning contaminated sites and underground storage tank sites, funding water quality programs, or preserving open space, farmland, or historic buildings or sites] <u>be used</u> ²[to preserve the State's natural resources¹] <u>to pay for the State's legal or other costs in pursuing the claims</u>² . Currently, these moneys may be used for any State purpose.</p>
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